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**MINUTES OF THE 171<sup>ST</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 7<sup>TH</sup> NOVEMBER 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 Attorney General, Mr James Wood QC
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Dr Wycliffe Fahie, PAS, FIN  
Dr Bonnie Richardson-Lake, PS, HSD  
Ms Kathleen Rogers, Principal Environmental Health Officer  
Ms Mary Clare Haskins, Crown Counsel  
Mr Foster Rogers, PS, EDICT  
Ms Marisa Harding-Hodge, TIO  
Mr Perin Bradley, Compliance Manager  
Mr Gifford Connor, DLS
- ABSENT: The Honourable Evan Gumbs, Minister of Infrastructure, Communications,  
Utilities and Housing

EX MIN 13/761 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of a Special Meeting held on Monday 28<sup>th</sup> October 2013 and the Minutes of the 170<sup>th</sup> Meeting held on Thursday 31<sup>st</sup> October 2013.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 13/762

**EX MIN 13/750 DISCUSSION ON 2014 BUDGET**

Council agreed that paragraph 2, no. 2 of EX MIN 13/750 of 31<sup>st</sup> October 2013 should be amended to read:-

“agreed that, given the importance to the economy of visitors arriving on late flights into SXM being able to reach Anguilla the same evening, the Blowing Point Port should be kept open into the late evening beyond the current operating hours seven (7) days a week, to be reviewed in six (6) months”.

Action: PS, FIN; OTHER PERM SECS

EX MIN 13/763

**EX MIN 13/759 EX MEM 13/345 APPLICATION FOR DUTY EXEMPTION BY DEPARTMENT OF PUBLIC ADMINISTRATION**

Further to EX MIN 13/759 of 31<sup>st</sup> October 2013, Council noted that it has been agreed that an arrangement which meets the requirements of the Customs Act will be put in place to facilitate the release of the vehicle and used goods, in advance of the House of Assembly Meeting, if this becomes necessary.

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

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

EX MIN 13/765

**INF 13/01 PROCESS RE ELECTION REPORT RECOMMENDATION**

Council noted the information paper and the activities undertaken to date.

Council:-

- (i) agreed that there should be independent election observers of Anguilla's next election, under the auspices of the Commonwealth Parliamentary Association, which would bring Anguilla into line with most other countries for whom this is standard practice;
- (ii) noted that for (i), the UK would pay travel and accommodation expenses; and
- (iii) agreed that a further update and presentation of the project plan be submitted to Executive Council on Thursday 19<sup>th</sup> December 2013 for consideration.

HE the Governor undertook to discuss with the Leader of the Opposition the proposal indicated in (i) above, so that cross-party support could be secured.

Action: SUP/ELECTIONS; DG; HE

EX MIN 13/766

**EX MEM 13/346 PAYMENT OF DEFERRED SALARY – MS X**

Council agreed that Ms X [*nb: name redacted from publication given this pertains to personal health information*] should be paid her deferred salary totalling EC\$12,682.29, which is due to her to assist her in defraying the costs related to a medical condition.

Action: PS, PA; PS, MICUH; PS, FIN; PS, EDICT; ACC GEN

EX MIN 13/767

**EX MEM 13/347 DUTY EXEMPTION – KIDS ZONE**

Dr Wycliffe Fahie, PAS, FIN joined the Meeting.

Council agreed that duty exemption should be granted to Kids Zone (c/o Ms Tiffany M. Rogers) on toys for a function to be held in December 2013.

The estimated duty loss to the GoA is EC\$2,258.09.

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

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

EX MIN 13/768

**EX MEM 13/348 DUTY EXEMPTION FOR DELBERT MUSSINGTON (CYPRESS ROOTS BAND)**

PAS, FIN remained for discussion.

Council agreed that duty exemption should be granted to Cypress Roots (c/o Mr Delbert Mussington) on the following equipment which he intends to import for the upgrading of his musical band:-

<b>ITEM</b>	<b>QTY</b>
1) DAS Audio AVANT215A	2
2) DAS Audio ACTION-218A	2
3) Mogami GOLD-STUDIO-6	2
4) Mogami GOLD-STAGE-20	2
5) Whirlwind MK420	6

The estimated duty loss to the GoA is EC\$1,814.42.

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

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

EX MIN 13/769

**EX MEM 13/349 EXEMPTION FROM THE WORK PERMIT REQUIREMENT**

Council agreed that Mr Daisley Micheal, a national of St. Vincent who has been residing in Anguilla since 2001 should be exempted from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act. Mr Micheal is the holder of a Permit of Permanent Residence and a Contractor by profession.

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

EX MIN 13/770

**EX MEM 13/350 SUPPLEMENTARY AGREEMENT #1 TO THE MOU BETWEEN ANGUILLA PARTNERSHIP ENTERPRISES LTD AND THE GOVERNMENT OF ANGUILLA**

Ms Mary Clare Haskins remained for discussion. The following persons joined the Meeting:-

Mr Foster Rogers, PS, EDICT  
 Ms Marisa Harding-Hodge, TIO  
 Mr Perin Bradley, Compliance Manager  
 Mr Gifford Connor, DLS

Council approved the 1<sup>st</sup> amendment to the MoU between the Anguilla Partnership Enterprises Ltd and the Government of Anguilla re Solaire as attached.

