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MINUTES OF THE 158TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 20TH SEPTEMBER 2018

PRESENT: His Excellency the Governor, Mr Timothy Foy, OBE

The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism and Information Technology

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Evans Rogers, Minister of Health and Social Development, Lands
and Physical Planning

The Honourable Cora Richardson-Hodge, Minister of Home Affairs and Education

The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture, Fisheries and Environment

The Honourable Attorney General (Ag), Mr Ivor Greene

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Cardigan Connor, Hon Parliamentary Secretary
Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
Mr Stephen Turnbull, Financial Specialist
Mr Larry Franklin, PS, EDICTIT
Ms Marisa Harding-Hodge, Compliance Officer
Mr Leslie Hodge, DLS

EX MIN 18/485 **CONFIRMATION OF THE MINUTES**

Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA
remained.

Council confirmed the Minutes of the 157th Meeting held on Thursday 13 September
2018.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/486 **EX MIN 18/475 FAMILIARIZATION VISIT BY ATTORNEY GENERAL**
DESIGNATE

Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA
remained.

Following on from EX MIN 18/475 of 13 September, the Hon Deputy Governor noted that the familiarization visit by the Attorney General Designate went well. He further noted that his contract with the GoA is signed and housing secured. The DG added that the AG Designate was briefed on the GoA's workplan and legislative calendar, and is looking forward to formally assuming his role on 1 October 2018.

Action: EXCO MEMBERS

EX MIN 18/487

EX MIN 18/477 UPDATE ON 2020 GENERAL ELECTIONS

Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained.

Following on from EX MIN 18/477 of 13 September, Council noted that the revised draft of the Elections Act and opinion from the Attorney General's Chambers would be sent to the PS, MHA for perusal. Council emphasised the importance of progressing the legislation and its expectation that the draft bill would be presented for Council to consider at its next meeting.

Action: SOE; PS, MHA; HON AG (acting); MINS OF GOV'T

EX MIN 18/488

EX MEM 17/286 EXTENSION TO CONDITIONS FOR REPAYMENT OF DEFERRED SALARY PROPOSAL RE HURRICANE IRMA

Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained.

Following a thorough discussion, Council agreed that:

- (i) an amendment be made immediately to the existing policy to include:
 - (a) education purposes: specifically persons who can show that they are experiencing financial difficulty in supporting children already in education; and
 - (b) persons who can show they are at risk of a lender foreclosing on a loan in respect of their homes.
- (ii) at the end of September – following an assessment of government's overall financial position - the GoA will make a policy statement noting its commitment to make some payment against these arrears before the end of 2018; and
- (iii) a determination be made as to the precise extent of any such payment in November 2018 when there is further clarity on the revenue position and a judgment can be made about paying these arrears against other priorities.

Council noted the repeated requests by the Hon Minister, HSD that HAA should be able to position their deferred salaries like GoA. Council reiterated that there was no procedural impediment to HAA paying arrears, the issue was their financial position

which largely reflected GOA's outstanding arrears to the HAA. Prompt payment of these arrears would assist HAA in paying deferred salaries to HAA staff. Council agreed that the PS, FIN, PS, HLPP and the CEO, HAA need to work on this matter.

Action: PS, HLPP; CEO, HAA; PS, FIN; PS, EDICTIT; BD; ACC GEN; MINS OF GOV'T

EX MIN 18/489

EX MEM 18/239 FIRST ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN GOVERNMENT OF ANGUILLA (THE "GOVERNMENT") AND PARKSTONE INCORPORATED (THE "DEVELOPER")

Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained. The following persons joined:

Mr Stephen Turnbull, Financial Specialist
Mr Larry Franklin, PS, EDICTIT
Ms Marisa Harding-Hodge, Compliance Officer
Mr Leslie Hodge, DLS

Council noted the draft addendum to the MoU between Parkstone Incorporated and the Government of Anguilla. HE The Governor pointed out the importance of revitalizing this section of the real estate market, and that he recognized the importance of treating all developers equally. Consequently he noted that this issue should not be considered as a "concession" to an individual developer but rather as a sector wide policy to boost the economy. Council agreed that the PS, EDICTIT should prepare a clear-cut uniform policy to this effect to be agreed by Council as soon as possible.

Action: PS, EDICTIT; HON AG (acting); PS, FIN; COC; MINS OF GOV'T

EX MIN 18/490

EX MEM 18/240 APPEAL AGAINST PLANNING REFUSAL APPLICATION REF#: 17/0160 (GOBLINS RETREATS LLC)

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, EDICTIT, Compliance Officer and DLS remained.

The Hon Minister, MHA declared an interest and absented herself from discussion.

Council agreed that the appeal against planning permission for Goblins Retreat LLC should be allowed on the following grounds:

- (i) the development as proposed would have the adequate setbacks to meet current standards;
- (ii) the development would still be tourism in nature albeit in a different form: a more exclusive residence development on Lot #2 and a villa/apartment development on Lot #1 with at least a six (6) bedroom unit to be developed;
- (iii) the changing nature of the global economy necessitates that developers/ investors continually modify investments in keeping with demand;

- (iv) the company, Goblins Retreats LLC must sign off on revised supplementary conditions to the Licence Agreement with the Government of Anguilla in order to reflect the changes in the development (i.e. a residence on Lot 2 and Villa on Lot 1), and agree to make any other amendments to their ALHL that may be necessary to effect this subdivision and have the new parcels registered in the company's name; and
- (v) the Department of Lands and Surveys should also monitor the progress of this development to ensure that all components remain as part of the tourism plant of Anguilla and not for private residential use.

