

THIS DOCUMENT IS THE PROPERTY  
OF THE GOVERNMENT OF ANGUILLA

Copy No:

**MINUTES OF THE 210<sup>TH</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 18<sup>TH</sup> SEPTEMBER 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 Education, Library Services, Sports, Youth and Culture
- The Honourable Evan Gumbs, Minister of Infrastructure, Communications,  
Utilities and Housing
- The Honourable Attorney General, Mr Rupert Jones
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Leslie Hodge, DLS  
Mrs Chanelle Petty-Barrett, PS, ELSYC  
Mr Rawle Hazell, Director, Construction & Housing  
Ms Ludiane Leveret-Richardson, Chief Procurement Officer  
Mr Larry Franklin, PS, MICUH  
Mr Nigel Connor, Deputy Chief Engineer, DICUH  
Mr Vaughn Hazell, Director, DITES  
Mrs Kathleen Rogers, PS, PA

EX MIN 14/581      **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 209<sup>th</sup> Meeting held on Thursday 11<sup>th</sup>  
September 2014.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 14/582      None

EX MIN 14/583

**EX MEM 14/329 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – SEE SEA, LLC (REGISTRATION SECTION: WEST END; BLOCK: 17810 B; PARCEL 174; CONTAINING 0.29 OF AN ACRE)**

Mr Leslie Hodge, DLS joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence to See Sea, LLC to hold, on a freehold basis, 0.29 of an acre of land, located at Barnes Bay property forming part of Resorts & Residences of Anguilla Home Owners Association Ltd. a Condominium development at Viceroy, Anguilla, described as Registration Section West End, Block 17810 B, Parcel 174, with an Ocean Front Villa described as Villa 12, subject to the payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$10,282,365.00	EC\$514,118.25
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$10,282,365.00	<b>Exempted</b>
	<b>TOTAL</b>	<b>EC\$514,118.25</b>

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

EX MIN 14/584

**EX MEM 14/330 REQUEST UNDER LEASE OF CROWN LAND TO MAKE STRUCTURAL ALTERATIONS/ADDITIONS TO BUILDING – CICELYN CARTY – PROPERTY DESCRIBED AS REGISTRATION SECTION NORTH, BLOCK 58815 B PARCEL 300, CONTAINING 0.25 ACRE**

DLS remained for discussion.

Council agreed that the matter be deferred so that:-

- (i) the Ministry of Lands could explore with the Lessee, Ms Cicelyn Carty the possibility of purchasing the property; and
- (ii) the Ministry is satisfied that the GoA would not be held accountable if the structural alterations/additions to the building by the Lessee do not go as planned.

Action: PS, MHA/LANDS; DLS

EX MIN 14/585

**EX MEM 14/331 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – LYNDIA JOYCE HOLMES AND STEPHEN PAUL TIMOTHY HOLMES (REGISTRATION SECTION: EAST CENTRAL; BLOCK: 89118 B; PARCEL 254; CONTAINING 1.37 ACRES)**

DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Stephen Paul Timothy Holmes and Lynda Joyce Holmes to hold, on a freehold basis, 1.37 acres of land, described as Registration Section East Central, Block 89118 B, Parcel 254 with dwelling house thereon located at Shoal Bay (East) for private residential purposes, subject to the following:-

- (a) Payment of the following stamp duties:-
- |       |   |                       |
|-------|---|-----------------------|
| (i)   | under the Stamp Act – 5%<br>of EC\$3,387,132.00                                 | EC\$169,356.60        |
| (ii)  | under the Aliens Land Holding<br>Regulations Act – 12.5%<br>of EC\$3,387,132.00 | EC\$423,391.50        |
| (iii) | deposit on ALHL @ 10% on<br>EC\$467,746.80                                      | EC\$ 46,774.68        |
|       | <b>TOTAL</b>  | <b>EC\$639,522.78</b> |
- (b) the further development of the property (to include an extension to the pool, tennis court, and guest house) to be completed within three (3) years; and
- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencees must not rent their dwelling house unless an application is made and written permission is obtained from the Ministry of Finance Economic Development, Investment and Trade, Commerce and Tourism (FEDICT).

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

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

EX MIN 14/586

**EX MEM 14/332 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – AZUL HOMES, LLC (REGISTRATION SECTION: NORTH; BLOCK: 58616 B; PARCEL 77; CONTAINING 0.50 OF AN ACRE)**

DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Azul Homes, LLC to hold, on a freehold basis, 0.50 of an acre of vacant land located at Limestone Bay, described as Registration Section North, Block 58616 B, Parcel 77, to construct a guest house and to create a larger green space thereon on the grounds that the applicant's reasons for requesting an exception to Government's policy on

restricting Aliens to purchasing no more than half an acre are justifiable; and subject to the following:-

(a) payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$1,142,485.00	EC\$ 57,124.25
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$1,142,485.00	EC\$142,810.63
(iii)	refundable deposit - 10% of EC\$1,142,485.00	EC\$114,248.50
	<b>TOTAL</b>	<b>EC\$314,183.38</b>

(b) the construction of a villa “guest house” granted in Outline Planning Permission: Re Application No. 04/213 dated July 19, 2004 within twenty seven (27) months (i.e. twenty four (24) months for construction plus three (3) months for the relevant permits to be obtained).

