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MINUTES OF THE 51ST MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 2ND JUNE 2016

PRESENT: Her Excellency the Governor, Ms Christina Scott

The Honourable Evans Rogers, Minister of Health and Social Development and Acting Chief Minister

The Honourable Acting Deputy Governor, Mr Perin Bradley

The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration, Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and Information and Broadcasting

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
Mrs Lynne Smith, DLS (Acting)
Mrs Chanelle Petty-Barrett, PS, ELSYC
Mr John McKendrick QC, Attorney General Designate as an observer

ABSENT: The Honourable Victor Banks, Chief Minister and Minister of Finance, Economic Development, Commerce, Tourism, Lands & Physical Planning

The Honourable Curtis Richardson, Minister of Infrastructure, Communications, Utilities, Housing, Agriculture and Fisheries and Information Technology

EX MIN 16/324 **CONFIRMATION OF THE MINUTES**

Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA joined the Meeting.

Council agreed that the Minutes of the 50th Meeting held on Thursday 26th May 2016 and the Minutes of a Special Meeting held on Monday 30th May 2016 should be deferred to the next Meeting of Executive Council to be held on Thursday 9th June 2016.

EX MIN 16/325

INTRODUCTION OF ATTORNEY GENERAL DESIGNATE FOR ANGUILLA

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

HE The Governor introduced Mr John McKendrick QC, Attorney General Designate for Anguilla to Members of Executive Council. Mr McKendrick will replace Mr Rupert Jones as Attorney General for Anguilla. Council noted that Mr Jones' contract concludes in August 2016 and that Mr McKendrick was expected to formally assume the post of Attorney General from 1st September 2016. He was in Anguilla on a familiarisation visit and remained in Council as an observer.

Action: EXCO MEMBERS

EX MIN 16/326

EX MIN 16/301 EX MEM 16/168 CONSULTATION ON (A) THE JUSTICE PROTECTION ACT; (B) THE ANGUILLA POLICE AMENDMENT ACT

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Further to EX MIN 16/301 of 26th May 2016, Council agreed that consultation on the Anguilla Police Amendment Act 2016 should proceed and that it should be published in the Official Gazette. Council further agreed that the Hon Attorney General should write to the Bar Association inviting their comments on the Act.

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

Action: HON AG; COP; CL, HOA

EX MIN 16/327

EX MEM 16/195 MAX JESSURUM (US LICENSED COMMERCIAL PILOT) REQUEST TO PERFORM AERIAL FILMING

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Council agreed that a letter should be written and signed by the Chief Surveyor to grant permission for a US Film Company to perform over flight and visual product capture of Anguilla from 16 – 20 May 2016.

Action: PS, EDICTLP; DLS; CS; PS, FIN; AIR MAN; PS, MICUHAFIT

EX MIN 16/328

EX MEM 16/196 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ANGUILLAN DEVELOPMENT CORPORATION LTD – REGISTRATION SECTION WEST CENTRAL, BLOCK 28110 B, PARCEL 52, CONTAINING 0.80 ACRE

Ministerial Assistant to the Hon Minister, MHA remained in attendance. Mrs Lynne Smith, DLS (Acting) joined the Meeting.

Council agreed that an Aliens Land Holding Licence should be issued to Anguillan Development Corporation Ltd., to hold, on a freehold basis, property described as Registration Section West Central, Block 28110 B, Parcel 52, containing 0.80 of an

acre of land, located at Merrywing, for tourism use, with building thereon, subject to the following:-

(a) Payment of the following fees:-

(i) Stamp Duty on Licence @ 12.5% of EC\$1,344,100.00	EC\$168,012.50
(ii) Stamp Duty on transfer @ 5% EC\$1,344,100.00	<u>EC\$ 67,205.00</u>
TOTAL	<u>EC\$235,217.50</u>

(b) the Ministry of Lands pursues the collection of outstanding monies due and owing to the Government of Anguilla for Stamp Duty payment on the transfer of remaining Parcel to ADC (i.e. Parcel 81 on Block 28110 B, in Registration Section West Central); and

(c) all new licences for properties which formed part of the former Flags freehold sales program should have a Clause included which stipulates that the Licencee is to complete construction within four (4) years.

