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MINUTES OF THE 224TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 15TH JANUARY 2015

- 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 Hon 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 Rupert Jones
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
Mr Colville Petty, Executive Chairman, PUC
Mr Jerome Richardson, Deputy Chairman, PUC
Mrs Chanelle Petty-Barrett, PS, ELSYC
Dr Bonnie Richardson-Lake, PS, HSD
Ms Jordesha Hodge, Medical Student
Mr Foster Rogers, PS, EDICT
Mr Nigel Connor, Deputy Chief Engineer, DICUH
Ms Anthea Ipinson, Chief Projects Officer

EX MIN 15/19 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 223rd Meeting held on Thursday 8th January 2015.

MATTERS ARISING FROM THE MINUTES

EX MIN 15/21

EX MIN 15/08 EX MEM 15/03 CONSULTATION WITH THE GOVERNOR IN COUNCIL ON APPOINTMENT OF PUC EXECUTIVE DIRECTOR

PA to the Hon CM/Finance remained for discussion. With reference to EX MIN 15/08 of 8th January 2015, Messrs Colville Petty, Executive Chairman, PUC and Jerome Richardson, Deputy Chairman, PUC joined the Meeting.

The Hon CM and the Hon Min, MICUH stated that they had the opportunity to work with both Mr Crefton Niles and Mr Kenneth Banks as former public officers, hence the reason for their strong preference of Mr Crefton Niles. They said that Mr Niles was very versed in the area of technology and telecommunications and, because of his specialised training in this area and his ability to get things done, they were content that he was the better person for the position of Executive Director, PUC. The Ministers indicated that Mr Banks was an Engineer who held previous managerial positions in the GoA and that his record was not convincing. They said Mr Niles' record had shown that he has the ability to lead competently.

The Hon Minister, MHA indicated that it was unfortunate that the consultation process was still unclear in some circles but that he trusted the judgment of the other Ministers who had worked closely with both candidates. The Ministers concluded that Mr Niles was the most suitable person to take on the leadership role of Executive Director, PUC.

Mr Colville Petty, Executive Chairman, PUC stated that the Committee did a thorough and commendable job and that he was pleased with the report. He further stated that Mr Kenneth Banks was already informed that he was the successful candidate.

Council asked the Executive Chairman, PUC to have a further discussion with the members of the PUC taking into account the views of Executive Council and all the information available to them and to decide on the best way forward.

Action: PS, MICUH; MINS OF GOV'T; PA/HON CM/FIN

EX MIN 15/24

EX MIN 15/16 OFFICE ACCOMMODATION FOR ENVIRONMENTAL UNIT

PA to the Hon CM/Finance remained for discussion.

Further to EX MIN 15/16 of 8th January 2015, Council noted that the relevant public officers were investigating this matter and expected to be able to have an update for Executive Council on Thursday 22nd January 2015.

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

Action: DG; PS, MICUH; DIR, DM; PS, MHA/LANDS

EX MIN 15/26

EX MEM 15/11 FILLING OF VACANCIES AT CUSTOMS DEPARTMENT

PA to the Hon CM/Finance remained for discussion.

Council:-

- (i) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the three (3) vacant posts of Assistant Customs Officer at the Customs Department and that a favourable response was given;
- (ii) additionally noted that provision had been made in the 2015 Budget for the positions; and
- (iii) agreed that the three (3) vacant posts of Assistant Customs Officer at the Customs Department should be filled.

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

Action: PS, FIN; PS, PA; PS, EDICT; COC; BD; ACC GEN

EX MIN 15/27

EX MEM 15/12 APPLICATION FOR DUTY EXEMPTION FOR THE ROYAL ANGUILLA POLICE FORCE

PA to the Hon CM/Finance remained for discussion.

Council agreed that duty exemption should be granted to The Royal Anguilla Police Force (c/o Mr Rudolph Proctor) on a jeep for the annual police raffle. The police raffle is an annual event which is usually done as part of their fundraising activities for Police Week.

