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MINUTES OF THE 138TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 7TH FEBRUARY 2013

- PRESENT: His Excellency the Governor, Mr Alistair Harrison
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education
- The Honourable Walcott Richardson, 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
Mr Gifford Connor, DLS
Mrs Kathleen Rogers, PS, PA
Ms Dawne Richardson, Parliamentary/Crown Counsel

EX MIN 13/83 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 136th and 137th Meetings held on Thursday 24th January and Friday 1st February 2013 respectively and the Minutes of a Special Meeting held on Friday 25th January 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/84 **EX MIN 13/57 EX MEM 13/25 FURTHER EXTENSION OF THE SHORT TERM LANDFILL CONTRACT**

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Hon Jerome Roberts, Adviser to the Hon CM joined the Meeting.

Council agreed that EX MIN 13/57 of 24th January 2013 should be amended in part as follows:-

“Council considered the above matter. The Hon Minister of Infrastructure indicated that he did not support a further extension of the short term landfill contract. The Minister further indicated that ample notice should be given with regard to contracts and suggested a time period of six (6) months. The Hon Chief Minister stated that he supported the extension but expressed his concern with long term contracts. The Hon Minister of Home Affairs pointed out that the situation warranted an extension but he agreed with the Hon Minister of Infrastructure that sufficient notice of at least three (3) months in advance should be given for contracts. He further pointed out that he believed that the substantive contract should be for no more than one year. Council at this point noted the importance of the Procurement Board being operational”.

Council agreed today that the tender document and the contract should be forwarded to the AG’s Chambers to determine how the Ministers concerns about the length of the contract could be addressed.

Action: PS, HSD; PS, FIN; PS, EDICT; ACC GEN

EX MIN 13/85

EX MIN 13/66 SALARIES OWED TO CIVIL SERVANTS

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Further to EX MIN 13/66 of 24th January 2013, Council agreed that paragraph 3 (i) of the minutes should be amended to read:-

- (i) the deferred salary mechanism should, if possible, come to an end effective 28 February 2013.

Action: PS, FIN; PS, PA; AG; PS, EDICT; OTHER PERM SECS

EX MIN 13/86

EX MIN 13/74 EX MEM 13/33 SELECTION OF ANGUILLA’S TOURISM MARKETING REPRESENTATIVE FOR NORTH AMERICA

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion. Mr Foster Rogers, PS, EDICT joined the Meeting.

In EX MIN 13/74 of 1st February 2013, Council agreed that CAMC/TTMN should be appointed as the Anguilla Tourist Board North American Representative on a two (2) year contract based on their comprehensive response to the RFP and their performance in the interview process.

The Hon Chief Minister advised that this decision had become controversial and needed to be revisited. The PS, EDICT again briefed Council on the process leading to the selection of ATB's North American Representative and declared in relation to the proposal that the decision be revisited that he would not be a part of a process that puts the GoA in legal jeopardy.

The Hon Chief Minister confirmed that he welcomed the Governor's intention to look into the contract signed by the ATB for the new dock at Juliana Airport. He said he had not had anything to do with the contract.

Action: PS, EDICT

EX MIN 13/87

EX MIN 13/80 PERMISSION TO ADVERTISE POSTS IN THE AG'S CHAMBERS

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

EX MIN 13/80 of 1st February 2013 refers.

The Hon Chief Minister and the Hon Minister of Infrastructure respectively requested that their comments in relation to the matter be recorded as indicated below:-

Hon Chief Minister

“Non-nationals occupying position in the Public Service”

A policy needs to be established in line with the current Work Permit Policy that sets out at its core that Anguillians have to be given the first opportunities at filling positions not only in the private sector but in the public sector as well.

That Government needs to ensure that even from the advertisement stage that the job descriptions are not being tailored in a manner to exclude Anguillians particularly since Anguilla has invested significantly in the education of its nationals.

Government needs to ensure that those who have been funded by Government are, in the first instance, offered opportunities for work arising within their field. Experience should not be used as a disqualifier for position but that individuals within that field are given the opportunity to develop and grow within the role.

