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MINUTES OF THE 24TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 29TH OCTOBER 2015

- PRESENT:
- Her Excellency the Governor, Ms Christina Scott
 - The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism, Lands & Physical Planning
 - The Honourable Deputy Governor, Mr Stanley Reid
 - The Honourable Evans Rogers, Minister of Health and Social Development
 - The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and
Information and Broadcasting
 - The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture and Fisheries and Information Technology
 - The Honourable Attorney General, Mr Rupert Jones
 - Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE:
- Hon Cardigan Connor, Parliamentary Secretary
 - Mr Foster Rogers, PS, EDICTLP
 - Ms Marisa Harding-Hodge, TIO
 - Mr Larry Franklin, PS, MICUH
 - Dr Wycliffe Fahie, PAS, FIN
 - Dr Bonnie Richardson-Lake, PS, HSD
 - Dr Aidan Harrigan, PS, FIN
 - Mrs Shona Proctor, Budget Director
 - Mrs Shantelle Richardson, Director of Economic Planning
 - Mrs Anthea Ipinson-Connor, Chief Project Officer
 - Ms Jamila Gumbs, Budget Director
 - Mr Perin Bradley, Comptroller, Inland Revenue
 - Mr Kiel Connor, Collections & Compliance Manager, IR
 - Mrs Sandra York-Gumbs, Financial/Administrative Services Manager, DICUH

EX MIN 15/605

CONFIRMATION OF THE MINUTES

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 23rd Meeting held on Thursday 22nd October 2015.

MATTERS ARISING FROM THE MINUTES

EX MIN 15/606

EX MIN 15/580 EX MEM 15/332 AUTHORISATION FOR PAYMENT OF INVOICES TO CHAMBERS

[note on publication: some details removed to protect personal and financial data]

Parliamentary Secretary remained in attendance.

Council agreed that EX MIN 15/580 of 15th October 2015 should be amended as follows:-

Parliamentary Secretary remained in attendance.

In EX MIN 15/165 of 12th March 2015, Council agreed that Anguilla should host the 2015 Attorneys General Conference which was held from 30 September to 2 October 2015.

Council:-

- (i) noted that the venue for the Conference was Paradise Cove;
- (ii) agreed that the sum of US\$5,040.00 should be paid to Paradise Cove for the rent of the Conference Room and provision of lunches and refreshment breaks for thirty (30) persons for the period 30 September to 2 October 2015; and
- (iii) agreed that all other invoices and expenses associated with the Conference should be paid.

Council additionally agreed that:-

- (i) Mrs Elizabeth Hinds should be retained for the purpose of prosecuting in the Criminal Assizes, with ancillary expenses including rent and flights;
- (ii) Mr Thomas Astaphan QC should be retained for the prosecution of CoP v LW, CoP v MB, CoP v RR, CoP v GR and CoP v EB; and
- (iii) the retainer for Mr John Benjamin QC be confirmed for the prosecution of CoP v SR and CoP v HH and SDS on 16 September 2015.

Council also agreed that, in relation to the settlement of civil cases against Government, that Executive Council's approval would still be necessary and maintained:-

- a) in order to approve settlement in principle based upon the merits, prospects and risks involved in the litigation; and
- b) the quantum of any settlement.

Council further agreed that Executive Council's approval remains necessary for the retention of external Counsel by the Attorney General's Chambers. Other more routine expenditure items not listed above would not need to come to Council for approval.

Action: HON AG; ACC GEN

EX MIN 15/607

EX MIN 15/584 EX MEM 15/336 STAFFING FOR THE PLACE OF SAFETY

Parliamentary Secretary remained in attendance.

Council agreed that EX MIN 15/584 of 15th October 2015 should be amended as follows:-

Parliamentary Secretary remained in attendance.

Further to EX MIN 15/450 of 30th July 2015, Council approved the institution of interim contracts for the persons currently working at the Place of Safety to include the following terms and conditions of service:-

- (i) appointment will be on a temporary basis for a five-month period;
- (ii) appointee will fit into a shift working system;
- (iii) salary at a monthly rate;
- (iv) coverage under the Government of Anguilla's medical insurance policy; and
- (v) appointment be subject to applicable policy and established procedures including provisions that mirror the relevant provisions of General Orders.

Council noted that the views of the Permanent Secretaries had been sought in relation to the proposed contractual arrangements and a favourable response had been given.

Council further approved the sum of EC\$25,840.00 per month, required to fulfil the contracts for the remainder of the year i.e. November & December 2015.

