

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No:

MINUTES OF THE 211TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 2ND OCTOBER 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 Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Kenneth Hodge, PAS, MHA
Dr Aidan Harrigan, PS, FIN
Mr Vanroy Hodge, CEO, AASPA
Mr Sherman Williams, Finance Manager, AASPA
Mr Leslie Hodge, DLS
Mr Ensor Gumbs, PAS, MHA/LANDS
Mr Foster Rogers, PS, EDICT
Ms Mary Clare Haskins-Banton, Crown Counsel
Ms Marisa Harding-Hodge, TIO

ABSENT: 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

EX MIN 14/605

CONFIRMATION OF THE MINUTES

Council agreed to defer the Minutes of the 210th Meeting held on Thursday 18th September 2014 to the next meeting of Executive Council when the Hon Minister of Home Affairs would be present.

EX MIN 14/606

EX MEM 14/347 APPLICATION FOR DUTY EXEMPTION BY ALTAMER RESORT

Dr Aidan Harrigan, PS, FIN joined the Meeting.

Council agreed that duty exemption should be granted to Altamer Resort (c/o Mr Carl Irish) on the attached list of items. Council noted the attached section of the MoU which addressed customs exemptions for hotel development and, agreed that in the future, information, which would demonstrate compliance with the provisions on customs duty concessions in the MoU should be reflected in similar papers to Executive Council.

Council also agreed that the items marked 'x' in the amount of EC\$6,840.13 should be duty paid.

The estimated duty loss to the GoA is EC\$166,964.92.

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

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

EX MIN 14/607

EX MEM 14/348 APPLICATION FOR DUTY EXEMPTION BY ROMEO VILLAS

PS, FIN remained for discussion.

Council agreed that duty exemption should be granted to Romeo Villas (c/o Mr Kenneth Harrigan) on the attached list of items. Council noted that Mr Harrigan had not requested concessions from the GoA during the construction phase of the project which consists of twenty-five (25) bedrooms. Council further noted that the Comptroller of Customs considered the Harmonised System Codes to be in order.

The estimated loss to the GoA is EC\$116,734.15.

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

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

EX MIN 14/608

EX MEM 14/349 APPLICATION FOR DUTY EXEMPTION BY ISLAND GREENS

PS, FIN remained for discussion.

Council agreed that duty exemption should be granted to Island Greens (c/o Mr Jerome Richardson) on fencing pipe and fittings, shade cloth and water tanks for farming purposes.

The estimated duty loss to the GoA is EC\$2,899.00.

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

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

EX MIN 14/609

EX MEM 14/350 APPOINTMENT OF DEVELOPMENT BOARD MEMBERS

PS, FIN remained for discussion.

Council:-

- (i) noted that the tenure for the current members of the Development Board had expired;
- (ii) agreed that the following persons should be re-appointed to serve on the Development Board for three years, effective 1 September 2014:-

Ms Ann Gumbs	Chairperson
Mr John Rogers	Vice Chairperson
Mrs Althea Hodge	Secretary
Mrs Bernie Sasso-Hodge	Member
Mrs Shona Proctor	Member
Mr Abner Brooks	Member
Mr Fabian Proctor	Member
Dr Wycliffe Fahie	Member

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

EX MIN 14/610

EX MEM 14/351 PAYMENT OF DEFERRED SALARY MS A – ANGUILLA TOURIST BOARD

[Note on publication: name redacted to protect personal health information]

PS, FIN remained for discussion.

Council agreed that the Anguilla Tourist Board (ATB) should be authorised to approve the request for deferred salary to Ms A, subject to the ATB funding the payment.

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

Action: PS, EDICT; PS, FIN

EX MIN 14/611

EX MEM 14/352 ELECTIONS (AMENDMENT) BILL, 2014 – DRAFTING INSTRUCTIONS FOLLOWING CONSULTATION EXERCISE

Council:-

- (i) reviewed the information contained in Appendices I and II as attached;
- (ii) approved the drafting instructions set out in Appendix III as attached to facilitate the progress of the Elections (Amendment) Bill through the House

of Assembly;

- (iii) did not wish to propose any further revisions to the Elections (Amendment) Bill; and
- (iv) mandated the Attorney General's Chambers to draft the relevant amendments to the Elections (Amendment) Bill for consideration at the Committee Stage in the House of Assembly, in addition to the attached Committee Stage amendments set out in Appendix IV which were to be considered had the Bill progressed when it was last before the House of Assembly.

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

Action: SUP/ELECTIONS; DG; AG

EX MIN 14/612

EX MEM 14/353 APPROVAL OF A NATIONAL FUNERAL FOR THE LATE MR VALENTINE FLEMING IN RECOGNITION OF HIS INVALUABLE CONTRIBUTION TO ANGUILLA DURING THE REVOLUTION

Mr Kenneth Hodge, PAS, MHA joined the Meeting.

