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MINUTES OF THE 163RD MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 24TH OCTOBER 2018

- PRESENT: His Excellency the Governor, Mr Timothy Foy, OBE
- The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism and Information Technology
- The Honourable Acting Deputy Governor, Mrs Kathleen Rogers
- The Honourable Evans Rogers, Minister of Health and Social Development, Lands
and Physical Planning
- The Honourable Cora Richardson-Hodge, Minister of Home Affairs and Education
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture, Fisheries and Environment
- The Honourable Attorney General, Mr Dwight Horsford
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Cardigan Connor, Hon Parliamentary Secretary
Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
Mr Stephen Turnbull, Financial Specialist
Mr Foster Rogers, PS, HLPP

ABSENT: The Honourable Deputy Governor, Mr Perin Bradley

EX MIN 18/548 **CONFIRMATION OF THE MINUTES**

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and
Financial Specialist remained.

Council confirmed the Minutes of the 162nd Meeting held on Wednesday 17 October
2018.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/549 **EX MIN 18/535 PROPOSED AMENDMENTS TO THE ANGUILLA**
CONSTITUTION

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and
Financial Specialist remained.

Following on from EX MIN 18/535 of 17 October, the Hon Minister, MHA stated that discussion had transpired with the PS, MHA, the Hon Attorney General and the UK Constitutional Adviser on the issue of island-wide voting. The Hon Minister of Home Affairs stated that the proposed amendments to the Elections Bill and the Constitution to introduce island-wide voting have been clarified and accepted and will be incorporated in the Anguilla Constitution (Amendment) Order 2018. Council noted that the Draft Order is based mainly on the recommendations from the Constitutional and Electoral Reform Committee, which were previously submitted to Council for consideration and approval.

Council noted that the general public will be invited to a meeting on Monday 29 October at 6:00 pm to review and discuss the Draft Order in Council.

Council further noted that the Draft Order in Council and the Elections Bill are expected to be presented to Executive Council in due course for consideration.

Action: SOE; PS, MHA; HON AG; MINS OF GOV'T

EX MIN 18/550

EX MIN 18/538 EX MEM 18/261 PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF ANGUILLA (GOA) AND THE CANADIAN COMMERCIAL CORPORATION (CCC)

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

With reference to EX MIN 18/538 of 17 October, Council noted that the entrustment letter had been sent and that the MoU was signed on Tuesday 23 October 2018.

Action: PS, EDICTIT; PS, FIN; PS, MICUHAFE; AIR MAN; COM MAN; CPO; CEO, AASPA (acting); MINS OF GOV'T

EX MIN 18/551

EX MIN 18/539 EX MEM 18/262 AGREEMENT FOR MARKETING AND SECURING INVESTMENT AND DEVELOPMENT OF MEGA YACHT/ RESORT PROPERTIES IN ANGUILLA

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Further to EX MIN 18/539 of 17 October, the PS, EDICTIT informed the Clerk to Executive Council that the signing of this agreement is scheduled for Wednesday 31 October 2018.

Action: PS, EDICTIT; PS, HLPP; PS, FIN; DLS; PPO; CEO, AASPA (acting); COM MAN; DIR, ASSB; PS, MICUHAFE; MINS OF GOV'T

EX MIN 18/552

EX MEM 18/270 APPLICATION FOR DUTY EXEMPTION FOR THE ROYAL ANGUILLA POLICE FORCE

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council:

- (i) noted that the Royal Anguilla Police Force (RAPF) would be celebrating its 47th Anniversary and Police Week from Sunday 27 January to Saturday 2 February 2019;
- (ii) noted that the police raffle is an annual event which is usually done as part of the RAPF fundraising activities; and
- (iii) agreed that duty exemption should be granted to the RAPF (c/o Mr Paul Morrison) on a jeep.

The assessed duty loss to the GoA is EC\$21,169.57.

