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**MINUTES OF THE 4th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 30th JULY 2020
AT 9:00 AM**

- PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE
- The Honourable Premier and Minister for Finance and Health, Dr Ellis Webster
- The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Ms Dee-Ann Kentish-Rogers
- The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr Kenneth Hodge
- The Honourable Minister for Infrastructure, Communications, Utilities, Housing, and Tourism, Mr Haydn Hughes
- The Honourable Minister for Economic Development, Commerce, Information Technology, Environment and Natural Resources, Mr Kyle Hodge
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council (acting), Mrs Nicola Webster
- Clerk to Executive Council (designate), Mrs Angela Hughes
- IN ATTENDANCE: Hon Parliamentary Secretary for Economic Development, Mrs Quincia Gumbs-Marie
Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education, Mr Merrick Richardson
Financial Specialist, Mr Stephen Turnbull

EX MIN 20/318

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council confirmed the Minutes of the 3rd Meeting of Executive Council held on Thursday 23 July 2020 and the Minutes of the Special Meeting of Executive Council held on Friday 24 July 2020.

MATTERS ARISING FROM THE MINUTES

EX MIN 20/319

RECORDING OF THE COURT PROCEEDINGS ACT, 2020 BILL

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) approved the draft Bill;
- (ii) agreed that the AGC prepare the Bill for publication and public consultation;
- (iii) agreed that the Bill should be posted on the Government of Anguilla website; and
- (iv) further agreed that the Bill be gazetted and circulated to the Bar Association for their views.

Action: HON AG; SCC (Cr)

EX MIN 20/320

FINANCIAL INTELLIGENCE UNIT ACT, 2020 BILL

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) approved the draft Bill;
- (ii) agreed that the AGC prepare the Bill for publication and public consultation;
- (iii) agreed that the Bill should be posted on the Government of Anguilla website; and
- (iv) further agreed that the Bill be gazetted and circulated to the Bar Association.

Action: HON AG; SCC (Cr)

EX MIN 20/321

SUPERVISOR OF ELECTION REPORT ON ELECTIONS 2020

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) noted the report of the Supervisor of Elections; and
- (ii) agreed that members should carefully consider the recommendations with a view to a discussion at Council's next meeting.

Action: HON DG; MINS OF GOV'T

EX MIN 20/322

CONTINUATION OF CONSTITUTIONAL AND ELECTORAL REFORM

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

HE the Governor noted that the UK Government was ready to reengage on the process of constitutional reform as soon as the Government of Anguilla was ready to do so.

Council noted that the Hon Minister for Home Affairs would shortly be bringing a paper to Council on the next steps on Constitutional reform.

Action: HON DG; HON AG; MINS OF GOV'T

EX MIN 20/323

EX MEM 20/149 COUNCIL OF THE ANGUILLA YOUTH BUSINESS FOUNDATION

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) noted the appointment of the following persons to be members of the Anguilla Youth Business Foundation Council, with effect from 30 July 2020 in accordance with the By-Laws, namely:
 - 1) Clemvio Hodge, Chairperson
 - 2) Twyla Richardson -Thomas, Council Member
 - 3) Avon Carty, Council Member & Accounting Officer
 - 4) Bren Romney, Council Member
 - 5) Annishka White, Council Member
 - 6) Althea Hodge, Council Member
 - 7) Neil Gumbs, Council Member
 - 8) Cleve Whyte, Council Member
 - 9) Karen Pina, Council Member
 - 10) Timothy Hodge, Council Member
 - 11) Sherma Hodge, Council Member
 - 12) Shirmaine Lynch - Harrigan, Council Member
 - 13) Joleyne Robin, Ex-Officio

14) Toniquewah Ruan, Ex-Officio

(ii) further approved the amendment to the By-Laws to allow for an additional Council member.

Action: PS, SD; HON MIN, SD

EX MIN 20/324

EX MEM 20/150 REMOVAL OF BOARD MEMBERS OF THE ANGUILLA AIR AND SEA PORTS AUTHORITY (AASPA)

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) noted the following documents:
 - (a) the resignation letter from Mr Francois Lake AASPA board member; and
 - (b) the exchange of emails on February 28 2020 concerning AASPA's Financial obligations;
- (ii) agreed the removal of the following AASPA board members in accordance with section 7(2)(e) and 7(5) of the Anguilla Air and Sea Ports Authority Act, namely:
 - 1) Hubert Gumbs
 - 2) Colin Connor
 - 3) Imogen L Mussington
 - 4) John Lloyd

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

Action: PS, MICUH&T; HON AG; HON MIN, MICUH&T

EX MIN 20/326

EX MEM 20/152 REMOVAL OF MEMBERS OF THE BOARD OF THE WATER CORPORATION OF ANGUILLA (WCA)

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) noted the following documents:

