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MINUTES OF THE 62ND MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 18TH AUGUST 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 Deputy Governor, Mr Perin Bradley
- The Honourable Evans Rogers, Minister of Health and Social Development
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture and Fisheries and Information Technology
- The Honourable Attorney General, Mr Ivor Greene
- Mrs Nicola Webster, Clerk to Executive Council (Ag)
- IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
Mr Leslie J Hodge, Director, Lands and Surveys
Mr Kiel Connor, Comptroller, Inland Revenue
Mrs Chanelle Petty Barrett, PS ELSYC
Mrs Dawn Reid, Education Services Planner
Mrs Hyacinth Bradley, Community Services Planner
Mr Timothy Hodge, Director, Social Security Board
- ABSENT: The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and
Information and Broadcasting
- Mrs Jewelle Fleming, Clerk to Executive Council

EX MIN 16/495

CONFIRMATION OF THE MINUTES

Hon Cardigan Connor, Parliamentary Secretary and Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA joined the Meeting.

Council confirmed the Minutes of the 60th Meeting held on Thursday 3rd August 2016 and deferred the Minutes of the 61st Meeting held on Thursday

11th August, 2016.

MATTERS ARISING FROM THE MINUTES

EX MIN 16/496

None

EX MIN 16/497

EX MEM 16/309 APPROVAL FOR ANGUILLA'S PHYSICAL ADAPTATION PILOTS PROJECTS UNDER THE OECS EUROPEAN UNION FUNDED GLOBAL CLIMATE CHANGE ALLIANCE PROJECT

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

Council noted:

- (i) the two National Physical Adaptation Pilot Projects approved for Anguilla, under the Global Climate Change Alliance (GCCA) Project on Climate Change Adaptation and Sustainable Land Management. The GCCA Project is facilitated by the OECS Commission;
- (ii) that this project is being achieved through two main components:
 - (a) effective and sustainable land management frameworks and practices (including enabling environment, technical and human capacity, and participatory approaches.); and
 - (b) specific physical adaptation pilot projects in relevant areas and sectors.
- (iii) further noted that the National Physical Adaptation Pilot Projects have been devised and approved by the National Committee overseeing the implementation of the project in Anguilla, the Organisation of the Eastern Caribbean States (OECS) and the European Union (EU); and
- (iv) approved the implementation of the two National Physical Adaptation Pilot Projects in their respective locales.

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

Action: PS, MHA; DE

EX MIN 16/498

EX MEM 16/310 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – TERRY LYNN MAUPIN AND ERIK SHANE MAUPIN – REGISTRATION SECTION: WEST END; BLOCK: 17810 B; PARCEL 201/SL F102

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

Council agreed that an Aliens Land Holding Licence should be issued to Terry Lynn

Maupin and Erik Shane Maupin 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 F102, subject to the following:

(a) Payment of the following fees:

(i) under the Stamp Act – 5%
of EC\$1,197,593.10 EC\$59,879.66

(ii) under the Aliens Land Holding
Regulations Act – 12.5%
of EC\$1,197,593.10 **Exempted**

TOTAL **EC\$59,879.66**

(b) the condition to pay an upfront fee in the amount US\$5,000.00/EC\$13,441.00 (i.e. late fee and part payment of Stamp Duty fees), as the developer has opted for the delayed registration option in accordance with Executive Council Minute 16/112; and

(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 16/499

EX MEM 16/311 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – BENJAMIN DONLYN MILBRATH – REGISTRATION SECTION: WEST END; BLOCK: 17810 B; PARCEL 201/SL A306

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

Council agreed that an Aliens Land Holding Licence should be issued to Benjamin Donlyn Milbrath to hold on a freehold basis a luxury condominium unit of approximately 774 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 A306, subject to the following:

(a) Payment of the following fees:

