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MINUTES OF THE 82ND MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 17TH NOVEMBER 2011

PRESENT: His Excellency the Governor, Mr Alistair Harrison

The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism

The Honourable Deputy Governor, Mr Stanley Reid

The Honourable Walcott Richardson, Minister of Labour, Immigration, Lands,
Physical Planning, Human Rights, Environment, Gender Affairs and Agriculture
and Fisheries

The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr James Wood

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Larry Franklin, PS, MICUH
Mr Crefton Niles, Director, Public Utilities
Mrs Catherine Firth, HOGO
Dr Wycliffe Fahie, PAS, FIN
Mr Perin Bradley, TIO
Mr Foster Rogers, PS, MHA/LANDS
Dr Bonnie Richardson-Lake, PS, HSD
Ms Jocelyn Johnson-Carty, Chief Probation Officer
Mrs Marilyn Hodge, Counsellor

ABSENT: The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education

HE The Governor left the meeting due to official overseas travel. Mr Stanley Reid, Hon Deputy Governor and Mr Foster Rogers, PS, MHA/LANDS had been appointed to act as Governor and Deputy Governor respectively.

EX MIN 11/789

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 81st Meeting held on Thursday 10th November 2011 and the Minutes of Special Meetings held on Wednesday 9th November, Monday 14th November and Tuesday 15th November 2011.

MATTERS ARISING FROM MINUTES

EX MIN 11/790

EX MIN 11/770 TRAINING POLICY FOR THE UNIVERSITY OF THE WEST INDIES (UWI) AND THE ANGUILLA COMMUNITY COLLEGE (ACC)

EX MIN 11/770 of 10 November 2011 refers.

Council agreed to defer the matter and that it be discussed at the regular meeting of Executive Council on Thursday 1 December 2011.

Action: DG; EXCO MEMBERS

OUTSTANDING ITEM FOR EXCO

1. EX MIN 08/761 IMMIGRATION AND LABOUR POLICY
of 11 December 2008

Action: PS, MHA; AG

EX MIN 11/791

EX MEM 11/330 TELECOMMUNICATIONS SPECTRUM FEE REGULATIONS R.R.A. T6.7 AMENDMENT

Council:-

- (i) reviewed the Telecommunications Spectrum Fee Regulations R.R.A. T6.7;
- (ii) approved the drafting of the amendments to the Telecommunications Spectrum Fee Regulations R.R.A. T6.7 by the AG Chambers to incorporate the recommendations of the Ministry.

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

Action: PS, MICUH; AG; DIR, PU

EX MIN 11/792

EX MEM 11/331 FILLING OF VACANCY – CURRICULUM OFFICER MATHEMATICS

Council agreed that the position of Curriculum Officer Mathematics in the Education Department should be filled for the following reasons:-

- (i) improved performance in Mathematics is one of the priorities for education as outlined in the Education Development Plan 2010 to 2015;
- (ii) the Curriculum Officer Mathematics is the lead Officer at the Department of Education with the technical expertise necessary to support teaching and learning in this subject area;
- (iii) unless the position is filled, it is highly unlikely that the Department of

Education will be able to make any headway regarding improving student performance in Mathematics.

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

Action: PS, ELSYC; PS, PA; PS, FIN; PS, EDICT; BO

EX MIN 11/793

EX MEM 11/332 UPDATE ON GOVERNMENT OF ANGUILLA OFFICE ACCOMMODATION PROJECT

Council agreed that the Committee for the Anguilla Social Security Board proposed Town Development Project should present its report to Council and that the above matter will be reconsidered after Council's discussion of the Committee's report.

Action: PS, MHA/LANDS; PS, MICUH

EX MIN 11/794

EX MEM 11/333 ANGUILLA PUBLIC SERVICE EFFICIENCY REVIEW - IMPLEMENTATION OF AGREED PILOTS

Council agreed that the paper should be deferred to afford members the opportunity to read it thoroughly.

