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MINUTES OF THE 123RD MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON FRIDAY 26TH OCTOBER 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 Acting Deputy Governor, Mr Larry Franklin
- 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: Mr Gifford Connor, DLS
Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, EDICT
Mr Kenneth Hodge, PS, MHA/LANDS (Ag.)
Hon Jerome Roberts, Adviser to the Hon CM
Dr Wycliffe Fahie, PAS, FIN
Mr Foster Rogers, PS, EDICT
Mrs Sandra York-Gumbs, Admin Off/MICUH
Mrs Shona Proctor, Budget Director
Ms Jamila Gumbs, Budget Officer
Ms Gina Brooks, Tourism Planner
Mrs Chanelle Petty-Barrett, PS, ELSYC
- ABSENT: The Honourable Deputy Governor, Mr Stanley Reid

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EX MIN 12/749

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 121st Meeting held on Thursday 11th October, Minutes of the 122nd Meeting held on Thursday 18th October 2012 and the Minutes of Special Meetings held on Friday 12th October, Monday 15th October, Friday 19th October, Monday 22nd October and Tuesday 23rd October 2012.

MATTERS ARISING FROM THE MINUTES

EX MIN 12/750

EX MIN 12/747 MEMORANDUM OF UNDERSTANDING BETWEEN THE CLINTON FOUNDATION AND THE GOVERNMENT OF ANGUILLA

Further to the above minute of 23 October 2012, the Hon Attorney General informed Council that he liaised with London on the matter and that there was no legal impediment with regard to the GoA signing the MoU. The PS, MICUH also indicated that there were no hindrances from discussion with MICUH regarding the MoU.

Council authorised the Hon Minister, MICUH to sign the document on behalf of the Government of Anguilla.

Action: PS, MICUH; DIR, PU

OUTSTANDING ITEMS FOR EXCO

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

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

Action: HON CM; PS, ELSYC; PS, FIN;
PS, EDICT
3. EX MIN 12/502
of 19 July 2012 CONSIDER REQUEST FROM THE ANGUILLA
TOURIST BOARD (ATB) FOR THE GOA TO
FUND SETTLEMENT WITH MR FITZROY
"BRIGGY" TOMLINSON
To report back to Executive Council.

Action: PS, EDICT

EX MIN 12/751

EX MEM 12/357 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – MICHEL PETIT

Mr Gifford Connor, DLS joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence to Mr Michel Petit to hold 0.75 acre of land with a dwelling house thereon on a freehold basis located at Island Harbour (Block 89219B Parcel 182), at a valuation of US\$250,000.00/ EC\$672,050.00, subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$672,050.00	EC\$ 33,602.50
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$672,050.00	EC\$ 84,006.25
(iii)	refundable deposit@ 10% of EC\$672,050.00	EC\$ 67,205.00
	TOTAL	EC\$184,813.75

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

Action: PS, MHA/LANDS (Ag.); PS, FIN; PS, EDICT; DLS

EX MIN 12/752

EX MEM 12/358 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – SONGBIRD LIMITED (SECTION: WEST CENTRAL; BLOCK: 28210B; PARCEL 98)

DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Songbird Limited to hold 0.90 acre of land with a dwelling house thereon, on a freehold basis located at Rendezvous (Block 28210 B Parcel 98), at a valuation of US\$1,750,000.00/ EC\$4,704,350.00 for tourism purposes. The Director is also transferring the directorship and 100% of the shareholding to non-belongers and non-belongers entities respectively, and as such the following fees are payable:-

(i)	under the Stamp Act – 5% of EC\$4,704,350.00 (transfer of shares)	EC\$235,217.50
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$4,704,350.00	EC\$588,043.75

TOTAL

EC\$823,261.25
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Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, MHA/LANDS (Ag.); PS, FIN; PS, EDICT; DLS

EX MIN 12/753

EX MEM 12/359 FILLING VACANT POSTS IN THE IMMIGRATION DEPARTMENT

Council agreed that the following vacant positions in the Immigration Department should be immediately advertised and filled as soon as possible:-

- One (1) Senior Immigration Officer
- (One (1) Immigration Officer II
- Two (2) Immigration Officer I

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

Action: PS, MHA/LANDS (Ag.); PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 12/754

EX MEM 12/360 FILLING TWO (2) VACANT POSTS OF DATA ENTRY CLERK

Council agreed that the two (2) vacant posts of Data Entry Clerk in the Immigration Department should be immediately advertised and filled as soon as possible.

