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**MINUTES OF THE 113<sup>TH</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 2<sup>ND</sup> AUGUST 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 Acting Attorney General, Mr Ivor Greene
- Mrs Sonia Brooks, Acting Clerk to Executive Council
- IN ATTENDANCE: Ms Aurjul Wilson, PS, MHA/Lands  
Mr Foster Rogers, PS, EDICT  
Hon Jerome Roberts, Adviser to CM  
Mr Perin Bradley, TIO  
Mr Leslie Hodge, Surveyor/Understudy to DLS  
Mr Gifford Connor, DLS  
Ms Mary Clare Haskins, Crown Counsel  
Hon Haydn Hughes, Parliamentary Secretary  
Bradley Colmer, Brilla Group  
David Brillembourg, Chairman and CEO, Brilla Group  
Ravi Badursingh, Legal Counsel Brilla Group  
Alex Richardson, Legal Counsel Marc Rowan
- ABSENT: The Honourable Attorney General, Mr James Wood

EX MIN 12/543

**CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 112<sup>th</sup> Meeting held on Thursday 26<sup>th</sup> July 2012 and the Minutes of a Special Meeting held on Monday 30<sup>th</sup> July 2012.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 12/545

**EX MIN 12/526 EX MEM 12/249 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE**

Council noted that the Hon Minister of Home Affairs decided to defer confirmation of EX MIN 12/526 until a subsequent Council Meeting.

Action: PS, MHA/LANDS

EX MIN 12/546

**EX MIN 12/539 INTRODUCTION OF MR STEVE McCREADY, CHIEF OF STAFF**

Council agreed that Mr Steve McCready should be invited to Executive Council Meeting to inform Council of his job function.

Action: HE

EX MIN 12/547

**EX MIN 12/540 APPEAL OF THE LICENCE FOR THE CONSTRUCTION AND OPERATION OF A DOLPHINARIUM IN THE FORESHORE AND FLOOR OF THE SEA AT SANDY POINT, BLOWING POINT, ANGUILLA**

Council agreed that the Ministry of Home Affairs and Attorney General Chambers should propose a procedure for hearing appeals on the Dolphinarium project and other such future appeals.

Action: PS, MHA/LANDS; AG (Ag)

EX MIN 12/548

**EX MIN 12/542 SHARA PROCTOR – OLYMPICS**

Council agreed that the Governor should send Shara Proctor a congratulatory message on behalf of Executive Council for her participation in the Olympics.

Council further agreed that public servants, other than those engaged in essential services should be granted time off on Tuesday 7 August and Wednesday 8 August to be able to view Shara Proctor's participation in the Long Jump Preliminaries and Finals at the Olympics.

Public Officers are therefore expected to work on the stipulated days as outlined below:-

Tuesday August 7, 2012

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8am to 1pm - Public officers will work through the usual lunch hour of 12pm – 1pm.

Wednesday August 8, 2012 - 8am to 12pm and 1pm to 2pm -The usual lunch break of 12pm - 1pm will be taken.

Council noted that time off on Wednesday August 8, 2012 is conditional on Ms Proctor participating in the Finals.

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

Action: PS, MHA/LANDS; PS, PA

### **OUTSTANDING ITEMS FOR EXCO**

1. EX MIN 12/500                      CENTRAL CHRISTIAN SCHOOL  
of 19 July 2012                      To report back to Executive Council.

Action: PS, ELSYC

2. EX MIN 12/501                      LEASE OF CINNAMON REEF PROPERTY  
of 19 July 2012                      FROM ASSIDCO  
To report back to Executive Council.

Action: HON CM; PS, ELSYC; PS, FIN;  
PS, EDICT

3. EX MIN 12/502                      CONSIDER REQUEST FROM THE ANGUILLA  
of 19 July 2012                      TOURIST BOARD (ATB) FOR THE GOA TO  
FUND SETTLEMENT WITH  
MR FITZROY "BRIGY" TOMLINSON  
To report back to Executive Council.

