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MINUTES OF THE 148TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 24TH 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 Attorney General, Mr James Wood
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Gifford Connor, DLS
Dr Aidan Harrigan, PS, FIN
Mr Foster Rogers, PS, EDICT
Mr Perin Bradley, TIO
Mr Larry Franklin, PS, MICUH
Mr Bancroft Battick, Chief Engineer
Mrs Chanelle Petty-Barrett, PS, ELSYC
- ABSENT: The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education

EX MIN 13/277 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 147th Meeting held on Friday 12th April 2013
and the Minutes of a Special Meeting held on Monday 15th April 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/279 **EX MIN 13/254 EX MEM 13/125 VALLEY ROADS IMPROVEMENT**
PROJECT

PS, FIN, PS, EDICT, PS, MICUH, CE and DLS remained for discussion.

Further to EX MIN 13/254 of 12th April 2013, Council agreed the following to the requests made by Joyce Kentish & Associates, Legal Representative of Anguilla Building and Construction Supplies Ltd on page 3 of a correspondence dated 18 April, 2013 to Mr Foster Rogers, PS, EDICT:-

- 1) the Government is not in a position to consider compensation for costs incurred at this juncture as it is not clear what they pertain to. Further discussion on this matter is necessary;
- 2) the Government of Anguilla cannot commit to paying the legal fees of ABC at this juncture. Further discussion on this matter is necessary;
- 3) the Government of Anguilla agrees to grade the entire length of the Secretariat Road to allow ease of use by vehicular traffic. A detailed plan for the paving of the road will be completed. However, after detailed consideration Government agrees that the paving of the road should be done in a comprehensive manner in order to obtain best value for money, and in order for the completed road to fit properly in the Valley Road Improvement Project. This will also ensure that the road has the longest use possible without the need for any immediate upgrades. Planning for this is at an advanced stage and will be implemented in short measure. Additionally construction will commence in the near future in accordance with procurement policies, procedure and legislation;
- 4) the Government will ensure that the road is watered at appropriate intervals so as to control dust in the area;
- 5) the Government agrees to place two temporary speed bumps in appropriate places to control the flow of traffic and lessen the dust nuisance;
- 6) the Government of Anguilla will use its best efforts when paving the road to minimize obstructions to the operations of the business.
- 7) the Government of Anguilla will use its best efforts to co-ordinate with ABC when it is paving the road immediately in front of the store so as to minimize disruptions to its operations.

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

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

EX MIN 13/280

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, PS, ELSYC joined the Meeting.

Further to EX MIN 13/263 of 12th April 2013, Council:-

- (i) agreed the revised budget of EC\$664,200.00 (to include the Talented Teen Pageant) for the Anguilla Summer Festival 2013;

- (ii) agreed that the scaling down of the Caribbean Beach party should be maintained;
- (iii) agreed that the Ministry should indicate to the public that the Anguilla Summer Festival will be held but because of the economic situation and financial constraints the Festival has been significantly scaled down.

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

EX MIN 13/281

EX MEM 13/140 APPEAL AGAINST PLANNING PERMISSION – RANDOLPH GUMBS

DLS remained for discussion.

Following a site visit to the development at South Hill, Block 08512 B Parcel 83 on Thursday 4th April 2013, Council agreed that the appeal against planning permission for Mr Randolph Gumbs to operate a Bar and Restaurant at South Hill, Block 08512 B Parcel 83 should be allowed, subject to the applicant providing additional parking spaces on the western and eastern sides of the building.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/282

EX MEM 13/141 APPEAL AGAINST PLANNING PERMISSION – RON SIGN SHOP

DLS remained for discussion.

Following a site visit to the development at West End, Block 28010 B Parcel 79 on Thursday 4th April 2013, Council agreed that the appeal against planning permission for Mr Ron Webster to erect an advertisement sign at West End, Block 28010 B Parcel 79 should be allowed, subject to the sign being placed 10 feet away from the edge of the public road.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/283

EX MEM 13/142 APPEAL AGAINST PLANNING PERMISSION – CALVERT CARTY

DLS remained for discussion.

Council agreed that a site visit should be made to the proposed development at Blowing Point, Block 28309 B, Parcels 19 and 169 so that a more informed decision could be made regarding the appeal against planning permission submitted by Mr Calvert Carty.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/284

EX MEM 13/143 ACQUISITION OF LANDS BY GOVERNMENT FOR ROAD IMPROVEMENTS

DLS remained for discussion.

