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MINUTES OF THE 178TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 28TH FEBRUARY 2019
AT 9:00 AM

- PRESENT: His Excellency the Governor, Mr Timothy Foy, OBE
- The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Minister of Health and Social Development, Lands and Physical Planning, Mr Evans Rogers
- The Honourable Minister of Infrastructure, Communications, Utilities, Housing, Agriculture, Fisheries and Environment, Mr Curtis Richardson
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Jewelle Fleming
- IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor
Ministerial Assistant to the Hon Minister, MHA, Mrs Evalie Bradley
Financial Specialist, Mr Stephen Turnbull
PS, HLPP, Mr Foster Rogers
DLS, Mr Leslie Hodge
- ABSENT: The Honourable Chief Minister and Minister of Finance, Economic Development, Commerce, Tourism and Information Technology, Mr Victor Banks
- The Honourable Minister of Home Affairs and Education, Mrs Cora Richardson-Hodge

EX MIN 19/113 **CONFIRMATION OF THE MINUTES**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council confirmed the Minutes of the 177th Meeting held on Thursday 21 February 2019.

MATTERS ARISING FROM THE MINUTES

EX MIN 19/114 **EX MEM 19/49 WATER CORPORATION OF ANGUILLA (WCA) LOAN REQUEST**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Following on from EX MIN 19/108 of 21 February, Council asked that a redrafted paper on this matter be submitted to Executive Council for further consideration.

Action: PS, MICUHAFE; MINS OF GOV'T

EX MIN 19/115

EX MEM 19/52 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – ROBERT ALAN DADDARIO – REGISTRATION SECTION EAST END, BLOCK 99519 B, DESCRIBED AS PARCELS 77 AND 121, CONTAINING 0.50 OF AN ACRE AND 0.04 OF AN ACRE WITH A DWELLING HOUSE

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Robert Alan Daddario, to hold property situate in Registration Section East End, Block 99519 B, described as Parcels 77 & 121 containing 0.50 of an acre and 0.04 of an acre respectively, located at Captains Bay, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

- (a) payment of the following stamp duties:

PARCEL 121

(i)	under the Stamp Act – 6.25% of EC\$60,484.50	EC\$3,780.28
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$60,484.50	EC\$3,024.23
	TOTAL	EC\$6,804.51

PARCEL 77 (Dwelling House)

(i)	under the Stamp Act – 5% of EC\$3,447,616.50	EC\$172,380.83
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$3,447,616.50	EC\$172,380.83
	TOTAL	EC\$344,761.66
	GRAND TOTAL	<u>EC\$351,566.17</u>

- (b) Parcels 77 and 121 must be amalgamated within three (3) months of registration; and

- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Lands.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/116

EX MEM 19/53 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – JOYCE ANNE JOHNSON - REGISTRATION SECTION ROAD, BLOCK 08513 B, DESCRIBED AS PARCEL 273, CONTAINING 5.17 ACRES (½ share) WITH A DWELLING HOUSE

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP and DLS remained.

Council:

- (i) noted that two (2) acres of the 5.17 acres have been declared not fit for development and unusable, therefore, the actual interest being shared is 3.17 acres;
- (ii) noted that the property was used as a vacation home for family for the past thirty (30) years; and
- (iii) additionally noted that the applicant is purchasing the ½ share belonging to her brother-in law, as he is not in a financial position to restore said property, following the passage of hurricane Irma.

Council agreed exceptionally, due to family connections to the property to issue an Aliens Land Holding Licence to Joyce Anne Johnson to hold property situate in Registration Section Road, Block 08513 B, described as Parcel 273, containing 5.17 acres (½ share), located at North Hill, Anguilla for residential purposes with a dwelling house thereon, on the grounds that the applicants’ reason for requesting an exemption to government’s policy on restricting aliens to purchase no more than half an acre is justifiable, subject to the following:

(a)	payment of the following stamp duties:	
(i)	under the Stamp Act – 5% of EC\$403,230.00	EC\$20,161.60
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$403,230.00	EC\$20,161.60
	TOTAL	EC\$40,323.20

- (b) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Lands.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/117

EX MEM 19/54 NEW TECHNOLOGY TO PREVENT DISEASES CAUSED BY AEDES AEGYPTI – THE WOLBACHIA METHOD

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council noted that:

- (i) the Minister for Health, Social Development and Lands would send a formal expression of interest to the World Mosquito Programme; and
- (ii) work on a project proposal would commence forthwith for submission to WMP within two (2) months.

In further discussion, concern was raised pertaining to the amass of solid waste and wrecked cars in some areas, which are contributing to mosquito breeding on the island. Council requested the Hon Parliamentary Secretary to work with the Public Health Department on a removal plan and to give regular updates to Executive Council on its progress. Council noted the importance of having the Litter Abatement Act in place.

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

Action: PS, HLPP; CMO; MINS OF GOV'T

EX MIN 19/118

EX MEM 19/55 APPEAL AGAINST PLANNING REFUSAL APPLICATION REF#: 18/0098 (NATALIE RICHARDSON)

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP and DLS remained.

