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MINUTES OF THE 201ST MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 10TH JULY 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 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 Andrew Gumbs, Director, Internal Audit
Hon Haydn Hughes, Parliamentary Secretary
Mr Foster Rogers, PS, EDICT
Ms Jasmin Garraway, Co-ordinator, TSDP
Ms Gina Brooks, Tourism Planner
Dr Bonnie Richardson-Lake, PS, HSD
Mr Larry Franklin, PS, MICUH

EX MIN 14/418 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 200th Meeting held on Monday 30th June 2014.

MATTERS ARISING FROM THE MINUTES

EX MIN 14/419 None

EX MIN 14/420

UPDATE BY DIRECTOR, INTERNAL AUDIT INTO THE ENQUIRY OF AGGREGATES MATTER

Mr Andrew Gumbs, Director, Internal Audit joined the Meeting. Hon Haydn Hughes, Parliamentary Secretary joined later.

Further to EX MIN 14/364 of 12th June 2014, Council noted the first draft of the Audit Report regarding the enquiry into the aggregates matter. Council asked for a more detailed report to Executive Council to include all the relevant and accurate data (dates and years); footnotes referring to specific sections of the Financial Administration and Audit Act (if quoted) and correct and full names of persons and companies/departments involved in the matter and any other supporting documents. Council agreed that the Report should be submitted to Executive Council on Wednesday 6th August 2014 for further consideration.

Action: DIR, INT AUD; EXCO MEMBERS

EX MIN 14/421

EX MEM 14/226 EXPULSION ORDER – MICHAEL TYSON

Parliamentary Secretary remained for discussion.

EX MIN 14/415 of 30th June 2014 refers.

Council agreed that the matter should be deferred to the next Meeting of Executive Council on Thursday 17th July 2014.

Action: EXCO MEMBERS

EX MIN 14/422

EX MEM 14/227 AMENDMENT TO THE POLICY FOR VISA REQUIREMENTS

Parliamentary Secretary remained for discussion. Mr Foster Rogers, PS, EDICT joined the Meeting.

Council noted that the Commissioner of Police and the Chief Immigration Officer had concerns regarding security. They had advised that the proposed changes to the Visa Policy could be detrimental to Anguilla's safety, if the proper equipment was not first put in place.

Council agreed that an update should be presented to Executive Council on Wednesday 6th August 2014 on the procurement of equipment and, further agreed that the COP and the CIO should be invited to attend the Meeting.

Action: PS, EDICT; PARL SEC; COP; CIO; EXCO MEMBERS

EX MIN 14/423

EX MEM 14/228 EXEMPTION FROM THE WORK PERMIT REQUIREMENTS

Council agreed that Mr Blessed Ziggy Henry, a national of St. Kitts, who is employed as a Caregiver for Ms Lorraine Webster of the Quarter, Anguilla should

be exempted from the work permit requirement in accordance with Section 3 (1) g of the Control of Employment Act.

Action: PS, IMM; LAB COM; CIO

EX MIN 14/424

EX MEM 14/229 WORK PERMIT REFUSAL – XUEPING WU – RESCINDED

Council agreed that the decision taken by Executive Council in EX MIN 14/166 of 13 March 2014 to refuse the work permit for Xueping Wu, a national of China to be employed as a Cook at the Landing Strip should be rescinded.

Action: PS, IMM; LAB COM; CIO

EX MIN 14/425

EX MEM 14/230 FILLING OF ONE (1) VACANT POST OF IMMIGRATION OFFICER I AND ONE (1) VACANT POST OF DATA ENTRY CLERK

Council agreed that the paper should be deferred to enable further discussion between the Hon Chief Minister and the PS, Immigration.

Action: HON CM; PS, IMM

EX MIN 14/426

EX MEM 14/231 DRAFTING OF LEGISLATION FOR A STANDARD LICENSING AND CERTIFICATION SYSTEM FOR TOURISM

Parliamentary Secretary and PS, EDICT remained for discussion. Ms Jasmin Garraway, Co-ordinator, TSDP and Ms Gina Brooks, Tourism Planner joined the Meeting.

Council approved the immediate mobilisation of technical assistance to begin the drafting of legislation for a system of standards licensing and certification of tourism enterprises, and beyond this, to draft and/or revise legislation for the tourism sector as identified by the Legal Drafting Committee.

Council noted that the technical assistance, in the form of a Legal Drafter would be for a period of six (6) months to be fully funded by the Commonwealth Secretariat. Council additionally noted that the Drafter would be working closely with the Attorney General's Chambers.

Action: PS, EDICT; CO-ORD, TSDP; AG; PARL SEC; MINS OF GOV'T

EX MIN 14/427

EX MEM 14/232 PROPOSED INCREASE IN PARTICIPATING STATES' CONTRIBUTIONS TO THE CARIBBEAN DISASTER EMERGENCY MANAGEMENT AGENCY (CDEMA)

Council noted that Anguilla currently contributes US\$23,773.77 annually to the Caribbean Disaster Emergency Management Agency (CDEMA). Council agreed that Anguilla's contribution be increased to US\$29,912.90 annually (a monthly

contribution of US\$2,492.74).