Council:-

- (i) agreed that Christine Brooks be compensated in the amount of US\$2,400.00 for the acquisition of 0.03 acre of land being Parcel 491, Block 58815B in Registration Section North, , delineated on survey plan RADS 47/09 and Cadastral map;
- (ii) agreed that Helene B Blake be compensated in the amount of US\$2,400.00 for the acquisition of 0.03 acre of land being Parcel 413, Block 28211B in Registration Section West Central, delineated on survey plan RADS 98/06 and Cadastral map;
- (iii) agreed to exchange 0.29 acre of Crown land, being part of Parcel 253 on Block 48814B in Registration Section, North Central with Terence Webster for the acquisition of 0.29 acre of land, being part of Parcel 35 and part of Parcel 37 on Block 89319B in Registration Section, East Central;
- (iv) agreed that payment will be made in order of priority, subject to the availability of funds.

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

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

EX MIN 13/285

EX MEM 13/144 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – FOUNTAIN BEACH RESIDENCES LTD. (SECTION: NORTH; BLOCK: 59018 B; PARCEL 138, CONTAINING 0.80 ACRE)

DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Fountain Beach Residences Ltd to hold 0.43 acre of vacant land described as Parcel 138 situated in Registration Section North, Block 59018 B, on a freehold basis, subject to the payment of the stamp duties:-

(i)	Stamp Duty on Licence @ 6.25% of EC\$470,435.00	=	EC\$29,402.19
(ii)	Stamp Duty on transfer @ 5% of EC\$470,435.00	=	EC\$23,521.75
	TOTAL	=	EC\$52,923.94

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

EX MIN 13/286

EX MEM 13/145 SCOTIABANK SEEKING PERMISSION TO REGISTER A CHARGE AGAINST A LEASEHOLD INTEREST OF CROWN LAND – CLARICIA SAMUEL GUERRERO AND CLARIDANIA GUERRERO-SAMUEL – PROPERTY DESCRIBED AS REGISTRATION SECTION WEST CENTRAL, BLOCK 28210 B, PARCEL 119/1 CONTAINING 0.88 ACRE OF LAND

DLS remained for discussion.

Council agreed that if appropriate the Attorney General's Chambers should draft written communication to Scotiabank Anguilla Limited granting permission to use the said leasehold property located at Spring Path, described as Registration Section West Central, Block 28210 B Parcel 119/1 containing 0.88 acre as security for loans granted to Mrs. Claricia Samuel Guerrero and Ms. Claridania Guerrero-Samuel, without any liability to the Crown or impacting the Crown's interest.

Action: PS, MHA/LANDS; AG; DLS

EX MIN 13/287

RESCINDING OF EXCO MINUTES 02/431, 03/57, 07/732 AND 08/60 – REGARDING LICENCE OF CROWN LAND – WILKEN HARRIGAN – PROPERTY DESCRIBED AS PART OF THE PIER AT ISLAND HARBOUR, CONTAINING 100 SQUARE FEET

DLS remained for discussion.

Council agreed that the paper should be deferred for a further in depth study.

Action: PS, MHA/LANDS; DLS

EX MIN 13/288

EX MEM 13/147 LEASE OF CROWN LAND BY ZULMA WEBSTER OF PROPERTY DESCRIBED AS REGISTRATION SECTION CAULS POND, BLOCK 69114 B PARCEL 22, CONTAINING 0.55 ACRE OF LAND

DLS remained for discussion.

Council agreed that:-

- (i) a lease be granted to Zulma Webster on the following terms:-
- a) the property is described as Registration Section Cauls Pond Block 69114B Parcel 22, containing 0.55 acre of land;
 - b) the term of the lease is fifty (50) years;
 - c) the rent for the first year shall be the sum of EC\$4,800.00 and shall increase by five percent (5%) annually thereafter for the next four (4) years with a five year rent review period (upwards only);
 - d) the use of the premises is to construct a Light Industrial Building for the purpose of setting up a business for fabric and upholstery production and repairs at Long Road;
 - e) an option to renew for twenty-five (25) years.