(i) under the Stamp Act – 5%
of EC\$1,875,019.50 EC\$93,750.98

(ii) under the Aliens Land Holding

Regulations Act – 12.5%
of EC\$1,875,019.50

Exempted

TOTAL

EC\$93,750.98
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(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 16/500

EX MEM 16/312 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – NANCY JUNE BIRKHOLZ AND ARLYN ARNOLD BIRKHOLZ – REGISTRATION SECTION: WEST END; BLOCK: 17810 B; PARCEL 201/SL A301

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

Council agreed that an Aliens Land Holding Licence should be issued to Nancy June Birkholz and Arlyn Arnold Birkholz to hold on a freehold basis a luxury condominium unit of approximately 774 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 A301, subject to the following:

(a) Payment of the following fees:

(i) under the Stamp Act – 5%
of EC\$1,875,019.50

EC\$93,750.98

(ii) under the Aliens Land Holding
Regulations Act – 12.5%
of EC\$1,875,019.50

Exempted

TOTAL

EC\$93,750.98
=====

(b) the condition to pay an upfront fee in the amount US\$5,000.00/EC\$13,441.00 (i.e. late fee and part payment of Stamp Duty fees), as the developer has opted for the delayed registration option in accordance with Executive Council Minute 16/112; and

(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 16/501

EX MEM 16/313 SCHOOL USE POLICY

Hon Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained in attendance. Mrs Chanelle Petty Barrett, PS, ELSYC, Mrs Dawn Reid, Education Services Planner and Mrs Hyacinth Bradley, Community Services Planner joined the Meeting.

Council:-

- (i) noted that the Government of Anguilla, through the Department of Education, allows individuals, agencies and other organisations to use school facilities where the main purpose of use is to benefit the Anguillian community. Government recognises that venues for community based activities are limited and thus school facilities fill an existing gap for organisations seeking to hold events;
- (ii) noted that the School Use Policy seeks to regulate the use of all school facilities which are the responsibility of the Government of Anguilla and overseen by the Department of Education. This policy highlights the procedures and guidelines designed to ensure that all facilities are utilised in a safe and efficient manner. The policy also seeks to protect the investment made in school infrastructure and reducing unbudgeted expenditure by ensuring that any costs incurred as a result of permitting the use of the facilities are covered; and
- (iii) further noted that this policy was developed through consultation with officers in the Ministry and Department of Education and school principals.

Council agreed to conduct a brief consultation to share the School Use Policy framework and inform and seek the views of the public of the proposed fee schedule for the use of facilities at schools.

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

Action: PS, ELSYC; CEO; ESP; CSP

EX MIN 16/502

EX MEM 16/314 USE OF SPORTS FACILITIES POLICY

Hon Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained in attendance. PS, ELSYC and Community Services Planner remained for discussion.

Council:-

- (i) noted that the Government of Anguilla, through its Department of Sports, permits responsible individuals, agencies and associations to use sports facilities where the main purpose of use is to benefit the Anguillian community;
- (ii) noted that the Policy for Use of Sports Facilities seeks to regulate the use of

all facilities which are the responsibility of the Government of Anguilla and overseen by the Department of Sports. This policy highlights the procedures, regulations, and guidelines designed to ensure that all facilities are utilised in a safe and efficient manner;

- (iii) noted that this policy covers all functions/events which are held at sports facilities with priority use reserved for officially recognised sports associations and their clubs, for established sporting activities, for schools requiring the on-going scheduled use of a facility to provide training and for national celebrations; and
- (iv) further noted that the procedures, regulations, and guidelines highlighted in this policy are the result of a comprehensive consultative and research process which took into consideration recommendations from registered sports associations and their clubs, technical staff of the Department of sports, and other sports stakeholders.

Council agreed that a brief consultation should be conducted on the proposed policy on the use of sports facilities, including the proposed fee schedule.