Action: PS, EDICT; TIO

EX MIN 13/771

**EX MEM 13/351 FILLING OF THE PRISON HEALTHCARE OFFICER**

PS, HSD remained for discussion.

Council approved the immediate filling of the post of Health Care Officer for Her Majesty's Prison.

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 13/772

**EX MEM 13/352 FILLING THE VACANT POST OF JUVENILE CARE WORKER DUE TO PROMOTION**

PS, HSD remained for discussion.

Council:-

- (i) noted that one Juvenile Care Worker (JCW) at Zenaida Haven, the Juvenile Rehabilitation Centre had recently been promoted to the post of Senior Juvenile Care Worker, resulting in a vacant JCW post; and

- (iv) agreed the filling of one vacant post of Juvenile Care Worker 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 13/773

**EX MEM 13/353 UPGRADE OF THE CARTER REY BOULEVARD AND VALUE FOR MONEY (VFM) STUDY FOR THE MANGO GARDEN ROAD**

Council agreed that the matter should be deferred to the next meeting of Executive Council on Thursday 14<sup>th</sup> November due to the fact that the Hon Minister, MICUH was on official overseas business and that the Hon Attorney General had to leave Council earlier to travel on official overseas business, thus leaving Executive Council inquorate.

Action: PS, MICUH

EX MIN 13/774

**EX MEM 13/291 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – BRETT DEL FETTEROLF (REGISTRATION SECTION: EAST END; BLOCK: 99415B; PARCEL 391 CONTAINING 0.30 ACRE)**

Council agreed that an Aliens Land Holding Licence should be issued to Brett Del Fetterolf to hold freehold property described as Registration Section East End, Block 99415 B Parcel 391 containing 0.30 acre to construct a house thereon of not less than 2,000 sq.ft. at Sea Feathers, subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$67,205.00	EC\$3,360.25
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$67,205.00	EC\$8,400.62
(iii)	refundable deposit of 10% of EC\$67,205.00	EC\$6,720.50
	<b>TOTAL</b>	<b>EC\$18,481.37</b>

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

**ORAL MENTION**

EX MIN 13/775

**BEACH VENDING**

Council noted the recent complaints with regard to beach vending at Shoal Bay beach. The Hon Minister of Home Affairs/Lands undertook to look at the matter quickly and to take the necessary steps to reach an amicable solution.

Action: PS, MHA/LANDS; HON MIN/LANDS

EX MIN 13/778

**ITEMS FOR MEETING OF THE HOUSE OF ASSEMBLY**

Council agreed that the following items should be included on the agenda for the Meeting of the House of Assembly scheduled for Wednesday 20<sup>th</sup> November 2013:-

- 1) Duty free Exemptions for:
  - a) Kids Zone
  - b) Cypress Roots Band
  - c) Michelle Daley/C/O Department of Public Administration
- 2) Confidential Relationships (Amendment) Act, 2013
- 3) Financial Services (Miscellaneous Amendments) Act, 2013
- 4) Public Utilities Commission (Amendment) Act
- 5) Money Services Business (Amendment) Act, 2013

Action: SPEAKER, HOA; CL, HOA; AG

EX MIN 13/780

**EX MIN 13/743 AWARD OF ANGUILLA ISLAND SCHOLARSHIP 2006**

Further to the discussion on 28 October [EX MIN 13/743] concerning the award of the Island Scholarship, the Hon Minister for Education tabled the attached note and asked that it be formally placed on the record as setting out his position.

HE The Governor and the Deputy Governor pointed out that, in their view, there were a number of factual inaccuracies in the note. They were, however, content for the note to be tabled in the way that the Hon Minister for Education had requested.

Action: EXCO MEMBERS

EX MIN 13/781

**OVERSEAS TRAVEL**

Council was informed of the following dates of travel:-

- 1) Hon Minister of Education - 11 – 25 November – Meetings in Jamaica and Bahamas
- 2) Hon Attorney General - 7 – 24 November, AGs Conference in the Falklands and meeting in the Bahamas

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**31/10/2013: STATEMENT REGARDING EXCO MINUTES OF 28<sup>TH</sup> OCTOBER 2013  
PREPARED BY: HON. JEROME ROBERTS MINISTER WITH RESPONSIBILITY FOR  
EDUCATION**

I wish to place on record my position as expressed in EXCO relating to the Nakisma Rogers scholarship matter.

I received a copy of a letter sent to Ministers of Government sometime in February 2013 from Ms. Rogers outlining her concerns as it related to the Scholarship which she was awarded as one of the Two Island Scholars in 2007. (A copy of which forms part of EXCO minutes)

As Minister of Education I sought to get some clarity on this matter by raising it at EXCO seeing that Ms. Rogers had informed me that she wrote to the Deputy Governor Mr. Stanley Reid some time earlier expressing her concerns on the said matter.

