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MINUTES OF THE 59TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 28TH JULY 2016

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 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 Nicola Webster, Clerk to Executive Council (Ag)

IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Mr Kenneth Hodge, PAS
Ms Anthea Ipinson, CPO
Mrs Shona Proctor, BD
Mr Steve McCready, GCSO
Mr Leslie Hodge, DLS

ABSENT: The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Evans Rogers, Minister of Health and Social Development

Mrs Jewelle Fleming, Clerk to Executive Council

EX MIN 16/447 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 58th Meeting held on Thursday 21st July 2016.

MATTERS ARISING FROM THE MINUTES

EX MIN 16/448 None

EX MIN 16/449

EX MEM 16/275 WORK PERMITS FOR CAP JULUCA

Hon Parliamentary Secretary remained in attendance.

Council agreed that, in light of the ongoing discussions with owners of Cap Juluca Hotel and the GoA to resolve all of the outstanding administrative matters and, in light of the fact that Cap Juluca continues to operate, the work permit applications for the following persons to be employed at Cap Juluca Hotel should be approved:

- (i) Russel Alexander Mitchell - Tailor/Upholsterer
- (ii) Edgerton Arcado Edrum - Plumber/Maintenance
- (iii) Mamadou Samb- Engineering Technician

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

Action: PS, MHA/IMM; LAB COM; CIO

EX MIN 16/450

EX MEM 16/276 ANGUILLA AIR AND SEA PORTS AUTHORITY ACT (AMENDMENT) REGULATIONS 2016

Hon Parliamentary Secretary remained in attendance.

Council:-

- (i) noted the request for the amendment and definition of the land limits of the Clayton J. Lloyd International Airport and the Seaport of Blowing Point;
- (ii) approved the laying of the Regulations before the House of Assembly in accordance with Section 86(8) of the Anguilla Air and Sea Ports Authority Act subject to:-
 - (a) clarification from officials as to why Road Bay Port was omitted from the request;
 - (b) the Attorney General checking the status on other regulations in the Caribbean and providing advice; and
 - (c) the Attorney General's Chambers drafting the amendment based on appendix 1.

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

Action: PS, MICUHAF; CEO, AASPA; HON AG

EX MIN 16/451

EX MEM 16/277 AMENDMENT TO PENSIONS ACT, REVISED
STATUTES OF ANGUILLA, CHAPTER P20, SCHEDULE 2 (SECTION 27
(8)) – INVESTMENT OF THE PUBLIC SERVICE PENSION FUND

Hon Parliamentary Secretary remained in attendance.

Council:-

- (i) noted the request to amend Schedule 2 (1) (Section 27 (8)) of the Pension Act to make provision for the Public Service Pension Fund to diversify its investments through the grant of loans to contributors, commencing 1 September 2016.
- (ii) agreed that the proposed time frame was not realistic as the proposed amendments had not been drafted and public consultations had not been carried out;
- (iii) noted that there exists no legislation in Anguilla providing for the effective regulation of either (a) pension schemes or (b) the operation of entities providing loans to the public, and therefore requested further advice from officials on how to provide improved safeguards to investors and borrowers;
- (iv) agreed, in light of (iii), that the proposed operational policy for the Public Service Pension Fund Loan Facility as outlined in appendix 1 of EX MEM 16/277, should be included as a schedule to the amended Act; and
- (v) asked the Attorney General's Chambers to draft the necessary amendment to the Act and associated schedule prior to Council approval and consultation.

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

Action: HON DG; PS, PA; PO;

EX MIN 16/452

EX MEM 16/278 PROPOSAL FOR ERECTING PROPER SIGNAGE AT THE
JAMES RONALD WEBSTER PARK

Hon Parliamentary Secretary remained in attendance. Mr Kenneth Hodge, PAS, MHA joined the meeting.

Mr Hodge on behalf of the Anguilla National Celebrations Committee briefed Council on the proposal to construct of enhanced signage at the James Ronald Webster Park to coincide with the observance of the 50th Anniversary of the Anguilla Revolution.

Council noted the background information and:-

- (i) supported the next stage of planning, which would involve a public consultation on the proposed design; and
- (ii) suggested exploring the possibility of persons in the community making a

contribution to the costs of construction. .

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

Action: PS, MHA, PAS, MHA;

EX MIN 16/453

EX MEM 16/279 PROPOSAL FOR AN INTERNATIONAL SCULPTURE SYMPOSIUM IN HONOUR OF THE 50TH ANNIVERSARY OF THE 1967 REVOLUTION

Hon Parliamentary Secretary remained in attendance. Mr Kenneth Hodge, PAS MHA also remained in attendance.

