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MINUTES OF THE 101ST MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 19TH APRIL 2012

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 Edison Baird, Minister of Social Development, Health, Sports
and Education

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:

Ms Jasmin Garraway, Coordinator, TSDP
Dr Wycliffe Fahie, PAS, FIN
Mr Kenrick Richardson, Comptroller of Customs
Hon Jerome Roberts, Adviser to the Hon CM
Dr Aidan Harrigan, PS, FIN
Ms Kalleesha Webster, Deputy Accountant General
Mrs Shona Proctor, Budget Officer
Ms Valencia Prentice, Finance Officer
Ms Clara Richardson, Finance Officer
Ms Aurjul Wilson, PS, MHA/LANDS
Mr Larry Franklin, PS, MICUH
Mr Gifford Connor, DLS
Mr Leslie Hodge, Surveyor/Understudy to DLS
Mr Crefton Niles, Director, Public Utilities

EX MIN 12/246

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 100th Meeting held on Thursday 12th

April 2012 and the Minutes of Special Meetings held on Wednesday 11th April and Saturday 14th April 2012.

MATTERS ARISING FROM THE MINUTES

EX MIN 12/247

EX MIN 12/233 LETTER FROM REPRESENTATIVES OF THE ANGUILLA EVANGELICAL ASSOCIATION AND PRESIDENT, ANGUILLA CHRISTIAN COUNCIL

Council agreed that EX MIN 12/233 of 12th April 2012 should be amended as follows:-

HE The Governor informed Council that he had spoken to the Rt. Rev. L. Errol Brooks, President of the Anguilla Christian Council who indicated that a lot had transpired with the Committee since the letter of 12th March 2012 and that the reply from the Hon Chief Minister was not a priority.

Action: HE; HON CM

EX MIN 12/249

EX MIN 12/236 EX MEM 12/100 ABOLISHING METAL RECYCLING OPERATIONS

EX MIN 12/236 of 12th April refers.

Dr Wycliffe Fahie, PAS, FIN and Mr Kenrick Richardson, Comptroller of Customs joined the Meeting.

Council noted the report emanating from the meeting of Wednesday 18th April on the abolition of metal recycling operations.

Council:-

- (i) agreed that the moratorium on the export of scrap metal should be continued for another week;
- (ii) agreed that no further licences be granted within that time period;
- (iii) endorsed the following persons to form the working group:-

Dr Wycliffe Fahie	-	PAS, Finance
Mr Ivor Greene	-	SCC, AG's Chambers
Mr Elliot Forbes	-	Superintendent, RAPF

Mr Lynrod Brooks	-	Health Planner, Environmental Health
Ms Sherma Hodge	-	Commerce Officer, Finance
Mr Kenrick Richardson	-	Comptroller of Customs

- (iv) mandated the working group to evaluate the metal recycling operations and to report back to Executive Council on 26th April 2012 with recommendations for the consideration of Executive Council.

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

Action: PS, FIN; PS, EDICT; PAS, FIN; COP; COC; PS, MICUH

EX MIN 12/250

EX MIN 12/237 EX MEM 12/101 AUDITING OF PROCEDURES, PROCESSES AND OUTCOMES BY THE INTERNAL AUDIT DEPARTMENT IN RELATION TO PROJECTS FUNDED BY CCRIF FUNDS

Further to EX MIN 12/237 of 12th April 2012, Council agreed that work in relation to the CCRIF funded projects should not cease while the audit is being undertaken.

Action: DIR, INT AUD; PS, MICUH; PS, PA; PS, FIN; PS, EDICT; HON CM

OUTSTANDING ITEM FOR EXCO

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

Action: PS, MHA; AG

EX MIN 12/252

EX MIN 12/234 EX MEM 12/106 HOSTING OF CXC SEC AND COUNCIL MEETINGS IN DECEMBER 2012

Ms Aurjul Wilson, PS, MHA/LANDS, Mr Gifford Connor, DLS and Mr Leslie Hodge, Surveyor/Understudy to DLS joined the Meeting.