Council approved:-

- (i) the holding of a National Funeral for the late Mr. Valentine Fleming in collaboration with the family;
- (ii) the exceptional conferring of the Anguilla Badge of Honour and Queen's Certificate on the late Mr. Valentine Fleming, posthumously, at the funeral service;
- (iii) the publication of an official Statement of Condolence from the Government and people of Anguilla;
- (iv) flags to be flown at half-mast on the day preceding the funeral and until immediately after the funeral ceremony;
- (v) 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;
- (vi) a contribution of EC\$8,000 towards the cost of the funeral expenses and
- (vii) the holding of national funerals for persons awarded the Anguilla Badge of Honour and Queen's Certificate under the Revolution, moving forward, and Council be informed.

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

Action: PS, MHA; PAS, MHA

EX MIN 14/613

EX MEM 14/354 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – DEBORAH ANNE PUTNAM (REGISTRATION SECTION: EAST END; BLOCK: 99415 B; PARCEL 331, CONTAINING 0.25 ACRE)

Messrs Leslie Hodge, DLS and Ensor Gumbs, PAS, MHA joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence to Deborah Anne Putnam to hold, on a freehold basis, property described as Registration Section East End, Block 99415 B, Parcel 331, containing 0.25 acre to construct a multi-dwelling house containing two (2) dwelling units with a floor area of approximately 4,530 square feet in total thereon in accordance with plans approved by the Land Development Control Committee for residential purposes, subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$80,646.00	EC\$ 4,032.30
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$80,646.00	EC\$10,080.75
(iii)	refundable Deposit of 10% of EC\$80,646.00	EC\$ 8,064.60
	TOTAL	EC\$22,177.64

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

EX MIN 14/615

EX MEM 14/356 FILLING OF POSTS DUE TO EXPIRATION OF CONTRACTS

Council noted that the posts of Senior Probation Officer–Adult and Social Worker,

Family & Social Services would become vacant as a result of expiration of contracts. Council additionally noted that the views of the Permanent Secretaries had been sought in relation to the filling of the posts and a favourable response was given.

Council agreed that the posts of Senior Probation Officer–Adult and Social Worker, Family & Social Services should be filled.

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 14/616

EX MEM 14/357 APPROVAL OF REMUNERATION FOR SOCIAL SECURITY HUMAN RESOURCES AND TRAINING SUB-COMMITTEE

PS, FIN remained for discussion.

Council noted the paper for the remuneration of the Human Resources and Training Committee of the Social Security Board and agreed that the PS, FIN should find out from the Board:-

- (i) the Committee's terms of reference;
- (ii) frequency of meetings; and
- (iii) the names of persons who will be on the Committee.

Council asked the PS, FIN to report back to Executive Council with the requested information.

Action: PS, FIN

EX MIN 14/617

EX MEM 14/358 AMENDMENTS TO THE INSURANCE REGULATIONS, R.R.A. I16-1

PS, FIN remained for discussion.

Council:-

- (i) approved the proposed draft amendments to the Insurance Regulations, R.R.A. I16-1; and
- (ii) agreed to the submission of the draft to stakeholders for consultation.

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

Action: AG; DIR, FSC

EX MIN 14/618

EX MEM 14/359 VAUGHN ROGERS' CLAIM AS A SALVOR UNDER RECEIVER OF WRECKS ACT

Council noted that, after consultation with the Receiver of Wrecks and reviewing reports from the RAPF, that it was recommended that Mr Vaughn Rogers, as a salvor, be awarded the sum of EC\$1,500.00 as compensation for salvaging the vessel and towing it to Island Harbour.

Council authorised the payment to Mr Vaughn Rogers of EC\$1,500.00 from account 45 451 Treasury Department – 372 Claims Against Government as compensation for salvaging the vessel and towing it to Island Harbour.

The award breakdown is as follows:-

Fuel	EC\$300.00
Loss of ½ day's wages	EC\$600.00
Towing of vessel	EC\$600.00

Council agreed that HE the Governor should inform Mr Rogers accordingly.

Action: HE; PS, FIN; PS, EDICT; COP; ACC GEN; PS, MICUH

EX MIN 14/619

EX MEM 14/360 ESTABLISHING A STRUCTURALLY SOUND AND RELIABLE CARGO JETTY FOR ANGUILLA

PS, FIN remained for discussion. Messrs Vanroy Hodge, CEO, AASPA and Sherman Williams, Finance Manager, AASPA joined the Meeting.

Council agreed that the AASPA officials should have discussions with the relevant persons in the MoFEDICT. The outcome of these discussions would assist in determining the way forward.

Action: PS, FIN; PS, EDICT; CPO; CEO, AASPA; PS, MICUH

EX MIN 14/620

EX MEM 14/361 APPROVAL OF TARIFF BOOK 2014-15 AND DRAFTING OF REGULATIONS FOR THE ANGUILLA AIR AND SEA PORTS AUTHORITY

CEO, AASPA and the Finance Manager, AASPA remained for discussion.

Council agreed that AASPA officials should discuss this matter with Finance personnel along with the cargo jetty issue. Council additionally agreed that following discussions, the CEO, AASPA should bring to Executive Council the precise information needed for the approval of the tariff book and the drafting of Regulations for ExCo's consideration.

