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MINUTES OF THE 190TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 10TH APRIL 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 Acting Attorney General, Mr Ivor Greene

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Foster Rogers, PS, EDICT
Ms Anthea Ipinson, Chief Projects Officer
Mr Leslie Hodge, DLS

ABSENT: The Honourable Attorney General, Mr James Wood QC

EX MIN 14/234 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 189th Meeting held on Thursday 3rd April 2014.

MATTERS ARISING FROM THE MINUTES

EX MIN 14/235 None.

EX MIN 14/237

EX MEM 14/96 AMENDMENT TO THE POLICY FOR VISA REQUIREMENTS

Council agreed that HE The Governor and the Hon DG should have a detailed discussion with the relevant officials on the way forward.

Action: HE; DG; PS, MHA/IMM; PS, FIN; PS, EDICT

EX MIN 14/238

EX MEM 14/118 FILLING OF A PROBATION OFFICER POST MADE VACANT BY RESIGNATION

Council:-

- (i) noted that a Probation Officer post had become vacant due to resignation effective July 2014;
- (ii) noted that the views of the Permanent Secretaries had been sought and that they supported the filling of the post; and
- (iii) agreed that the post of Probation Officer in the Probation Department 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 14/239

EX MEM 14/119 FILLING OF VACANT POSITION – BAILIFF (MAGISTRATE’S COURT)

Council agreed that the vacant position within the Judicial Department should be filled.

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

Action: PS, PA; OFF MAN/JUD DEPT; PS, FIN; PS, EDICT; BD

EX MIN 14/240

EX MEM 14/120 APPEAL AGAINST PLANNING PERMISSION – LE BAR

Following a site visit to the property at Sandy Ground on Wednesday 26th February 2014, Council agreed that the appeal against planning permission for Le Bar to construct a wooden deck at Sandy Ground, Anguilla (Block 08412B, Parcels 152 and 153) should be allowed.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 14/241

EX MEM 14/121 AMENDMENT TO EXCO MINUTE 14/225: LEASE OF CROWN LAND BY TAMARA GUMBS & TAYNA GUMBS – PROPERTY DESCRIBED AS REGISTRATION SECTION: NORTH, BLOCK 58814 B PARCEL 2, CONTAINING APPROXIMATELY 28 ACRES OF LAND, SAID PART CONTAINING 0.35 ACRE

Mr Leslie Hodge, DLS joined the Meeting.

Council agreed that Section (i) of EX MIN 14/225 of 3 April 2014 should be amended to read:-

- (i) A rent per annum in the amount of US\$8,400.00 (EC\$22,580.88) for the first year increasing by two percent (2%) annually for the second to fifth years rent payable in advance at the beginning of each year. Thereafter, the rent shall be reviewed at the end of every fifth (5th) year of the lease to the Market Rent of the property; or two percent (2%) greater than the rent existing at the time of review whichever is greater but in no event shall the rent be less than the rent payable prior to the review; provided that at the end of each year of the lease the rent payable shall increase by at least two percent (2%) annually.”

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

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

EX MIN 14/242

EX MEM 14/122 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – BIXBY BRIDGE FUND II, 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)

DLS 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 Bixby Bridge Fund II, LLC to allow the eventual registration of a charge in the sum of US\$18,150,000.00/EC\$48,790,830.00 in favour of Bixby Bridge Fund II, 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\$48,790,830.00	=	EC\$487,908.30
	TOTAL	=	EC\$488,408.30

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

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

EX MIN 14/243

EX MEM 14/123 PROPOSED CHANGE TO NAME OF THE ROAD SOUTH OF THE SECRETARIAT TO THE CALVIN WASHINGTON LAKE ROAD

Council agreed that the road previously approved/designated to be named “Calvin W. Lake Road” should be named “Calvin Washington Lake Road” instead.