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

Action: PS, ELSYC; CSP; DIR, SPORTS

EX MIN 16/503

EX MEM 16/315 ACCREDITATION FRAMEWORK FOR SPORTS ASSOCIATIONS

Hon Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained in attendance. PS, ELSYC and Community Services Planner remained for discussion.

Council:

- (i) noted the presentation by Community Services Planner. The accreditation framework is designed to:
 - (a) Ensure that MSD-Department of Sports provides funding to well manage sports associations that are capable of delivering quality outcomes in recognised priority areas.
 - (b) Guarantee a degree of openness, transparency and accountability in the award and management of public funds.
 - (c) Provide MSD-DOS with a better understanding of the operations of sports associations.
 - (d) Recognise and award best practices among sports associations.
- (ii) further noted that the procedures and guidelines highlighted in this framework are the result of a comprehensive consultative and research process which took into consideration recommendations from registered sports associations and their clubs, technical staff of the Department of Sports, and

other sports stakeholders; and

- (iii) approved the Accreditation framework as the basis for the provision of support to sporting associations.

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

Action: PS, ELSYC; CSP; DIR, SPORTS

EX MIN 16/504

EX MEM 16/316 RENAMING OF THE WEST END HEALTH CENTRE

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

Council noted:-

- (i) that born on January 1, 1900 and living until the age of 99, Mrs Agnes Richardson embodied national service. Mrs Richardson served admirably as West End's District Nurse for decades. She passed away just two months shy of her 100th birthday. While she was not formally honoured during her lifetime, it would be fitting posthumously to honour her for her years of service; and
- (ii) agreed that the West End Health Centre be renamed the Agnes Agatha Richardson Health Centre.

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

Action: PS, HSD

EX MIN 16/505

EX MEM 16/317 FILLING OF VACANCY AT THE MINISTRY OF FINANCE- DEBT MANAGER

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

Council:-

- (i) noted that the Finance Debt Manager in the Ministry of Finance retired in July 2016;
- (ii) noted that this position is vital given the significance of debt management in fiscal sustainability matters, especially during the current fiscal climate and that the Debt Manger plays a key role in monitoring the prudential borrowing limits as set out in the Framework for Fiscal Sustainability and Development (FFSD);
- (iii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given;

- (iv) further noted that budgetary provisions were already in place for the post; and
- (v) agreed that the post of Finance Debt Manager in the Ministry of Finance, should be filled.

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

Action: HON DG; PS, FIN; PS, EDICTLP; PS, PA; BD; ACC GEN

EX MIN 16/507

EX MEM 16/319 REPLACEMENT OF MEMBERS OF THE ANGUILLA TOURIST BOARD (ATB)

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

Council:-

- (i) noted that over the past six months two members of the ATB Board have resigned;
- (ii) approved the appointment of Ms Marisa Gumbs, an employee at the National Commercial Bank of Anguilla, to fill one of the two vacancies on the Board; and
- (iii) agreed that a suitable nomination for the second vacancy be explored with the Anguilla Chamber of Commerce and Industry.

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

Action: PS, EDICTLP; ATBP

EX MIN 16/508

EX MEM 16/320 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

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

Council agreed that the incoming Chief Executive Officer of NCBA, Mr. Michael Bird, a Canadian national, who is scheduled to commence employment at NCBA on 1 September 2016, should be granted exemption from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act.

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

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

EX MIN 16/509

EX MEM 16/321 LEGISLATIVE REFORM - SOCIAL SECURITY ACT AND REGULATIONS

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

Mr Timothy Hodge, Director, Social Security Board briefed Council on the proposal to reform and improve the Social Security Act and Regulations.

Council noted the work in progress and agreed that a more detailed policy document be drafted setting out the proposed changes, and that this be submitted to Executive Council for consideration. Council recommended that the Director, Social Security Board liaise with the Chief Procurement Officer for advice prior to the recruitment of a Legislative Drafter/Revision Consultant to support the Social Security Board as it takes forward this work.