On the issue of staffing at the AG's Chambers which came up for discussion last week:

1. What is the status of the employment contract for Kellie Bailey?

Again I reiterate that under no circumstances is the contract to be renewed. An Anguillian needs to fill this position. Five years is sufficient time for Ms Bailey to

have transferred knowledge especially since the AG's Chambers is brimming with young lawyers who need to be utilised further. There are currently 6 lawyers in Chambers and any staffing should further incorporate and any other persons who have been funded by Government and have not yet served their bond.

2. What are the job descriptions of the positions being offered and ExCo should be advised at the next meeting?
3. Are there any Anguillians that the Government has funded and who have not yet been assigned to a position to serve their bond?
4. Are there any Anguillians who can be given on-the-job training to fill the positions?

Before there are any further measures undertaken in terms of the recruitment process, as the new Minister of Labour I wish to receive all information relative to these questions.”

Hon Minister of Infrastructure

“I am requesting that the job description for positions currently being considered be brought to ExCo before further publication, to be vetted by ExCo to determine if Anguillians can qualify”.

Council:-

- (i) agreed that ExCo members should have sight of job descriptions for posts when permission is being sought to fill them;
- (ii) agreed that filling of the posts in the AG's Chambers should proceed as previously agreed.

Action: AG; HON CM; HON MIN, MICUH; DG

EX MIN 13/88

EX MEM 13/31 DR CLAUDE ILIOU'S WORK PERMIT

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council agreed that the matter should be deferred and reconsidered when the Hon Chief Minister returns from official overseas business. Council noted that Mr Iliou's Work Permit expires in February but was uncertain of the expiration date. Council agreed that if the matter is not considered before the expiration date, Mr Illiou's Work Permit should be extended until the matter is reconsidered.

Action: PS, HSD; PS, LABOUR

EX MIN 13/89

EX MEM 13/32 ENGAGEMENT OF A FIRE SERVICES CONSULTANT

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council:-

- (i) noted the offer from the UK to partially fund a consultancy to facilitate the institutional strengthening of the Anguilla Fire and Rescue Service;
- (ii) agreed that a Fire Services Consultant should be engaged to strengthen the institutional capacity of the Anguilla Fire and Rescue Service.

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

Action: PS, MICUH; PS, PA

EX MIN 13/90

EX MEM 13/35 WORK PERMIT POLICY

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council agreed that the matter should be deferred until the Hon Chief Minister returns from official overseas business.

Action: HON CM

EX MIN 13/91

EX MEM 13/36 CHANGES TO BEACH VENDING REGULATIONS AFTER CONSULTATION

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council confirmed the decision taken by round robin on 5th February 2013 that the following changes be made to the Beach Vending Regulations and that the Beach Control (Amendment) Act be amended to reflect these changes:-

A. Committee instead of Curator

- (i) All relevant decisions to be made by Beach Vending Control Committee rather than the Curator of Beaches (Director of Lands)
- (ii) Committee composed of:-

Curator of Beaches, who will serve as Chair

Director of Environment

Director of Planning

Registrar of Lands, who will serve as Secretary

- (iii) Three members constitute a quorum

- (iv) In the absence of the Chair, members present will elect an Acting Chair
- B. Beachfront restaurants no longer granted right of sole use of beach in front of establishment (right of sole use remains for hotels).
- C. Inclusion of right to require production of permit and duty to produce permit when requested.
- D. Inclusion of offence for obstruction, assault or verbal abuse of anyone performing functions under the Regulations.

Action: AG; PS, EDICT

EX MIN 13/92

EX MEM 13/37 TEMPORARY COVERAGE AT ZENAIDA HAVEN REHABILITATION CENTRE

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council approved the recruitment of a Juvenile Care Worker on a temporary basis for the Zenaida Haven Rehabilitation Centre.

