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**MINUTES OF THE 147<sup>TH</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON FRIDAY 12<sup>TH</sup> APRIL 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 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 Acting Attorney General, Mr Ivor Greene
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mrs Chanelle Petty-Barrett, PS, ELSYC  
Dr Aidan Harrigan, PS, FIN  
Mr Foster Rogers, PS, EDICT  
Mr Bancroft Battick, Chief Engineer/Acting PS, MICUH  
Mr Gifford Connor, DLS
- ABSENT: The Honourable Edison Baird, Minister of Social Development, Health, Sports  
and Education

The Honourable Attorney General, Mr James Wood

EX MIN 13/251 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 146<sup>th</sup> Meeting held on Thursday 4<sup>th</sup> April 2013.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 13/253 **EX MIN 13/240 EX MEM 13/118 INCENTIVIZING THE**  
**MANUFACTURING INDUSTRY IN ANGUILLA**

Council agreed that EX MIN 13/240 of 4<sup>th</sup> April 2013 should be amended in part as follows:-

- (i) agreed to allow businesses that manufacture on island a concession on the importation of any plant, machinery and raw materials to be used in the manufacturing business for a period up to ten (10) years from the date at which the business starts up (in the case of manufacturing businesses that are already operational; from the date which they notify the Ministry of Finance, Commerce and Economic Development that they want to exploit this opportunity).

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

EX MIN 13/254

**EX MIN 13/247 EX MEM 13/125 VALLEY ROADS IMPROVEMENT PROJECT**

PS, FIN, PS, EDICT and CE/Ag. PS, MICUH remained for discussion.

With reference to EX MIN 13/247 of 4<sup>th</sup> April 2013, the Chief Engineer informed Council that a Surveyor had been engaged to work on surveying and that markings will be placed on the road during the course of next week.

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

EX MIN 13/255

**EX MIN 13/248 MONETARY CONTRIBUTION TOWARDS FUNERAL EXPENSES FOR THE LATE MR PHILLIP RICHARDSON (AKA 'CHINEE')**

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

Further to EX MIN 13/248 of 4<sup>th</sup> April 2013, Council agreed that the widow of Mr Phillip Richardson should seek financial assistance through the normal departmental process.

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

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

EX MIN 13/256

**ORAL STATEMENT BY GOVERNOR ON CONDUCT OF FORMER MINISTER FOR HOME AFFAIRS**

"I should like to make a short statement about the conduct of the former Minister for Home Affairs, Hon Walcott Richardson.

I began to have concerns about Mr Richardson's conduct over work permits soon after he took office. Later on, I became concerned about his extensive use of visa waivers. This practice stopped when I intervened and ensured that public officers only recognised/honoured visas which were issued in accordance with the established policy. But my concerns about work permits, a matter on which I could not intervene without the Chief Minister's co-operation, remained and intensified throughout his period as a Minister. I repeatedly expressed those concerns to the Chief Minister, who is ultimately responsible for the conduct of Ministers, and asked him to agree to an independent inquiry, or to suggest some

other way of dealing with them. As Mr Richardson has now left office, there is no value in actively pursuing these concerns any further. But for the record I want to set them out to Executive Council.

I first raised my concerns with the Chief Minister on 23 September 2010. At the time, they related to the relatively narrow issue of Mr Richardson turning down work permit applications without consulting Executive Council. Over the next few months I obtained evidence of other possible abuses, and set them out in a letter to the Chief Minister, at his request, on 13 January 2011. The concerns could be summarised as follows:

- Turning down work permits without consulting EXCO;
- Issuing work permits for a shorter period than applied for without consulting EXCO;
- Delaying considering work permit applications for an unreasonable time, often at cost to the applicants;
- Seeking to persuade employers to employ friends and supporters, using the issue of work permits as leverage;
- Seeking to persuade employers to dismiss people, using similar leverage;
- Seeking to persuade employers to grant contracts to particular persons, using similar leverage;
- Granting a work permit to the client of a supporter before the application was lodged, thus preventing appropriate due diligence by the Labour Department/Ministry;
- Granting work permits in return for favours.