Action: EXCO MEMBERS

EX MIN 11/795

EX MEM 11/334 PROPOSED MOU BETWEEN THE UNITED KINGDOM AND ANGUILLA REGARDING THE FUNDING OF AVIATION SAFETY REGULATIONS

Mr Larry Franklin, PS, MICUH, Mr Crefton Niles, Director, Public Utilities and Mrs Catherine Firth, HOGO joined the Meeting.

Council agreed that:-

- (i) the Government of Anguilla should make a formal commitment to the signing of the Memorandum of Understanding (MoU) with the UKG regarding the funding of Aviation Safety Regulations or issuing a letter of intent to sign the MoU by December 20, 2011 following formal consultation with the stakeholders;
- (ii). a request for formal commitment with timeframes from the UKG to provide technical assistance to the Government of Anguilla in the areas listed below:-
 - (a) the assistance offered in the area of offshore aircraft registry needs to be more robust and meaningful in that GoA really needs a full report on the institutional and legislative requirements for the establishment of an offshore aircraft registry and Directorate of Civil Aviation including a financial and economic assessment;

- (b) in addition to the UKG assisting GoA in identifying a more sustainable means of funding Aviation Safety Regulations, GoA should also request assistance in determining the impact of the increase fees on the aviation industry;
- (c) GoA should also request technical assistance for the development of a Strategic Aviation Master Plan for Anguilla's medium and long term development of aviation facilities, infrastructure, terminal building, air strip and related services. This will build on the recommendations pertaining to aviation and the airport in the Sustainable Tourism Master Plan.

Action: PS, MICUH; HE; MINS OF GOV'T; AIR MAN

EX MIN 11/796

EX MEM 11/335 DUTY PAID ON WAREHOUSED VEHICLES ORDERED BEFORE 17 OCTOBER 2011

Dr Wycliffe Fahie, PAS, FIN joined the Meeting.

Further to EX MIN 11/781 of 14 November 2011, Council agreed that the Integrated Customs Tariff (Amendment) Regulations, 2011, R.A. 12/2011 should be amended in Section 4 by replacing the phrase "ordered on or after the day these Regulations come into force" with the phrase "ordered on or after 1 September 2011".

HE The Acting Governor signed the Regulations on the 17 November 2011 for gazetting.

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

Action: AG; PS, FIN; PS, EDICT; PAS, FIN

EX MIN 11/797

EX MEM 11/336 OECD GLOBAL FORUM ON TRANSPARENCY AND EXCHANGE OF INFORMATION FOR TAX PURPOSES: PHASE 1 PEER REVIEW OF ANGUILLA

Mr Perin Bradley, TIO joined the Meeting.

Council:-

- (i) reaffirmed that, as a matter of policy, the standards on tax transparency issued by the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes should be implemented;
- (ii) directed the Ministry of Finance to develop a policy setting out Anguilla's strategy for the negotiation of further Tax Information Exchange Agreements for approval by Executive Council and that the Government of Anguilla takes on complete responsibility for future negotiations;
- (iii) directed the Ministry of Finance to issue drafting instructions to make the amendments necessary to comply with the Global Forum recommendations;

- (iv) directed the Ministry of Finance to develop the necessary protocols to ensure that Anguilla is able to meet its international commitments with respect to information exchange and make the administrative arrangements necessary to implement that protocol;
- (v) agreed to designate the Compliance Officer within the Ministry of Finance to implement the policy and ensure that the protocol is in place;
- (vi) agreed that representatives from Anguilla participate in training on TIEA implementation which is being organized in Montserrat early in 2012.

Action: PS, FIN, PS, EDICT; PAS, FIN; AG

EX MIN 11/798

EX MEM 11/337 APPROVAL FROM THE EXECUTIVE COUNCIL TO SEEK TECHNICAL ASSISTANCE FOR ENERGY SECTOR UPGRADE

PS, MICUH. DIR, PU and HOGO remained for discussion.

