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**MINUTES OF THE 180<sup>TH</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 30<sup>TH</sup> JANUARY 2014**

- PRESENT:
- Her Excellency the Governor, Ms Christina Scott
  - The Honourable Hubert Hughes, Chief Minister and Minister of Finance,  
Economic Development, Investment, Commerce and Tourism and Minister  
of Labour and Immigration and Minister of Social Development and Health
  - 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 and Minister  
of Sports and Education, Library Services, Sports, Youth and Culture
  - The Honourable Evan Gumbs, Minister of Infrastructure, Communications,  
Utilities and Housing
  - The Honourable Attorney General, Mr James Wood QC
  - Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE:
- Mrs Lynne Smith, Registrar of Lands
  - Mr Larry Franklin, PS, MICUH
  - Dr Bonnie Richardson-Lake, PS, HSD
  - Mrs Mary Clare Haskins-Banton, Crown Counsel
  - Hon Haydn Hughes, Parliamentary Secretary
  - Dr Aidan Harrigan, PS, FIN
  - Mr Foster Rogers, PS, EDICT
  - Ms Gina Brooks, Tourism Planner

EX MIN 14/57

**CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 179<sup>th</sup> Meeting held on Thursday 23<sup>rd</sup> January 2014.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 14/58

**EX MIN 14/41 CORITO LANDFILL SITE**

Further to EX MIN 14/41 of 23<sup>rd</sup> January 2014, Council agreed to a site visit at the Corito Landfill on Friday 31<sup>st</sup> January 2014 at 2:00 pm.

Action: PS, HSD; PEHO; DHP; EXCO MEMBERS

EX MIN 14/60

**LEGISLATIVE PROGRAMME FOR 2014**

HE the Governor informed Council that she had received itemised lists from the Permanent Secretaries of matters that they viewed as priority. HE the Governor undertook to rationalise the document and to come back to Executive Council with a format that Council could decide on.

Action: EXCO MEMBERS

EX MIN 14/61

**EX MEM 14/24 WATER CORPORATION OF ANGUILLA (WCA) – 2014 BUSINESS PLAN**

Mr Larry Franklin, PS, MICUH joined the Meeting.

Council endorsed the Water Corporation of Anguilla's business plan with the following conditions:-

- a) no borrowing during the course of 2014 without the explicit approval of the Government of Anguilla;
- b) monthly financial reports should be submitted to the MICUH and the MoFEDICT no less than two weeks after the end of each month. The monthly reports should include appropriate details of all revenue and expenditure items;
- c) minutes of Board meetings should be submitted to the MICUH in the time frame established by the PS, MICUH;
- d) submission of all outstanding annual reports and audited statements by June 2014 i.e the WCA should aim to be in compliance with Section 22 of the WCA Act by June 2014;
- e) as the capital section of the WCA's business plan is not fully funded, the WCA should ensure that its revenue can meet any major capital expenditure during the course of 2014; and
- f) note that as a statutory body of the Government of Anguilla, the WCA is also bounded and should comply with the Fiscal Responsibility Act and the framework for Fiscal Sustainability and Development Agreement.

Council asked the PS, MICUH to ensure that the typos on page 33 of the Business Plan are corrected.

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

**EX MEM 14/25 ANGUILLA AIR AND SEA PORTS AUTHORITY  
(AASPA) – 2014 BUSINESS PLAN**

PS, MICUH remained for discussion.

Council endorsed the Anguilla Air and Sea Ports Authority business plan with the following conditions:-

- a) the AASPA fully implements the fees, charges and tariffs as approved by the GoA or that the AASPA agrees to immediately implement alternate revenue measures to address any projected shortfall in revenue. Any alternate revenue measures should be implemented in accordance with the AASPA's Act and the laws of Anguilla;

Council suggested that the AASPA should think of other alternatives that would not be detrimental to the survival of small businesses and of the tidying up of the tariff book.