Action: PS, HSD; PS, PA

EX MIN 13/93

EX MEM 13/38 AMENDMENT TO EXCO MINUTE 12/800 GRANTING A LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – THE ENTRUST GROUP INC FOR THE BENEFIT OF KAREN ANN MILBRATH IRA 54-00644 (SECTION: WEST END; BLOCK: 17810 B; PARCEL 201 SL F403)

Mr Gifford Connor, DLS joined the Meeting.

Council agreed that EX MIN 12/800 of 13 November 2012 should be amended to describe the applicant as The Entrust Group for the benefit of Karen A. Milbrath IRA 54-00644 and not Entrust Group (beneficial owner Karen A. Milbrath).

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

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

EX MIN 13/94

EX MEM 13/39 AMENDMENT TO EXCO MINUTE 12/801 GRANTING A LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – THOMAS J HICKEY IRR TRUST 12-28-99 (SECTION: WEST END; BLOCK: 17810 B; PARCEL 201 SL F302)

DLS remained for discussion.

Council agreed that EX MIN 12/801 of 13 November 2012 should be amended to describe the applicant as Thomas J Hickey IRR Trust 12-28-99 and not Thomas J Hickey.

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

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

EX MIN 13/95

EX MEM 13/40 EXCHANGE OF CROWN LAND TO ACQUIRE RIGHT OF WAY: DEVELOPER TO ACQUIRE RIGHT OF WAY: ACCESS ROAD TO ROYALE CARIBBEAN RESORT LTD.

DLS remained for discussion.

Council:-

- (i) agreed that Lot 1 on Survey Plan LS 05-13 being part of Registration Section South Central, Block 38612 B Parcel 456 registered to Clavis Carter as Personal Representative of the Estate of Peter Carter as outlined in Appendix 2 of EX MEM 13/40 be transferred to Crown as a realignment of the 10 foot Public Right of Way;
- (ii) approved an exchange of Crown land being 0.20 acre described as Lot 3 on LS 03-13 forming part of Registration Section West Central Block 28210 B Parcel 120 for Lot 2 on Survey Plan LS 05-13 containing 0.25 acre being part of Registration Section South Central, Block 38612 B Parcel 456 registered to Clavis Carter as Personal Representative of the Estate of Peter Carter;
- (iii) agreed that the Developer ensures that the 30 foot Right of Way containing 0.09 acre of land being Parcel 421 registered to Preston Richardson as Personal Representative of the Estate of Albert Bernardo Richardson deceased is transferred to Crown to be used as a public road, subject to the MoU being finalised.

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

EX MIN 13/96

EX MEM 13/41 AMENDMENT TO EXCO MIN 13/19 – APPLICATION FOR LICENCE OF CROWN LAND – SHARMAINE BROWNE – PART OF PROPERTY DESCRIBED AS REGISTRATION SECTION SOUTH CENTRAL BLOCK 38813 B PARCEL 160 (FORMERLY PART OF PARCEL 4) CONTAINING (0.09 ACRE OF LAND)

DLS remained for discussion.

Council agreed that EX MIN 13/43 of 17th January 2013 should be amended to reflect a change in the description of the property as follows:-

The description of the property being licenced is described as 0.09 acre of land being part of property described as Registration Section South Central, Block

38813 B Parcel 160 (formerly part of Parcel 4) with a dwelling house thereon as delineated on Plan Reference LS 01-13.

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

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

EX MIN 13/97

EX MEM 13/42 PUBLICATION OF DRAFT FINAL REPORT “SUPPORT TO THE ANGUILLA AIR AND SEA PORTS AUTHORITY”

Council:-

- (i) agreed in principle to the release of the Draft Final Report “Support for the Anguilla Air and Sea Ports Authority”, subject to no objections from the European Union and/or the Consultants;

- (ii) approved a statement of indemnity to accompany the release of the draft final report to indicate that the Government of Anguilla bears no responsibility from any and all matters and issues, material and/or non-material that may arise as a result of changes that may take place within the various draft reports for this study, subject to the AG’s Chambers being consulted on the exact wording.

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

Action: PS, MICUH

ORAL MENTION

EX MIN 13/98

POSSIBLE CONFLICT OF INTEREST

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

HE the Governor indicated that he wanted to make a short statement about Hon Richardson’s matter. Hon Richardson absented himself.