- (a) the official appointment instruments for members of the WCA board; and
 - (b) the resignation letter from Ms Laretta Icilma Hazell, WCA Interim Chairman/board member;
- (ii) agreed the removal of the following WCA board members in accordance with section 9(2)(e) and 9(5) of the Water Corporation of Anguilla Act, namely:
- 1) Julianne Gumbs
 - 2) Marynell Connor
 - 3) Alwyn Richardson

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

Action: PS, MICUH&T; HON, AG; HON MIN, MICUH&T

EX MIN 20/328

EX MEM 20/154 RENEWAL OF MEMBERSHIP OF MEDICAL BOARD

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) noted section 7 of the Health Authority of Anguilla Act; and
- (ii) approved the re-appointment of the following individuals to the Medical Board for a period of two years:
 - 1) Dr. Aisha Andrewin, CMO – Chair
 - 2) Mr. Ivor Greene – Secretary
 - 3) Dr. Rona Hodge – Member
 - 4) Dr. Lindel Brooks – Member

Action: PS, HLPP; HON MIN, HLTH

EX MIN 20/329

EX MEM 20/155 APPOINTMENT OF MEMBERS TO THE BOARD OF THE HEALTH AUTHORITY OF ANGUILLA (HAA)

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

Council:

- (i) noted section 7 of the Health Authority of Anguilla Act; and

- (ii) approved the appointment/ re-appointment of the following individuals to the HAA for the following periods:
 - 1) Dr. Clyde Bryan, Chairman – 3 years
 - 2) Dr. Brett Hodge, Deputy Chairman – 3 years
 - 3) Professor Delroy Loudon, Member – 2 years
 - 4) Ms. Kurlyn Smith, Member – 2 years

Action: PS, HLPP; HON MIN, HLTH

EX MIN 20/330

EX MEM 20/156 PROGRESS OF MOU PROVISIONS

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

The Hon Deputy Governor updated council on progress in meeting those MoU provisions with a 31 July deadline – namely 3, 4, 7 and 8. He noted that:

- (i) the Permanent Secretary Finance would be writing to the FCO to confirm that provisions 3 and 4 had been met in full and by the 31 July deadline;
- (ii) progress had been made towards provision 7 (an assessment of the impact of Covid- 19 on the revenues of statutory bodies). However, given the slow and poor quality response from some of the statutory bodies there was a possibility that this deadline might be missed by a few days; and
- (iii) progress had been made towards provision 8 (presentation to Executive Council and publication of statutory bodies budgets and work plans). Most statutory bodies had responded to the requests and the Hon Deputy Governor was assured that information would follow shortly.

Council thanked the Hon Deputy Governor, the staff in the Finance Ministry and the Financial Specialist for their hard work and:

- (i) in terms of provision 7 requested the team to progress work as fast as possible. This analysis was important in terms of meeting the MoU's conditions but was also needed to understand and then manage the budgetary implications of Covid-19 for the rest of the year;
- (ii) in terms of provision 8 agreed that each statutory body should publish their budgets and work plans on their respective websites immediately;
- (iii) agreed that these documents should be posted on the Government of Anguilla website once they had been put into a standard format; and
- (iv) further requested the Ministry of Finance to work with each statutory body to achieve this no later than 30 August.

Action: PS, FIN; PS, EDCITENR; BD; ACC GEN; HON DG, MINS OF GOV'T

EX MIN 20/331

STOCKTAKE ON THE FINANCIAL POSITION OF THE STATUTORY BODIES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/Education and Financial Specialist remained.

The Hon Deputy Governor provided a summary of the results of work done to establish the financial position of each of the statutory bodies. He noted that:

- (i) the difficulties he and the Finance team had experienced in securing basic financial information. This was concerning as these entities all have executive management teams and as this information is central to good corporate governance it should have been readily available;
- (ii) it was evident that most of these entities were in serious financial difficulty and it was unclear as to whether there has been adequate board oversight;
- (iii) work was underway to rapidly determine the liabilities – including contracts entered into – posed by these entities. This was presently unclear but it represented a significant contingent liability to the Government of Anguilla; and
- (iv) the review proposed by the Honorable Premier into the viability and necessity of each of these bodies was an urgent necessity.

In discussion Council noted the following points:

- (i) the work undertaken to date had revealed significant and long standing failings in the corporate governance of the statutory bodies which should be managed as any other commercial enterprise;
- (ii) the review process provided ministers the opportunity to consider whether the statutory body model is the best to deliver the function or service involved in each case;
- (iii) should government wish to absorb any or part of any statutory body back into the public service then this should be done at the start of a financial year. This means that should the Government wish to return any functions in 2021 the work needed to do this, including making financial provision in the 2021 budget, would need to start immediately. Early decisions were therefore important; and
- (iv) ensuring the right legislative framework for any statutory bodies, especially where the entity requires recourse to public funds, is critical.

Council agreed that:

- (i) the Hon Deputy Governor should continue to work with the PS Finance and the Financial Specialist to complete the initial financial stock take to inform policy decisions by Ministers on the future status of each of these entities.

Action: PS, FIN; PS, EDCITENR; BD; ACC GEN; HON DG, MINS OF GOV'T