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

Action: PS, MHA/LANDS (Ag.); PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 12/755

EX MEM 12/361 APPLICATIONS FOR PERMIT OF PERMANENT RESIDENCE

Council agreed that Permits of Permanent Residence should be granted to the following persons in accordance with Section 24 of the Immigration and Passport Act:-

- 1) Mr Adrian Friedrich Johannes Kobbe - National of Germany residing in Anguilla since 2000.
- 2) Ms Christine Carmelita Waite - National of Jamaica residing in Anguilla since 2001.
- 3) Mr Clive Mosiah Garvey - National of Jamaica residing

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- in Anguilla since 1998.
- 4) Ms Harriett Garvey - National of Jamaica residing in Anguilla since 2000.
- 5) Mr Hudson Winston Hobson - National of St Kitts residing in Anguilla since 2000.
- 6) Ms Marcia Kay Daley - National of Jamaica residing in Anguilla since 2003.
- 7) Ms Uldean Eldale Trim - National of Guyana residing in Anguilla since 2004.
- 8) Mr Paul Ucliff Trim - National of Guyana residing in Anguilla since 2004.
- 9) Mr Randolph Stephenoious Mercurius - National of Guyana residing in Anguilla since 1999.
- 10) Ms Arlene Andrea Mercurius - National of Guyana residing in Anguilla since 1999.
- 11) Mr Javan Randy Mercurius - National of Guyana residing in Anguilla since 1999.
- 12) Mr Chandradatt Persaud Nirmaul - National of Guyana residing in Anguilla since 2000.
- 13) Ms Deveka Harayal-Nirmaul - National of Guyana residing in Anguilla since 2000.
- 14) Mr Miguel Denniston Johnson - National of Jamaica residing in Anguilla since 1997.
- 15) Mr Somal Sahai - National of Guyana residing in Anguilla since 2000.
- 16) Ms Jurline Judion Gayle - National of Jamaica residing in Anguilla since 2004.
- 17) Ms Marisol Alfaro - National of Venezuela residing in Anguilla since 2000.

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

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

EX MIN 12/756

EX MEM 12/362 TRANSFER OF DR LEROY HILL TO THE ANGUILLA COMMUNITY COLLEGE

Council approved Dr Leroy Hill's transfer, by regulation, to the Anguilla Community College effective 1st October 2012.

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

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

EX MIN 12/757

EX MEM 12/363 EXEMPTION FROM THE WORK PERMIT REQUIREMENT – FAIZAL ALI NIZAMALI, JOHN SHELDON FREDERICK AND LORRAINE SHAKESPEARE

Council agreed that the following persons should be granted the Certificate of Exemption from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act:-

- 1) Mr Faizal Ali Nizamali - National of Guyana who is employed as the Chief Engineer at Trans Anguilla Airways.
- 2) Ms Lorraine Shakespeare - National of Jamaica who is employed as a Special Education Teacher at the Arijah Children's Foundation.

Council agreed to defer consideration from the work permit requirement on behalf of Mr John Sheldon Frederick, a national of St. Lucia to be employed at Spark Caribbean as an IT Technician/Sales Clerk.

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

EX MIN 12/758

EX MEM 12/364 AMENDMENT OF EXCO MINUTE 10/382 – GRANTING OF LEASE OF CROWN LAND – LINA FRANCILETTE – PROPERTY DESCRIBED AS REGISTRATION SECTION NORTH CENTRAL BLOCK 48814B PARCEL 250 CONTAINING 0.57 ACRE OF LAND

DLS remained for discussion.