- b) AASPA should not undertake any borrowing during the course of 2014 without the explicit approval of the Government of Anguilla;
- c) AASPA should make every effort to reduce its debt and unpaid bills during the course of 2014;
- d) monthly financial reports should be submitted to MICUH and MFEDICT no less than two weeks after the end of each month. The monthly reports should include appropriate details of all revenue and expenditure items;
- e) minutes of Board meetings should be submitted to MICUH in the time frame established by the PS, MICUH;
- f) submission of all outstanding annual reports and audited statements by June 2014 i.e. the AASPA should aim to be in compliance with Section 32 of the AASPA's Act by June 2014;
- g) as the capital section of the business plan is unfunded, AASPA should not undertake any major capital expenditure without the explicit approval of the Government of Anguilla;

Council agreed that AASPA should submit a list of capital projects that are absolutely necessary for AASPA to maintain its international obligations; and

- h) note that as a statutory body of the Government of Anguilla, the AASPA is also bounded by the Fiscal Responsibility Act and the Framework for Fiscal Sustainability and Development.

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

EX MIN 14/63

**EX MEM 13/367 FILLING OF VACANT POSITIONS AT INLAND REVENUE DEPARTMENT**

Dr Aidan Harrigan, PS, FIN joined the Meeting.

Council approved the filling of the following vacant positions for the Inland Revenue Department:-

**Collections & Compliance Unit**

Collections & Compliance Unit Manager

Collections Officer

Compliance Officer

**Taxpayer Services Unit**

Assistant Comptroller – TPSU

Taxpayer Services Officer

**Audit Unit**

Auditor

**Revenue Operations**

Cashier (2)

Assessment Officer

**Property Tax Unit**

Assistant Comptroller – PTU

Valuation Officer

Valuation Assistant

Council agreed that every effort should be made to have these positions filled internally by 31<sup>st</sup> March 2014.

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

EX MIN 14/64

**EX MEM 14/27 FILLING VACANCIES AT HER MAJESTY'S PRISON (HMP)**

PS, HSD remained for discussion.

Council approved the filling of the following posts at HMP:-

- 1) Head of Custody;
- 2) Principal Officer, Training and Deployment; and

- 3) Basic Grade Officer should the post of Principal Officer be filled by an internal candidate.

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

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

EX MIN 14/65

**EX MEM 14/28 REINTRODUCTION OF JET SKIS FOR ANGUILLA**

PS, FIN remained for discussion. The following persons joined the Meeting:-

Hon Haydn Hughes, Parliamentary Secretary  
Mr Foster Rogers, PS, EDICT  
Mrs Mary Clare Haskins-Banton, Crown Counsel  
Ms Gina Brooks, Tourism Planner

Council agreed that:-

- (i) the Policy Paper on Reintroduction of Jet Skis was a starting point;
- (ii) officials should go back and revise the policy giving more detail and consideration to specific matters (e.g identifying suitable sites – how they will be managed) and report back to Council on Thursday 20<sup>th</sup> February with a draft revised policy for Executive Council's consideration.

Council will then speak to the matter of public consultation and the authorisation for the production of the necessary legislation and regulations.

Action: PS, EDICT; PS, FIN; PARL SEC; CC; TP

EX MIN 14/66

**EX MEM 14/29 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – THOMAS R. F. SMYTH & JULIA M. SMYTH (REGISTRATION SECTION: SOUTH CENTRAL; BLOCK: 38611 B; PARCEL 96; CONTAINING 0.83 ACRE)**

Mrs Lynne Smith, Registrar of Lands joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence to Thomas F. Smyth & Julia M. Smyth to jointly hold, on a freehold basis, property described as Registration Section South Central, Block 38611 B Parcel 96, containing 0.83 acre with dwelling house and pool thereon, situate in Little Harbour, subject to the payment of the following fees:-

- (i) under the Stamp Act – 5%  
of EC\$3,314,550.60 EC\$165,727.53
- (ii) under the Aliens Land Holding  
Regulations Act – 12.5%  
of EC\$3,314,550.60 EC\$414,318.83

**TOTAL**-----  
**EC\$580,046.36**  
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Council authorised the issue of the action sheet before confirmation of the Minutes.

