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MINUTES OF THE 26TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 12TH NOVEMBER 2015

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism, Lands & Physical Planning
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Evans Rogers, Minister of Health and Social Development
- The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and
Information and Broadcasting
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture and Fisheries and Information Technology
- The Honourable Attorney General, Mr Rupert Jones
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Dr Bonnie Richardson-Lake, PS, HSD
Mr Paul Morrison, Commissioner of Police
Ms Marva Brooks, Acting Superintendent of Police
Mr Foster Rogers, PS, EDICTLP

EX MIN 15/643 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 25th Meeting held on Thursday 5th November 2015 and the Minutes of Special Meetings held on Monday 9th November and Tuesday 10th November 2015.

MATTERS ARISING FROM THE MINUTES

EX MIN 15/644 None

EX MIN 15/645

EX MEM 15/364 ESTABLISHMENT OF A K9 UNIT IN THE CUSTOMS DEPARTMENT

Parliamentary Secretary remained in attendance.

Further to EX MIN 15/631 of 5th November 2015, Council:-

- (i) noted a proposal to implement an affordable K9 programme in partnership with the Customs Department and K9 on Patrol Security Inc. in Miami, Florida for a term of five (5) years;
- (ii) supported the establishment and maintenance of a K9 Unit in the Customs Department for a term of five (5) years with the following costs to be included in the 2016 budget:-

K9 Headquarters	US\$8,000.00	EC\$21,505.00
K9 Unit Vehicle	US\$30,000.00	EC\$80,646.00

- (iii) agreed that the Customs Department should identify savings in other areas of its budget in order to achieve the establishment of a K9 Unit.

Action: PS, FIN; PS, EDICTLP; BD; COC; DCOC

EX MIN 15/646

EX MEM 15/371 APPEAL AGAINST PLANNING PERMISSION – SUSAN WEBSTER (BEACH BAR & BEACH FURNITURE), LINSELLE RICHARDSON (FOOD VAN), DWIGHT NEWTON (FOOD VAN), LIVINGSTON HUGHES (BAR), SHARNETTE SHAW (DWELLING HOUSE, RESTAURANT & APARTMENTS)

Parliamentary Secretary remained in attendance. Mr Foster Rogers, PS, EDICTLP joined the Meeting.

Council agreed that:-

- (1) Ms Susan Webster's appeal against the refusal of planning permission to construct a Beach Bar on Island Harbour Beach (Crown lands) described as Block 89319B, Parcel 73 should be allowed, subject to the following conditions:-
 - a) provision of solid waste disposal bins in keeping with Environmental Health policies;
 - b) provision of a catchment tank for grey water waste;
 - c) provision of running water; and
 - d) beach umbrellas and chairs to be in line with others currently on the beach so as not to limit beach access.

- (2) Mr Linselle Richardson's appeal against the refusal of planning permission to develop a Food Van facility and to construct a deck at South Hill on lands described as Block 08412B, Parcel 218 should be allowed, subject to the following conditions:-
- a) provision of running water;
 - b) construction of sanitary conveniences; and
 - c) construction and finish to be in keeping with the general amenity of the area.
- (3) Mr Dwight Newton's appeal against the refusal of planning permission to establish a Food Van at South Hill on lands described as Block 08412B, Parcel 272 should be allowed, subject to the following conditions:-
- a) on-street parking and other traffic hazards to be mitigated by setting back the development a further twenty (20) feet from its current location to the rear of the parking lot; and
 - b) a physical barrier must be put in place to prevent vehicles from driving off the main road directly on to the development.
- (4) Mr Livingston Hughes' appeal against the refusal of planning permission to establish a Bar at South Hill on lands described as Block 08412B, Parcels 370 & 290 should not be allowed for the following reasons:-
- a) the rear setback is compromised by the cliff and in reality the distance of the structure to the cliff varies between 6ft. to 10 ft. A rudimentary guard rail constructed of wood and rope has been constructed on the cliff side of the property to protect patrons from falling over the edge of the cliff. However, this does not protect lives in the event of a cliff failure of which this area has a history; and
 - b) the Anguilla Coastal Slopes Study Report (Halcrow Transportation, February 2000), specifies that "in the medium term, Back Street is at risk from instability resulting from undercutting due to weathering of the upper cliff". The study also indicates that "in the medium to long term, realignment inland of sections of the road will become a necessity".
- (5) Ms Sharnette Shaw's appeal against the refusal of planning permission to construct a Dwelling House, Restaurant and Apartment Complex at Island Harbour on lands described as Block 89118B, Parcel 145 should be deferred pending a site visit.

Council:-

- (i) noted the importance of having the Physical Planning Bill introduced to the House of Assembly as soon as possible; and
- (ii) further agreed that the Food Van and other Stalls Planning Policy from 2002 should be revisited.

