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**MINUTES OF THE 193<sup>RD</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 8<sup>TH</sup> MAY 2014**

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 Acting Attorney General, Mr Ivor Greene

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE:

Mrs Chanelle Petty-Barrett, PS, ELSYC

Mr Bren Romney, Director, Youth & Culture

Mrs Hyacinth Bradley, Senior Programme Officer, Youth Development

Mr Karim Hodge, Director of Environment

Ms Kafi Gumbs, Director of Fisheries

Ms Gina Brooks, Tourism Planner

Mr Clint Lake, Coordinator, Scientific Research & Technology Development

Mr Foster Rogers, PS, EDICT

Ms Jasmin Garraway, Coordinator, TSDP

Hon Haydn Hughes, Parliamentary Secretary

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance

Ms Marisa Harding-Hodge, TIO

Mrs Mary Clare Haskins-Banton, Crown Counsel

Mrs Lynne Smith, Registrar of Lands

Ms Michelle Daley, Chief Parliamentary Counsel

Mr Perin Bradley, Compliance Manager

ABSENT:

The Honourable Attorney General, Mr James Wood QC

EX MIN 14/297 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 192<sup>nd</sup> Meeting held on Wednesday 30<sup>th</sup> April 2014.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 14/298 None

EX MIN 14/299 **EX MEM 14/150 OCEAN GOVERNANCE, MARITIME BOUNDARY DELIMITATION AND HYDROGRAPHIC STUDY AND SURVEY FOR ANGUILLA**

The following persons joined the Meeting:-

Mr Karim Hodge, Director of Environment  
 Ms Kafi Gumbs, Director of Fisheries  
 Ms Gina Brooks, Tourism Planner  
 Mr Clint Lake, Coordinator, Scientific Research & Technology Development

Further to EX MIN 14/283 of 30<sup>th</sup> April 2014, Council noted the presentation by the Team and:-

- (i) agreed to the formal establishment of the National Ocean Governance Team and to the appointment of the following persons as members:-
  - Mr Karim Hodge - The Department of Environment - Chairman
  - Ms Keri Horsford - Attorney General's Chambers
  - Ms Gina Brooks - Ministry of Tourism
  - Mr Era Richardson - The Merchant Shipping Registry
  - Ms Kafi Gumbs - Department of Fisheries
- (ii) agreed that the Department of Environment should be the national focal point for ocean governance matters;
- (iii) agreed that Anguilla should be part of the OECS Hydrographic Survey project;
- (iv) agreed that Anguilla should request technical and financial assistance from the Commonwealth Secretariat for the continued development, completion and national approval of Anguilla's National Ocean Governance Policy;
- (v) agreed that the National Ocean Governance Team should also be responsible for Maritime Boundary Delimitation giving it's interrelatedness and the fact that it will avoid duplication of skills and resources;

- (vi) noted the need to amend the relevant sections of the Fisheries Act and Regulations to reflect the term “**Exclusive Economic Zone**” instead of “**Exclusive Fisheries Zone**”;
- (vii) supported the development of a comprehensive Maritime Zone Act to ensure that the island claims what is legally afforded in line with the UNCLOS. Officials are requested to come back to Executive Council in due course to have the relevant drafting instructions considered; and
- (viii) agreed that Anguilla should formally request Her Excellency the Governor to inform the Foreign and Commonwealth Office that Anguilla needed immediately to finalise all of its marine boundary delimitation issues.

HE The Governor requested that a draft of the letter to be sent to the FCO be prepared for her consideration.

Council thanked the team for the comprehensive presentation and hard work.

Action: PS, MHA/LANDS; DIR, ENV; DIR, FISH; AG; TP

EX MIN 14/300

### **BEACH VENDING ISSUE**

Director, Environment remained for discussion.

Director, Environment updated Council on the Beach Vending issue at Shoal Bay. Council agreed to a further update on Thursday 15<sup>th</sup> May 2014.

Action: DIR, ENV; EXCO MEMBERS

EX MIN 14/302

### **FATCA MATTERS**

Parliamentary Secretary and Personal Assistant to the Hon CM/Finance remained for discussion. Mr Perin Bradley, Compliance Manager and Ms Michelle Daley, Chief Parliamentary Counsel joined the Meeting.