Action: PS, HLPP; DLS; PPO; PS, FIN; PS, EDICTIT; COM OFF; MINS OF GOV'T

EX MIN 18/491

EX MEM 18/241 ANGUILLA COMMUNITY COLLEGE BOARD OF GOVERNORS

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Further to EX MIN 18/470 of 7 September, Council:

- (a) approved the appointment of the following two persons to the Board of the Anguilla Community College:
 - (i) Dr Ronald Harrigan (expertise in education management at tertiary level); and
 - (ii) Mr Mark Romney (representing a non-Government organization and industry;
- (b) approved the appointment of Mrs Amelia Vanterpool-Kubisch as Deputy Chairperson; and
- (c) agreed that the appointments are to take effect from 1 September 2018.

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

Action: PS, MHA/ED; CEO; ESP; PS, FIN; PS, EDICTIT; BD; ACC GEN

EX MIN 18/492

EX MEM 18/242 TVET COUNCIL

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council:

- (i) noted that the term of office of the current TVET Council will expire on 30 September 2018;
- (ii) approved the appointment of a new TVET Council effective 1 October 2018 consisting of the following persons:

Mr Alfred Thompson (representing AHTA - an employer association)
 Ms Sandra Lovell (representing ACOCI- an employer association)
 Mrs Charmaine Rey-Richardson (representing ATU - an employee association)
 Ms Twyla Bradshaw-Richardson (representing the Anguilla Nurses
 Association – an employee association)
 Mr Cordell Niles (expertise in technical and vocational education)
 Mr Terone Hodge-Carty (expertise in technical and vocational education)
 Mr Joslyn Lake (expertise in technical and vocational education)
 Mrs Jo-Anne Hodge, Labour Commissioner, nominated by Mrs Chanelle Petty
 Barrett, Permanent Secretary Labour, as her representative (*Ex Officio*)
 Ms Sandra Fahie, Acting Chief Education Officer (*Ex Officio*) – temporary
 appointment
 Mr Karl Dawson, President of the Anguilla Community College (*Ex Officio*)
 Mr Feliciano James, TVET Coordinator and Secretary to the Council
 (*Ex Officio*)

- (iii) endorsed the recommendation that Mr Alfred Thompson continues as Chairperson and that Ms Sandra Lovell be appointed as Deputy Chairperson; and
- (iv) noted that there are no additional financial implications as the remuneration for the members of the TVET Council is already provided for in the budget of the Ministry of Home Affairs and Education.

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

Action: PS, MHA/ED; CEO; ESP; LAB COM; PS, FIN; PS, EDICTIT; BD;
 ACC GEN

EX MIN 18/493

EX MEM 18/243 CRIMINAL JUSTICE REFORM BILL

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council agreed that the Criminal Justice Reform Bill should be published.

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

Action: HON AG (acting); SNR MAG, JD; REG, JD; COP

EX MIN 18/494

EX MEM 18/244 IMPLEMENTATION OF INITIATIVE TO SHARE BENEFICIAL OWNERSHIP INFORMATION WITH THE UK GOVERNMENT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, EDICTIT, Compliance Officer and DLS remained.

Council instructed officials in the Ministry to:-

- (i) update the UKG of the revised plan of action in respect of the implantation of an electronic platform to host BO information;

- (ii) inform the UKG of the continuing need for assistance in respect to the funding of the upgrade to the ACORN system in order to deliver on the BO initiative commitments as delineated in the EoN; and
- (iii) liaise with Public Administration International in respect of new legislation and existing legislation required to give effect to the BO initiative.

Action: PS, EDICTIT; PS, FIN; COM OFF; HON AG (acting); DLS; DEP;
MINS OF GOV'T

EX MIN 18/495

EX MEM 18/245 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council agreed that exemptions from the work permit requirement should be granted.

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

Action: PS, MHA; LAB COM; CIO; HON MIN, MHA

EX MIN 18/496

EX MEM 18/246 IMPORTATION OF VEHICLE DUTY FREE FOR PAHO/WHO COUNTRY PROGRAMME SPECIALIST

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council noted that:

- (i) Mrs Valerie Beach-Horne is assigned to the PAHO/WHO Country Office in Anguilla as Country Programme Specialist effective 1 May 2018. She would be the Country Programme Specialist for Anguilla, the British Virgin Islands and Montserrat; and
- (ii) Mrs Valerie Beach-Home would be importing free of duties and taxes of any kind, a vehicle for her personal use and that this was in keeping with the Government of Anguilla's obligations under Article IV of the Basic Agreement between the World Health Organization and the UK Government.

Action: PS, HLPP; CEO, HAA; COC; PS, FIN; PS, EDICTIT; ACC GEN

ORAL MENTION

EX MIN 18/497

MATTERS TO BE SUBMITTED TO EXECUTIVE COUNCIL ON THURSDAY 27 SEPTEMBER

Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and DLS remained.

The DLS briefed Council on two land matters he intends to submit to Council at its next meeting on Thursday 27 September.

Action: DLS; EXCO MEMBERS