I repeatedly asked the Chief Minister over several months to agree to an independent inquiry. I pointed out that, if Mr Richardson was not guilty of the misconduct alleged, an inquiry would be the simplest way to clear his name. I hoped that the Chief Minister would agree to an inquiry in light of his oft repeated commitment to maintaining the highest standards in his administration. But he refused to do so. I later asked him to propose an alternative way forward but he did not do that either. It follows that my concerns remain unallayed, and I believe that in refusing to address them no effort was made to promote the operation of the principles of good governance in Anguilla and thereby promote the interests and wellbeing of the people of Anguilla”.

Council confirmed the decision taken by round robin on 8<sup>th</sup> April 2013 that Mr Blessed Ziggy Henry, a national of St. Kitts to be employed by Ms Loureen Webster as a Caregiver should be exempted from the work permit requirement in accordance with Section 3 (1) g of the Control of Employment Act.

Council noted that the vacant position was advertised and that no other applications were submitted to the Labour Department to fill the vacancy.

However, it was brought to the attention of Executive Council that this matter had a history behind it and may not be a genuine case. Council agreed, subject to asking the Labour Commissioner and the Chief Immigration Officer to clarify their concerns, that the exemption permit not be immediately issued.

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

EX MIN 13/258

**EX MEM 13/127 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – CLAIRE MARIE DOWLING (REGISTRATION SECTION: EAST END; BLOCK: 99415 B; PARCEL 361 CONTAINING 0.47 ACRE)**

Mr Gifford Connor, DLS joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence to Claire Marie Dowling to hold freehold property with a house situated thereon described as Registration Section East End, Block 99415 B Parcel 361 containing 0.47 acre, subject to the following: -

(a) Payment of the following fees by Marie Claire Dowling:-

(i)	under the Stamp Act – 5% of EC\$658,609.00	EC\$32,930.45
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$658,609.00	EC\$82,326.13
	<b>TOTAL</b>	<b>EC\$115,256.58</b> =====

(b) Payment of the following fees by Thomas & Judith Brubaker:-

(i)	under the Stamp Act – 5% of EC\$873,665.00	EC\$43,683.25
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$873,665.00	EC\$109,208.12
	<b>TOTAL</b>	<b>EC\$152,891.37</b> =====

Council further agreed that the Transfer Form from Ronald & Cleopatra Webster

Claire to Thomas & Judith Brubaker be registered before or simultaneously with the registration of the Transfer Form from Thomas & Judith Brubaker to Marie Dowling.

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

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

EX MIN 13/259

**EX MEM 13/128 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – RAYMOND MARTIN STOUT & TERI LYNN STOUT (REGISTRATION SECTION: WEST CENTRAL; BLOCK: 28211 B; PARCEL 195 CONTAINING 0.29 ACRE)**

DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Raymond Martin Stout and Teri Lynn Stout to jointly hold on a freehold basis property described as Registration Section West Central, Block 28211 B Parcel 195, containing 0.29 acre with dwelling house thereon, subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$616,941.90	EC\$30,847.10
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$616,941.90	EC\$77,117.74 -----
	<b>TOTAL</b>	<b>EC\$107,964.84</b> =====

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

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

EX MIN 13/260

**EX MEM 13/129 APPEALS AGAINST PLANNING PERMISSION**

EX MIN 13/197 of 21 March 2013 and EX MIN 13/214 of 28 March 2013 refer.

On Thursday 4<sup>th</sup> April 2013, relevant members of Executive Council and other key personnel undertook site visits to the following developments:-

**John Richardson at North Hill** - to construct a dwelling house on Block 08513B Parcel 35. Members were minded to approve this planning application based on the fact that the building already exists and that the neighbours have indicated that they do not have any problems or issues with the boundary setback and loss of privacy.

**Kenneth Harrigan at Shoal Bay** - for a Mobile/Container Office on Block 8911B Parcel 21. Members were minded to approve this planning appeal as the

provisions have been made to secure the container with several metal straps which are strategically anchored to the bedrock. Externally, the structure appears to be aesthetically pleasing and not injurious to the amenity of the area.

