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MINUTES OF THE 167TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 10TH OCTOBER 2013

PRESENT:

Her Excellency the Governor, Ms Christina Scott

The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration and Minister of Social Development and Health

The Honourable Deputy Governor, Mr Stanley Reid

The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister
of Sports and Education, Library Services, Sports, Youth and Culture

The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr James Wood QC

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE:

Mr Foster Rogers, PS, EDICT

Hon Haydn Hughes, Parliamentary Secretary

Mr Leslie Hodge, Director Designate, Lands & Surveys

Mr Gifford Connor, DLS

Mr Bancroft Battick, Chief Engineer

Ms Gecheal Richardson-Gumbs, CIR

Ms Anthea Ipinson, Chief Projects Officer

Mrs Shantelle Richardson, Projects Officer

Mrs Nashara Webster-Wilkes, Projects Officer

Ms Nakishma Rogers, Solicitor, Astaphan Chambers

EX MIN 13/684 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of a Special Meeting held on Tuesday 1st October 2013 and the Minutes of the 166th Meeting held on Thursday 3rd October 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/685 None

EX MIN 13/687 **EX MIN 13/683 2014 ESTIMATES OF RECURRENT EXPENDITURE AND CAPITAL BUDGET**

EX MIN 13/683 of 8th October refers.

Parliamentary Secretary and PS, EDICT remained for discussion. The following Officers joined the Meeting:-

Mr Bancroft Battick, Chief Engineer
 Ms Gecheal Richardson-Gumbs, CIR
 Ms Anthea Ipinson, Chief Projects Officer
 Mrs Shantelle Richardson, Projects Officer
 Mrs Nashara Webster-Wilkes, Projects Officer

Council asked that officials in MICUH provide further details as to the precise schemes which it was proposed would be funded by the EC\$5m currently budgeted in the draft 2014 capital budget for road development.

Action: PS, FIN; PS, EDICT; MINS OF GOV'T; PS, MICUH; CPO; BD

EX MIN 13/688 **UPDATE ON PROGRESS OF THE REVIEW OF THE ANGUILLA ROADS ACT**

Council:-

- (i) noted the update to Executive Council on progress made regarding the review of the Anguilla Roads Act;
- (ii) noted that drafting instructions had been completed and submitted to the AG's Chambers on Wednesday 2nd October 2013;
- (iii) noted the timetable for review of the Anguilla Roads Act & development of its Regulations; and
- (iv) requested that a further opportunity be given to Executive Council to give views on the policy in advance of the launch of the public/stakeholder consultation.

Action: PS, MICUH; AG

EX MIN 13/690

EX MEM 13/314 MONIES TO SETTLE BILLS FOR MEDICAL TREATMENT OVERSEAS

Council agreed that the paper should be deferred and resubmitted to Executive Council for further consideration, once it had been examined by the Attorney General's Chambers and channelled through the appropriate departments.

Action: PS, HSD; AG; PS, FIN; PS, EDICT

EX MIN 13/691

EX MEM 13/315 FILLING THE VACANT POSTS OF PRISON OFFICER – OCTOBER 2013

Council noted that two Basic Grade Officers had recently tendered their resignation effective 11th and 20th December 2013 respectively. Council agreed that the vacant posts should be filled.

Council suggested that due to the frequent turnover of Prison Officers, creation of a pool process should be set up with Public Administration and MSD, similar to that done for vacancies at Zenaida Haven.

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

Action: PS, HSD; PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 13/692

EX MEM 13/316 APPROVAL TO REVISE IMMIGRATION AND CUSTOMS FORM

PS, EDICT remained for discussion.

Council:

- (i) approved the revised combined form;
- (ii) agreed that the Attorney General's Chambers be tasked with revising the "1994 Anguilla – Conditional Exemptions" list. In particular Section 11 (c) would have to be amended to reflect the following:-

Belongers of Anguilla and returning residents in relation to used personal effects and baggage and where such persons have been abroad for more than 72 hours, also purchases and gifts to the value of EC\$150 for each adult and EC\$75 for each child under 18 years.