Council agreed to:

- 1) formally open discussions with the US with the submission of The Agreement between the Government of the United States of America and the Government of Anguilla to Improve International Tax Compliance and to Implement FATCA, along with its associated Annexes;
- 2) seek exemptions for FATCA reporting for:-
  - (i) a trust domiciled under the laws of Anguilla, specifically the Trusts Act RSA c. T70 must have an Anguillian trustee which must be licensed under the Trust Companies and Offshore Banking Act RSA c. T60;
  - (ii) an Insurance Company licensed under section 3(1)(b) – (f) of the Insurance Act RSA c. 116 which uses an insurance manager domiciled in Anguilla and licensed under the same Act inclusive of captives; and

- (iii) a Mutual Fund domiciled in Anguilla and licensed under the Mutual Funds Act RSA M107 which uses an Anguillian licensed mutual fund manager and or administrator.

3) work with AFSA to host a FATCA seminar for interested persons.

Action: COM MAN; DIR, FS; AG; PS, FIN; PS, EDICT; ACC GEN

EX MIN 14/303

**PRESENTATION ON THE ELECTION (AMENDMENT) BILL, 2014**

Council approved the continued consideration of the Election (Amendment) Bill, 2014 by the House of Assembly.

Action: DG; SUP/ELECTIONS

EX MIN 14/304

**EX MEM 14/163 THE PROFESSIONAL DEVELOPMENT OF TOURISM PERSONNEL**

Council noted that the above paper had already been considered in Council.

Action: PS, EDICT; TP

EX MIN 14/305

**EX MEM 14/164 APPOINTMENT OF THE BOARD OF DIRECTORS FOR THE ANGUILLA TOURIST BOARD**

PS, EDICT, Parliamentary Secretary and Personal Assistant to the Hon CM/Finance remained for discussion.

Council:-

- (i) agreed to the appointment of the Board of Directors for the Anguilla Tourist Board;
- (ii) agreed that the following persons should constitute the Board of Directors for the Anguilla Tourist Board:-
  - a. **Bonnie Bloom:** The ATB Act, Section 5 (1) of the Anguilla Tourist Board Act states that (a) One Member appointed by the Minister, after consultation with the Chairman of the Anguilla Hotel and Tourism Association and the President of the Chamber of Commerce, from among persons who have special qualifications in, and who have had experience of, matters relating to hotel management, air travel, shipping and transport, public relations, the tourist industry, accountancy or banking;
  - b. **Scott Hauser & Chrislyn Hughes:** Two members appointed by the Minister, after consultation with the Anguilla Hotel and Tourism Association;
  - c. **Simone Connor:** One member appointed by the Minister after consultation with the Chamber of Commerce;

- d. **Adeta Gumbs:** One member appointed by the Minister from among persons engaged in transport services;
- e. **Condon Proctor:** One member appointed by the Minister from among persons, other than owners or managers employed in the tourism industry, after consultation with the president or other chief executive officer of the representative body or organization representing such persons, and, where no such body or organization exists, then such persons as the Minister believes best represent the interests of persons employed in the tourism industry; and
- f. **Oliver MacDonna:** One other member appointed by the Minister.

(iii) further agreed that Ms Bonnie Bloom should serve as Chair to the Anguilla Tourist Board.

Action: PS, EDICT; PS, FIN; PARL SEC; COORD, TSDP

EX MIN 14/307

**EX MEM 14/166 WORK PERMIT APPLICATION REFUSALS**

Council agreed that the paper should be deferred.

Action: PS, MHA/LANDS; PAS, MHA

EX MIN 14/308

**EX MEM 14/167 EXEMPTION FROM THE WORK PERMIT REQUIREMENT**

Council noted that Mr Michael John Fay QC from the BVI was appointed by the Honourable Justice Cheryl Mathurin as a Referee in a matter before the High Court in Anguilla and was expected to travel to Anguilla for a hearing which had been scheduled for the period 4<sup>th</sup> to 5<sup>th</sup> June 2014.

Council agreed that Mr Michael John Fay QC should be exempted from the work permit requirement in accordance with Section 3 (1) (a) of the Control of Employment Act.