Following the site visits, Council agreed that the appeals against planning permission in respect of Messrs John Richardson and Kenneth Harrigan should be allowed.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/261

**EX MEM 13/130 NOMINATIONS FOR ANGUILLA DAY NATIONAL AWARDS 2013**

Council endorsed the recommendations of the Awards Committee for the following persons to be honoured for the 2013 Anguilla Day Awards:-

- 1) Mr. Eugene Fleming - Revolution
- 2) Mr. Claude T. Richardson - Revolution
- 3) Ms. Florel Harrigan - Revolution
- 4) Ms. Evelyn Roper - Revolution
- 5) Nurse Susan Harrigan - Social Development (Nursing)
- 6) Mr. Alfred Gumbs (Posthumously) - Social Development
- 7) Mr. Charles Horsford (Posthumously) - Social Development  
(Transportation)
- 8) Mr. Keith Gumbs - Social Development (Music)
- 9) Mr. Trevor Davis - Social Development (Sports)

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

Action: PS, MHA/LANDS; PAS, MHA

EX MIN 13/262

**EX MEM 13/131 APPLICATION FOR DUTY EXEMPTION FOR MR BERNARD B. WATTLEY**

PS, FIN and PS, EDICT remained for discussion.

Council agreed that duty exemption should be granted to Mr Bernard B. Wattlely on the board games called, 'Into the Eye' currently being imported, which Mr Wattlely states can be used as a teaching strategy to lend variety to the delivery of lessons in the classroom.

The game enables players to learn specific hurricane preparedness tips and hurricane facts in a fun way. The recommended age of players is from eight years to adult and any number of persons from two to six or more can play at any given time.

The duty loss to the GoA is calculated at EC\$4,588.76.

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

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

EX MIN 13/263

**EX MEM 13/132 ANGUILLA SUMMER FESTIVAL 2013 AND BEYOND**

PS, FIN and PS, EDICT remained for discussion. Mrs Chanelle Petty-Barrett joined the Meeting.

Council:-

- (i) agreed that the Anguilla Summer Festival 2013 should be held from the 3<sup>rd</sup> – 9<sup>th</sup> August 2013 (activities should include: Calypso Monarch, Miss Anguilla Pageant, Soca Band Clash, Talented Teen Pageant and the Caribbean Beach Party);
- (ii) agreed that the Ministry submits a revised budget for the Anguilla Summer Festival within the proposed limit of EC\$677,200.00 as Government's contribution;
- (iii) appointed the following persons to manage the Anguilla Summer Festival:-
  - 1) Mr Davon Carty
  - 2) Ms Gecheal Richardson
  - 3) Ms Cleonette Lake
  - 4) Mr Albert Burton
  - 5) Mr Rawle Hazell
  - 6) Mr Courtney Morton
  - 7) Ms Rebecca Webster
  - 8) Ms Joan Richardson
  - 9) Mr Joseph Vanterpool
  - 10) Mr Paul Romney
- (iv) agreed the terms of reference (TOR) for the Anguilla Summer Festival to manage the Festival and organise all the events in accordance with the TOR;
- (v) agreed that cultural development (policy and programme development) should remain within the remit of the Department of Youth and Culture;
- (vi) agreed that the Landsome Bowl Cultural Centre, our sole cultural facility, should be assigned to a particular agency – either the Department of Youth and Culture or Ministry of Tourism (or one of its agencies) which would be responsible for its maintenance and regulation of its use. Note that currently the Comptroller of Inland Revenue in her capacity as Financial Controller of the Anguilla Summer Festival Committee deals with this but this is beyond the remit of the Summer Festival Committee.

Council noted a separate paper submitted to Executive Council captioned, 'Reallocation of Carnival to the Ministry of Tourism' and agreed that the paper will be deferred and subsequently considered.

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

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

EX MIN 13/264

**EX MEM 13/133 TO REQUEST THE EXTENSION OF THE CONVENTION ON INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) TO ANGUILLA**

Council:-

- (i) agreed that His Excellency the Governor should request extension of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) to Anguilla;
- (ii) agreed to grant a three-month grace period after extension of CITES which will allow for all necessary Government processes to be streamlined.

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

Action: HE; PS, MHA/LANDS; PAS, MHA

EX MIN 13/265

**EX MEM 13/134 AMENDMENTS TO THE ELECTRICITY ACT AND REGULATIONS**

PS, FIN and PS, EDICT remained for discussion.

Council:-

- (i) approved the release of the draft Electricity Act and Regulations for public consultation;
- (ii) Agreed that following a month period for the general public to provide feedback on the draft Electricity Amendment Act and the Regulations and that Executive Council will review any comments, suggestions and recommendations and make a decision with respect to the implementation of the legislation.