After hearing out the DG at EXCO on this matter I was not pleased with his response and deferred the matter as I carried out my own investigation.

**To set the record straight on 23/3/2006 EX MM 06/15 reference to The Anguilla Island Scholarship a decision was made by the then Government “to continue to award scholarships for training up to the level of postgraduate degree, where the scholarship recipient requests such training and its relevance to Anguilla in both the short term and the long term could be ascertained”.**

On the 18/1/2007 EX MeM 07/14 reference Award of Anguilla Island Scholarship 2006 there were two recipients namely Ms. Monifa Fahie and Ms. Nakiskma Rogers. Ms. Fahie was funded up to the Masters level for her course of studies and in the case of Nakishma Rogers this was not done instead she was asked to apply for a scholarship to pursue her Masters.

Now here is where I felt that the process was not fair to Ms. Rogers who was at the time also identified as an Island Scholar. I made this concern known in EXCO and further went on to say that we ought to treat our Island Scholars differently from other scholarship recipients.

HE the Governor made a statement in EXCO during these discussions “that’s why PS children should not be granted scholarships”. I indicated to HE that the Island Scholarship has nothing to do with PS children but the ability of the children to excel and as such they should be treated fairly. I also took the statement by HE the Governor to be unfortunate and discriminatory.

At a later discussion on this matter and following further research it was revealed to me that when Ms. Rogers obtain the Scholarship went in fact her mother PS Kathleen Rogers was NOT a PS at that time. However since I found HE comments to be funny with regards to PS’s children I had to interject that when the Deputy Governor Mr. Stanley Reid received his funded scholarship up to the Masters Level went his Father was a Minister of Government and that is a fact.

The decision made by EXCO on the 28<sup>th</sup> October has nothing to do with the fact that Ms. Nakisma Rogers is the daughter of a PS it has to do with being fair and transparent in executing processes. If we are speaking about fairness and openness then let’s clear the air on all that transpired in the pass and what is transpiring now.

I also indicated that in 2010 when a paper was presented to EXCO referencing returning students whom the government sent out on scholarships for a decision to be taken to relieve them of their bond due to the financial situation these two Island Scholars were part of that listing. I asked the Deputy Governor Mr.



Stanley Reid why wasn't some special arrangement made to at least recognize these two Students and he indicated that they should Not have being treated differently so EXCO took a decision guided by Public Administration under the watchful eye of the Deputy Governor to relieve these two Island Scholars of a placement in the Public Service.

I stated that this was Not fair to them and I still maintain that and I know that if I was present at the time of that decision it would not have happen.

During my investigation process I discovered that just before these students were to return a position to which Ms. Nakisma Rogers could have taken up in the AG Chambers was removed from the budget. Today we have Island Scholars returning home and being placed without the job being advertised under the watchful eye of the Deputy Governor (Investment and Trade Officer).

The EXCO decision made on the 28<sup>th</sup> October has history to it for there was another similar case in the AG Chambers where Dawn Richardson also fell in this position and the AG at that time had to bring the matter before EXCO and she was granted her studies which she so rightly deserved.

In 2010 this administration being fair to our Island Scholars and in keeping with the 2006 Ex MEM 06/15 afforded Ms. Ojeda Vanterpool our Island Scholar at the time with a fully sponsored scholarship right up to the Master level the daughter of Parliamentary Representative for Island Harbour Hon. Othlyn Vanterpool and her Mother Education Officer Assessment, Testing and Measurement in the Ministry of Education Ms. Colleen Horsford. Additionally her Aunt Mrs. Lena Harrigan is the Director Human Resource at Public Administration. It was not done on the basis of who were her parents or who she is related to; it was done because she qualified for such through her academic achievements.

Ms. Vanterpool was granted her scholarship right up to the Masters of Law (LLM) while the Deputy Governor sought to mislead EXCO that the Legal Education Certificate was considered to be at the Masters level. Additionally, Ms. Vanterpool did not have to apply to do the Masters of Law (LLM) as Ms. Rogers was made to do and denied. Ms. Nakisma Rogers did not seek a back door audience on this matter she when through the proper channels to have her case heard by writing to the Deputy Governor and the Ministers of Government.

The Deputy Governor statement in the minutes of 28<sup>th</sup> October leaves me to ask "what has he done about the perception to which he speaks as it relates to the credibility of the scholarship process being corrupt and not fair and upright?" His actions does not lend credence to his same statement. This appears to be personal taking into consideration the lengths that the Deputy Governor has taken so far to opposed the granting of the scholarship up to the Masters for Ms. Rogers.

Was the process fair when the Deputy Governor got his Legal Scholarship fully funded to the Masters level when his Father was a Minster of Government and sat in EXCO? Why should it be different now? What we have done here is to seek to create a level playing field and to treat our Island Scholars with a sense of dignity and prided regardless to who they are for. These are our human capital and we must and should do whatever is possible to treat them as such.

In closing I would repeat what I mentioned earlier this decision has nothing to do with Ms. Nakisma Rogers's mother being a PS in government it all has to do with us doing what is right.

Hon. Jerome Roberts  
Minister of Education