Section 11 (d) will have to be amended to reflect the following:

Visitors in relation to personal effects and baggage compatible with intended length of stay, where they intend to stay for less than 6 months.

Section 11 (f) will have to be amended to reflect the following:

Passengers over the age of 18 are entitled to import free of duty 200 Cigarettes; or 50 Cigars; or 1/2 lb. or 230g of Tobacco; 1 litre or 40 oz. of Spirits; 1 litre or 40oz of Wine; 170ml or 6 oz. of Perfumed Spirits; and 340ml or 12 oz. of Eau de toilette.

(iii) agreed that the form becomes effective as soon as practicable thereafter.

Council commended the team who worked diligently to accomplish this.

Action: PS, EDICT; AG; PS, MHA/LANDS; CIO; LAB COM

EX MIN 13/693

EX MEM 13/317 VESTING OF CROWN LANDS TO THE ANGUILLA AIR AND SEAPORT AUTHORITY – CLAYTON J LLOYD INTERNATIONAL AIRPORT, BLOWING POINT, ROAD BAY AND CORITO SEAPORTS

Council agreed:

- (i) the Government of Anguilla should vest all ports lands to the Anguilla Air & Sea Ports Authority in accordance with the “Act” in a leasehold interest;
- (ii) the lands to be vested to the AASPA are as follows:
 - a) the Clayton J Lloyd International Airport, as delineated on Survey Plan LS19-13, subject to:
 - 1. the amalgamation of Crown lands as described in Appendix 3 (attached);
 - 2. the transfer of land in Registration Section South Central 38713B Parcel 257, Parcel 25 (part of), Parcel 59 and Parcel 88 (part of);
 - 3. a revised schedule should be drafted by the Attorney General’s Chambers and gazetted by MICUH;
 - b) seaport of Road Bay as delineated on Survey Plan LS51-09, described in schedule 1 Part 2 of the Act;
 - c) seaport of Blowing Point as delineated on Survey Plan LS20-13, subject to:
 - a revised schedule being drafted by the Attorney General’s Chambers and gazetted by MICUH; and
 - d) seaport of Corito as delineated on Survey Plan LS49-09, described in schedule 1 Part 4 of the Act.

Action: PS, MHA/LANDS; DLS; PS, MICUH

EX MIN 13/694

EX MEM 13/318 BILL FOR MONEY SERVICES BUSINESS (AMENDMENT) ACT, 2013

Council agreed that the paper should be deferred and discussed at the next regular meeting of Executive Council on the 17th October 2013.

Action: AG

EX MIN 13/695

EX MEM 13/319 MORATORIUM ON THE ESTABLISHMENT OF BUSINESSES ON ANGUILLA AND AMENDMENT TO THE TRADES, BUSINESSES, OCCUPATIONS AND PROFESSIONS LICENSING ACT

Council considered EX MEM 13/319 which sought approval to impose a one year moratorium on the granting of business licenses for the establishment of bars, beauty salons, retail and wholesale businesses of consumables, and restaurants other than those in hotels.

The Hon Attorney General noted that amendments to the Trades, Businesses, Occupations and Professions Licensing Act would be required to give effect to this policy intent. HE The Governor noted that at a time of recession, there might be concerns that this measure would detrimentally impact the economy and job prospects, and there would be merit in consulting on the measure before implementation.

Council agreed that Ministers of Government should revisit the paper and consider whether they wished to amend the legislation to allow for a moratorium.

Action: MINS OF GOV'T; AG

EX MIN 13/696

EX MEM 13/320 APS EFFICIENCY REVIEW – THE FUTURE OF THE IDENTITY SERVICES ONE STOP SHOP

The Parliamentary Secretary remained for discussion.