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

EX MIN 14/587

**EX MEM 14/333 PUBLIC HOLIDAYS FOR 2015**

Council approved the list of Public Holidays for 2015 as follows:-

New Year’s Day	Thursday, 1 January
James Ronald Webster Day	Monday, 2 March
Good Friday	Friday, 3 April
Easter Monday	Monday, 6 April
Labour Day	Friday, 1 May
Whit Monday	Monday, 25 May
Anguilla Day	Monday, 1 June
Celebration of the Birthday of Her Majesty The Queen	Monday, 15 June
August Monday	Monday, 3 August
August Thursday	Thursday, 6 August
Constitution Day	Friday, 7 August

National Heroes and Heroines Day Monday, 21 December

Christmas Day Friday, 25 December

Boxing Day Monday, 28 December

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

Action: PS, MHA; PAS, MHA

EX MIN 14/588

**EX MEM 14/334 BLOWING POINT BASKETBALL FACILITY**

Mrs Chanelle Petty-Barrett, PS, ELSYC joined the Meeting.

PS, ELSYC thanked Ms Mary Clare Haskins-Banton, Crown Counsel, Attorney General's Chambers for her assistance in drafting the legislation.

Council agreed that the matter be deferred to enable a discussion between the Ministry, ELSYC and the Hon Haydn Hughes, Parliamentary Secretary regarding representation for the execution of the MoU.

Action: PS, ELSYC; HON MIN, ELSYC

EX MIN 14/589

**EX MEM 14/335 APPROVAL FOR:**

**THE ESTABLISHMENT OF AN INTERIM PROJECT STEERING COMMITTEE TO OVERSEE THE OPERATIONS OF THE PILOT PHASE VALLEY FOOD COURT PROJECT**

**PILOT PHASE OF THE VALLEY FOOD COURT PROJECT TO RUN FROM JULY 2014 - AUGUST 31<sup>ST</sup>, 2015**

**PAYMENT OF \$600.00 BY THE VENDORS OCCUPYING THE SITE FOR THE PERIOD JULY 2014 – AUGUST 2015 IN TWO INSTALMENTS**

**DEVELOPMENT OF A POLICY, APPROVED BY COUNCIL, WHICH IS THEN USED TO PREPARE LEGISLATION TO GUIDE THE OPERATIONS OF THE VALLEY FOOD COURT**

Council:-

- (i) approved the establishment of an Interim Steering Committee to ensure the proper monitoring and administration of the temporary phase of the project;
- (ii) agreed that the following persons should serve on the Committee:-

Mr Kenneth Hodge (Ministry of Home Affairs) – Chairman  
 Mr Ensor Gumbs (Ministry of Home Affairs) – Deputy Chairman  
 Mr William Vanterpool (Department of Agriculture)  
 Mr Kasseem Forde (Physical Planning)  
 Mr Leroy Richardson (Environmental Health)  
 Mr Shaynis Connor (MICHUH)

- (iii) approved the Pilot Project, Valley Food Court for the period, July 2014 – August 2015;
- (iv) approved fees of EC\$600.00 per vendor, payable in two instalments; and
- (v) noted that during the life of the Pilot Phase of the Project, the Interim Steering Committee would develop a Policy to be submitted to Executive Council for its consideration and approval, and subsequently, drafting instructions forwarded to the Attorney General’s Chambers for legislation in this area.

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

Action: PS, MHA/LANDS; PS, MICUH; CHIEF ENG; DLS; PS, FIN; PS,  
EDICT; AG

EX MIN 14/590

**EX MEM 14/336 UPDATE ON NATIONAL FUNERAL FOR THE LATE LUCAS WILSON**

Council noted the response from the family of the late Lucas Wilson declining the offer of a National Funeral and its attendant activities. The family thanked the Government of Anguilla for its kind consideration in this matter.

Action: PS, MHA/LANDS; PAS, MHA

EX MIN 14/591

**EX MEM 14/337 PAYMENT OF DEFERRED SALARY – MS X**

***[note on publication: name redacted to protect personal health information]***

The Hon Jerome Roberts, MIN, MHA declared an interest due to family ties and absented himself from discussion.

Council agreed that Ms X, in the Department of Social Development should be paid her deferred salary of EC\$15,061.47 to enable her to meet some of her financial obligations as a result of her medical condition.

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

Action: PS, PA; PS, FIN; PS, EDICT; ACC GEN; COM, DSD

EX MIN 14/592

**EX MEM 14/338 ANGUILLA’S REGULATORY ENVIRONMENT FOR THE MARITIME SECTOR**

Council agreed that the paper should be deferred.

Action: PS, MICUH; HON MIN, MICUH

EX MIN 14/593

**EX MEM 14/339 WATER CORPORATION OF ANGUILLA (WCA) – UPDATED 2014 BUSINESS PLAN**

Mr Larry Franklin, PS, MICUH joined the Meeting.