Council confirmed the decision taken in EX MIN 12/234 of 12th April 2012 that, the Hon Minister of Education did not have to speak to the Anguilla Air and Sea Ports Authority (AASPA) concerning exemption from the Departure Tax for delegates at the above meetings, because that tax is the responsibility of the Ministry of FEDICT and not the AASPA.

Action: PS, ELSYC; PS, MICUH; CIR; COC

EX MIN 12/253

EX MEM 12/107 FINANCING THE ANGUILLA SUMMER FESTIVAL

Council agreed that the paper should be deferred to the next meeting of Executive Council on 26th April 2012 pending submission of the financial statement for the Anguilla Summer Festival to Executive Council for consideration. Council further agreed that Ms Gecheal Richardson, Financial Controller of the Committee should attend Executive Council for discussion.

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

Action: PS, ELSYC; CIR; PS, FIN; PAS, FIN

Council agreed that:-

- a) under Revised s. 25: Home Education, sub-section (5) should read:- “A student in a home education programme may attend courses offered by the Ministry of Education, subject to any terms and conditions established by the regulations.
- b) sub-section (7) (a) make provision for the assessment of the student’s achievement on a termly basis and communicate the results to the parent. (“termly” may need to be defined).

The full text of the amendment to the Education Bill in relation to home schooling is as follows:-

In the Interpretation section:

“home education programme” means a course of study provided to a student under the direction of the student's parent and centred in the student's home or, subject to sections 25(5) and 25(6), somewhere other than an educational institution;

Revised s. 25:

Home education

25. (1) A parent of a student may provide a home education programme for the student if the parent complies with this section and if the programme meets the goals and objectives set out in section 3(3).

(2) The parent shall:-

(a) before the commencement of a home education programme for the student; and

(b) on an annual basis, after such commencement, for as long as the home education programme is offered,

(c) register the student with the Chief Education Officer.

(3) An educational plan for each student in a home education programme shall be prepared and provided to the Chief Education Officer subject to the following conditions:-

(a) the initial educational plan shall be prepared and provided to the Chief Education Officer not later than 3 months before the commencement of the home education programme;

(b) the educational plan shall be for a minimum period of 3 academic years and shall cover every year of the home education programme;

(c) the educational plan shall include a description of the learning activities for the student that will comply with the goals and objectives set out in section 3(3); and

(d) the educational plan shall be compatible with the national curriculum established under Part 8.

(4) The parent of a student in a home education programme may request that tests be administered to the student subject to the requirements of the regulations and to payment of fees prescribed for any tests that are administered.

(5) A student in a home education programme may attend courses offered by the Ministry of Education subject to any terms and conditions established by the regulations.

(6) Subject to regulations made under this Act, the parent of a student in a home education programme may receive, for the student, educational resource materials and approval for the use of school facilities and equipment.

(7) For the purposes of this Division, the Chief Education Officer shall:-

(a) make provision for the assessment of the student's achievement on a termly basis and communicate the results to the parent;

(b) provide the necessary advice to the parent if, in the opinion of the Chief Education Officer, the student is not making reasonable progress in the programme; and

(c) provide the parent with recommendations which will assist the student in improving the level of achievement.

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

Action: PS, ELSYC; AG

EX MIN 12/255

EX MEM 12/109 SUBMISSION OF CASTALIA'S INCEPTION REPORT TO THE GOVERNMENT OF ANGUILLA AS THE FIRST DELIVERABLE OF THE RENEWABLE ENERGY PROJECT

Mr Crefton Niles, Director, Public Utilities joined the Meeting.

Council:-

(i) approved Castalia's Inception Report to the GoA pending final amendments to the Report;

(ii) agreed that the Report should be presented to the GoA who will authorise its release.

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

Action: PS, MICUH; DIR, PU

EX MIN 12/256

EX MEM 12/110 FILLING THE POSITION OF DEPUTY DIRECTOR OF LANDS AND SURVEYS/REGISTRAR

PS, MHA/LANDS, DLS and Surveyor/Understudy to DLS remained for discussion.

Council agreed that the position of Deputy Director/Registrar in the Lands and Surveys Department should be advertised with immediate effect. Council further agreed that the advertisement should be open to public officers as well as persons outside the public service.