Council agreed that the GoA through the Hon CM should request technical assistance from HMG to complete the remainder of the work required to upgrade and reform Anguilla's energy sector.

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

Action: PS, MICUH; DIR, PU; HON CM; HE

EX MIN 11/799

EX MEM 11/338 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

PS, MHA/LANDS/DG (Ag.) joined the Meeting.

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

- 1) Theodosia Cindy Isaacs - National of Guyana to be employed at Greig's Trucking & Heavy Equipment as a Receptionist/Office Assistant.

The Hon Chief Minister acknowledged that the above employer was his son but that he had no interest in the business.

- 2) Jeanette Guzman-Baez - National of the Dominican Republic residing in Anguilla for over 12 years. She is currently employed at the National Bank of Anguilla as a Utility Clerk (Bilingual).

Council noted that the above positions were advertised during the periods 19 October 2011 and 4 – 13 May 2011 respectively and that no suitable Anguillians had been identified.

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

Action: PS, MHA/LANDS/DG (Ag.); LAB COM; CIO

EX MIN 11/800

INF 11/07 COUNCIL REGULATION 359/2011

Council was made aware that in April 2011 the Foreign Affairs Council of the European Union agreed to place restrictive measures on certain persons complicit in or responsible for directing or implementing grave human rights violations in the repression of persons in Iran who speak up in defence of their legitimate rights, including freedom of expression. They also agreed restrictive measures on persons complicit in or responsible for directing or implementing grave violations of the right of due process, torture, cruel, inhuman and degrading treatment, or the indiscriminate, excessive and increasing application of the death penalty, including public executions, stoning, hangings or executions of juvenile offenders in contravention of Iran's international human rights obligations. These measures were implemented by Council Regulation (EU) No. 359/2011 adopted on 12th April 2011 which came into force on 14th April 2011, the date of its publication.

Council noted that FCO Legal Advisers have prepared an Order in Council to implement these restrictive measures in the Overseas Territories, including Anguilla. The draft Order has been provided to the Attorney General's Chambers for their consideration. The FCO will look to bring the Order into force as soon as possible after the consultation period has elapsed.

Action: HE; AG; MINS OF GOV'T

ORAL MENTION

EX MIN 11/801

MEETING WITH OFFICIALS FROM THE MINISTRY OF SOCIAL DEVELOPMENT

Dr Bonnie Richardson-Lake, PS, HSD, Ms Jocelyn Johnson-Carty, Chief Probation Officer and Mrs Marilyn Hodge, Counsellor joined the Meeting.

Council entertained the Officials and concluded that the matter was not one for the Executive Council but was a staff issue which needed to be addressed in accordance with the rules and regulations of the civil service.

Action: PS, HSD; PS, PA

EX MIN 11/803

FILLING OF POSITION OF SENIOR PLANNER IN THE MINISTRY OF HOME AFFAIRS

Council agreed that the position of Senior Planner in the Ministry of Home Affairs which will become vacant in January should be filled.

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

Action: PS, MHA/LANDS; PS, PA; PS, FIN; PS, EDICT; BO

EX MIN 11/804

LETTER OF 7 NOVEMBER FROM EXECUTIVE COUNCIL TO THE LOYAL STAFF AT CAP JULUCA

The Hon Minister, MHA raised concern with the wording in the sentence of the fifth paragraph of the letter which stated:-

"For clarity, each member of Executive Council wishes to signify their complete confidence in the Attorney General and the members of his staff who have been working assiduously to provide legal advice and guidance to us."

The Minister indicated that he would have preferred the wording in the sentence to read:-

"For clarity the Executive Council expresses its deep appreciation to the Attorney General Chambers for working assiduously to provide legal advice and guidance to us."

Action: EXCO MEMBERS

EX MIN 11/805

MEETING OF EXECUTIVE COUNCIL

Council agreed that due to the absence of some Ministers on official overseas travel that there should be no meeting of Executive Council on Thursday 24 November 2011.

Action: EXCO MEMBERS