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

Action: PS, MHA/LANDS; PS, MICUH

EX MIN 14/244

EX MEM 14/124 FUTURE ASSEMBLY MEETINGS AND LEGISLATIVE PROGRAMME FOR 2014

Council agreed that the following items should be considered in the House of Assembly on Monday 28th April, subject to confirmation with the Speaker:-

- 1) Draft Resolution on Anguilla Community College Loan
- 2) Financial Services (miscellaneous amendments) Bill
- 3) Confidentiality Relationships (Amendment) Bill
- 4) Annual Report of the Parole Board
- 5) Elections (Amendment) Bill, 2014 (subject to final checking by PS, MHA)
- 6) Election Registration (Amendment) Regulations, 2014 (subject to final checking by PS, MHA)

Council noted that the following items would not be ready for the 28th April but that further consideration should be given to having them progressed in the House of Assembly in May:-

- 1) Pensions (Amendment) Bill, 2014 (subject to final legal checks)
- 2) Police Pensions (Amendment) Bill, 2014 (subject to final legal checks)
- 3) Tax Information Exchange Bill 2014
- 4) FATCA Bill 2014

In EX MIN 14/130 of 26th February 2014, Council mentioned the need for Fronting Legislation. The Hon Attorney General indicated that legislation addressing Fronting already existed and undertook to review it and to come back to Executive Council with further information. Council reminded the Hon Attorney General to provide that information to Executive Council on the Fronting Legislation.

Council further noted the draft press release regarding the Government of Anguilla 2014 Legislative Priorities. Council agreed that Ministers would decide when the press release should be sent out.

Action: MINS OF GOV'T; AG; PERM SECS; CL, HOA

EX MIN 14/245

EX MEM 14/125 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Council agreed that Ms Kelly Johnson, a Barbadian National who is representing the Eastern Caribbean Central Bank in Anguilla as an Auditor for KMPG should be exempted from the requirement of work permit under Section 3 (f) of the Control of Employment Act.

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

Action: PS, MHA/IMM; LAB COM; CIO; PS, FIN; PS, EDICT

EX MIN 14/246

EX MEM 14/126 2014 CAPITAL BUDGET – PRIORITISED IMPLEMENTATION OF UKG FUNDED PROJECTS

DLS remained for discussion. Mr Foster Rogers, PS, EDICT and Ms Anthea Ipinson, Chief Projects Officer joined the Meeting.

Council:-

- (i) agreed that the Fire Station and Air Traffic Control Tower should be given priority for the 2014 Capital Budget;
- (ii) noted that other capital schemes identified in the 2014 Budget, including (but not limited to) the Adrian T Hazell Primary School, Minor Education Projects, Telecommunication Tower Replacement, and road development would need to be carefully prioritised. This was needed to reflect both the fact that the Fire Station/Air Traffic Control Tower was expected to cost more than had been envisaged at the time the Budget was agreed, and also the expected delay in the final disbursement of the EDF 10 Programme Fund; and
- (iii) further agreed that a proper detailed discussion on prioritisation across all capital projects should be held between Ministers of Government and officials in the relevant Ministries to agree the way forward.

Action: PS, EDICT; PS, FIN; CPO; BD; PS, ELSYC; PS, MICUH

ORAL MENTION

EX MIN 14/247

AASPA APPOINTMENTS

HE The Governor was mindful that the final decision for the appointment of a CEO, AASPA remained with the Hon Minister, MICUH, but explained that she had written to the Chair of AASPA to express her serious concerns regarding the appointment process for the CEO, AASPA. In her view, the process had not been carried out in accordance with the principles of good corporate governance, and had resulted in the appointment of a different candidate to that recommended by the independent interview panel. She has written mindful of her responsibilities for ensuring public authorities are run to high standards of probity and transparency, and for safety and security at ports, but also because the wrong candidate being appointed risked damaging efforts by the Government of Anguilla to improve access to the island, which was crucial for the economy.

Action: HE

EX MIN 14/248

VACATION LEAVE

The Hon Deputy Governor informed Council that he would be on vacation leave from the 14 – 17 April 2014 and that during his absence Mr Larry Franklin, PS, MICUH would act as Deputy Governor.

Action: EXCO MEMBERS

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