The estimated duty loss to the GoA is EC\$30,242.25.

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

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

EX MIN 15/28

EX MEM 15/13 DRAG RACING – PARAMETERS FOR RACING

PA to the Hon CM/Finance remained for discussion. Mrs Chanelle Petty-Barrett, PS, ELSYC joined the Meeting.

Council agreed that, pending further discussions with the relevant emergency organisations (RAPF, EMT and Fire Services):-

- (a) further consideration should be given to whether the Department of Sports should now recognise drag racing as a sport and to whether to allow the Association (Anguilla Motorsports Inc.) to be registered at the Department; and

- (b) advice should be sought from the Ministry of Finance as to whether (as is the case with equipment for other sports), customs duty exemption should be given for the importation of cars, car parts and other gear and equipment once certified by Anguilla Motorsports Inc.

Council, further agreed that in light of (a) and (b) above, that officials should prepare detailed drafting instructions so that the Attorney General's Chambers can prepare the necessary legislative amendments to provide a mechanism for:-

- (i) the use of the Jeremiah Gumbs Highway for testing of cars for drag racing during particular times; and
- (ii) immunity from prosecution for racers participating in and spectators at the event (Council requested advice from the Attorney General's Chambers on this).

Action: PS, ELSYC; DIR, Y & C; AG; PS, FIN; PS, EDICT

EX MIN 15/29

EX MEM 15/14 REFORM OF PRELIMINARY INQUIRIES AT THE MAGISTRATE'S COURT

PA to the Hon CM/Finance remained for discussion.

Council approved the drafting of legislation to provide for the reform of Preliminary Inquiries and adoption of a system of paper committals. Council agreed that the draft legislation be brought back to Executive Council for consideration before consultation with interested parties.

Action: HON AG; SENIOR MAGISTRATE

EX MIN 15/30

EX MEM 15/15 PAROLE OF PRISONERS (VALIDATION) BILL, 2015

PA to the Hon CM/Finance remained for discussion. Dr Bonnie Richardson-Lake, PS, HSD joined the Meeting.

Council:-

- (i) approved the Bill for Parole of Prisoners (Validation) Act, 2015; and
- (ii) agreed that the Bill should be published in the official Gazette.

Action: PS, HSD; HON AG; SOP; COP

EX MIN 15/31

EX MEM 15/16 GAZETTING OF THE SOCIAL PROTECTION BILL

PA to the Hon CM/Finance and PS, HSD remained for discussion.

Council:-

- (i) approved the Bill for the Social Protection Act, 2015;

- (ii) agreed that the Bill should be published in the official Gazette; and
- (iii) agreed that the public be made aware of the changes to the Bill, explaining the rationale for the changes and addressing any other particular concerns.

Action: PS, HSD; HON AG

EX MIN 15/32

EX MEM 15/17 THE NATIONAL HEALTH SECTOR POLICY AND THE NATIONAL STRATEGIC PLAN FOR HEALTH 2015-2020

PA to the Hon CM/Finance and PS, HSD remained for discussion.

Council:-

- (i) noted the National Health Sector Policy and the National Strategic Plan for Health 2015-2020;
- (ii) noted that the documents were structured for internal operations; and
- (iii) agreed to defer formal approval by Executive Council until further notice.

Action: PS, HSD; MINS OF GOV'T

EX MIN 15/33

EX MEM 15/18 APPOINTMENTS TO THE MEDICAL BOARD

PA to the Hon CM/Finance and PS, HSD remained for discussion.

Council agreed to defer consideration of the matter until the next Meeting of Executive Council to be held on Thursday 22nd January 2015.

Action: PS, HSD; EXCO MEMBERS

EX MIN 15/34

EX MEM 15/19 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

PA to the Hon CM/Finance remained for discussion.