Council:-

- (i) agreed that the One Stop Shop was not a desire of the GoA at this time; and
- (ii) recognized that the non-implementation of the One Stop Shop was not intended to affect the outcome of the grading exercise in relation to posts in the Immigration Department.

Action: DG; PERM SECS; CIO

EX MIN 13/697

EX MEM 13/321 APPLICATION FOR LICENCE OF CROWN LAND – JAMES BRYSON – PART OF PROPERTY DESCRIBED AS REGISTRATION SECTION CAULS POND BLOCK 69114 B PARCEL 164 CONTAINING 0.25 ACRE

Council agreed that Mr James Bryson should be granted a Licence to occupy Crown property on the following terms and conditions:-

- (i) the description of the property being licenced is Lot 4 as shown on Survey Plan Ref No. LS 25-10 being 0.25 acres of land part of property described as Registration Section Cauls Pond, Block 69114 B Parcel 164;
- (ii) the term of the Licence would be for five (5) years terminable by three (3) months' notice by either side;

- (iii) the use of the premises would be commercial;
- (iv) an option to renew for another five (5) years;
- (v) an annual rental of US\$600.00 with the option to pay in monthly installments of US\$50.00 each; and
- (vi) Mr Bryson must pay the outstanding rent in the amount of US\$2,150.00 for the period 1st March 2010 to 30th September 2013 prior to the issue of the Licence.

Action: PS, MHA/LANDS; DLS; PS, FIN; ACC GEN

EX MIN 13/698

EX MEM 13/322 REQUEST FOR AMENDMENT TO EX MIN 13/535

Council agreed that EX MIN 13/535 of 15 August 2013 should be amended to reflect that the new rate of EC\$250.00 per month would also be applicable to Numeracy and SEN Coordinators at small schools when teachers are appointed as such.

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

Action: PS, ELSYC; AG; PS, FIN; PS, EDICT; ACC GEN

EX MIN 13/699

EX MEM 13/323 ANGUILLA SUMMER FESTIVAL 2014

Council agreed that the following persons should be appointed to manage the Anguilla Summer Festival 2014 and organize all the events in accordance with the attached terms of reference:-

- Jerry Dice Richardson (Chairman)
- Courtney Morton
- Karl Woodley
- Romeo Kelsick
- Shane Thompson
- Countess Lisa Rey
- Patrick Hanley (Government Liaison)
- Erlyn Fiona Wilkinson
- Joseph Vanterpool
- Cleonette Lake
- Joan Richardson
- Sharon Richardson (Administrative Assistant)
- Lisa Webster
- Paul Romney

Council noted that Ms Gecheal Richardson, Financial Controller representing the GoA, had been removed from the list of persons to serve on the Committee. In light of this, Council suggested that it would be important to ensure a close GoA financial link on the Committee to ensure the prudent use of GoA funds.

Council further agreed that the Administrative Assistant should be responsible for the coordination of meetings, record keeping, dissemination of correspondence and

oversight of the use of the carnival office and that she be paid a monthly stipend of EC\$500.00. Council queried whether stipends were paid to other members. The Hon Minister of Education stated that he believed that about three months leading up to the festival activities, the Chairman received a stipend and the other members, a gas allowance. The Minister indicated that he would find out from the Ministry of Social Development whether this was the position.

Action: PS, HSD; PS, FIN; PS, EDICT; ACC GEN; MINS OF GOV'T

EX MIN 13/700

EX MEM 13/324 DRAFTING INSTRUCTIONS FOR A FREEDOM OF INFORMATION ACT

Council:-

- (i) reaffirmed the importance of improved transparency and accountability in the working of the Government of Anguilla, as committed to in the Manifesto '*Blueprint for Anguilla's Rescue and Development*;
- (ii) agreed that work should progress on preparing a draft Freedom of Information Act and that officials and Ministers should work up the policy proposals to determine the scope of the proposed legislation, and prepare drafting instructions for the Attorney General's Chambers; and
- (iii) asked that once instructions had been received, the Attorney General's Chambers draft the legislation.