Action: PS, IMM; LAB COM; CIO

EX MIN 14/309

**EX MEM 14/168 EXEMPTION FROM THE WORK PERMIT REQUIREMENT**

Council agreed that Mr Maikel King Antonio, a national of the Dominican Republic who had been residing in Anguilla for the past nine (9) years and who completed his secondary education in Anguilla should be exempted from the work permit requirement in accordance with Section (3) (g) of the Control of Employment Act.

Mr Antonio has been offered employment at Mega Savers as a Cashier/Floor Sales Clerk.

Action: PS, IMM; LAB COM; CIO

EX MIN 14/310

**EX MEM 14/169 APPLICATION FOR DUTY EXEMPTION BY DOMINION FAITH CENTRE**

Council agreed that duty exemption should be granted to Dominion Faith Centre (c/o Pastor Dexter Welcome) on a vehicle to be used solely for church related activities.

Council noted the estimated duty loss to the GoA of EC\$4,521.25.

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

EX MIN 14/311

**EX MEM 14/170 MONEY SERVICES BUSINESS (AMENDMENT) BILL, 2014**

Chief Parliamentary Counsel, Parliamentary Secretary and Personal Assistant to the Hon CM/Finance remained for discussion.

Council agreed that:-

- (i) wider aspects of this Bill should be retained to meet CFATF requirements; and
- (ii) the Hon Deputy Governor, the Chief Parliamentary Counsel, Parliamentary Secretary and Personal Assistant to the Hon CM/Finance should meet to discuss what options 1-3 mean and to work through what changes would be acceptable.

Action: HON DG; CPC; PARL SEC; PA/HON CM/FIN

EX MIN 14/312

**EX MEM 14/171 AUTHORISATION TO FILL TWO SYSTEM TECHNICIANS, ONE SENIOR SYSTEMS TECHNICIAN, ONE SENIOR ANALYST PROGRAMMER AND ONE COMMUNICATION ENGINEER (CONDITIONAL) POSTS AT THE DEPARTMENT OF INFORMATION TECHNOLOGY AND E-GOVERNMENT SERVICES**

Council agreed to:

- (i) the filling of the vacant posts of Senior Analyst programmer and Senior System Technician in the Department of Information Technology and E-Government Services (DITES) during the second half of 2014;
- (ii) the immediate filling of one of the System Technician positions in DITES;
- (iii) the filling of the post of Communication Engineer in DITES, if and when that post becomes vacant; and
- (iv) the filling of a System Technician position in DITES during the second half of 2014 if a vacancy exists.

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

EX MIN 14/313

**EX MEM 14/172 TRANSFER OF MS KAHLEA CLIFTON TO THE WATER CORPORATION OF ANGUILLA**

Council agreed that Ms Kahlea Clifton who is currently a Teacher at the Albena Lake-Hodge Comprehensive School should be transferred by the appropriate Regulation under the Pension Act to the Water Corporation of Anguilla effective 19<sup>th</sup> May 2014.

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

Action: PS, MICUH; CEO, WCA; PS, PA; AG; PS, ELSYC; PS, FIN; PS, EDICT; BD; ACC GEN

EX MIN 14/314

**EX MEM 14/173 NATIONAL ANTI-VIOLENCE STRATEGY**

The following persons joined the Meeting:-

Mrs Chanelle Petty-Barrett, PS, ELSYC  
Mr Bren Romney, Director, Youth & Culture  
Mrs Hyacinth Bradley, Senior Programme Officer, Youth Development

Council noted a well-rounded presentation from the team on the National Anti-Violence Strategy.

Council agreed that Ministers of Government, Ministries of ELSYC and FEDICT should have a discussion as to what areas of the strategy could be funded and to come back to Executive Council for further consideration.

Council thanked the team for a job well done.

Action: PS, ELSYC; MINS OF GOV'T

EX MIN 14/315

**EX MEM 14/174 PROVISION OF SHARED OFFICE SPACE FOR ANGUILLA FINANCE AND MINISTRY OF TOURISM**

PS, EDICT and Tourism Planner remained for discussion. Ms Jasmin Garraway, Coordinator, TSDP joined the Meeting.