Mr Hodge briefed Council on the proposal submitted by The First Anguilla Sculpture Symposium Ltd. for an International Sculpture Symposium in 2017 in honour of the 50th Anniversary of the Anguilla Revolution.

Council agreed that the project was an interesting one but that the Government was not prepared to meet the high costs envisaged (some US\$75k). Council therefore suggested that the Anguilla National Celebrations Committee consider whether a more localized approach might reduce costs and better involve local artists in creating sculptures to mark the important anniversary.

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

Action: PS, MHA, PAS, MHA;

EX MIN 16/454

EX MEM 16/280 PAYMENT OF DEFERRED SALARY – MS A

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

Hon Parliamentary Secretary remained in attendance.

Council agreed that Ms A, who is employed at the Department of Probation, should be paid part of her deferred salary in the sum of EC\$20,377.00 to assist her with costs associated with her medical condition.

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

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

EX MIN 16/455

EX MEM 16/281 PAYMENT OF DEFERRED SALARY – MS A

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

Hon Parliamentary Secretary remained in attendance.

Council agreed that the paper should be deferred pending further clarification on the costs associated with Ms A' medical condition.

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

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

EX MIN 16/456

EX MEM 16/282 REQUEST FOR EXTENSION OF TIME TO BUILD – ALIEN LAND HOLDING LICENCE – GOBLINS RETREATS LLC (REGISTRATION SECTION: WEST END; BLOCK: 18011 B; PARCEL 88; CONTAINING 1.63 ACRES)

Hon Parliamentary Secretary remained in attendance. Mr Leslie Hodge (DLS) joined the meeting.

The Honourable Minister of Home Affairs declared an interest and absented herself from the discussion.

Council agreed to grant an extension of time for a further thirty-six (36) months (that is until 17 November 2018) to Goblins Retreats LLC, an Aliens Land Holding Licence (ALHL) Holder (the ‘Applicant Company’) subject to the following conditions:

- (i) Goblins Retreats LLC is hereby required to begin and complete construction of the development within the said thirty-six (36) months from the date of execution of the enclosed Agreement;
- (ii) Goblins Retreats LLC is hereby requested to pay a non-refundable deposit in the sum of EC\$15,000.00/US\$5,579.94 for failure to complete the project within the stipulated timeframe in accordance with Aliens Land Holding Licence granted on 15 November 2012;
- (iii) after said thirty-six (36) months a penalty of EC\$3,500.00 for each calendar month or part thereof that the project remains uncompleted, shall apply to said Deposit;
- (iv) on breach of any condition in the Licence and/or this Agreement to hold land and/or failure to complete a project within the stipulated timeframe, the estate and interest of the alien in the land held under the authority of the licence shall be liable to be forfeited to the Crown without further notice; and
- (v) that the above terms are reflected in the enclosed Supplementary Conditions to the Licence Agreement for EDICTLP, within 15 working days.

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

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/457

EX MEM 16/283 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – GERTIE BERNICE MERRITT – REGISTRATION SECTION: WEST END; BLOCK: 17810 B; PARCEL 201/SL F103

Hon Parliamentary Secretary left the meeting.

Council agreed that an Aliens Land Holding Licence to Gertie Bernice Merritt to hold on a freehold basis a luxury condominium unit of approximately 494 sq.ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd. a Condominium development at Viceroy, Anguilla described as Registration Section West End, Block 17810 B, Parcel 201/SL F103, subject to the following:-

(a) Payment of the following fees:

(i) under the Stamp Act – 5% of EC\$1,076,624.00.	EC\$53,831.21
(ii) under the Aliens Land Holding Regulation Act – 12.5% of EC\$1,076,624.00	Exempted
TOTAL	EC\$53,831.21

(b) Regulations to be issued for Exemption.