Council agreed that EX MIN 10/382 of 1 July 2010 approving a lease for Ms Lina Francillette should be amended to read:-

- (i) removing the Sections in the Lease Agreement requiring that the Crown be named as beneficiary of an insurance policy over the property in the Lease Agreement in this case and in similar cases where the property is vacant land that said Sections be removed;
- (ii) specifying the description of the property being leased as Parcel 250, Block 48814B situated in Registration Section North Central, containing 0.57 acre;
- (iii) specifying that the term of the lease is for fifty (50) years;
- (iv) specifying that the use of the premises for the purpose of a guest house and commercial use;
- (v) including an option to renew for fifty (50) years;
- (vi) specifying the rent for the first year shall be the sum of US\$330.00 and shall increase by five percent (5%) annually, thereafter for the next four (4) years with rent review every five years (upward only);
- (vii) the Fee Payable is Stamp Duty on Lease (EC\$766,137.00 x 50 x 0.0005) = **EC\$19,153.40.**

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

Action: PS, MHA/LANDS (Ag.); DLS; PS, FIN; PS, EDICT; ACC GEN

EX MIN 12/759

EX MEM 12/365 VARIATION OF LEASE AGREEMENT AND AMALGAMATION OF CROWN LAND – CLARIDANIA GUERRERO-SAMUEL AND CLARICIA SAMUEL-GUERRERO – PROPERTIES DESCRIBED AS REGISTRATION SECTION WEST CENTRAL BLOCK 28210B PARCEL 119/1 CONTAINING 0.88 ACRES OF LAND AND PART OF PARCEL 120 CONTAINING 0.25 ACRE

DLS remained for discussion. Further to EX MINS 10/770 of 9 December 2010 and 12/343 of 17 May 2012, Council agreed that:-

- 1) Parcel 120 be partitioned to allow a 0.25 acre lot to be amalgamated to Parcel 119 containing 0.88 acre this allowing a total of 1.13 acres of land to be the leased property;
- 2) the Applicants Claridania Guerrero-Samuel and Claricia Samuel-Guerrero be granted a variation to the existing Lease Agreement dated April 28, 2011 as follows:-
 - (i) annual lease payments in the amount of US\$2,500.00 increasing at 5%

annually instead of monthly lease payments;

(ii) amendment to vary the description and size of the property being leased to the newly created Parcel containing 1.13 acres being the said lot containing 0.25 acres and Parcel 119 containing 0.88 acres;

3) the arrears in the amount of EC\$3,225.84/US\$1,200.00 for the period May to November 2012 be paid;

4) The Fee Payable is as follows:-

Stamp Duty on Lease (EC\$60,484.50 x 97.41 x 0.0005) = **EC\$2,945.90.**

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

Action: PS, MHA/LANDS (Ag.); DLS; PS, FIN; PS, EDICT; ACC GEN

EX MIN 12/760

EX MEM 12/366 APPLICATION FOR DUTY EXEMPTION BY SEVENTH -DAY ADVENTIST CHURCH

Council agreed that the sum of EC\$4,857.43 should be refunded to the Seventh-Day Adventist Church (c/o Pastor Virgil Sams) on an imported vehicle (Silver Grand Vitara) to be used by the Assistant Pastor.

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

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 12/761

EX MEM 12/367 DUTY EXEMPTION ON BUILDING MATERIALS AND EQUIPMENT FOR BIODIESEL PROCESSING SITE

Council agreed in principle to granting duty exemption on building materials and equipment to Mr Keith "Heavy" Brooks who is desirous of establishing a Biodiesel Processing Plant where used cooking oil would be stored in bulk and then processed to meet the requirements for biodiesel fuel.

Council further agreed that a detailed submission should be brought to Executive Council in due course for further consideration.

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

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 12/762

EX MEM 12/368 SHORT TERM FINANCING AND ADDITIONAL REVENUE STREAMS FOR THE OPERATIONS OF THE AASPA

The following Officials joined the Meeting:-

Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, EDICT
Mr Kenneth Hodge, PS, MHA/LANDS (Ag.)