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

Action: PS, HSD; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 15/608

EX MIN 15/598 EX MEM 15/344 EXEMPTION FROM CUSTOMS DUTIES AND CHARGES – MUSICAL INSTRUMENTS IMPORTED FOR STUDENTS

[note on publication: this change reflected in minutes as published of 22 October]

Parliamentary Secretary remained in attendance.

Council agreed that EX MIN 15/598 of 22nd October 2015 should be amended to read:-

Ministerial Assistant, MHA and Ministerial Assistant, MICUHAF remained in attendance.

Council agreed that:-

- (i) musical instruments being imported for use in music programmes at the Albena Lake-Hodge Comprehensive School and other schools should be exempted from customs duties and charges once their importation had been endorsed by the relevant school and where appropriate, the Department of Education; and
- (ii) Customs Officials should provide an indication of the amount of custom duties paid on musical instruments imported into Anguilla over the last five (5) years.

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

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

EX MIN 15/609

EX MIN 15/601 EX MEM 15/347 RE-CATEGORISATION AND FILLING OF CHAMBERS SENIOR CROWN COUNSEL (CRIME) AS CROWN COUNSEL (CRIME)

[note on publication: this change reflected in minutes as published of 22 October]

Parliamentary Secretary remained in attendance.

Council agreed that EX MIN 15/601 of 22nd October 2015 should be amended to read:-

Ministerial Assistant, MHA and Ministerial Assistant, MICUHAF remained in attendance.

Council agreed that:-

- (i) a new post of Crown Counsel (Crime) should be created in the Attorney General's Chambers and filled; and

- (ii) funding for the new post should be paid from the personal emoluments budget which is to be increased to the extent of the salary of \$112,356. The professional and consultancy budget is to be reduced by the corresponding amount. This should reduce the total forward estimate for 2016 under Code 338 for Professional and Consultancy fees from EC\$1,741,687 to EC\$1,629,331 but increase Personal Emoluments at Code 310 from EC\$1,838.919 to EC\$1,951,275.

Council further agreed that the post of Senior Crown Counsel (Crime) would remain unfilled given the advice that three lawyers dealing with criminal matters was sufficient for current workloads. Future Executive Council approval would be required to change the structure of the criminal team. If then a decision was taken to fill the post of Senior Crown Counsel (Crime), it was envisaged that a post of Crown Counsel (Crime) would then be removed from the budget.

Action: HON AG; PS, PA; PS, FIN; PS, EDICTLP; BD

EX MIN 15/611

EX MEM 15/350 TO REVISIT THE DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN PARKSTONE INCORPORATED (FORMERLY SUNSET HOMES) AND GOVERNMENT OF ANGUILLA

Parliamentary Secretary remained in attendance. Mr Foster Rogers, PS, EDICTLP and Ms Marisa Harding-Hodge, TIO joined the Meeting.

Council considered the MoU between Parkstone Incorporated (formerly Sunset Homes) and the Government of Anguilla and agreed that:-

- (i) the annual levies assessed on Luxury Real Estate Products should remain at the standard rate offered to other developments of \$6.50 and \$5.00 out and in the rental pool respectively;
- (ii) customs duties should be waived for the period of construction, as adjusted, to encompass all phases for the duration of nine years;
- (iii) the customs administrative fee should be levied at the full rate of 5%, as this is simply a cost recovery measure and it is not Government's policy to lower or waive the administrative fee;
- (iv) following previous recommendations from the Attorney General's Chambers, that references to income tax should not be included in the MOU; and
- (v) customs duties should be waived on a stationary construction crane.

Action: PS, EDICTLP; TIO; PS, FIN; HON AG; COC; DLS

EX MIN 15/612

EX MEM 15/351 PAYMENT OF DEFERRED SALARY – MS A

[note on publication: names redacted to protect personal health information]

Parliamentary Secretary remained in attendance.

Council agreed that Mrs A, who is currently by the Anguilla Public Service should be paid her deferred salary of EC\$11,995.88 to assist her with costs associated with her medical conditions.

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

Action: PS, PA; PS, FIN; PS, EDICTLP; ACC GEN; PS, MHA

EX MIN 15/613

EX MEM 15/352 PAYMENT OF DEFERRED SALARY – MS B

[note on publication: names redacted to protect personal health information]

Parliamentary Secretary remained in attendance.

Council agreed that Ms B, who is currently employed by the Anguilla Public Service should be paid her deferred salary of EC\$11,654.33 to assist her with costs associated with her medical condition.

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

Action: PS, PA; PS, FIN; PS, EDICTLP; ACC GEN; DIR, INF & BROAD

EX MIN 15/614

EX MEM 15/353 PAYMENT OF DEFERRED SALARY – MRS C

[note on publication: names redacted to protect personal health information]

Parliamentary Secretary remained in attendance.