Council agreed that the following Attorneys from the law firm, Kelsick, Wilkin & Ferdinand who would be representing the Anguilla Electricity Company (ANGLEC) in legal matters before the Court should be exempted from the work permit requirement in accordance with Section 3 (f) of the Control of Employment Act:-

- | | | | |
|----|----------------------------|---|---------------------|
| 1) | Mr John Emile Ferdinand QC | - | St. Kitts and Nevis |
| 2) | Mr Damian E. S. Kelsick | - | St. Kitts and Nevis |
| 3) | Ms Keisha A. Spence | - | Jamaica |

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

Action: PS, IMM; PS, MICUH; LAB COM; CIO

EX MIN 15/35

EX MEM 15/20 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

PA to the Hon CM/Finance remained for discussion.

Council agreed that the following persons from KPMG Auditors who would be representing the Eastern Caribbean Central Bank (ECCB) in Anguilla at the Caribbean Commercial Bank (CCB) should be exempted from the work permit requirement until 7th February 2015 under Section 3 (f) of the Control of Employment Act:-

- 1) Christine Russell
- 2) Shemeka Joseph
- 3) Stephany Semper
- 4) Dheva-Dean Graham
- 5) Shermaine Browne
- 6) Shantella Smith

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

Action: PS, IMM; PS, FIN; PS, EDICT; LAB COM; CIO

EX MIN 15/37

EX MEM 15/22 EUROPEAN DEVELOPMENT FUND (EDF) 11: PROGRAMMING PHASE

PA to the Hon CM/Finance remained for discussion. Messrs Foster Rogers, PS, EDICT, Nigel Connor, Deputy Chief Engineer, DICUH and Ms Anthea Ipinson, Chief Projects Officer joined the Meeting.

Council:-

- (i) approved the following two focal sectors for Anguilla's territorial EDF 11 programme:-
 - Financial Sector** – based on the priorities for financial reform and the need to address the crucial issues in the banking sector;
 - Fisheries Sector** – based on the longstanding identification of Fisheries as an area of focus in the pursuit of economic diversification and complimentary to pending support of the UK Government;
- (ii) agreed that Climate Change and Sustainable Development with a focus on Energy should be the preferred sector of intervention for the OCT Caribbean Regional EDF 11; and
- (iii) designated high priority to the activities in the EDF 11 Programming phase until completion and approval – namely, development of Financial and Fisheries Sector policies and the Medium Term Economic and Fiscal Plan.

Action: PS, EDICT; PS, FIN; PAS, FIN; CPO; PS, MICUH; DIR, FISH

EX MIN 15/38

EX MEM 15/23 HURRICANE GONZALO – RECOVERY AND MITIGATION EFFORTS

PA to the Hon CM/Finance, PS, EDICT, Deputy Chief Engineer, DICUH and CPO remained for discussion.

Council approved the immediate execution of the Priority 1a projects as **emergency projects** totalling EC\$310,500 indicated below:-

- 1) repair roof guttering/flushing at the Library to alleviate flooding in computer lab;
- 2) replace old roof and mouldy ceilings at Anguilla Statistics Department;
- 3) repair leaking roof and replace mouldy ceilings at Ministry of Home Affairs;
- 4) repair leaking roof at Sandy Ground Police Station;
- 5) repair leaking roof at Anguilla Fire and Rescue Services building at the Airport;
- 6) replace (water-damaged) carpets with tiles at Library;
- 7) replace (water-damaged) carpets with tiles at the General Post Office;
- 8) assistance to Water Corporation of Anguilla – pump and meter replacement; and
- 9) install Navigational Aid (light) at Anguillita

Council requested that the DG/PSs Group in consultation with technical persons and the NDMC prioritise the remaining projects for Executive Council's consideration.

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

Action: PS, EDICT; PS, FIN; PAS, FIN; CPO; BD; PA/HON CM/FIN

EX MIN 15/39

EX MEM 15/24 FILLING OF A JUVENILE CARE WORKER POST DUE TO EXPIRATION OF CONTRACT ON 2 FEBRUARY 2015

PA to the Hon CM/Finance and PS, HSD remained for discussion.