Council additionally agreed that the following observations should be made to CDEMA:-

- (i) participating States must be strongly urged to meet their commitment to pay the increased contributions in a timely manner and must work diligently to pay any arrears of contributions; and
- (ii) CDEMA must conscientiously consider additional/alternative mechanisms to ensure the survival of CDEMA.

Action: DG; PS, FIN; PS, EDICT; BD; ACC GEN

EX MIN 14/428

EX MEM 14/233 POLICY POSITION OF GOVERNMENT OF ANGUILLA REGARDING THE DOMESTIC VIOLENCE BILL, 2014

Parliamentary Secretary and PS, EDICT remained for discussion. Dr Bonnie Richardson-Lake, PS, HSD joined the Meeting.

Council:-

- (i) re-affirmed the policy positions outlined in the policy paper;
- (ii) re-affirmed its commitment towards the enactment of the Domestic Violence Bill; and
- (iii) noted that the Executive Council paper presented formed the basis of the legislative drafting instructions for the Chief Parliamentary Counsel.

Council commended the Family Law Reform Committee for a job well done.

The Hon Minister, MHA told Council that the Opposition had been contacted on several occasions to set up a meeting for dialogue on the Bill but had not taken up the opportunity.

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

Action: PS, HSD; CPC; AG; PS, MHA; GAC; PARL SEC

EX MIN 14/429

EX MEM 14/234 APPLICATION BY DOLPHIN DISCOVERY ANGUILLA LTD. TO RENEW LICENCE FOR THE RIGHT TO INGRESS AND EGRESS OVER CROWN LAND – PROPERTY BEING A 20 FOOT RIGHT OF WAY OVER PROPERTY DESCRIBED AS REGISTRATION SECTION WEST CENTRAL, BLOCK 28309 B PARCEL 169

Parliamentary Secretary remained for discussion.

Council agreed to the renewal of a Licence to Dolphin Discovery Anguilla Ltd. on the following terms and conditions similar to the terms and conditions in the existing Licence:-

- 1) the property should be described as being a 20 foot right of way (as shown on Aerial Plan LS12-12) over property described as Registration Section, West Central Block 28309 B, Parcel 169;
- 2) the use of the premises should permit the Licencee the right of ingress and egress in the form of a twenty (20) foot right of way over Parcel 169 to allow the Licencee's staff and visitors access to their structure on the seabed and to the beach;
- 3) rent per annum should be in the amount of US\$500.00/EC\$1,344.10 payable in advance; and
- 4) the term of the Licence should be a two (2) year period from July 1, 2014 to June 30, 2016 with an option to renew.

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

EX MIN 14/430

EX MEM 14/235 APPEAL AGAINST PLANNING PERMISSION – SYDNEY HUGHES

Parliamentary Secretary remained for discussion.

Council, following a site visit to the property in South Hill on Wednesday 8th January 2014 agreed that the appeal against planning permission for Mr Sydney Hughes to construct an office building at South Hill, Anguilla (Block 08412 B Parcel 138) should be allowed.

Council noted the comments by the Principal Planning Officer to the planning appeal as follows:-

- (i) the area is a mix of residential and commercial uses but more skewed towards residential properties. The Light House Supermarket /Restaurant existing at the north end of the parcel with a few dwellings are already constructed on the neighbouring parcels;
- (ii) the ground floor of the proposed development has already been constructed;
- (iii) the site plan indicates that the building as it is presently positioned on the parcel has a side setback of 4ft. 7. ins. from the south boundary line. The back- setback is 1ft. from the east boundary line and the front setback is 12ft. 2 ins. from the road;
- (iv) all these infringements on the minimum required 16 feet, and therefore represent a significant breach. The building as it is presently being constructed is already too close to the narrow road which is in a sad state of disrepair and the possibility of it being widened at the same time is high;

- (v) the front setback distance does not adhere to the LDCC Setback Policy which requires a minimum distance of 16ft from all roads;
- (vi) the development should not be allowed since a relatively large portion of the building encroaches on the required 16ft. setback from the road;
- (vii) the fact that the structure is sited 12ft. 2ins. from a road is unacceptable even for a single floor building and therefore cannot at all be considered for a two floor building;
- (viii) the granting of this appeal would set a dangerous precedent for Anguilla thereby indicating to developers that they are certainly able to develop property without conforming to the stipulated standards because they will in the end have the blessing of Executive Council.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 14/431

EX MEM 14/236 REQUEST FOR APPROVAL TO REVISE THE ANGUILLA TABLE OF FREQUENCY ALLOCATIONS AND AMEND THE TELECOMMUNICATIONS SPECTRUM FREQUENCY REGULATIONS, 2013

Parliamentary Secretary remained for discussion. Mr Larry Franklin, PS, MICUH joined the Meeting.