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 18/553

EX MEM 18/271 APPEAL AGAINST PLANNING REFUSAL APPLICATION REF#: 18/0196 (CALVERT FLEMING)

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. Mr Foster Rogers, PS, HLPP joined.

Further to EX MIN 18/518 of 4 October, Council:

- (a) noted that public consultation had taken place for this appeal on 8 October 2018 at 6:00 pm at the Adrian T. Hazell Primary School;
- (b) agreed that the appeal against planning permission from Mr Calvert Fleming to construct a water plant on part of Parcel 473 of Block 28211 B at Rendezvous should not be allowed for the following reasons:
 - (i) the proposed development would injure the amenity of the area because of the emission of dust fumes and noise. It would materially reduce the quality of living accommodation of residents and result in the introduction of a steady commercial use of heavy vehicular traffic into this residential area. In addition, the proposal by its very nature, design and appearance would be incongruous with the architectural character of nearby houses in the vicinity and would constitute an obtrusive and strident feature in the community;
 - (ii) the parcel of land (0.38 acre) is too small to properly accommodate any meaningful and properly laid out development of this sort. It does not allow for sufficient setback distances from critical proposed activities. For example, the developer proposed to dispose his waste via a septic tank and dig three wells and a disposal well in relatively close proximity. This proposal does not conform to the minimum standards that are necessary to avoid contamination of the ground water supply;
 - (iii) the application is not in keeping with the reason for which the developer applied for the land to be sub-divided. The application submitted for the subdivision of the land was for residential use only, thereby keeping in tune with other existing land uses in the immediate

area. The Draft National Land Use Plan, 1996 in its proposed land use map designates the general area north, west and north-west of the Rendezvous Pond for tourism/residential use. This area is presently exhibiting signs of rapid residential growth. The nature of the proposed development will be contrary to both the policies established in the Draft National Land Use Plan, 1996 and the purpose for which the area was subdivided and then registered at the DLS;

- (iv) the Appellant's view with regard to the amenity of the area is limited to the aesthetic (appearance, materials used, landscaping) aspect rather than the more crucial issues such as noise, dust and fumes pollution, and the loss of privacy produced through increase vehicular traffic generated by the operation of the facility in this quiet neighbourhood. Further to this, residents in this area will experience increased difficulty with the use of the roads as these roads are relatively small since they are not designed for the heavy use of large commercial vehicles;
- (v) agreeing the appeal would literally turn the residential neighbourhood into mixed development, including commercial and industrial, which would open up the area to further commercial development in the future;
- (vi) when residents bought and or build homes in the area they did so under Government's policy/Draft Land Use Plan which reserved the area for residential development. Therefore residents have the legitimate expectation that the area would remain residential to protect their interests; and
- (vii) the approval of the development could potentially devalue adjoining properties.

Council:

- (i) noted that during the Town Hall meeting recently held, the vast majority of the attendees were quite vocal in expressing that they were totally opposed to this development in its current location;
- (ii) further noted, as encouraged by the residents of the area, Mr. Fleming is advised to identify a more suitable plot of land from their holdings and site this development in an area that does not impact residential development;
- (iii) invited the Principal Officer to attend the next meeting of Executive Council on Thursday 1 November to have a discussion regarding the Physical Planning Bill and the importance of taking this forward; and
- (iv) asked PS, HLPP and the Hon Attorney General to formulate a plan within the parameters of the existing legislation to formalize an effective arrangement with regard to the operations of planning appeals.

Action: PS, HLPP; HON AG; PPO; DLS

EX MIN 18/554

**EX MEM 18/272 APPEAL AGAINST PLANNING REFUSAL APPLICATION
REF#: 18/0184 (SOF 82 ANGUILLA HOLDINGS, LLC)**

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA,
Financial Specialist and PS, HLPP remained.