(ii) Stamp Duties payable are as follows:-

Open market value of the property is EC\$177,421.20
 Stamp Duty on Lease EC\$177,421.20 x 50 x 0.0005 = EC\$4,435.53

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

EX MIN 13/289

EX MEM 13/148 EXCHANGE OF CROWN LAND (PUBLIC ROAD) WITH DOUGLAS CARTY, EDWINA GUMBS AND EDWIN CARTY FOR PROPERTY TO BE REGISTERED TO CROWN FOR USE AS A PUBLIC ROAD – TO FACILITATE ALTERNATIVE ACCESS TO MEMBERS OF THE PUBLIC

DLS remained for discussion.

Council agreed that:-

- (i) upon subdivision of property described as Registration Section Road, Block 08513 B Parcel 156, registered to Douglas Errol Carty, Stella Gumbs and Edwin Carty (1/3 share each) in accordance with Survey Plan Survey Plan Ref No. CN: 008D/08, Lot 5, 0.09 acre is to be exchanged and transferred to the Crown;
- (ii) upon subdivision of the land that currently constitutes a public road, Lot 2 (0.06 acre) in accordance with Survey Plan Survey Plan Ref No. CN: 008d/08, Crown to transfer the said lot to Douglas Errol Carty, Stella Gumbs and Edwin Carty (1/3 share each) in exchange for Lot 5;
- (iii) Lot 5 on Survey Plan Survey Plan Ref. No. CN: 008d/08 should be registered as a public road.

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

EX MIN 13/290

EX MEM 13/149 HOTEL OWNER ANGUILLA, LTD APPLICATION TO GOVERNOR FOR PERMISSION TO ACQUIRE 2000 SHARES IN MALLIOUHANA (E.C.) LTD OWNED BY ROBIN RICKETTS AND SUSAN RICKETTS – UNDER THE ALIENS LAND HOLDING REGULATIONS ACT

DLS remained for discussion.

Council agreed that the paper should be deferred to enable the DLS to investigate the value of the shares owned by Robin and Susan Ricketts and that the matter be further considered at the Special Meeting of Executive Council on Friday 26th April 2013.

Action: PS, MHA/LANDS; DLS

EX MIN 13/291

EX MEM 13/150 ADDENDUM TO GOVERNMENT OF ANGUILLA LOAN WITH THE ANGUILLA SOCIAL SECURITY BOARD

PS, FIN and PS, EDICT remained for discussion.

In accordance with EX MIN 12/879 of 14th December 2012, Council:-

- (i) approved the addendum to the Government of Anguilla loan with the Anguilla Social Security Board;
- (ii) agreed that the Hon Chief Minister/Minister of Finance should sign the document on behalf of the Government of Anguilla.

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

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

EX MIN 13/292

EX MEM 13/151 REDUNDANCY SENIOR PARLIAMENTARY COUNSEL – ATTORNEY GENERAL CHAMBERS

Council agreed that the paper be deferred for further discussion between the Hon Chief Minister and the Hon Attorney General.

Action: HON CM; HON AG

EX MIN 13/293

EX MEM 13/152 DISAPPOINTMENT OF CHAIRMAN OF THE ANGUILLA TOURIST BOARD (ATB)

The Hon Minister, MICUH declared an interest because of familial connection and did not participate in the discussion.

Council noted that the ATB Act 2006, paragraph (5) states: “The Minister may, if he thinks it expedient to do so, in consultation with the Executive Committee, remove, by order published in the Gazette, any member of the Board from office without reason stated”.

Council was consulted by the Hon CM in accordance with the ATB Act. He indicated his intention to act in accordance with the stated Act to remove the Chairman of the ATB.

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

Action: HON CM; PS, EDICT

EX MIN 13/294

EX MEM 13/153 FIFTY PERCENT (50%) REDUCTION IN DUTY FOR MOTORIZED VEHICLES AND PARTS

Council agreed with the proposal to raise revenue for the GoA by offering a fifty percent (50%) reduction in duty on vehicles and vehicular parts including new tyres to take effect as of the date of approval in the House of Assembly up to and including January 1st 2014.

Council further agreed that:-

- (i) duty will then be 17.5% on the CIF plus 6% Customs Service Charge (it should be noted that the duty on the importation of vehicles in 2010 was 25%);
- (ii) this reduction will include all vehicles, all vehicular parts and new vehicular tyres (used tyres will not be considered);
- (iii) this reduction will include motorcycles and all-terrain vehicles (ATVs);
- (iv) agreed that the present rate for the importation of Taxis will also be cut by fifty percent (50%) for the same period indicated above.