Council agreed that Mrs C, who is employed by the Anguilla Public Service should be paid her deferred salary of EC\$16,888.44 to assist her with costs associated with her medical condition.

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

Action: PS, PA; PS, FIN; PS, EDICTLP; ACC GEN; CFO (Ag.)

EX MIN 15/615

EX MEM 15/354 PAYMENT OF DEFERRED SALARY – MS D

Parliamentary Secretary remained in attendance.

Council agreed that Ms D, who is currently employed by the Anguilla Public Service should be paid her deferred salary of EC\$9,034.42 to assist her with costs associated with her dental condition.

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

Action: PS, PA; PS, FIN; PS, EDICTLP; ACC GEN; DDM

EX MIN 15/616

EX MEM 15/355 PAYMENT OF DEFERRED SALARY – MR E*[note on publication: names redacted to protect personal health information]*

Parliamentary Secretary remained in attendance.

Council agreed that Mr E, employed by the Anguilla Public Service, should be paid his deferred salary of EC\$61,491.22 to assist him to meet some of the costs associated with his brother's medical condition.

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

Action: PS, PA; PS, FIN; PS, EDICTLP; ACC GEN; PS, MHA/ENV

EX MIN 15/617

EX MEM 15/356 SOCIAL PROTECTION BOARD

Parliamentary Secretary remained in attendance.

Council:-

- (a) agreed that the following persons should serve on the Social Protection Board:-
- 1) Mr. Sanford Richardson - Chairperson as stipulated in the Act and with expertise in Social Work;
 - 2) Mr. Calvert Carty - formerly the Chairperson of the Poor Law Board, with expertise in labour and a member of an NGO;
 - 3) Ms. Ojeda Vanterpool - Youth and expertise in law;
 - 4) Ms. Shantelle Richardson - Youth and expertise in Finance; and
 - 5) Mrs Alma Hughes - Expertise in Health
- (b) agreed that a monthly stipend of EC\$500.00 should be paid to each member with the exception of Mr Sanford Richardson, Commissioner of Social Development/Chairperson; and
- (c) noted that budgetary provisions had already been made, as members of the Poor Law Board were being paid a stipend before the enactment of the Social Protection Act, and that the Poor Law Board was now replaced by the Social Protection Board.

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

Action: PS, HSD; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 15/618

EX MEM 15/357 FILLING THE VACANT POSTS OF PRISON OFFICER – OCTOBER 2015

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that the staffing complement at HM Prison had been adversely impacted by a number of recent resignations, as well as the need to cover vacation time and sick leave;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of two (2) vacant Basic Grade Officer posts at HM Prison and that a favourable response had been given;
- (iii) additionally noted that budgetary provisions had already been made for the posts; and
- (iv) agreed that the two (2) vacant Basic Grade Officer posts at HM Prison should be filled.

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

Action: PS, HSD; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN; SOP

EX MIN 15/619

EX MEM 15/358 GOA 2011 AUDITED ACCOUNTS

Parliamentary Secretary remained in attendance.

Council:-

- (i) approved the 2011 Audited Accounts for the GoA; and
- (ii) authorised the Hon Chief Minister/Finance to table the document at the next Meeting of the House of Assembly on Tuesday 3rd November 2015 for formal consideration.

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

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

EX MIN 15/620

EX MEM 15/359 REVIEW OF PROPOSED FDI PROJECTS IN ANGUILLA

Parliamentary Secretary remained in attendance. PS, EDICTLP and TIO remained for discussion.

Council agreed the Corporate Reports as attached for the following:-

- 1) Sundance Cove Properties
- 2) MJR Holdings Foundation
- 3) Banyan LLC

Council further agreed that, in future when similar documents are being presented to Executive Council, a summary to include the location of property, identification of developer/ownership and any other relevant details should be attached to the documents for Executive Council's consideration.

Action: PS, EDICTLP; TIO; DLS

EX MIN 15/621

EX MEM 15/360 TWELFTH (12TH) ANGUILLA ELECTRICITY COMPANY (ANGLEC) ANNUAL GENERAL MEETING – VOTING DIRECTIVES AND INSTRUCTIONS

Parliamentary Secretary remained in attendance. Dr Wycliffe Fahie, PAS, FIN and Mr Larry Franklin, PS, MICUH joined the Meeting.