Action: PS, EDICT

EX MIN 12/549

### **EX MEM 12/258 PROBATION ACT 2011 & REGULATIONS**

Council approved the Probation Regulations and noted that the commencement notice for the Probation Act 2011 was being issued.

Action: PS, HSD

EX MIN 12/550

### **EX MEM 12/259 THE ESTABLISHMENT OF A CHRONIC NON-COMMUNICABLE DISEASE COMMISSION**

Council approved the establishment and composition of the Chronic Non-Communicable Disease Commission as set out below:-

- a. Health Planner, (Chairman)
- b. HAA Medical Doctor (NCD Focal Point)
- c. Chief Nursing Officer
- d. Faculty member from the St. James School of Medicine
- e. Private Medical Doctor

- f. Quality Assurance Officer
- g. Director National AIDS Programme
- h. Director of Agriculture
- i. Nutritionist
- j. Senior Health Educator
- k. Senior School Health Nurse
- l. Representative Community Nursing
- m. Representative of Sports Department
- n. Representative Diabetes Association
- o. Representative Faith-based organisation
- p. Permanent Secretary Health (ex-officio member)
- q. Representative Ministry of Finance (ex-officio member)

Action: PS, HSD

EX MIN 12/551

**EX MEM 12/260 APS EFFICIENCY REVIEW - MERGER OF THE DEPARTMENTS OF AGRICULTURE AND FISHERIES**

Council agreed that the transfer of the Marine Resources component of the Fisheries Department to the Department of Environment be progressed. It is believed that Marine Resources is best placed under the Department of Environment based on the functions of that component of the Department of Fisheries.

Council confirmed that the post of Chief Veterinary Officer in the Department of Agriculture is best placed under the Ministry and this should be reflected in any restructuring.

Council noted the difficulties associated with the merger and mandated that further consideration should be given to what steps can be taken to ensure greater efficiencies in the Departments of Agriculture and Fisheries as separate entities and report back to EXCO as to how this will be achieved.

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

EX MIN 12/552

**EX MEM 12/261 APPROVE THE PAYMENT OF 2004 – 2006 CONTRIBUTIONS TO WHAT WE DO IN ANGUILLA (WWDIA) IN THE AMOUNT OF US\$75,000.00**

PS, EDICT remained for the discussion.

Council agreed that the paper should be deferred.

Executive Council further agreed that representatives from the ATB should be invited to attend the next Executive Council meeting to explain the exact nature of the arrangement with What We Do in Anguilla (WWDIA).

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

Action: PS, EDICT; PS, FIN

**EX MEM 12/262                      EXEMPTION FROM THE WORK PERMIT  
REQUIREMENT FOR SHERRY ANN KELLY, KEVIN KING-  
WILKERSON, SAMANTHA JOHNSON, ANEVA ADAMS,  
GEORGE RICHARDS, AND YOLANDA WILLIAMS**

Council agreed that the following persons should be exempted from the work permit requirement for a period of one (1) year in accordance with Section 3 (g) of the Control of Employment Act:-

- 1) **Ms Sherry Ann Kelly**, a national of Jamaica residing and working in Anguilla since 1998. Ms Shelly Ann Kelly is currently employed as a babysitter for Ms Shirley Hodge. Ms. Kelly has been the recipient of several Certificates of Exemption from the work permit requirement, and is desirous of obtaining a renewal of the exemption to facilitate her continuing employment, and residence in Anguilla. Ms. Shirley Hodge has submitted a supporting employment letter, and the vacant position was advertised during the period 22 May 2012 to 5<sup>th</sup> June 2012.
- 2) **Mr Kevin King-Wilkerson** is a US national, who was born in Puerto Rico. He came to Anguilla with his mother, Gloria Wilkerson, at a very young age, and has been residing in Anguilla for the past 16 years. He attended the Valley Primary School from September 1996 to July 2000, and the Albena Lake-

Hodge Comprehensive School from September 2000 to October 2004. He is in the process of applying for Belonger status, based on his years of residence in Anguilla.

Mr. King-Wilkerson is presently employed at Viceroy Resort as a Bellman and is applying for an exemption from the work permit requirement to facilitate his continuing employment in Anguilla.