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

ORAL MENTION

EX MIN 13/295

ORAL STATEMENT BY HE THE GOVERNOR

“I should like to make a short statement on Cap Juluca to correct some things the Chief Minister said in his radio interview this morning which risked being misleading:-

- Under the Constitution of Anguilla finance and tourism are among the issues devolved to the elected government. It follows that decisions on Cap Juluca are for the elected Ministers, not for the Governor;
- It is incorrect to suggest that I prevented the Chief Minister from talking to developers or potential developers. In the early part of 2012 EXCO unanimously decided, with the agreement of the Chief Minister, that Foster Rogers should be our spokesperson in dealings with potential developers, but that was not imposed on EXCO by the Governor, nor do I have the powers to do so”.

EX MIN 13/296

RESPONSE BY CHIEF MINISTER HUBERT HUGHES TO STATEMENT ISSUED BY HE THE GOVERNOR ON CONDUCT OF FORMER MINISTER FOR HOME AFFAIRS

The attached is a response by the Hon Chief Minister to a statement issued by HE The Governor in the meeting of Executive Council on 12th April 2013 regarding the conduct of the former Minister for Home Affairs.

EX MIN 13/297

TAX AND BENEFICIAL OWNERSHIP TRANSPARENCY

PS, FIN and PS, EDICT remained for discussion. Mr Perin Bradley, TIO joined the Meeting.

Council noted the correspondence distributed by HE The Governor and the statement he made in relation to Tax Transparency. The Governor pointed out from the document three elements that the Overseas Territories were asked to commit to as follows:-

- 1) a commitment to enter into an automatic exchange of tax information agreement with the UK to the same timetable as the agreement with the US;
- 2) a commitment to join in due course the pilot of multilateral automatic exchange of tax information announced recently by a number of EU Member States;
- 3) a commitment to reviewing the effectiveness of Anguilla legal and enforcement framework on beneficial ownership and to produce an Action Plan.

Mr Perin Bradley, TIO gave a comprehensive report on the G8 Meeting in the UK. He indicated that HMG has identified tax evasion and avoidance, anti-money laundering/terrorist financing and corruption as priority areas.

Council agreed that:-

- (i) the TIO should schedule a meeting with the Task Force and other key personnel in the Financial Industry;
- (ii) a briefing with Ministers of Government be scheduled for Monday 29th April;
- (iii) a final report be submitted to the meeting of Executive Council on Thursday 2nd May for consideration.

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

EX MIN 13/298

EXEMPTION FROM CUSTOMS DUTIES FOR JUSTICE MATHURIN

PS, FIN remained for discussion.

Council agreed that duty exemption be granted to Justice Cheryl Mathurin, Resident Judge in Anguilla on a vehicle and other personal effects.

Council further agreed that if the imported vehicle is sold at the end of Justice Mathurin's appointment in Anguilla, the duty on the vehicle must be paid.

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

Action: PS, FIN; PAS, FIN; PS, PA; OFF MAN, JUD; COC; FO

EX MIN 13/299

EXTENSION OF THE ENVIRONMENTAL IMPACT ASSESSMENT CUT-OFF DATE

Council noted an undated letter to the Hon Chief Minister from Ellington L. Ellis, Managing Director of Ellington Capital Management regarding the extension of the Environmental Impact Assessment cut-off date which is due to expire in thirty-six (36) days.

Council agreed to the extension, subject to the TIC liaising with the AG's Chambers to draft a Supplementary Agreement to the MoU.

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

EX MIN 13/300

VISIT TO ANGUILLA BY MS CHRISTINA SCOTT, GOVERNOR-DESIGNATE

HE The Governor informed Council that Ms Christina Scott, Governor-Designate will be on the island from the 2nd – 3rd May 2013. The Governor indicated that

Ms Scott would be familiarising herself with her new job. Council agreed that Ms Scott should attend the meeting of Executive Council on Thursday 2nd May as an observer.

Action: EXCO MEMBERS

EX MIN 13/301

OVERSEAS TRAVEL

HE The Governor informed Council that he would be on official overseas business from the 8th – 18th May 2013.