Hon Jerome Roberts, Adviser to the Hon CM
 Dr Wycliffe Fahie, PAS, FIN
 Mr Foster Rogers, PS, EDICT
 Mrs Sandra York-Gumbs, Admin Off/MICUH
 Mrs Shona Proctor, Budget Director
 Ms Jamila Gumbs, Budget Officer
 Ms Gina Brooks, Tourism Planner
 Mrs Chanelle Petty-Barrett, PS, ELSYC

As an interim measure, pending completion of the EU funded study/review of the operations and structures of the Anguilla Air and Sea Ports Authority, Executive Council:-

- (i) agreed, in keeping with the Finance Administration and Audit Act, the advance of funds to the AASPA to cover any previous and future deficits of the AASPA so as to enable the Board to meet its obligations during 2012 including the expected shortfall for the 4th quarter. The advances should also cover fire service cost;
- (ii) agreed the proposed revenue streams for the AASPA to be implemented in 2012. The fees are:-

AASPA Proposed Revenue Streams	
Port Fee (Blowing Point):	
<i>Ferries</i>	US\$10.00/per trip
<i>Charter boats</i>	US\$10.00/per trip
Security Fee (seaports):	
<u><i>Departing passenger</i></u>	
<i>Rate per passenger</i>	US\$3
<u><i>Break-bulk/loose cargo</i></u>	
<i>Rate per ton</i>	US\$5
<u><i>Containers(TEU)</i></u>	
<i>Rate per TEU (Twenty-foot equivalent Unit) (US\$)</i>	US\$40

- (iii) agreed to forgive amounts owing to GOA as a result of advances to the Board during the course of 2012;
- (iv) agreed that the AASPA, MEFDICT and MICUH should revisit and recommend to GoA options for the collection of the various port fees and charges.

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

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

EX MIN/ 12/763

EX MEM 12/369 APPLICATION FOR DUTY EXEMPTION BY FURNITURE PLUS PLAZA

PS, FIN; PS, EDICT and PAS, FIN remained for discussion.

Council agreed that duty exemption should be granted to Furniture Plus Plaza (c/o Ms Claricia Samuel) on the attached list of items for phase two of the project. Council noted that phase one on the first floor of the building had been virtually completed. Council agreed that granting of the exemption for phase two should be on the same grounds previously approved by Executive Council for phase one, which are:-

- i) It is a local enterprise with a construction cost of over one million EC dollars and requires substantial initial capital investment that is capable of generating a significant number of jobs;
- ii) It is a project that adds to the development of the tourism product in the area of Spring Path and Rendezvous.

The estimated duty loss to the GoA is EC\$84,478.78.

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

Action: PS, FIN; PAS, FIN; COC; FO

ORAL MENTION

EX MIN 12/764

PRESS RELEASE

In EX MIN 12/742 of 19 October 2012, Council agreed and authorised work to be carried out on a package of measures to reform the criminal justice system.

These measures include:-

1. Cautioning and Restorative Justice
2. The abolition of Preliminary Inquiries
3. The imposition of minimum sentences for specific firearms offences
4. The reform of maximum financial penalties for criminal offences
5. The establishment of a Sentencing Advisory panel
6. The introduction of a Rehabilitation Act
7. Legislative amendments designed to combat gang related crime
8. Provisions for the prosecution to appeal unduly lenient sentences
9. Introduction of witness protection measures
10. Introduction of a Legal Aid Scheme
11. Extension of Parenting Orders

- 12. Extension of sentencing options
- 13. Introduction of a Domestic Violence Act
- 14. Evidential reforms
- 15. Introduction of legislation permitting the interception of communications
- 16. Reform of the Police Act
- 17. Introduction of a Bribery Act
- 18. Introduction of Integrity in Public Office legislation
- 19. Reform of sentencing powers
- 20. Reform of Defence Costs Orders

The Hon AG indicated that the AG’s Chambers will now commence work, with a view to taking these measures forward. Input and comments will be sought from the ECSC, the Bar and members of the public.

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

Action: AG; HE

EX MIN 12/766

MEETING OF EXECUTIVE COUNCIL

Council agreed that there should be a Special Meeting of Executive Council on Monday 29 October at 2:30 pm to discuss the Malliouhana MOU.

Action: EXCO MEMBERS; PS, EDICT

EX MIN 12/767

BUDGET SPEECH

Council agreed that the Budget Speech should be held on Thursday 22 November 2012 at 2 pm.

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

EX MIN 12/768

OVERSEAS TRAVEL

The Hon Minister, MICUH informed Council that he would on leave from the 29 October – 6 November 2012.