Council:-

- (i) authorised Dr Wycliffe Fahie, PAS, Finance to attend the next Annual General Meeting of ANGLEC to be held on 29th October 2015 and vote the Government of Anguilla shares in accordance with the Executive Council's directives on this matter;
- (ii) agreed that if the PAS, Finance is unavailable to attend the meeting, a public officer should be authorised by the Hon Minister, MICUHAF to attend the meeting and vote the GoA shares in accordance with the Executive Council directives;
- (iii) instructed its authorised representative to sanction a dividend;
- (iv) instructed its authorised representative to vote to appoint the following three (3) nominees to serve on ANGLEC's Board of Directors:-
 - 1) Mr Harold Ruan
 - 2) Ms Dawnette K. Gumbs
 - 3) Mr Erville Hughes
- (v) instructed its authorised representative to support the re-appointment of the incumbent Auditors, PricewaterhouseCoopers as the ANGLEC's Auditors; and
- (vi) agreed to consider options for more equitable shareholder representation.

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

Action: PS, MICUH; PAS, FIN; PS, FIN; PS, EDICTLP

EX MIN 15/622

EX MEM 15/361 FURTHER EXTENSION OF THE INTERIM SOLID WASTE CONTRACTS – OCTOBER 2015

Parliamentary Secretary remained in attendance.

Council:-

- (i) agreed to the extension of the interim contracts for both Collection and Disposal which would otherwise expire at the end of October 2015, until 31st May 2016;
- (ii) agreed that the PS, HSD should be held accountable for the timely procurement of the Solid Waste Contracts; and
- (iii) mandated the PS, HSD to present to Executive Council a clear work plan on the way forward on Thursday 12th November 2015 for its consideration.

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

Action: PS, HSD

EX MIN 15/623

EX MEM 15/362 ON AMENDING THE INTERNATIONAL COOPERATION (TAX INFORMATION EXCHANGE AGREEMENTS) ACT

Parliamentary Secretary remained in attendance. Mr Perin Bradley, Comptroller, Inland Revenue joined the Meeting.

Council authorised:-

- (i) the Hon Chief Minister/Finance to issue drafting instructions to the Attorney General's Chambers to make the appropriate amendments to the IC (TIEA) Act; and
- (ii) the drafting of Regulations to give effect to the aforementioned Agreements.

Action: HON CM; HON AG; CIR; PS, FIN; PS, EDICTLP; PAS, FIN; ACC
GEN

ORAL MENTION

EX MIN 15/625

EX MIN 15/604 EX MEM 15/340 DRAFT 2016 BUDGET AND FORWARD ESTIMATES (2017 – 2018) FOR NEW SPENDING AND SAVINGS OPTIONS FOR RECURRENT EXPENDITURE AND RECURRENT REVENUE & CAPITAL BUDGET

Parliamentary Secretary remained in attendance. PS, EDICTLP, PS, MICUH and PAS, FIN remained for discussion. The following persons joined the Meeting:-

Dr Bonnie Richardson-Lake, PS, HSD
 Dr Aidan Harrigan, PS, FIN
 Mrs Shona Proctor, Budget Director
 Mrs Shantelle Richardson, Director of Economic Planning
 Mrs Anthea Ipinson-Connor, Chief Project Officer
 Ms Jamila Gumbs, Budget Director
 Mr Perin Bradley, Comptroller, Inland Revenue
 Mr Kiel Connor, Collections & Compliance Manager, IR
 Mrs Sandra York-Gumbs, Financial/Administrative Services Manager, DICUH

Further to EX MIN 15/604 of 22nd October 2015, Council approved the 2016 Capital Budget and received an update on the 2016 Recurrent Revenue Budget. Further updates of the Recurrent Estimates would be provided at a subsequent Meeting of Executive Council.

Action: PS, FIN; PS, EDICTLP; OTHER PERM SECS; BD; CPO; DM

EX MIN 15/626

LETTER FROM GLOBAL GREEN ENERGY, LTD.

Parliamentary Secretary remained in attendance.

Council noted an undated letter to the Hon Chief Minister from Mr Charles R. Carroll, CEO of Global Green Energy, Ltd. (GGE Ltd.) pertaining to the Solid Waste and Landfill Management system in Anguilla.

Council agreed that further information and views should be sought from technical persons in Government prior to meeting with officials of GGE Ltd.

Action: PS, MICUH; PS, HSD; PS, EDICTLP; MINS OF GOV'T

EX MIN 15/627

OVERSEAS TRAVEL

Council was informed of the following dates of travel:-

- | | | |
|-------------------------------|---|--|
| 1) HE The Governor | - | 30 October – 4 November, UK -
official business |
| 2) Hon Minister of Social Dev | - | 4 November – 8 November, Cayman
Islands - familiarisation visit to
Health City |

Action: EXCO MEMBERS