- 3) **Ms. Samantha Johnson** is a national of Jamaica who has been residing in Anguilla since 2005. She attended the Albena Lake-Hodge Comprehensive School from 2005 to 2010. Since then, Ms. Johnson has been employed as a Produce Clerk at Best Buy Supermarket in the Long Path. She has been the recipient of the Certificate of Exemption from the work permit requirement, and is desirous of applying for a renewal of the exemption to facilitate her employment and residence in Anguilla. The position was advertised during the period 30<sup>th</sup> April to 14<sup>th</sup> May 2012.
- 4) **Ms. Aneva Adams** is a national of St. Vincent, who first arrived in Anguilla in August 2006, at the invitation of Mr. Carlos Adams a citizen of Anguilla. They were married in January 2007. Ms. Adams then took responsibility for the personal care of Carlos's sick mother until her death in 2008. She subsequently gained employment at Malliouhana Hotel as a Gardener in the Landscaping Department. However, their marriage ended in divorce, and Ms. Adams was required to have a valid work permit for continued employment in Anguilla. Mr. Nigel Roydon the Director of Malliouhana has submitted a letter supporting her employment at the hotel.

Ms. Adams is desirous of obtaining an exemption from the work permit to allow her to continue her employment and to reside in Anguilla.

- 5) Mr **George Richards** is a national of St Kitts. The Anguilla Tennis Academy has employed Mr. Richards as the Head Tennis Professional at the Academy. The Academy has previously received Certificates of Exemption from the work permit requirement for its Tennis professionals. The position was advertised during the period 21st February to 6th March 2012.
- 6) **Ms Yolanda Williams**, is a national of Jamaica. Ms. Williams has been employed by the Soroptimist Club of Anguilla as a Day Care/Pre-school Teacher, since 2007. During this period, she has contributed significantly to the development of the Day Care Centre. Ms. Williams has been the recipient of several Certificates of Exemption from the work permit requirement. The position was advertised during the period 21st June to 3rd July 2012.

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

**ORAL MENTION**

EX MIN 12/554

**EXEMPTION FROM THE WORK PERMIT REQUIREMENT FOR MS ALICIA JOHNSON**

Executive Council agreed to exempt Ms Alicia Johnson, Cap Juluca, and Ms Roxann Pinnock from the work permit requirement.

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

EX MIN 12/555

**AUGUST SEASON BOAT RACING**

A letter from Mr Oris Smith, Chairman of the Anguilla Boat Racing Captain's Committee was circulated to members.

It was agreed that the Hon Minister of Social Development and the Hon Chief Minister would discuss the Boat Racing issues with the Anguilla Boat Racing Captain's Committee.

Action: HON MIN HSD; HON CM

EX MIN 12/556

**EX MIN 12/503 EX MIN 12/489 EX MEM 12/232 RECRUITMENT OF EXECUTIVE DIRECTOR AND INSTITUTIONAL STRENGTHENING OF THE PUBLIC UTILITIES COMMISSION (PUC)**

Mr Larry Franklin, PS MICUH joined the meeting.

MICUH's response to Mr William "Bill" Withers comments on the drafting brief for amendments to the PUC, were presented.

Further to EX MIN 12/503 of 19 July 2012 Council approved the drafting brief for the proposed amendment to the PUC Act.

Action: PS, MICUH; AG (Ag)

EX MIN 12/557

**EX MIN 12/487 EX MEM 12/230 ESTABLISHMENT OF ANGUILLA  
CONSTITUTIONAL AND ELECTORAL REFORM COMMITTEE  
(ACERC)**

EX MIN 12/487 of 12 July refers.

Council agreed that Ms Quincia Gumbs should be replaced with Mr Quinson Gumbs.

Action: PS, FIN; PS, EDICT

EX MIN 12/558

**SUCCESSION TO THE CROWN**

H E The Governor informed Council that the legislation which will be amended to ensure that the first child automatically becomes heir to the British Throne will apply automatically to the OTs. There is therefore no need for separate legislation in Anguilla.

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