Action: AG; MINS OF GOV'T

EX MIN 13/701

FRAMEWORK FOR FISCAL SUSTAINABILITY AND DEVELOPMENT (FFSD) LEGISLATION – FISCAL RESPONSIBILITY ACT, 2013

The following Officers remained for discussion:-

Mr Foster Rogers, PS, EDICT
 Hon Haydn Hughes, Parliamentary Secretary
 Mr Bancroft Battick, Chief Engineer
 Ms Gecheal Richardson-Gumbs, CIR
 Ms Anthea Ipinson, Chief Projects Officer
 Mrs Shantelle Richardson, Projects Officer
 Mrs Nashara Webster-Wilkes, Projects Officer

Council approved the following, subject to the terms of reference for the Committee being submitted to Executive Council and instructions being given to HE the Governor from FCO on Section 2.2 of the Act, 'Compliance with the Fiscal Framework':-

- a) reviewing of the draft Fiscal Responsibility Act, 2013;
- b) approval of the Act for gazetting;
- c) approval that the Act should be tabled for the next sitting of the Anguilla House of Assembly; and

- d) approval for the establishment of the Committee to review the FAAA and any other related financial legislation.

Action: PS, FIN; PS, EDICT; PAS, FIN; CPO; ACC GEN; BD; AG

ORAL MENTION

EX MIN 13/702

AWARD OF ANGUILLA ISLAND SCHOLARSHIP 2006

The Parliamentary Secretary remained for discussion. Ms Nakishma Rogers, Solicitor, Astaphan Chambers joined the Meeting.

Council granted the opportunity to Ms Nakishma Rogers to express her views on the matter of the 2006 Island Scholarship, in which she was selected for the second Anguilla Island Scholarship for 2006 to pursue five years of training covering the LLB programme at the University of the West Indies and the Legal Education Certificate, at the appropriate regional institute, up to a cost of EC\$500,000.00.

Council noted that the 2006 Ex Co decision required Ms Rogers to apply through the established Training Policy process if she wished to pursue further studies.

Council, cognizant of the agreed policy for establishing priority training needs through the Training Policy Committee, and the reduction in training budgets for 2014, agreed that Ms Rogers, following on from the support already received since 2006, should be asked to present in writing to the GoA the exact area of training she wished to pursue at the Masters level. The Hon Minister of Education, who would be off island next week on official business, indicated that he wished to have the matter further addressed, and requested that it be placed on the agenda for the next meeting of Executive Council at which he would be present.

Action: EXCO MEMBERS

EX MIN 13/703

APPROVAL OF BRAND REALIGNMENT EXERCISE BY THE BRITTO AGENCY

The Parliamentary Secretary remained for discussion.

Council discussed the financial implications of the proposal from the Tourism Oversight Committee to spend an additional EC\$3.34 through The Britto Agency on branding and publicity events to support Anguilla's tourism sector. Council-

- (i) agreed that the PS, FIN and the PS, EDICT should be asked to comment on the implications of this additional spending proposal on GoA's draft budget for 2014;
- (ii) queried whether paragraph 8 of the paper was a part of the 2014 Budget and whether the proposals were factored in the 2014 Budget proposals; and
- (iii) agreed that the matter should be discussed at a future Council meeting with the relevant Permanent Secretaries present given the implications for the 2014 GoA budget.

HE The Governor noted that if agreed, these spending proposals would bring spend on The Britto Agency to around EC\$3.85m, or approximately 2% of GoA's

total budget for 2014. Given these proposals were not currently included in the 2014 Budget, equivalent savings would need to be found from other budgets.

Action: PS, FIN; PS, EDICT; OTHER PERM SECS

EX MIN 13/704

OVERSEAS TRAVEL

The Hon Minister of Education informed Council that he would be off island on official business from the 12 -25 October 2013.
