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MINUTES OF THE 142ND MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 7TH MARCH 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 Jerome Roberts, Minister of 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 Ensor Gumbs, PAS, MHA/LANDS
Mr Russel Reid, Labour Commissioner
Mrs Chanelle Petty-Barrett, PS, ELSYC
Ms Gecheal Richardson-Gumbs, CIR
Mr Larry Franklin, PS, MICUH
Mr Rawle Hazell, Director, Housing & Construction
Dr Aidan Harrigan, PS, FIN

EX MIN 13/165 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 141st Meeting held on Wednesday 27th
February 2013 and the Minutes of a Special Meeting held on Tuesday 26th
February 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/166 **EX MIN 13/151 LEGAL REPRESENTATION**

Further to EX MIN 13/151 of 27th February 2013, the Hon Attorney General

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informed Council that Mr Thomas Astaphan, Barrister/Solicitor had agreed to represent Messrs Sharmal Thomas Carty and Ishan Brooks who were both charged with attempted murder at a cost of no more than US\$8,000.00.

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

EX MIN 13/167

EX MIN 13/156 EX MEM 13/70 RENTAL SPACE AT BABROW COMPLEX

Mrs Chanelle Petty-Barrett, PS, ELSYC, Ms Gecheal Richardson-Gumbs, CIR, Messrs Larry Franklin, PS, MICUH and Rawle Hazell, Director, Housing & Construction joined the Meeting.

Further to EX MIN 13/156 of 27th February 2013, Council agreed that:-

- (i) the PS, HSD should be given the opportunity to explain the circumstances, regarding the above, whether in person or in writing;
- (ii) the MSD and FEDICT should look at the present accommodation situation with a view to determining whether to retain the rental accommodation space or be moved elsewhere, taking into consideration financial implications;
- (iii) consideration has to be given regarding the office space for the National AIDS Office.

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

Action: PS, HSD; PS, FIN; PS, MICUH; CIR

EX MIN 13/168

EX MIN 13/163 EX MEM 13/77 CONTRACTING OF THE BRITTO AGENCY- LUXURY BRANDING SPECIALISTS AT THE MINISTRY OF TOURISM

With reference to EX MIN 13/163 of 27th February 2013, HE the Governor stated that he would make a statement pertaining to the above. The statement is as follows:-

“I dissociated myself from the Executive Council decision to award Marvette Britto a contract with the Ministry of Tourism worth almost EC\$1 million over the next two years.

I am not satisfied that due process has been followed in awarding the contract; nor that there is good reason to increase the sum paid to her compared to what she has been paid in past months; nor that the terms of reference will ensure good value for money.

I am also concerned that the award of the contract involved persons who should not have become involved in the process”.

Action: PS, EDICT; PS, FIN; CO-ORD, TSDP; HE; DIR, INT AUD

EX MIN 13/169

EX MEM 13/78 EXEMPTION FROM THE WORK PERMIT REQUIREMENTS

Mr Ensor Gumbs, PAS, MHA/LANDS joined the Meeting.

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) Mr Austin J. Esprit - National of Dominica who has been residing and working in Anguilla for the past 8 (eight) years with his family. Mr Esprit is presently employed at Sunset Homes as the Property Caretaker.
- 2) Ms Kristin Nicole Bourne - USA National to be employed by Rainbow Isles Escapes Ltd. as a Marketing/Advertising/Public Relations Manager.
- 3) Mr Tony Wendell Bacchus - National of Guyana who has been residing and working in Anguilla since 2004. Mr Bacchus is to be employed by Ms Carlette Clarke as an Assistant Cook at Carlette’s Bar & Grill at Sandy Ground.
- 4) Ms Alicia D. Laing - National of Jamaica who has been residing in Anguilla since 1999. Ms Laing attended the ALHCS from September 1999 to July 2002. She is currently employed as a Housekeeper at JTR Security Services at Stoney Ground.

Council noted that the above positions had been advertised.

Council further agreed that:-

- (i) the Labour Department should be asked to report to Executive Council whether there were other applicants for the jobs;

- (ii) the Labour Department should produce a draft policy on the exemption from the work permit requirements in due course.