Council agreed that the appeal against planning permission from Ms. Natalie Richardson to develop a Restaurant & Apartment Complex at Sandy Hill on Parcel 40 of Block 79214 B should be allowed for the following reasons:

- (i) the Long Road has many commercially viable parcels of land throughout its length from its western end where Best Buy is located to its eastern end where Morlens Veterinary Clinic and Morlens School of Music are located. Along this main thoroughfare are developments such as Tropical Distributors, Island Gases, apartments, residences, guest houses, stores and restaurants. All of these developments have ingress and egress points onto the main thoroughfare. Therefore, to require this development to enter and exit from a secondary road seems discriminatory in light of the fact that the businesses need the most impressive entrance point as a unique selling point;

- (ii) it is clear from the developer's site plan that a workable compromise has been made where traffic will enter off the Long Road, but exit onto the secondary road thereby providing positive traffic flow. This will mitigate the issue of traffic reentering the Long Road from the businesses which would create two entry points onto the main road within a distance of 300 feet. This means that the only way business traffic can return to the Long Road is at the junction with the secondary road which is approximately 245 feet away from the parking lot entrance. In developed countries there are ingress and egress points much closer than this from developments such as gas stations and other commercial areas where traffic is much faster; and
- (iii) the traffic circulation is adequate as it flows in a counterclockwise direction from the Long Path, then into the parking lot, and finally out of the parking lot at the rear of the building and onto the secondary road.

Action: PS, HLPP; DLS; PPO; PEHO; DHP; MINS OF GOV'T

EX MIN 19/119

EX MEM 19/56 APPEAL AGAINST PLANNING REFUSAL APPLICATION
REF#: 18/0240 (DEPARTMENT OF INFRASTRUCTURE)

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP and DLS remained.

Council agreed that the appeal against planning permission from the Department of Infrastructure to develop a Storage Building at The Valley on part of Parcel 2 of Block 58814 B should be allowed, based on the following mitigation measures being put in place by the MICUHAFE:

- (i) floor level will be raised to over two (2) meters above ground level;
- (ii) only materials that are not susceptible to water damage will be stored at basement level when there is a threat of flooding; and
- (iii) fuel storage tank will be raised well in excess of two (2) meters above ground level.

Council:

- (i) was disappointed that the Departments of Infrastructure and Physical Planning could not find an appropriate way to resolve this matter;
- (ii) wished to remind all government departments and agencies that planning permission is a requirement prior to the construction of all government facilities; and
- (iii) agreed that the government formally disallows any new developments of government office infrastructure, storage or any developments of non-agricultural nature in the Valley Bottom.

Action: PS, HLPP; DLS; PS, MICUHAFE; PPO; PEHO; DHP; MINS OF GOV'T

EX MIN 19/120

**EX MEM 19/57 RESCINDING EXECUTIVE COUNCIL MINUTE 19/46
- ALEKSANDER FEUER AND NONA LANE FEUER – REGISTRATION
SECTION WEST END, BLOCK 18011 B, PARCEL 45 SL 4A CONTAINING
564 SQ. FT.**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP and DLS remained.

Council agreed that the matter be referred back to the Department of Lands & Surveys for consultation with the applicant with regard to the rate for furnishings, fixtures and equipment. The normal rate for furnishings, fixtures and equipment is usually approximately 10% and not the 25% requested.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/121

**EX MEM 19/59 APPEAL AGAINST PLANNING REFUSAL APPLICATION
REF#: 18/0352 (KRISTY RICHARDSON)**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP and DLS remained.

Council:

- (i) noted an appeal against planning permission from Ms. Kristy Richardson to develop a Food Stall at The Valley on Parcel 110 of Block 48813 B; and
- (ii) agreed that the paper be deferred for a site visit.

Action: PS, HLPP; DLS; PPO; PEHO; DHP; MINS OF GOV'T

EX MIN 19/122

**EX MEM 19/60 PROPOSED AMENDMENTS TO THE PUBLIC SERVICE
COMMISSION REGULATIONS**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council:

- (i) noted that the proposed amendments to the Public Service Commission (PSC) Regulations would improve the efficiency of the disciplinary process;
- (ii) noted that this would ensure that tribunals would be conducted with a greater degree of independence and that judgements are legally sound; and
- (iii) agreed that H E the Governor should amend section 44 of the PSC Regulations to remove the requirement that one member of a disciplinary tribunal must be a “public officer with legal qualifications” and simply refer to a “person with legal qualifications.”

Action: HON DG; H E; HON AG; PS, PA

ORAL MENTION

EX MIN 19/123

OVERSEAS TRAVEL

The Hon Minister of Social Development and Health informed Council that he would be off island from 2 – 8 March attending a meeting with the Ministry of Healthcare Authority in the Cayman Islands and would be on leave from 9 – 14 March.

Action: EXCO MEMBERS