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

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/458

EX MEM 16/284 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – OMARI YERO BOURNE – REGISTRATION SECTION WEST CENTRAL, BLOCK 28311B, PARCEL 374, CONTAINING 0.26 OF AN ACRE

Mr Leslie Hodge - DLS remained in attendance

Council agreed that an Aliens Land Holding Licence to Omari Yero Bourne, to hold, on a freehold basis, 0.26 of an acre of vacant land described as Registration Section West Central, Block 28311 B, Parcel 374, located at Spring Path to construct a dwelling house thereon, subject to the following:-

(a) Payment of the following fees:

(i) under the Stamp Act – 5% of EC\$48,387.60	EC\$2,419.38
(ii) under the Aliens Land Holding Regulation Act – 12.5% of EC\$48,387.60 24.00	Waived
(iii) Refundable Deposit of 10% of EC\$48,387.60	Waived

TOTAL-----
EC\$2,419.38
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- (b) With the express condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house unless an application is made and written permission is obtained from the Ministry of Finance Economic Development, Investment, Commerce Tourism Lands and Surveys and Physical Planning (FEDICTLP).
- (c) Regulations to be issued for Exemption.

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

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/459

EX MEM 16/285 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Council agreed that the following persons should be exempted from the requirement of a work permit in accordance with Section 3 (g) of the Control of Employment Act:-

1. Edward Mejia Castillo Mr. Mejia Castillo is a national of the Dominican Republic. He attended the ALHCS from September 2005 to July 2007. From 2010, Mr. Mejia Castillo has been issued a work permit exemption to work as a Plumber with Evcon Limited. That work arrangement has now ended and Mr. Jose Valera of South Hill, Anguilla, wishes to hire Mr. Mejia Castillo as a Labourer in his Recycling Company.

2. Kadisha Cupid Ms. Cupid is a national of St. Vincent who has lived in Anguilla for the last nine years. Ms Cupid attended ALHCS from 2007-2014. Ms. Cupid lives in Anguilla with her mother and a younger brother. The breadwinner of the family, Horace Cupid, passed away in 2012. Ms. Cupid needs to work to assist with family responsibilities. She has been a recipient of a work permit exemption since 2015 with LIME. FLOW, now wishes to continue to employ Ms. Cupid as Back Office Support.

3. Jermila Monique Morson Ms. Morson is a national of the United States. She lived in Anguilla in excess of five years, but was home schooled until 2003. Consequently,

her name does not appear in any of the Primary Schools records. She attended the ALHCS from 2003-2006 (ages 12-15) and then moved to the United States to complete her Secondary Education. Ms. Morson's documents show that Ms. Veda Belceta Richardson Frazier of Sandy Ground, Anguilla, Ms. Morson's grandfather, is a born citizen of Anguilla and that both of her parents are Belongers of Anguilla. The Anguilla Electricity Company, ANGLEC, advertised the position of PRO and after interviews Ms. Morson was the successful applicant. Ms. Morson is the holder of a Bachelor of Arts in English/Journalism and a Masters in Managerial Communication. An exemption from the work permit requirement is therefore being sought by ANGLEC for Ms. Morson.

4. Kemoloy Jessica Murphy

Ms. Murphy is a national of Jamaica. Ms. Murphy has lived and worked in Anguilla for the last 10 years. She worked for Roy's for nine years. Last year Ms. Murphy received a job as Guest Services Attendant at Anacoana Boutique Hotel. Ms. Murphy is a student at University of the West Indies Open Campus since 2011 and has completed sixteen 3 credit courses to date. Ms. Murphy was the recipient of a work permit exemption in 2015.

5. Maikel King Antonio

Mr. King Antonio is a national of Dominican Republic. He has been living in Anguilla for the last eleven years (from age 9). He attended Vivien Vanterpool Primary School from September 9, 2005 to July, 2008. He then moved on to the ALHCS and graduated in 2013. Mega Savers has advertised the position of Floor Supervisor and Mr. Antonio is the successful applicant. Consequently and exemption from the work permit requirement is being sought.

6. Samantha Patricia Johnson

Ms. Johnson is a national of Jamaica. Ms. Johnson attended ALHCS from September 2005 to July 2010. She was employed by Best Buy Long Path as a Kitchen Helper and received a work permit exemption for this post. She has since left that job and is to be employed by Edwin Nichols of Cauls Bottom as a Domestic Helper. Consequently, a work permit exemption is being sought.