Action: PS, MHA/LANDS; PAS, MHA/LANDS; LAB COM; CIR

EX MIN 13/170

EX MEM 13/79 APPEAL AGAINST PLANNING PERMISSION – MR KENNETH VANTERPOOL

PAS, MHA/LANDS remained for discussion.

Council agreed that a site visit should be made to the proposed development at the Valley (Block: 48814 B, Parcel 253) so that a more informed decision could be taken regarding the appeal against planning permission by Mr Kenneth Vanterpool.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/171

EX MEM 13/80 APPEAL AGAINST PLANNING PERMISSION – MR GEORGE HODGE

PAS, MHA/LANDS remained for discussion.

Council agreed that a site visit should be made to the proposed development at Mimi Bay (Block: 99516 B Parcel 14) so that a more informed decision could be taken with regard to the appeal against planning permission submitted by Mr George Hodge.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/172

EX MEM 13/81 PROPOSED INVESTMENT BUSINESS ACT

PAS, MHA/LANDS remained in attendance.

Council approved in principle the drafting of legislation to regulate non-domestic investment business to be done. This would be carried out by the AFSC, engaging (and paying for) the drafting services.

Action: AG

EX MIN 13/173

EX MEM 13/82 RESCINDING EXCO MINUTE 07/220 – GRANTING OF LEASE OF CROWN LAND – ANGUILLA AIR SERVICES – FOR PART OF PROPERTY, CONTAINING 0.50 ACRE DESCRIBED AS REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38813 B, PARCEL 160

PAS, MHA/LANDS remained for discussion.

Council agreed that:-

- (i) Executive Council Minute 07/220 be rescinded and that Anguilla Air Services Ltd. pays outstanding rents:-
 - a) to the Government in the amount of EC\$12,096.24 for the period May 2007 to October 2009;
 - b) to the Anguilla Air & Sea Ports Authority subject to approval of the Authority, in the amount of EC\$16,683.62 for the period November 2009 to February 2013.
- (ii) the Government of Anguilla should immediately facilitate the leasing of all ports lands to the Anguilla Air & Sea Ports Authority;
- (iii) the Company, Anguilla Air Services Ltd should be notified to apply to the Anguilla Air & Sea Ports Authority to acquire an interest in property described as Lot #4 containing 0.50 acre being part of property described as Registration Section South Central Block 38813 B Parcel 160 that their hangar is erected on.

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

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

EX MIN 13/174

EX MEM 13/83 ANGUILLA LABOUR CODE - REQUEST FOR ASSISTANCE

PAS, MHA/LANDS remained for discussion. Mr Russel Reid, Labour Commissioner joined the Meeting.

Council:-

- (i) supported the proposal to review the Draft Anguilla Labour Code in 2013;
- (ii) noted that the International Labour Organisation (ILO) Sub-Regional Office in Trinidad has agreed to finance 50% of the consultancy fees;
- (iii) agreed that financial assistance from the Government of Anguilla in the amount of US\$18,000.00 should be given to cover the remaining cost for the consultancy to review the Draft Anguilla Labour Code.

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

Action: PS, LABOUR; LAB COM; PS, FIN; PS, EDICT; ACC GEN

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EX MIN 13/175

EX MEM 13/84 PROPOSED AMENDMENTS TO THE WATER AND WELLS ACT

PS, MICUH remained for discussion.

Council agreed that the Bill should be deferred for one week for approval by the Hon Attorney General's Chambers.

Action: PS, MICUH; AG

EX MIN 13/176

EX MEM 13/85 APPOINTMENT OF MEMBERS OF BOARD OF THE ANGUILLA SOCIAL SECURITY BOARD (ASSB)

Dr Aidan Harrigan, PS, FIN joined the Meeting.

Council:-

- (i) agreed to the reappointment of the following persons whose term expires on 9 March 2013 to the Board of the ASSB:-
 - a) Mr Alkins Rogers (Employee Representative – Deputy Chairman)
 - b) Mr Victor Brooks (Employee Representative)
 - c) Mr Evan Lake (Employer Representative)
- (ii) further agreed that either Dr Patrick Vanterpool or Ms Lena Sasso should be considered for appointment as the 7th person to sit on the ASSB;
- (iii) also agreed to appoint a Chairman of the Board due to the resignation of the former Chairman of the Board, Mr Thomas Astaphan.

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

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