Action: PS, EDICTLP; DLS; PPO

EX MIN 15/647

EX MEM 15/372 CREATION AND FILLING OF ADDITIONAL POST – SPORTS DEVELOPMENT OFFICER

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that the Department of Sports had previously contracted the services of persons to serve as Sports Development Officers for particular sports;
- (ii) noted the request for the creation and filling of a Sports Development Officer (Basketball and Volleyball) in the Department of Sports;
- (iii) further noted that the additional cost to the Department of Sports was estimated to be EC\$5,000.00 per annum, which was approved as new spending for 2016, and that the balance of the funds needed to cover remuneration would be transferred from the Department's wage budget; and
- (iv) agreed to the creation and filling of a Sports Development Officer (Basketball and Volleyball) in the Department of Sports on the grounds that:-
 - (a) there is a need for further technical support in the Department of Sports for programme implementation;
 - (b) the creation and filling of the post allows the Department to properly engage staff on establishment rather than on wages or contract; and
 - (c) it is in keeping with the Strategic Plan for Sports.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, ELSYC; PS, PA; DIR, SPORTS; PS, FIN; PS, EDICTLP; BD; ACC
GEN

EX MIN 15/648

EX MEM 15/373 FILLING THE VACANT POSTS OF PRISON OFFICER – NOVEMBER 2015

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that two Basic Grade Prison Officers had resigned from HM Prison to join the Royal Anguilla Police Force, thus leaving two vacancies at HM Prison;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the posts and a favourable response was given;
- (iii) additionally noted that budgetary provisions had already been made for the posts; and
- (iv) agreed that two (2) vacant posts of Basic Grade Officer in HM Prison should be filled.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, HSD; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 15/649

EX MEM 15/374 LEGISLATION UPDATE IN ADVANCE OF HOUSE OF ASSEMBLY ON 16 NOVEMBER 2015

Parliamentary Secretary remained in attendance.

Council noted the legislation update as follows:-

1. Banking Act

The first reading of the Bill is to take place on Monday, 16 November 2015 having been adjourned from the sitting on Monday 9 November. It has been published in the Official Gazette and placed on the Government Website together with an explanatory memorandum.

2. Eastern Caribbean Asset Management Corporation (ECAMC) Act

The ECAMC Bill has now been formatted but has not yet been published on the Government Website. The Schedule to the Bill is the ECAMC Agreement itself. Council agreed that a letter of entrustment should be obtained prior to ratifying the ECAMC Agreement.

3. International Co-operation (Tax Information Exchange Agreements) (Amendment) Act, 2015

Further to the recent Ex Co Meeting, this has now been drafted for approval by Ex Co as being ready to introduce to the House of Assembly in anticipation of it being passed by the end of 2015. After its first reading, it could be published in the Official Gazette. The Director of Inland Revenue has also requested that a copy be sent to interested stakeholders (such as the Bar Association) for consultation prior to its second or third readings.

4. Police Pensions Amendments Act

Given the shortfall in the police pension fund there is an urgent need to pass this Act to ameliorate the situation. The Act has been drafted but the Attorney General's Chambers is awaiting a new formula from the Actuary to finalise the level of contributions which would have to be made by future Police Recruits.

5. Legal Professions Act

Following its publication on 30 October 2015 and first reading on 3 November 2015, no responses had been received to the public consultation as yet. Hon Attorney General should follow this up with the Bar Association and Chief Justice setting a deadline of 26 November 2015 so that the Bill should be ready for second and third readings in December 2015.

6. Anguilla Police Amendment Act 2015

The period for consultation expired on 30 October 2015 with written comments received by the Bar Association. The Bill would require some further amendment with a potential first reading on 24 November 2015, or more likely December 2015.

Council expressed the urgent need for the following legislation to be looked at:-

- a) Property Tax
- b) Procurement
- c) Labour Code

Action: HON AG; MINS OF GOV'T

ORAL MENTION

EX MIN 15/650

UPDATE ON SOLID WASTE CONTRACTS: PROPOSED TIMELINES

Parliamentary Secretary remained in attendance. Dr Bonnie Richardson-Lake, PS, HSD joined the Meeting.

Further to EX MIN 15/622 of 29th October 2015, Council:-

- (i) noted the proposed timelines for the solid waste contracts;
- (ii) agreed that the Ministry of Finance should submit drafting instructions to the Attorney General's Chambers by 1st December 2015 to make the necessary amendments to the Procurement Legislation; and
- (iii) agreed to a further update on Thursday 3rd December 2015.

Action: PS, HSD; PS, FIN; PAS, FIN; CPO; HON AG

EX MIN 15/651

BRIEFING BY COMMISSIONER OF POLICE ON SECURITY ISSUES

Parliamentary Secretary remained in attendance. Mr Paul Morrison, Commissioner of Police and Ms Marva Brooks, Acting Superintendent of Police joined the Meeting.

Council noted the comprehensive briefing by the Commissioner of Police on the security procedures outlined for the operation of the House of Assembly scheduled for Monday 16th November 2015. The Commissioner stated that it was his responsibility as Commissioner, along with staff members of the RAPF to uphold and operate within the law of Anguilla, while allowing the people to exercise their democratic rights.

Council thanked the Commissioner for his comprehensive briefing.

Action: EXCO MEMBERS