Council:-

- (i) agreed that the Anguilla Table of Frequency Allocations should be updated;
- (ii) agreed that the Telecommunications Spectrum Fee Regulations should be amended; and
- (iii) approved the proposed 15% increase in spectrum fees for the renewal of frequency authorizations due to come into effect in 2014 as the current authorizations expire.

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

Action: PS, MICUH; CPC; AG

EX MIN 14/432

EX MEM 14/237 MR W
[full name redacted on publication to protect personal data]

Council:-

- (i) noted that, on 27 October 2013 Mr W, a GoA employee, was injured while in the execution of his duties in The Valley, Anguilla;

- (ii) noted that Mr W is claiming for general damages, pain and suffering, loss of amenities, loss of future earnings and future medical care;
- (iii) agreed to settle the matter by the payment of the sum of US\$65,000.00 to Mr W;
- (iv) agreed that the PS, Public Administration with the PS, Finance should circulate a notice to other Permanent Secretaries and Heads of Department informing them that where an officer/wage worker is injured while executing his/her duties that the Attorney General's Chambers should be consulted before there is any admission of liability; and
- (v) agreed that managers/supervisors in the Anguilla Public Service should ensure that proper safety measures are put in place for officers/wage workers.

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

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

EX MIN 14/433

EX MEM 14/238 CLAIM BY LLOYD'S BED AND BREAKFAST LTD.

Further to EX MIN 14/264 of 17 April 2014, Council agreed that the sum of US\$1,079.83 should be paid from the Budget Head "Claims Against Government" in the Treasury Department's Budget to settle the claim by Lloyd's Bed and Breakfast Ltd.

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

EX MIN 14/434

EX MEM 14/239 ANNUAL CONTRIBUTION: THE REGIONAL LAW REVISION CENTRE

Council noted that the GoA pays an annual contribution of US\$25,000.00 to the Regional Law Revision Centre (RLRC). Council agreed that the two contributions, (for 2013 and 2014) totalling US\$50,000.00 should be paid by the GoA to the RLRC.

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

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

EX MIN 14/435

EX MEM 14/240 APPLICATION FOR DUTY EXEMPTION BY CENTRAL BAPTIST CHURCH

Council agreed that duty exemption should be granted to Central Baptist Church (c/o Pastor Cecil Richardson) on a bus to be used for the sole purpose of transporting their members and students to church and school respectively.

The estimated duty loss to the GoA is EC\$21,505.60.

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

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

EX MIN 14/436

EX MEM 14/241 DUTY EXEMPTION – SPONSOR FOR AUGUST MONDAY BOAT RACE

Council noted that this year, the Anguilla Boat Racing Association had secured sponsorship from Caribbean Liquors and Tobacco in St. Maarten for the August Monday Boat Race. In return for this sponsorship, Caribbean Liquors and Tobacco has requested that it be allowed to import some items into Anguilla without incurring the usual customs duties and charges. Council further noted that the Anguilla Boat Racing Association had confirmed that the items were not for sale and that all banners and tents would be shipped back to St. Maarten while the other items would be used for promotional purposes and distributed for free.

Council therefore agreed that duty exemption should be granted to the Anguilla Boat Racing Association on the following items:-

- 1) 30 Coors light Banners
- 2) 2 Hennessy Banners
- 3) 3 Coors Light Inflatables
- 4) 50 Coors Light T- shirts
- 5) 20 Coors light caps
- 6) 50 Coors light key holders
- 7) 100 Coors light Medallions
- 8) 10 Coors light tents
- 9) 3 Hennessy tents
- 10) 40 Coors light 10 oz cans free of charge

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

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

ORAL MENTION

EX MIN 14/437

BUDGET FOR VALLEY FOOD COURT

Further to EX MIN 14/378 of 19 June 2014, Council:-

- (i) noted the estimated budget to progress the operations of the Valley Food Court within the next two weeks as attached;
- (ii) agreed the budget amount, subject to the Ministry of Home Affairs and PS, Finance discussing the funding required; and
- (iii) agreed that the proper procurement procedures be followed.

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

Action: PS, MHA/LANDS; PS, MICUH; CHIEF ENG; DCE; DLS; PS, FIN; PS, EDICT; AG; CPO; BD

EX MIN 14/439

DUTY FREE CONCESSIONS FOR INDIGO REEF LTD.

Council noted a letter from Ms Aileen I. M. Smith (for Indigo Reef Ltd.) dated 7th July 2014 to the Hon Jerome Roberts, Minister of Home Affairs regarding outstanding unpaid reimbursement (3 years) on duty free concessions for Indigo Reef Ltd. at West End.

The Hon Deputy Governor was requested to look into this matter.

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

EX MIN 14/440

REPRESENTATION AT THE COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA) MEETING

Council discussed the possibility of representation from Anguilla at the CPA Meeting in Barbados from 25-26th July 2014.

Action: EXCO MEMBERS

EX MIN 14/441

INFORMATION

Council noted that the Hon Attorney General would be off island next week and that Ms Michelle Daley, Chief Parliamentary Counsel would be the Acting Attorney General.

Action: EXCO MEMBERS
