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## **MINUTES OF THE 91<sup>ST</sup> MEETING OF THE TENTH ANGUILLA EXECUTIVE COUNCIL HELD ON THURSDAY 2<sup>ND</sup> FEBRUARY 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: Hon Jerome Roberts, Adviser to the Hon CM  
Mr Foster Rogers, PS, EDICT  
Ms Aurjul Wilson, PS, MHA/LANDS  
Mr Perin Bradley, TIO  
Mr Gifford Connor, DLS  
Mr Leslie Hodge, Surveyor/Understudy to DLS  
Ms Mary Clare Haskins, Crown Counsel  
Ms Gina Brooks, Tourism Planner  
Dr Bonnie Richardson-Lake, PS, HSD  
Mrs Catherine Firth, HOGO  
Ms Dawne Richardson, Parliamentary/Crown Counsel  
Mr Kenneth Hodge, PAS, MHA/LANDS  
Ms Jacqueline Sealy-Burke, Consultant  
Mr Ivor Greene, Senior Crown Counsel (Civil)

EX MIN 12/54

### **CONFIRMATION OF THE MINUTES**

The Minutes of the 90<sup>th</sup> Meeting held on Thursday 19<sup>th</sup> January 2012 and the  
Minutes of Special Meetings held on Friday 20<sup>th</sup> January, Monday 23<sup>rd</sup> January,

Tuesday 31<sup>st</sup> January and Wednesday 1<sup>st</sup> February 2012 will be confirmed at a subsequent Meeting of Executive Council.

**OUTSTANDING ITEM FOR EXCO**

1. EX MIN 08/761 IMMIGRATION AND LABOUR POLICY  
of 11 December 2008  
Action: PS, MHA; AG

EX MIN 12/55

**EX MEM 12/15 PAYMENT OF COMPENSATION/AMENDMENT TO EXECUTIVE COUNCIL MINUTE**

The Government of Anguilla paid compensation to Rev. John A. Gumbs for 0.34 acre of land, acquired for the construction of the Rev. C.L. Carty Road. According to EX.MIN 11/767 of 10 November 2011, the amount of compensation was calculated as US\$45,000.00 or EC\$120,000.00, which was paid in Eastern Caribbean Dollars. However, Rev. John A. Gumbs informed the Ministry that when the conversion was transacted at the Bank; an error was discovered in that the amount was actually US\$44,524.64 instead of US\$45,000.00 as stated in EX MIN 11/767.

Council agreed that EX MIN 11/767 of 10 November 2011 should be amended to reflect that the amount equivalent to US\$475.36 or EC\$1,291.50 be paid to Rev. John A. Gumbs as the balance owed on compensation for lands acquired by the Government of Anguilla which was used for the construction of the Rev. Leonard Carty Road.

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

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

EX MIN 12/56

**EX MEM 12/16 EXEMPTION FROM THE WORK PERMIT REQUIREMENT - ANGUILLA CRICKET ASSOCIATION**

Council agreed that Mr Shane Kelly Elliot Burton, a national of Antigua and Barbuda who resides in Anguilla and who will be employed as Kiddy Cricket Coach with the Anguilla Cricket Association 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.