Council:

- (i) considered an appeal against planning permission from SOF 82 Anguilla Holdings, LLC to construct storage units and twenty-four (24) apartment units at West End, Anguilla on Block 17910 B, Parcel 198;
- (ii) noted that the application was refused by the Land Development Control Committee because the development as proposed is contrary to the Aliens Land Holding Licence granted to SOF 82 Anguilla Holdings LLC dated 5 October 2011, and executed MOU between the Government of Anguilla and SOF-VIII-II Anguilla Holdings LLC dated 17 September 2010; and
- (iii) noting the comprehensive details contained in the paper on this matter agreed that the appeal against planning permission from SOF 82 Anguilla Holdings, LLC to construct storage units and twenty-four (24) apartment units at West End, Anguilla on Block 17910 B, Parcel 198 should not be allowed.

Action: PS, HLPP; PPO; DLS; HON AG

Ministerial Assistant to the Hon Minister, MHA left the meeting.

EX MIN 18/555

**EX MEM 18/273 APPOINTMENT OF MEMBERS – HIGHER EDUCATION
LICENSING BOARD**

Parliamentary Secretary and Financial Specialist remained.

Council:

- (i) noted that the term of office of the current Higher Education Licensing Board expires on 30 November 2018;
- (ii) noted that the Board currently comprises:
 - Mrs Kiesha Gumbs-Bibby (Ministry of Social Development) - Chairperson
 - Dr Phyllis Fleming-Banks (UWI Resident Tutor) - Deputy Chairperson
 - Mrs Sharon Roberts-Hodge (Ministry of Physical Planning)
 - Ms Erica Edwards (Attorney General's Chambers)
 - Mrs Shantelle Richardson (Ministry of Finance and Economic Development)
 - Ms Tirichmir Gumbs (Civil Society)
 - Mrs Rhonda Connor (Chief Education Officer - Ex Officio Member and Secretary)
- (iii) additionally noted that Mrs Rhonda Connor is ill, and Ms Tirichmir Gumbs has left Anguilla to pursue studies overseas;
- (iv) endorsed the proposal from the Hon Minister of Education that:

- 1) Ms Tirichmir Gumbs be replaced by Mr Cleve Whyte, a National Youth Ambassador;
- 2) Ms Sandra Fahie, Acting Chief Education Officer be appointed to replace Mrs Rhonda Connor for a six month period; and
- 3) the entire Board (save for those persons referenced in (iii) above) be re-appointed for the period 1 December 2018 to 30 November 2023.

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

Action: PS, MHA/ED; CEO (acting); ESP; HON MIN, MHA/ED

ORAL MENTION

EX MIN 18/556

ADJUSTMENT TO BUDGET FOR PRIORITY TRAINING NEEDS FOR 2018

Parliamentary Secretary and Financial Specialist remained.

Council:

- (i) noted that requests had been made for urgent financial assistance;
- (ii) noted the importance of these matters being dealt with by officials according to established rules;
- (iii) further noted that a sum of EC\$2.4 million reflected in the budget for the 2018 priority training needs should have been EC\$4.8 million as agreed by Council when it agreed the 2018 budget;
- (iv) agreed that a contingency warrant would be issued to facilitate funding for the persons requesting urgent financial assistance; and
- (v) agreed that a supplementary appropriation warrant would be required to correct this error and to make the funds available for the balance of the year.

Action: PS, PA; TRNG OFF; PS, FIN; PS, EDICTIT; BD; ACC GEN

EX MIN 18/557

NOTICE - LAND ACQUISITION ACT, R.S.A. c. L10 DECLARATION OF COMPULSORY ACQUISITION OF LAND

Parliamentary Secretary, Financial Specialist and PS, HLPP remained.

Council authorised the Clerk to Executive Council to sign the notice enacted by Section 2 of the Land Acquisition Act, R.S.A. c. L10 to be sent to the Clerk, House of Assembly to be published in the gazette.

Action: PS, HLPP; PS, MICUHAFE; DLS; CL, HOA; HON MIN, MICUHAFE