Action: PS, FIN; PS, EDICT; CPO; CEO, AASPA; PS, MICUH

EX MIN 14/621

EX MEM 14/362 COMMENCEMENT OF THE PAROLE OF PRISONERS ACT, 2011 (ACT NO. 08/2011), THE COMMENCEMENT OF THE PAROLE OF PRISONERS (AMENDMENT) ACT, 2012, (ACT NO. 07/2012) AND PREPARATION OF VALIDATING LEGISLATION

Council approved:-

- (i) the immediate execution of the Commencement Notices as attached to bring the Parole of Prisoners Act, 2011 and the Parole of Prisoners (Amendment) Act, 2012 into operation; and
- (ii) the preparation of draft legislation to validate inter alia the purported appointment of the Parole Board and the exercise of any of its functions.

Council authorised HE the Governor to sign the Commencement Notices.

Action: AG; PS, HSD; CPC

EX MIN 14/622

EX MEM 14/363 AMENDMENT TO EXCO MINUTE 14/286 GRANTING LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – DEAN JAMES HAGMAN (REGISTRATION SECTION: EAST CENTRAL; BLOCK: 89218 B PARCEL 98, CONTAINING 0.50 ACRE)

DLS and PAS, MHA/LANDS remained for discussion.

In EX MIN 14/286 of 30 April 2014, Council approved an Aliens Land Holding Licence for Mr Dean James Hagman to hold on a freehold basis, 0.50 acre of land in Island Harbour with a dwelling house thereon. Council noted that the assessed value of the property for the purpose of stamp duty was incorrectly stated as EC\$833,342.00 instead of EC\$752,696.00.

Council therefore agreed that EX MIN 14/286 of 30 April 2014 should be amended to read:-

Council agreed to issue an Aliens Land Holding Licence to Dean James Hagman, to hold on a freehold basis, 0.50 acre of land, located in Island Harbour, with a dwelling house thereon situate at Registration Section East Central, Block 89218 B Parcel 98, subject to the payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$752,696.00	EC\$37,634.80
(ii)	under the Aliens Land Holding Regulations Act 12.5% EC\$752,696.00	EC\$ 94,087.00
	TOTAL	EC\$131,721.80

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

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

EX MIN 14/623

DISCUSSION PAPER ON DRAG RACING FOR PUBLIC CONSULTATION

Council agreed that the paper be deferred to the Special Meeting of Executive Council to be held on Tuesday 7 October 2014.

Action: EXCO MEMBERS; PS, ELSYC

ORAL MENTION

EX MIN 14/624

OVERSEAS TRAVEL

Council was informed of the following dates of travel:-

- 1) Hon Attorney General - 6 – 9 October - Leave
- 2) Hon Chief Minister - 6 – 10 October, Commonwealth Finance Ministers Meeting - Washington DC
- 3) Hon Minister, MICUH - 8 – 10 October, Water Conference - Bahamas

Action: EXCO MEMBERS

EX MIN 14/625

MEETINGS OF EXECUTIVE COUNCIL

Council agreed to the following:-

- 1) Special Meeting on Tuesday 7 October at 2 pm;
- 2) No regular Meeting on Thursday 9 October due to the absence of Ministers on official overseas travel; and
- 3) Special Meeting on Monday 13 October at 9 am to discuss the 2015 Budget.

Action: EXCO MEMBERS

EX MIN 14/626

DRAFT MEMORANDUM OF UNDERSTANDING BY AGR HOLDINGS

The following persons joined the Meeting:-

Mr Foster Rogers, PS, EDICT

Ms Mary Clare Haskins-Banton, Crown Counsel

Ms Marisa Harding-Hodge, TIO

Council noted the hard work of the TIC on the negotiation of the MoU between the GoA and AGR Holdings and requested that the matter be deferred to allow for the developers to provide the further information that had been requested by the AG's Chambers and other relevant personnel.

Action: EXCO MEMBERS; PS, EDICT; TIO; CC

APPEAL OF DECISION OF LDCC ON APPLICATION 13/0242 FOR A WASTE TO ENERGY PLANT AT CORITO

Council:-

- (i) noted the decision of 19 September from the Land Development Control Committee (LDCC) to refuse the application for the reason that “the proposed development and in the position intended would have adverse impacts on the surrounding residential communities who are strongly reliant on rain water harvesting for domestic use”, and that “the liquid residue discharged from the plant can be toxic in nature and damaging to the environment. Therefore, to allow the operation of such a plant without a detailed management plan on the method of disposal of the residues would be considered negligent”;
- (ii) noted a letter dated 30 September 2014 to HE the Governor from Mrs Josephine A.G. Gumbs-Connor, Solicitor, notifying Council of the intention of the developer to lodge a formal appeal against the decision of the LDCC; and
- (iii) agreed that the Hon Attorney General and the PS, MHA/LANDS should advise the Hon Minister, MHA/LANDS on the appeal process and report back to Executive Council.

Action: AG; PS, MICUH