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

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

EX MIN 12/57

**EX MEM 12/17 EXEMPTION FROM THE WORK PERMIT REQUIREMENT**

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) **Morton Isaacs**, a national of Guyana who has been residing in Anguilla for many years and attended school here. Mr. Isaacs is presently employed at Viceroy Hotel as a Houseman since November 2010, and is the recipient of a Certificate of Exemption which expired on 14<sup>th</sup> October 2010. He is desirous of continuing his employment at the Viceroy Hotel, and has applied for a renewal of the Certificate of Exemption from the work permit requirement. The Management at Viceroy Hotel has confirmed Mr. Isaac's employment at the establishment.
- 2) **Paul Trim**, a national of Guyana who has been residing in Anguilla since 2004. He attended the Albena Lake-Hodge Comprehensive School during the period 2004 to 2009. Mr. Trim has been a participant in many social activities including athletics, sports, martial arts, and the Literacy and Debating Society. He obtained an Associate's Degree in Technical Studies from the Caribbean Examination Council. Mr. Trim is now seeking employment in Anguilla. He has applied for the position of Medical Office Assistant at the Hughes Medical Centre, and was accepted for employment. The position was advertised beginning 2<sup>nd</sup> November 2011 to 6<sup>th</sup> December, 2011.
- 3) **Manuela Natividad Rogers-Brujan**, a national of the Dominican Republic who has been residing in Anguilla with her family since 2002. She is the grand child of a believer of Anguilla. Ms. Rogers-Brujan was recently granted the Permit of Permanent Residence on 22<sup>nd</sup> December 2011. She has been employed at Viceroy Hotel as a Room Attendant since 18<sup>th</sup> October 2009. She has been the recipient of the Certificate of Exemption which expired on 12 October 2011. Ms. Rogers-Brujan is desirous of continuing her employment at the Viceroy Hotel, and has applied for a renewal of the Certificate of Exemption.
- 4) **Shanique Thompson**, a national of St. Vincent and the Grenadines who has been residing in Anguilla since 1999. She attended the Albena Lake-Hodge Comprehensive School during the period 2000 to 2004. She was granted the Permit of Permanent Residence on Thursday, 22<sup>nd</sup> December 2011. Ms. Thompson has been employed at Malliouhana Cooperative Rental & Sales Society Limited d/b/s DHL Express (Anguilla Agency) for the past five (5) years, as the Sales and Operations Representative. She has applied for an exemption from the work permit requirements to facilitate her continued employment in Anguilla.

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

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

EX MIN 12/58

**EX MEM 12/22 THE LAKE FAMILY**

EX MIN 12/48 of 23 January 2012 refers.

Messrs Foster Rogers, PS, EDICT, Gifford Connor, DLS, Leslie Hodge, Surveyor/ Understudy to DLS and Ivor Greene, Crown Counsel (Civil) joined the Meeting.

Council confirmed EX MIN 10/89 of 11 February 2010 which reads:-

“Council approved the application by George C Lake in relation to the Forest estate under Section 8A of the Stamp Act as amended for the waiver of the stamp duty of fourteen million four hundred and three thousand seven hundred and fifty-five dollars and ninety-five cents US currency (US\$14,403,755.95) on the transfer of 42 parcels of land into the Conch Bay Development Limited for investment purposes’.

The Hon Chief Minister made the following statement on the matter:-

**RESPONSE ON THE ISSUE OF THE LAKE FAMILY**

“On this issue, all I have to say is that I have maintained that in the same way that the former administration gave hundreds of millions of dollars in concessions to foreign developers, there was no reason why for the nature of the development being undertaken by an Anguillian, that that Anguillian should be treated any less favourably. However, although the Lake family sought this concession since 2000, the then Minister of Finance chose only the week before elections in 2010 to try to push this process forward and did not complete the process, no doubt anticipating that they would have been elected. It is disappointing that it had to take the Lakes filing a law suit to achieve a principle that I have expressed in ExCo whenever this type of matter came up, ought to have been upheld. Now the Government of Anguilla will be exposed to legal costs for something which in my view was clear at the outset. But I am satisfied that the Attorney General’s position is a correct one and I trust that the Attorney General will seek to negotiate with the family to waive the costs since we will not be defending that suit”.

The Governor noted that the ExCo minute of 11 February 2010 had never been confirmed or authorised for early release.

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

EX MIN 12/59

**EX MEM 12/24 BOARD OF GOVERNORS OF THE ALBENA LAKE-HODGE COMPREHENSIVE SCHOOL**

Council agreed that the paper be deferred for further discussion between the Hon Minister, MSD and the Hon Minister, MHA/LANDS.

Council agreed that the paper should include the financial implications.

Action: PS, ELSYC; PS, MHA/LANDS

EX MIN 12/60

**EX MEM 12/25 HEALTH SECTOR REVIEW**

Dr Bonnie Richardson-Lake, PS, HSD joined the Meeting.