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

Action: PS, EDICTLP; PS, FIN; DLS (Acting)

EX MIN 16/329

EX MEM 16/197 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ANGUILLAN DEVELOPMENT CORPORATION LTD – REGISTRATION SECTION WEST CENTRAL, BLOCK 28110 B, PARCEL 65, CONTAINING 0.50 ACRE

Ministerial Assistant to the Hon Minister, MHA remained in attendance. DLS (Acting) remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Anguillan Development Corporation Ltd., (“ADC”) to hold, on a freehold basis, property described as Registration Section West Central, Block 28110 B, Parcel 65, containing 0.50 of an acre of land, located at Merrywing, for tourism use, with building thereon, subject to the following:-

(a) Payment of the following fees for Parcel 65:-

(i) Stamp Duty on Licence @ 12.5% of EC\$860,224.00	EC\$107,528.00
(ii) Stamp Duty on transfer @ 5% EC\$860,224.00	<u>EC\$ 43,011.20</u>
TOTAL	<u>EC\$150,539.20</u>

- (b) the Ministry of Lands pursues the collection of outstanding monies due and owing to the Government of Anguilla for Stamp Duty payment on the transfer of remaining Parcel(s) to ADC; and
- (c) all new licences for properties that formed part of the former Flags freehold sales program should include a Clause stipulating that construction should be completed within four (4) years.

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

Action: PS, EDICTLP; PS, FIN; DLS (Acting)

EX MIN 16/330

EX MEM 16/198 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Council agreed that the following nineteen persons should be granted the Permit of Permanent Residence in accordance with Section 24 of the Immigration and Passport Act as per attached list.

Action: PS, IMM; LAB COM; CIO

EX MIN 16/331

EX MEM 16/199 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Council agreed that the following eighteen persons should be granted the Permit of Permanent Residence in accordance with Section 24 of the Immigration and Passport Act as per attached list.

Action: PS, IMM; LAB COM; CIO

EX MIN 16/332

EX MEM 16/200 MASTER PLAN FOR THE ALBENA LAKE-HODGE COMPREHENSIVE SCHOOL

Ministerial Assistant to the Hon Minister, MHA remained in attendance. Mrs Chanelle Petty-Barrett, PS, ELSYC joined the Meeting.

Council granted approval for the Ministry of Social Development (Education) to proceed with the project for the Master Plan to redevelop the ALHCS on the grounds that education delivery is being compromised by the state of the physical

infrastructure and it is more prudent to invest in the development of an entirely new school rather than continuing to revamp and repurpose existing infrastructure.

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

Action: PS, ELSYC; CEO; PS, FIN; PS, EDICTLP; BD; CPO

EX MIN 16/333

EX MEM 16/201 ESTABLISHMENT OF AN EXAMINATION CENTRE

Ministerial Assistant to the Hon Minister, MHA remained in attendance. PS, ELSYC remained for discussion.

Council endorsed the need for the establishment of the Rodney Rey Auditorium as an examination centre on the basis that appropriate provision must be made for students to sit their examinations.

Council agreed that it was necessary to have a wider discussion with the PS, ELSYC, the Chief Project Officer, PS, MICUHAFIT and other finance officials concerning sourcing funds to enable this project to proceed and the implications of this for other planned projects in the 2016 Budget. The discussion would enable officials to consider the prioritisation of projects i.e. the current state of projects; what projects are currently on the way; what sums have been committed to and those remaining, and what could be progressed or delayed.

Action: PS, ELSYC; CEO; ESP; PS, FIN; PS, EDICTLP; CPO; BD; PS, MICUHAFIT

EX MIN 16/334

EX MEM 16/202 BUDGET FOR ANGUILLA SUMMER FESTIVAL 2016

Ministerial Assistant to the Hon Minister, MHA remained in attendance. PS, ELSYC remained for discussion.

Council acknowledged that the Anguilla Summer Festival was Anguilla's main cultural showcase. Council noted the large amount still owing for outstanding bills for the 2015 festival.