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 12/257

EX MEM 12/111 APPEAL AGAINST PLANNING PERMISSION – DEDRICK BROOKS

PS, MHA/LANDS, DLS and Surveyor/Understudy to DLS remained for discussion.

Council agreed that a site visit should be made to the property at Sandy Ground, Block 08512B Parcel 110.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 12/258

EX MEM 12/112 MORATORIUM ON CERTAIN CATEGORIES OF WORK PERMITS

PS, MHA/LANDS remained for discussion.

Council agreed that a temporary moratorium should be imposed on the issue of work permits for the categories of work permits listed below, during the period 1st May to 31st December 2012:-

Babysitter	Cook
Mason	Office Receptionist
Carpenter	Labourer
Plumber	Photographer
Electrician	Landscaper
Housekeeper	Bartender
Domestic Helper	Waiter/Waitress
Maintenance	Tiler
Painter	Store Clerk
Photographer	Cashier
Videographer	Spa Therapist

Council further agreed that:-

- (i) Caretaker/Caregiver for the elderly should be exempted from the moratorium requirements;
- (ii) Photographers and Videographers should be exceptionally considered only in special circumstances, and should involve working along with local counter parts.

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

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

EX MIN 12/259

EX MEM 12/113 PROGRAMME OF ACTIVITIES AND BUDGET FOR THE CELEBRATION OF THE 45TH ANNIVERSARY OF ANGUILLA DAY

Council approved a theme, programme of activities and budget for the 45th Anniversary of the Anguilla Day Revolution as attached.

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

Action: PS, MHA/LANDS; PAS, MHA; PS, FIN

EX MIN 12/261

EX MEM 12/115 ESTABLISHMENT OF A LEGAL AND SECURITY ADVISORY GROUP

Ms Jasmin Garraway, Coordinator, TSDP joined the Meeting.

Council agreed in principle to:-

- (i) the establishment of a Legal and Security Advisory Group;
- (ii) agreed that the above matter should be deferred for further consideration.

Action: PS, FIN; PS, EDICT; CO-ORD, TSDP; OTHER PERM SECS

EX MIN 12/262

EX MEM 12/116 RECOMMENDED GOVERNANCE MECHANISMS FOR THE IMPLEMENTATION OF THE SUSTAINABLE TOURISM MASTERPLAN PROJECT (STMP)

Coordinator, TSDP remained for discussion.

Council agreed the recommended governance arrangements for the implementation of the STMP as follows:-

- (i) To reconvene the project Steering Committee of Permanent Secretaries;
- (ii) To establish three Tourism Working Groups;
- (iii) To establish an oversight team for the tourism Working Groups;
- (iv) To establish an inter-ministerial committee on the environment;
- (v) In principle to establish a Legal and Security Advisory Group.

Council further agreed that:-

- a) The three Tourism Working Groups will operate in the East End, West End, Central Tourism Development Areas. The working groups will be comprised of technicians in the public service, members of the private sector and members of the respective communities. The groups will be guided by the following Terms of Reference:-
 - (i) To play an advocacy role in promoting the STMP and its initiatives in general and in the tourism development areas in particular;
 - (ii) To develop a database of sites, attractions and tourism assets in the tourism development areas;
 - (iii) To develop a database of resources (technical, human, and financial) to facilitate the enhancement and promotion of these assets;
 - (iv) To assist in implementing projects aimed at enhancing tourism assets in the tourism development areas for the benefit of nationals and residents of Anguilla to be shared freely with the visiting public;
 - (v) To assist in monitoring and management of the tourism assets during the enhancement phase and beyond.

- b) An oversight team comprising of leading bodies such as the Anguilla Tourism Board, Anguilla Hotel and Tourism Association, Anguilla Chamber Of Commerce and Industry, The National Trust. The Anguilla National Creative Arts Association, Anguilla Archaeological and Historical Society and the Ministry of FEDICT, will provide guidance on the use and management of Anguilla's heritage and tourism assets, within the Tourism Development Areas.