7. Kirmani Lloyd Honore Mr. Honore is a national of Dominica. He has lived in Anguilla since the age of seven (7). Mr. Honore completed his Primary, Secondary and CAPE studies in Anguilla. In 2013 he graduated from sixth form. Mr. Honore has been offered a job at Island Time EBIZ Consulting Limited as Sales and Marketing Director. Consequently, an exemption from the work permit requirement is being sought.
8. Jomal Cean McBean Ms. Mcbean is a national of Guyana. Ms Mcbean attended the ALHCS from January 2005 to July 2010. From 2011, Mr. Mcbean received a job at Dolce Vita as cook and then latter that season became Chef at the same establishment. His job letter speaks of his hard work, loyalty, dedication, organizational skills and honesty. For these reasons the Management wishes to keep Mr. Mcbean employed and is requesting that he be given an exemption from the work permit requirement.
9. Leslie Cedric Nanton Mr. Nanton is a national of Canada. He is currently residing in Anguilla with his wife, Dr. Vonetta George, the Surgeon at the Princess Alexandra Hospital. Mr. Nanton, last year, took out a self-employed work permit as an entertainer. However, based on the criteria developed, spouses of persons who work in Essential Services may be eligible for the work permit exemption. Given that Mr. Nanton was self-employed and his work is based on a personal talent there was no need for an advertisement.

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

Action: PS, MHA; LAB COM; CIO

EX MIN 16/460

EX MEM 16/286 MAGISTRATE'S CODE OF PROCEDURE AMENDMENT) BILL, 2016 PUBLIC CONSULTATION

Council approved the Magistrate's Code of Procedure (Amendment) Bill 2016 to be published for public consultation so the views of interested parties can be obtained.

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

Action: HON AG

EX MIN 16/462

EX MEM 16/288 2016 CAPITAL BUDGET: PRIORITISATION OF PROJECTS FOR IMPLEMENTATION

Ms Anthea Ipinson, CPO, Mrs Shona Proctor, BD and Mr Steve McCready, Governor's Chief of Staff joined the Meeting:-

Ms. Anthea Ipinson, Chief Project Officer briefed Council on the 2016 Capital Budget: Prioritisation of Projects for Implementation

Council:-

- (i) approved the below list of Priority Capital Projects for implementation subject to the availability of funds and in an order to be determined by the Ministry of FEDICT; and

EXISTING COMMITMENTS	PENDING COMMITMENTS	URGENT ASSET ACQUISITION	FACILITATE GoA BUSINESS	MAJOR PROJECTS (2017)
Land Acquisition TSDP – Completion of Amerindian Centre Tax Reform K9 Housing STEPS Survey IT Network Upgrade	CXC Electronic Examinations FATCA	School Furniture DOVE Centre Equipment Customs Vehicle (K9 Unit & Operations) Health Services Development (Equipment for Health Authority)	Minor Education Projects Post Office Generator House Immigration Scanners (to be costed)*	Anguilla Community College (completion) Fire Station & Air Traffic Control Facility (completion)
EC\$3,342,277	EC\$513,820	EC\$696,510	EC\$350,000	EC\$3,647,000

- (ii) mandated that project managers must seek the prior approval of the Ministry of FEDICT prior to committing the Government of Anguilla to any financial arrangements, irrespective of whether a balance of funds is shown on project accounts or if there is past Executive Council approval endorsing project activities.

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

Action: PS, FIN; PS, EDICTLP; BD; CPO; GCOS; DLS; PS, ELSYC; PS, HSD; PS, MHA; PS, MICUHAF; D, DITES; CIO; CIR; COC; PMG;

EX MIN 16/464

EX MEM 16/290 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – SHARPE MANAGEMENT ASSOCIATION LTD. (REGISTRATION SECTION: EAST END; BLOCK: 99519 B; PARCEL 72; CONTAINING 1.00 OF ACRE)

Mr Leslie Hodge - DLS remained in attendance

Council agreed that an Aliens Land Holding Licence to Licence to Sharpe Management Associates, LTD. to hold, on a freehold basis, 1.00 acre of land, described as Registration Section East End, Block 99519 B, Parcel 72, with a dwelling house and two (2) single units thereon, located at Junks Hole, on the grounds that the Applicant Company reasons for requesting an exception to Government’s policy on restricting Aliens to purchasing no more than half an acre are justifiable, subject to the following:

(a) The payment of the following Stamp Duty fees:

(i) under the Stamp Act – 5%	
of EC\$3,629,070.00	EC\$181,453.50
(ii) under the Aliens Landholding	
Regulation Act – 12.5%	
of EC\$3,629,070.00	EC\$453,633.75

TOTAL	EC\$635,087.25
	=====

(b) The explicit condition that the land is to be used for residential purposes and that the Licencees must not rent their dwelling house unless an application is made and written permission is obtained from the Ministry of Economic Development, Investment, Trade, Commerce and Tourism, Lands and Surveys and Physical Planning (EDICTLP).