Ministers of Government expressed the view that the GoA was obligated to ensure that the Anguilla Summer Festival takes place. With this in mind, Council agreed that the MFEDICT should allocate an additional EC\$600.000 to support the Anguilla Summer Festival 2016.

HE The Governor noted that this additional sum was not budgeted for in the 2016 Budget, and that the advice provided to Council did not make clear from where these funds would be sourced.

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

Action: PS, ELSYC; DIR, Y & C; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/335

EX MEM 16/203 ESTABLISHMENT OF DOVE CENTRE II

Ministerial Assistant to the Hon Minister, MHA remained in attendance. PS, ELSYC remained for discussion.

Council noted that the DOVE Centre at the Alwyn A. Richardson Primary School catered to students with multiple and profound disabilities and that the Centre was

currently at capacity because of the closure of the Blossom Centre which provided these specialised services, and the growing population of children in need of such services.

Council therefore approved the establishment of the Dove Centre II on the grounds that:-

- (i) there is a duty to provide educational opportunities to all children;
- (ii) the existing Centre cannot adequately accommodate all children in need of its specialist services; and
- (iii) the effectiveness of the programme at the Centre is being compromised by the existing circumstances.

Action: PS, ELSYC; CEO; ESP; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/336

EX MEM 16/204 NEXT STEPS AS REGARDS SUPPORT FOR DRAG RACING

Ministerial Assistant to the Hon Minister, MHA remained in attendance. PS, ELSYC remained for discussion.

Council noted the background information on the drag racing sport, and agreed that:-

- (i) the Department of Environment in the Ministry of Home Affairs should carry out the necessary research to inform the Environment Management Plan (EMP);
- (ii) the Attorney General's Chambers should prepare the necessary legislative amendment to the Vehicle and Road Traffic Act to legalise drag racing on the proposed race track, following drafting instructions being provided by the Ministry of Home Affairs;
- iii) the Attorney General's Chambers should advise on:-
 - a) whether, in regard to liability issues in relation to construction and operation of the race course and relevant facilities, it would be more prudent to lease the proposed property or enter into a Memorandum of Understanding (MOU) with Anguilla Motor Sports with regard to development; and
 - b) whether it is imperative for an insurance policy to be in effect at this time prior to execution of any of the above documents or when the facility is ready for operation.

Action: PS, ELSYC; HON AG; DIR, Y & C; PS, MICUHAFIT; DIR, ENV; PS, FIN; PS, EDICTLP; COP; PPO

EX MIN 16/337

EX MEM 16/205 FILLING THE VACANT POST OF JUVENILE CARE WORKER DUE TO PROMOTION

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Council:-

- (i) noted that a Juvenile Care Worker (JCW) at Zenaida Haven, the Juvenile Rehabilitation Centre had recently been promoted to the post of Senior Juvenile Care Worker, resulting in a vacant JCW post;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given;
- (iii) additionally noted that budgetary provisions were already in place for the post; and
- (iv) agreed that the vacant post of Juvenile Care Worker at Zenaida Haven, 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

EX MIN 16/338

EX MEM 16/206 FILLING THE POST ENVIRONMENTAL HEALTH OFFICER DUE TO PROMOTION

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Council:-

- (i) noted that an Environmental Health Officer (EHO) in the Department of Environmental Health was recently promoted to the post of Senior Environmental Health Officer, resulting in a vacant EHO post;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given;
- (iii) additionally noted that budgetary provisions were already in place for the post; and
- (iv) agreed that the vacant post of Environmental Health Officer in the Department of Environmental Health 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

ORAL MENTION

EX MIN 16/340

PRIORITY TRAINING AREAS

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Council agreed that the PS, Public Administration should be asked to recirculate the priority training areas to Executive Council for consideration.

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

Action: PS, PA

EX MIN 16/341

OVERSEAS TRAVEL

Ministerial Assistant to the Hon Minister, MHA remained in attendance.

Council was informed of the following dates of travel:-

- 1) Hon Minister of Social Dev. - 3 – 7 June, APANY functions, NY
- 2) Hon Attorney General - 7 – 10 June, CFATF Meeting, Jamaica

Action: EXCO MEMBERS