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

Action: PS, FIN; DSSB; CHIEF PROC OFF

EX MIN 16/510

EX MEM 16/322 MARINA FEASIBILITY STUDY

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

Council:-

- (i) noted that there is an opportunity for Anguilla to develop a marina programme focused on creating capacity for large yachts (300ft in length and larger) with associated high quality residential and commercial development.
- (ii) approved the commissioning of the Marine/Waterfront Feasibility Study subject to:-
 - (a) the Minister of Finance identifying possible sources of funding to conduct the study;
 - (b) ExCo approving a full terms of reference for the consultants, which sets out what the study is designed to achieve, and the project deliverables; and
 - (c) the Ministry of Economic Development identifying qualified consultants to conduct the study in line with the Procurement Act's guidelines on the contracting of consultancy advice.

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

Action: PS, FIN; PS, EDICTLP; DLS; BD; CPO

EX MIN 16/511

INF 16/08 INFORMATION NOTE: PASSING OF MR. JOSEPH N. PAYNE OF SANDY HILL

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

Council noted the passing of Mr. Joseph N. Payne of Sandy Hill. Mr. Payne served in the Royal Anguilla Police Force from 1971, rising to the rank of Commissioner in 1977 where he served with distinction until his retirement in 1990. It is undisputable that his contribution led to the sound footing which the law enforcement body continues to enjoy today. He also served for many years as Chairman of the Board of Directors of the National Bank of Anguilla. The late Joseph N. Payne was awarded with the Anguilla Badge of Honour and Queen's Certificate in 2009 for his outstanding contribution to Law Enforcement and Social Development.

In keeping with EX MIN 15/535, the Ministry of Home Affairs has therefore begun the process of making arrangements which will include:-

- (i) the publication of an official Statement of Condolence from the Government and people of Anguilla on the passing of this outstanding Anguillian;
- (ii) flags to be flown at Half Mast on the day preceding the funeral and on the day of the funeral until immediately following the funeral ceremony;
- (iii) additionally, in keeping with established protocols in relation to the passing of former Police Commissioners and officers who die in the line of duty, the RAPF is making arrangements, in conjunction with the family and the Ministry of Home Affairs to accord military honours to the late Police Commissioner. This is expected to include:-
 - (a) viewing of the body at Police Headquarters and or Funeral Home with appropriate courtesies;
 - (b) procession from Police Headquarters to the church on the day of the funeral accompanied by Police Guard of Honour and the Police Band;
 - (c) 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; and
 - (d) a Firing Party at the cemetery.

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

Action: PS, MHA; PAS, MHA

EX MIN 16/512

UPDATE ON PROPERTY TAX IMPLEMENTATION BY COMPTROLLER OF INLAND REVENUE

Hon Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained in attendance. DLS remained for discussion. Mr Kiel Connor, Comptroller of Inland Revenue joined the meeting.

Mr Kiel Connor, Comptroller of Inland Revenue further briefed Council on the status of the implementation of changes to the Property Tax regime. Council agreed that the Hon Minister of Finance should liaise with the Comptroller of Inland Revenue and prepare a paper to be submitted to Executive Council outlining the key concerns and recommendations that the Department needs to address in terms of compliance. Council thanked Mr Connor for the update.

Action: HON DG; CIR; HON MOF

ORAL MENTION

EX MIN 16/513

CLAYTON J LLOYD INTERNATIONAL AIRPORT (CJLIA)

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

HE The Governor informed Council of the findings of the recent safety and security audit carried out by Air Safety Support International (ASSI) on the Clayton J Lloyd International Airport, and the follow up measures being taken by both the regulator and the Anguilla Air and Seaports Authority in response to the findings.

Action: MINS OF GOV'T; PS, MICUHAF

EX MIN 16/514

OVERSEAS TRAVEL

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

The Hon Minister of Infrastructure informed Council that he would be on leave from the 21 – 28 August, 2016.

Action: EXCO MEMBERS