Council:-

- (i) approved the proposal for relocating Anguilla Finance and the leasing and shared use of the office space (units 8 and 9) at the Commercial Complex effective 1<sup>st</sup> June 2014;
- (ii) noted that the shared rent will be: Anguilla Finance, US\$300.00 and the GoA, US\$450.00. Council further noted that the monies would be allocated from within the existing departmental budget; and
- (iii) also noted that the contract provided for one (1) month's termination notice.

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

Action: PS, EDICT; PS, FIN; COORD, TSDP

EX MIN 14/316

**EX MEM 14/175 APPROVAL OF AN OFFICIAL NATIONAL FUNERAL FOR THE LATE CHARLES C. GUMBS IN RECOGNITION OF HIS INVALUABLE CONTRIBUTION DURING THE ANGUILLA REVOLUTION**

Council approved:-

- 1) the holding of an official National Funeral for the late Charles C. Gumbs in collaboration with the family;
- 2) the publication of an official Statement of Condolence from the Government and people of Anguilla on the passing of this revolutionary hero;
- 3) flags to be flown at Half Mast on the day preceding the funeral and until dusk on the day of the funeral;
- 4) a Police Guard of Honour to be drawn up at the Church and a contingent of uniformed officers to bear the body in and out of the church and at the graveside. Casket to be covered with the national flag;
- 5) a contribution of up to EC\$8,000 towards the cost of the funeral expenses if the family's needs require it;
- 6) the development of a policy to guide Government in the official recognition of Anguilla's revolutionary heroes and heroines and other prominent Anguillians when they die.

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

Action: PS, MHA/LANDS

EX MIN 14/317

**EX MEM 14/176 EXTENSION OF TECHNICAL ASSISTANCE BY THE COMMONWEALTH SECRETARIAT**

PS, EDICT, Parliamentary Secretary and Personal Assistant to the Hon CM/Finance remained for discussion.

Council:-

- (i) noted by letter dated 21<sup>st</sup> December 2012 that the Commonwealth Secretariat informed the Ministry that while the initial contract period for the expert was for a period of 2 years to January 2015 that, "subject to satisfactory performance the initial contract period could be extended for a further 2 years on a cost sharing basis";
- (ii) accepted the conditions of the Secretariat and the extension for the contract of the expert for an additional 2 year term effective January 2015 – January 2017;



- (iii) further noted that the GoA's reimbursement to the Commonwealth Secretariat had been estimated at 21,500 pounds per annum and that provisions would be made in the 2015 Budget for this expenditure (the estimated costs to be shared on a 50/50 basis as indicated below);

21,500 pounds x 4.43 @ current rate = EC\$95,245 divided by 2 =  
EC\$47,622.50

- (iv) instructed the Department of Public Administration to communicate with the Commonwealth Secretariat in this regard with immediate effect.

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

Action: PS, PA; PS, EDICT; PS, FIN; PAS, FIN; COORD, TSDP; TP; BD

EX MIN 14/318

**EX MEM 14/177 AMENDMENT TO EXCO MINUTE 14/285 GRANTING LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT - DAVID & SAMANTHA CADENHEAD (REGISTRATION SECTION: ROAD; BLOCK: 08412 B PARCEL 200, CONTAINING 0.30 ACRE)**

Mrs Lynne Smith, Registrar of Lands joined the Meeting.

Council agreed that EX MIN 14/285 of 30 April 2014 should be amended to read:-

Council agreed to issue an Aliens Land Holding Licence to Anguilla Land & Sea Ltd. to hold, on a freehold basis, 0.30 acre of land, described as Registration Section Road, Block 08412 B Parcel 200 with dwelling house thereon located at Back Street, South Hill, Anguilla for private residential purposes, subject to the payment of the following stamp duty:-

(i)	under the Stamp Act – 5% of EC\$1,440,875.20	EC\$72,043.76
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$1,440,875.20	EC\$180,109.40
	<b>TOTAL</b>	<b>EC\$252,153.16</b>

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

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

**ORAL MENTION**

EX MIN 14/319

**OVERSEAS TRAVEL**

HE The Governor informed Council that she would be off island for two weeks on official and personal leave.

Action: EXCO MEMBERS

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