The Governor said that he had learnt from the RAPF that Hon Richardson had engaged Mrs Josephine Gumbs-Connor as his Defence Lawyer. Mrs Gumbs-Connor was also Independent Policy Adviser to the Chief Minister which created a potential conflict of interest. The Governor asked the Chief Minister for an assurance that he had not sought, and would not seek, advice from Mrs Gumbs-Connor on anything to do with Hon Richardson. The Chief Minister said he would not seek Mrs Gumbs-Connor’s advice on this matter. He further said that he had not so far sought anyone’s advice on this matter.

Action: HE; HON CM

EX MIN 13/99 **APPROVAL OF FOREIGN ORDER UNDER DEPENDENT ADULTS ACT**

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council agreed that the matter should be deferred for more information.

Action: HE

EX MIN 13/100 **EU SAVINGS DIRECTIVE – EXCHANGE OF LETTERS WITH CROATIA**

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council noted the proposed Agreement between Anguilla and the Republic of Croatia concerning the automatic exchange of information about Savings Income in the form of interest payments.

Action: HE; MINS OF GOV'T

EX MIN 13/101 **AUDITOR FOR PUBLIC UTILITIES COMMISSION**

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council agreed that the firm of Price Waterhouse Coopers (PwC), Antigua should be appointed to conduct the audit of the Public Utilities Commission's Accounts for the year 2012.

Action: PS, MICUH; CHAIRMAN, PUC

EX MIN 13/102 **REQUEST BY HON CHIEF MINISTER**

Hon Jerome Roberts, Adviser to the Hon CM remained for discussion.

Council endorsed the request by the Hon Chief Minister that Ms Aurjul Wilson, PS, MHA/LANDS continues to carry the portfolio of Labour and Immigration during his absence from 7 – 17 February 2013 and until other administrative arrangements are made.

Action: HON CM; PS, MHA/LANDS

EX MIN 13/103 **CAP JULUCA REDUNDANCY PLAN**

Hon Jerome Roberts, Adviser to the Hon CM and PS, EDICT remained for discussion.

Council noted the correspondence on the above. Council further noted that thirty-nine (39) employees at Cap Juluca will be made redundant on or before 10th February 2013 and that further redundancies will also occur over the next few months.

Action: PS, EDICT; LAB COM; TIO

EX MIN 13/104

FIRST DRAFT FOR PUBLIC SALARIES BILL

Mrs Kathleen Rogers, PS, PA and Ms Dawne Richardson, Parliamentary/Crown Counsel joined the Meeting.

Ms Richardson lead Council through a power point presentation on the above.

Council agreed the strategy for consultation as follows:-

- 1) Friday 8th February - distribution to all Public Officers electronically;
- 2) Tuesday 12th February - comments returned to PSs for relevant ministry;
- 3) Wednesday 13th February - further meeting (if necessary) with PSs and Drafter to finalise Bill;
- 4) Thursday 14th February - ExCo for final approval for the Gazette;

- 5) Friday 15th February - extra-ordinary Gazette;
- 6) Tuesday 19th February - 1st and 2nd readings;
- 7) Friday 22nd February - 3rd reading, assent and Notice

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

Action: PS, PA; AG; PS, FIN; PS, EDICT; PAS, FIN; OTHER PERM SECS

EX MIN 13/105

LETTER FROM MR COLVILLE L. PETTY

Council noted a letter dated 28th January 2013 to HE the Governor from Mr Colville L. Petty thanking the Executive Council for their condolences to his brother-in-law, Mr Claudius Lake on the passing of his wife, Nardine Lake. Mr Petty also expressed appreciation for the attendance of HE the Governor, Hon Chief Minister and other members of the House of Assembly at the Thanksgiving Service.

Action: EXCO MEMBERS

EX MIN 13/106

OVERSEAS TRAVEL

HE the Governor informed Council that he would be on leave from the 28th February - 4th March 2013.