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

EX MIN 14/67

**EX MEM 14/30 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – NATALIE A. RICHARDSON NEE GUMBS & FRANS GEORGE RICHARDSON (REGISTRATION SECTION: NORTH; BLOCK: 58816 B; PARCEL 413; CONTAINING 0.25 ACRE)**

Registrar of Lands remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Natalie A. Richardson nee Gumbs & Frans George Richardson to jointly hold on a freehold basis, vacant land described as Registration Section North, Block 58816 B Parcel 413, containing 0.25 acre situate in North Side to construct a four (4) unit apartment complex thereon, subject to the payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$52,419.90	EC\$ 2,621.00
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$52,419.90	EC\$ 6,552.49
(iii)	refundable 10% deposit of EC\$52,419.90	EC\$ 5,241.99
	<b>TOTAL</b>	----- <b>EC\$14,415.48</b> =====

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

EX MIN 14/68

**EX MEM 14/31 SERVICE AGREEMENT BETWEEN GGIIA AND GOA FOR THE WASTE TO ENERGY PROJECT**

PS, HSD and Crown Counsel remained for discussion.

Council:-

- (i) agreed with the views of the Attorney General's Chambers in relation to the areas highlighted in the Service Agreement between GGIIA and the GoA; and
- (ii) noted that the Environmental Impact Assessment (EIA) was still outstanding.

Council thanked the team for their hard work and commitment towards this project.

Action: AG; PS, HSD; MINS OF GOV'T

EX MIN 14/69

**EX MEM 14/32 APPLICATION FOR DUTY EXEMPTION FOR SHOAL BAY PROPERTIES**

PS, FIN remained for discussion.

Council agreed to an extension for Shoal Bay Properties (c/o Sherrilyn Hodge) to their Motion No. 344 granting them 75% duty exemption on a list of items. The duty exemption should cover the period 1 June 2013 to 1 June 2015. Council further agreed that PS, FIN should check with the Comptroller of Customs to ensure that the list does not exceed what was initially agreed.

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

EX MIN 14/70

**EX MEM 14/33 APPLICATION FOR DUTY EXEMPTION BY WEST INDIES CONCRETE CO.**

PS, FIN remained for discussion.

Council agreed to grant 100% duty exemption to West Indies Concrete Company Ltd for a period of three (3) years effective 1 June 2013 on applicable items for the retooling and upgrading of their concrete plant.

The estimated duty loss to the GoA is EC\$212,363.18.

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

EX MIN 14/71

**EX MEM 14/34 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – MRES MALLIOUHANA LENDER, LLC TO HOLD A REGISTERED CHARGE OVER PROPERTIES DESCRIBED AS REGISTRATION SECTION: WEST END; BLOCK: 18011 B; PARCELS 1, 2, 148, 211, 213, 215, 217 (FREEHOLD) AND 4/1, 6/1, 7/1, 8/1, 29/1, 222/1, 223/1 (LEASEHOLD)**

Registrar of Lands remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued under Section 4 of the Aliens Land Holding Licence Regulations Act, RSA, CA55 to MRES Malliouhana Lender, LLC to allow the registration of a charge in the sum of US\$5,000,000.00 in favour of MRES Malliouhana Lender, LLC over properties registered to Malliouhana (E.C.) Ltd. described as Registration Section West End Block 18011 B Parcels 1, 2, 148, 211, 213, 215, 217 (Freehold) 4/1, 6/1, 7/1, 8/1, 29/1, 222/1, 223/1 (Leasehold) containing 6.62 acres and 13.66 respectively, totaling 20.28 acres, subject to the payment of the following stamp duties:-

i)	Stamp Duty on Licence in accordance with Aliens Land Holding Licence		
	Regulations Act	=	EC\$ 500.00
ii)	Stamp Duty on Charge @ 1% of EC\$13,441,000.00	=	EC\$134,410.00
	<b>TOTAL</b>	=	<b>EC\$134,910.00</b>
			=====

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

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

### **ORAL MENTION**

EX MIN 14/73

### **MEETING OF THE HOUSE OF ASSEMBLY**

Council agreed that the next Meeting of the House of Assembly should be held on Wednesday 12<sup>th</sup> February 2014.

Action: SPEAKER, HOA; CL, HOA

EX MIN 14/75

### **EX MIN 14/15 LETTER TO THE HEALTH AUTHORITY BOARD**

Further to EX MIN 14/15 of 9<sup>th</sup> January 2014, the Hon Chief Minister/Minister of Health informed Council that the letter to be sent to the Health Authority Board requesting a response to the concerns expressed would be dispatched on Thursday 30<sup>th</sup> January 2014.

Action: MINS OF GOV'T; PS, HSD; AG

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