Council:-

- (i) noted that the contract of one of the Juvenile Care Workers in the Department of Probation would expire on the 2 February 2015;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and that a favourable response had been given; and

- (iii) agreed that the post of Juvenile Care Worker in the Department of Probation should be filled when it becomes vacant on the 2 February 2015 due to the expiration of the officer's contract.

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 15/40

EX MEM 15/25 LETTER OF INTENT – INNOVATIVE FINANCE FOUNDATION

PA to the Hon CM/Finance remained for discussion.

Council agreed that the paper should be deferred to the Meeting of Executive Council to be held on Thursday 22nd January 2015.

Action: HON CM; PA/HON CM/FIN; PS, FIN; PS, EDICT

ORAL MENTION

EX MIN 15/41

EMAIL FROM CONCERNED RESIDENT

PA to the Hon CM/Finance remained for discussion.

Council noted an email dated January 13, 2015 to the Hon Deputy Governor from Mr Guy Muzio, an expatriate resident who was expressing concern about the decision to allow drag racing on the Jeremiah Gumbs Highway. Other members of Executive Council indicated that the email had also been sent to them.

The Hon Minister for Sports, Youth & Culture stated that he had replied directly to Mr Muzio.

Action: EXCO MEMBERS

EX MIN 15/42

FINANCIAL ASSISTANCE – JORDESHA HODGE

PA to the Hon CM/Finance and PS, HSD remained for discussion. Ms Jordesha Hodge, Medical Student joined the Meeting.

Council listened to the circumstances surrounding this case from Ms Jordesha Hodge and from the Hon Deputy Governor on behalf of Public Administration. In the absence of Ms Hodge, Council in their deliberation concluded that there had been a misunderstanding between the parties regarding the terms of financial assistance from the GoA and the scholarship awarded to her by the Saint James School of Medicine.

Council requested the Hon Deputy Governor to immediately invite Ms Hodge to his office to clarify the position. The Deputy Governor excused himself from Executive Council to carry out the request.

Action: EXCO MEMBERS

EX MIN 15/43

EX MIN 15/12 EX MEM 15/07 PROPOSED AMENDMENT TO THE LEGISLATORS PENSIONS ACT

PA to the Hon CM/Finance remained for discussion.

Further to EX MIN 15/12 of 8th January 2015, Council noted that the Hon Attorney General was still in the process of researching the position in other Caribbean countries and agreed this matter would be further discussed at the Meeting of Executive Council to be held on Thursday 22nd January 2015.

Action: EXCO MEMBERS

EX MIN 15/44

MEETING OF THE HOUSE OF ASSEMBLY

PA to the Hon CM/Finance remained for discussion.

Council agreed that they would seek to arrange for the next Meeting of the House of Assembly to be held on Friday 30th January 2015.

Action: CL, HOA

EX MIN 15/45

LEGISLATIVE PRIORITIES

PA to the Hon CM/Finance remained for discussion.

Council agreed that the appropriate Ministries should work towards finalising the following pieces of legislation for submission to the House of Assembly to be held on Friday 30th January 2015 and thereafter:-

- 1) **Domestic Violence Bill** - Agenda item for HoA on 30 January 2015
- 2) **FATCA** - AG's Chambers to publish in the official Gazette, subject to confirmation from CIR on its status
- 3) **Condominium Act** - AG's Chambers to publish in the official Gazette
- 4) **Anguilla Tourism Amendment Act** - not to be progressed at this stage
- 5) **Social Protection Bill** - AG's Chambers to publish in the official Gazette
- 6) **Parole of Prisoners (Validation) Bill, 2015** - AG's Chambers to publish in the official Gazette
- 7) **Labour Code** - additional work to be done on this

Action: AG; CL, HOA

EX MIN 15/46

OVERSEAS TRAVEL

The Hon Minister, MHA informed Council that he would be off island from Monday 19 January to Wednesday 21 January 2015 to attend a funeral in St. Kitts.

Action: EXCO MEMBERS