Council agreed that:-

- (i) Ministers should reflect on the decisions required in EX MEM 12/25 with a view to finalisation of the decisions at the next regular meeting of Executive Council;
- (ii) Mr Roger England's report should be submitted to the next regular meeting of Executive Council with the relevant sections highlighted for discussion.

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

Action: PS, HSD

EX MIN 12/61

**EX MEM 12/26 THE EXTENSION OF THE CONVENTION FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) TO ANGUILLA**

Dr Bonnie Richardson-Lake, PS, HSD, and Mr Foster Rogers, PS, EDICT remained for discussion. Ms Aurjul Wilson, PS, MHA/LANDS, Mrs Catherine Firth, HOGO, Ms Dawne Richardson, Parliamentary/Crown Counsel, Mr Kenneth Hodge, PAS, MHA/LANDS and Mrs Jacqueline Sealy-Burke, Consultant joined the Meeting.

Mrs Jacqueline Sealy-Burke, Consultant gave a comprehensive presentation on the matter.

Council:-

- (i) agreed that the Domestic Violence Bill should be deferred for further discussion between the Hon Minister, MSD and the Hon Minister, MHA/LANDS and that the matter be brought back to Executive Council on 16 February 2012;
- (ii) approved the post of Gender Development Coordinator;
- (iii) agreed that the Department of Public Administration be asked, in collaboration with MHA and other relevant departments/ministries, to take the necessary action to create a Gender Affairs Unit, including development of a job description and grading of the position as well as identifying options for redeployment of staff.

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

Action: PS, MHA/LANDS; PS, PA; PAS, MHA; PS, HSD; PARL/CC

EX MIN 12/62

**EX MEM 12/27 ADJUSTMENTS TO THE SOLID WASTE MANAGEMENT CONTRACTS**

Council agreed that the matter be deferred to enable the PS, HSD to be present for discussion.

Action: PS, HSD

EX MIN 12/63

**EX MEM 12/28 APPROVAL OF PROGRAMME OF ACTIVITIES AND BUDGET TO CELEBRATE THE JAMES RONALD WEBSTER DAY, FRIDAY MARCH 2<sup>ND</sup> 2012**

Council:-

- (i) agreed that a parade should be held on Friday 2 March 2012 to celebrate the James Ronald Webster Day;
- (ii) approved a budget of EC\$6,500 - breakdown as follows:-

Tents and Chairs	-	4,000
Bottled Water	-	700
PA System	-	800
Painting	-	<u>1,000</u>
(touch up painting of dais, podium, and front of pavilion)		
	<b>TOTAL</b>	<b>6,500</b>

- (iii) agreed that instructions be given to the Commissioner of Police for the preparation of an Operational Order for the holding of the parade.

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

Action: PS, MHA/LANDS; PAS, MHA; PS, FIN; PS, EDICT; ACC GEN

EX MIN 12/64

**EX MEM 12/29 RESIGNATION OF CHAIRMAN AND APPOINTMENT OF NEW CHAIRMAN AND DEPUTY CHAIRMAN OF THE BOARD OF THE WATER CORPORATION OF ANGUILLA**

Council noted the resignation of Mr Ethelbert Edwards from the Board of the Water Corporation and agreed that:-

- (i) Mrs Marlene Lewis-Brooks should be appointed to the Board of the Water Corporation of Anguilla as Deputy Chairman for a period of two (2) years;
- (ii) Mr Stephenson Rogers should be designated as Chairman of the Board of the Water Corporation of Anguilla for the remainder of his 2 year term;
- (iii) the allowance for the Chairman should be increased from EC\$1,300.00 to EC\$1,375.00 per month and that the allowance for the Deputy Chairman be reduced from EC\$1,275.00 to EC\$1,200 per month. The allowance for all other Board Members should remain at EC\$1,100 per month.

Council noted that the allowances of the members of the Board will be paid by the Water Corporation of Anguilla and not by the Government of Anguilla.