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

EX MIN 13/266

**EX MEM 13/135 PERMISSION TO FILL THE POST OF DIRECTOR OF FISHERIES**

Council:-

- (i) noted that the Director of Fisheries had submitted his resignation from the post of Director of Fisheries in the Department of Fisheries and Marine Resources and the Anguilla Public Service, effective 31<sup>st</sup> December 2013;
- (ii) agreed that the post of Director of Fisheries in the Department of Fisheries and Marine Resources should be filled.

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

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

EX MIN 13/267

**EX MEM 13/136 REALLOCATION OF CARNIVAL TO THE MINISTRY OF TOURISM**



PS, FIN, PS, EDICT and PS, ELSYC remained for discussion.

As indicated in EX MIN 13/263 above, Council agreed that the paper should be deferred and subsequently considered.

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

EX MIN 13/268

**EX MEM 13/137 ADVERTISING OF PRISON OFFICER VACANCIES**

PS, FIN, PS, EDICT and PS, HSD remained for discussion.

Council:-

- (i) noted that two (2) Prison Officer Posts had become vacant (one due to death and the other to resignation);
- (ii) agreed that the two (2) Prison Officer Posts at HM Prison should be filled.

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

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

EX MIN 13/269

**EX MEM 13/138 ADVERTISING OF A PROBATION OFFICER POST MADE VACANT BY DISMISSAL**

PS, FIN, PS, EDICT and PS, HSD remained for discussion.

Council:-

- (i) noted that a Probation Officer Post had become vacant due to dismissal;
- (ii) agreed that the post of Probation Officer should be immediately filled.

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

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

EX MIN 13/270

**EX MEM 13/139 SALARIES REDUCTION LEGISLATION FOR THE HEALTH AUTHORITY OF ANGUILLA**

PS, FIN, PS, EDICT and PS, HSD remained for discussion.

Council directed the Attorney General's Chambers to work with the Health Authority of Anguilla (HAA) in researching issues with a view to drafting legislation similar to the Public Service Salaries (Temporary) Reduction Act, 2013.

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

Action: AG; PS, HSD; PS, PA; PS, FIN; PS, EDICT; BD; ACC GEN

**ORAL MENTION**

EX MIN 13/271

**EX MIN 13/219 EX MEM 13/111 EXTENSION OF THE SOLID WASTE MANAGEMENT CONTRACTS THROUGH APRIL 30<sup>TH</sup>**

PS, FIN, PS, EDICT and PS, HSD remained for discussion.

PS, HSD updated Council on the Solid Waste Management contractual process and indicated that the process was progressing according to schedule and that it was expected that a contract would be in place by 1<sup>st</sup> May 2013.

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

EX MIN 13/273

**WAIVER OF EMBARKATION TAX**

PS, FIN remained for discussion.

Council sanctioned the waiver of Embarkation Tax at the Clayton J. Lloyd Airport on Saturday April 20<sup>th</sup>, 2013 for members of the Caribbean Air Challenge Group of Canada (to a max of 34 persons as identified in documentation submitted by the ATB) as a means of generating publicity for Anguilla as a tourism destination.

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

Action: PS, FIN; PS, EDICT

EX MIN 13/274

**AUTHORITY TO APPROACH THE FINANCIAL SERVICES COMMISSION (FSC)**

PS, FIN remained for discussion.

Council noted an invitation to Anguilla to participate on a fee paying basis in a publication to coincide with the 2013 G8 Summit to be held in Northern Ireland and requested the Ministry of FEDICT to verify the authenticity of the promoters and if so, the possibility of Anguilla participating through joint contribution of Government of Anguilla, Anguilla Finance Ltd and the Financial Services Commission. Council authorised FEDICT to approach the FSC.

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

Action: PS, FIN; PS, EDICT

EX MIN 13/275

**MEETING OF EXECUTIVE COUNCIL**

Council agreed that there should be a Special Meeting of Executive Council on Monday 15<sup>th</sup> April 2013 at 1:30 pm to meet with ANGLEC representatives and Consultants from Reznick Think Energy for discussion on Renewable Energy.

Action: EXCO MEMBERS; PS, MICUH; DIR, PU

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