- c) An inter-ministerial committee on the environment comprising the Department of Environment, the Anguilla National Trust, the Department of Disaster Management, the Department of Physical Planning, the Water Laboratory, the Department of Infrastructure, the Department of Lands and Surveys, the Department of Fisheries and Marine Resources and the Ministry of FEDICT. This committee was established as a consequence of a number of cross cutting environmental issues related to Tourism Development in general and the Tourism Development Areas in particular.

- d) Agreed in principle to a Legal and Security Advisory Group to consider and address the legislative framework for tourism. This will be comprised of representatives of the office of the Attorney General, The Ministry of FEDICT, the Anguilla Tourist Board, the Royal Anguilla Police Force, an appointed member of the Bar Association, The Chief Immigration Officer and Comptroller of Customs.

- e) Other resource persons will be co-opted as necessary to these Tourism Development Area working groups, the Legal and Security Advisory Group and the Inter-ministerial Committee on the environment. These

development groups will provide intelligence, guidance and specialist technical skills, which will auger well for the sustainability of the tourism initiatives.

Action: PS, FIN; PS, EDICT; CO-ORD, TSDP; OTHER PERM SECS

EX MIN 12/263

EX MEM 12/117 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – JEAN-PIERRE PICHON

PS, MHA/LANDS, DLS and Surveyor/Understudy to DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Jean-Pierre Pichon to hold 0.33 acre of land with a dwelling house thereon on a freehold basis located at North Hill (Block 08513B Parcel 235), registered proprietors Elmie Richardson and Esline Richardson, at a valuation of US\$135,000.00/EC\$362,907.00 subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$362,907.00	EC\$18,145.35
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$362,907.00	EC\$45,363.38
	TOTAL	EC\$63,508.73 =====

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 12/264

EX MEM 12/118 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – JOSEPH P. CARLSON AND THOMAS W. VOLTA

PS, MHA/LANDS, DLS and Surveyor/Understudy to DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Joseph P. Carlson and Thomas W. Volta to hold a strata lot on a freehold basis located at Shoal Bay, which forms part of Anguilla Aviation Limited, a condominium development, at a valuation of US\$257,142.00/EC\$691,249.12 for tourism purposes, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Transfer – 5% of EC\$691,249.12	EC\$ 34,562.46
(ii)	Stamp Duty on Licence – 12.5% of EC\$691,249.12	EC\$ 86,406.14

TOTAL

EC\$120,968.60
 =====

Council further agreed that:-

- (i) Anguilla Aviation Limited should be the exclusive renting agent for the villa;
- (ii) the Licensees should be required to enter into an agreement with Anguilla Aviation Limited for the management and use of the villa for at least forty-four (44) weeks in each calendar year;
- (iii) the Licensees shall have the right to reside in the villa for a maximum of eight (8) weeks in each calendar year without being liable for the payment of accommodation tax. However, if the applicants wish to live in their villa for a period longer than eight (8) weeks, then they should be required to pay the accommodation tax.

Council also agreed that a check should be made to determine whether or not duty free concessions were granted to the developer.

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 12/266

EX MEM 12/120 TRANSFER OF CCRIF FUNDS TO PAY FOR LAND ACQUIRED FOR THE LIMESTONE BAY ROAD IMPROVEMENT PROJECT

Council authorised the transfer of EC\$76,073.20 (US\$28,000.00) from Public Administration – Disaster Mitigation and Recovery Head to Ministry of Home Affairs - Land Acquisitions Head to make payments for lands acquired for the Limestone Bay Improvement Project.

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

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

EX MIN 12/267

EX MEM 12/121 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

PS, MHA/LANDS remained for discussion.

Council agreed that Mr Sebastian Caraballo Lopez, a national of Uruguay who would be working as a Professional Football Coach with the Anguilla Football Association should be exempted from the requirement of a work permit in accordance with Section 3 (g) of the Control of Employment Act for one year.

Council noted the position of Head Coach Male National Team was advertised during the period February 29th 2011 to March 14th 2012 and that no suitable Anguillian had been indentified.