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

Action: PS, MICUH; CEO WCA

EX MIN 12/65

**INF 12/02 DRAFT ORDER IN COUNCIL: THE RESTRICTIVE MEASURES (AMENDMENT) (OVERSEAS TERRITORIES) ORDER 2012**

Council noted that the UK intended to make an Order in Council to revoke a number of restrictive measures Orders in Council which have ceased to have effect pursuant to the cancellation of the UN measures they were implementing, specifically The Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1992; The Libya (United Nations Sanctions) (Dependent Territories) Order 1993; and The Haiti (United Nations Sanctions) (Dependent Territories) Order 1994. In addition, The United Nations Arms Embargoes.

(Dependent Territories) Order 1995, as amended, imposes an arms embargo in relation to the former Yugoslavia and Sierra Leone. These embargoes have now been lifted by the UN. Accordingly the draft Order revokes these four restrictive measures Orders. The Order will also amend a number of restrictive measures Orders in force in the Overseas Territories so that they use the correct, current name of the British Overseas Territory of St Helena, Ascension and Tristan da Cunha.

Council further noted that the draft Order in Council, prepared by FCO Legal Advisers, has been provided to the Attorney General's Chambers for their consideration. The FCO intends to lay the Order before the Privy Council in time for its meeting in February.

Action: HE; AG; MINS OF GOV'T

EX MIN 12/66

**INF 12/03 DRAFT ORDER IN COUNCIL IMPLEMENTING EU SANCTIONS ON SUDAN AND SOUTH SUDAN**

Council noted that the Foreign Affairs Council of the European Union decided in July 2011, by means of Council Decision 2011/423/CFSP, to adapt and replace Common Position 2005/411/CFSP concerning restrictive measures against Sudan. The decision extended some restrictive measures to South Sudan which became a separate and independent state on 9 July 2011. The measures are directed against certain individuals impeding the peace process and breaking international law in the conflict in the Darfur region, and include an arms embargo, travel restrictions and an assets freeze. Council Regulation (EU) No.1215/2011, adopted on 24 November 2011, implemented these measures.

Council further noted that FCO Legal Advisers have prepared a draft Order in Council, which has been provided to the Attorney General's Chambers for their consideration, to implement these measures in the Overseas Territories. This Order revokes and replaces the regime contained in the Sudan (Restrictive Measures)

(Overseas Territories) Order 2004 owing to the extension of the regime at the EU to both Sudan and South Sudan. The FCO intends to lay the Order before the Privy Council in time for its meeting in February.

Action: HE; AG; MINS OF GOV'T

EX MIN 12/67

**INF 12/04 LIBYA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) (AMENDMENT) ORDER IN COUNCIL**

Council noted that on 16<sup>th</sup> December, the UN Sanctions Committee established pursuant to UN Security Council Resolution 1970 (2011) concerning Libya, delisted the Central Bank of Libya and the Libyan Arab Foreign Bank. Therefore, the asset freeze no longer applies to these two entities. The EU adopted Council Regulation (EU) No 1360/2011 of 22 December 2011 in order to implement the decision taken by the UN Sanctions Committee in the EU.

Council further noted that FCO Legal Advisers have prepared an Order in Council, which has been provided to the Attorney General's Chambers for their consideration, to implement the decision in the Overseas Territories, except Bermuda and Gibraltar. The Order amends the Libya (Restrictive Measures) (Overseas Territories) Order 2011 (as amended previously by the Libya (Restrictive Measures) (Overseas Territories) (Amendment) Order 2011). Article 4 of the draft Order in Council changes the definitions of "designated person" and "person referred to in paragraph 15 of Security Council resolution 2009 (2011)" in article 2 (1) of the principal Order, in order to remove the Central Bank of Libya and the Libyan Arab Foreign Bank from the scope of the partial asset freeze. The FCO intends to put the draft Order to the February Privy Council.

Action: HE; AG; MINS OF GOV'T

EX MIN 12/70

**AUTHORISATION OF PAYMENT TO KEITHLEY LAKE AND ASSOCIATES**

Council agreed that a maximum sum of US\$15,000.00 should be paid to Keithley Lake and Associates for legal representation on behalf of Mr Brandon Romney.

Council further agreed that the Hon Attorney General should discuss with the Registrar, Judicial Department and the Bar Association a more structured process going forward.

Action: AG; REG/JUD; PS, FIN; PS, EDICT; ACC GEN

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