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

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

EX MIN 12/268

EX MEM 12/122 WORK PERMIT APPLICATION REFUSAL

The Hon Minister, Home Affairs, after consultation with the Executive Council and in accordance with Section 4 (1) of the Control of Employment Act, was not inclined to approve the following:-

Name	Country	Employer	Position
Murielle Fabienne Parotte	St. Martin	Viceroy Resort	Massage Therapist

The Hon Minister, Home Affairs indicated he was no longer inclined to refuse the work permit application for Mr Gordon H. Kennedy, a Guyanese national to be employed by Mr Lester Singh as a Labourer.

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

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

EX MIN 12/269

EX MEM 12/123 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ANGUILLA HOTEL INVESTORS II, LTD (SECTION: WEST END; BLOCK: 17808B; PARCEL 11/1)

PS, MHA/LANDS, DLS and Surveyor/Understudy to DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Anguilla Hotel Investors II, Ltd to hold a leasehold interest on Parcel No 11/1 registered to Leeward Isles Resorts Limited which forms part of Cap Juluca.

Parcel 11/1, the head lease includes villas 4, 5, 6, top floor of Villa 8 and the remaining vacant land totaling 5.09 acres which is encumbered by the following sub-leases: _

- i) 11/1/1 CJ VILLA LTD – VILLA 1
- ii) 11/1/2 CJ VILLA 2 LTD – VILLA 2
- iii) 11/1/3 CJ VILLA 3 LTD – VILLA 3
- iv) 11/1/4 BRIDGE FUNDING LTD – GROUND FLOOR OF VILLA 8
- v) 11/1/5 ANGUILLA HOTEL INVESTORS II LTD – VILLA 17

The terms of the lease is for a period of approximately 97 years 4 months at a purchase price of US\$3,250,000.00 or EC\$8,736650.00 for the real property. Council further agreed that the fees payable are as follows:-

- i) Stamp Duty on Licence under the ALHL @ 10% EC\$ 873,665.00
- ii) Stamp Duty on transfer valued

@ EC\$8,736,650.00
425,182.18

EC\$

TOTAL**EC\$1,298,847.18**

Council also agreed that, should the Court dealing with Cap Juluca matters agree to the application, the matter should be finalised by round robin.

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

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

ORAL MENTION

EX MIN 12/270

EX MIN 12/197 EX MEM 12/87 FULL COMPOSITION OF THE AASPA BOARD BY ADDITION OF FOUR (4) NEW MEMBERS

Further to EX MIN 12/197 of 23rd March 2012, Council agreed that the name, Mr Lanville Harrigan should be corrected to read:-

Mr Lanvil Harrigan - Member - Export Operations

Action: PS, MICUH; PS, PA; PS, FIN; PS, EDICT; ACC GEN

EX MIN 12/271

REVIEW OF FISCAL POSITION

PS, FIN, PS, MHA/LANDS and PAS, FIN remained for discussion. The following Officials joined the Meeting:-

Hon Jerome Roberts, Adviser to the Hon CM
Ms Kalleesha Webster, Deputy Accountant General
Mrs Shona Proctor, Budget Officer
Ms Valencia Prentice, Finance Officer
Ms Clara Richardson, Finance Officer
Mr Larry Franklin, PS, MICUH

The Team gave a power point presentation on the budget performance for the first quarter of 2012.

Council agreed that the Tax Reform Working Group should make a presentation to the Ministers of Government on two outstanding taxes contained in the 2012 Budget (Training Levy & Withholding Tax) before making a further presentation to Executive Council on Thursday 26th April 2012.

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

EX MIN 12/273

NATIONAL DAY OF**PRAYER: THURSDAY 3RD MAY 2012**

Council agreed to a request from the National Day of Prayer Committee for Rev E. Dunstan Richardson, Superintendent of the Methodist Church and Brother Neil Maroonie of the Dominion Faith Church to be in attendance at the Meeting of Executive Council on Thursday 3rd May for opening prayers.

Action: EXCO MEMBERS

EX MIN 12/274

ACTING APPOINTMENTS

HE The Governor informed Council that he would be on leave from 20 – 27 April 2012. Council noted that the Hon Deputy Governor would be the Acting Governor and Dr Bonnie Lake-Richardson, PS, HSD the Acting Deputy Governor.

Action: EXCO MEMBERS