Council noted:-

- (i) the concerns by GoA Ministers pertaining to the rationing of water and the challenges and hardship faced by residents because of the water situation;
- (ii) that WCA's updated 2014 Business Plan did not give clarity to the strategic, tactical and operational plans of the WCA including an outline of the revenue and expenditure requirements and projections to support the Business Plan; and
- (iii) the intention of Ministers to sign off on the WCA's updated 2014 Business Plan despite the WCA's significant financial and operational challenges.

HE the Governor expressed concern that technical expertise had not been sought to ensure that the GoA was signing off on a business plan that was delivering value for money.

Action: PS, MICUH; MINS OF GOV'T

EX MIN 14/594

**EX MEM 14/340 GOA LONDON OFFICE OPERATIONS**

Council agreed that:-

- (i) the services of Ms Dorothea Hodge, GoA's Representative in the UK be extended for eight (8) months to cover the period October 2014 – May 2015;
- (ii) the monthly remittance paid to Ms Hodge be increased from GBP£5,000 to GBP£6,250; and
- (iii) the Attorney General's Chambers in collaboration with the PS, FIN should look at the contract in advance of extension to ensure that it is suitably formulated to facilitate the above.

HE The Governor pointed out that she did not agree with increasing the remuneration to Ms Hodge's company by 25% at a time when public officers had received no salary increase for several years, and when GoA resources were so constrained.

Minister Roberts stated that the GoA London Office was making a significant contribution to the objectives of Anguilla, and compared to the sums being paid for permanent London offices by other Overseas Territories in the Caribbean, for example Montserrat and Cayman, represented very good value for money.

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

Action: AG; PS, FIN; PS, EDICT; PAS, FIN; BD

EX MIN 14/595

**EX MEM 14/341 GOVERNMENT'S POSITION ON SUPPORT FOR DRAG RACING**

PS, ELSYC remained for discussion.

Council:-

- (i) noted the policy document on Drag Racing for public consultation; and
- (ii) mandated the PS, ELSYC to articulate questions from the policy document to be dispersed for public consultation – questions to be submitted to Executive Council on Thursday 2 October 2014 for consideration; and
- (iii) agreed that the public consultation meetings should begin on Thursday 6 November 2014.

Action: PS, ELSYC

EX MIN 14/596

**EX MEM 14/342 HIGHER EDUCATION LICENSING (AMENDMENT) REGULATIONS AND HIGHER EDUCATION LICENSING (STUDENT PERMIT) REGULATIONS**

Council:-

- (i) approved the Higher Education Licensing (Amendment) Regulations and Higher Education Licensing (Student Permit) Regulations; and
- (ii) agreed that the Hon Minister of Education should sign the Regulations.

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

Action: PS, ELSYC; HON MIN, ELSYC; AG; CEO

EX MIN 14/597

**EX MEM 14/343 CREATION AND FILLING OF ADDITIONAL POST – CERTIFIED TEACHER (PRIMARY)**

Council noted that two (2) teachers had been promoted to the posts of Deputy Principal Primary and that these promotions had resulted in transfers of some teachers to different schools.

Council therefore agreed that an additional post of Certificated Teacher (Primary) in the Education Department should be created and filled.

Council additionally noted that the views of the Permanent Secretaries had been sought in relation to the creation and filling of the post and that a favourable response was given.

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

Action: PS, PA; PS, ELSYC; PS, FIN; PS, EDICT; BD; CEO



EX MIN 14/598

**EX MEM 14/344 EXEMPTION FROM THE WORK PERMIT REQUIREMENT**

Council agreed that Attorneys from the law firm Kelsick Wilkin & Ferdinand, who would be representing the Eastern Caribbean Central Bank (ECCB) in Anguilla should be exempted from the work permit requirement for a period of 12 months from 23 September 2014 to 22 September 2015 under Section 3 (f) of the Control of Employment Act.

The persons to be exempted are:-

Mr. J. Emile Ferdinand	-	St. Kitts
Mr. Damian Kelsick	-	St. Kitts
Ms. Keisha Spence	-	Jamaica

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

Action: PS, IMM; LAB COM; CIO

EX MIN 14/599

**EX MEM 14/345 GRANTING OF 18FT RIGHT OF WAY OVER CROWN LAND SITUATE IN REGISTRATION SECTION ROAD ON BLOCK 08412 B PARCEL 165 IN SANDY GROUND**

DLS remained for discussion.

Council agreed to:-

- (i) the registration of an 18 ft. right of way as an incumbrance over Crown property described as Registration Section Road, on Block 08412 B Parcel 165; and
- (ii) the registration of said 18 ft. right of way as an appurtenance to the following parcels:-

Item No.	Registration Section	Block	Parcel
1.	Road	08412 B	49
2.	Road	08412 B	50
3.	Road	08412 B	161
4.	Road	08412 B	162
5.	Road	08412 B	163
6.	Road	08412 B	164
7.	Road	08412 B	166

Council noted that the registration of the 18 foot right of way to these parcels is subject to the effective execution of Grant of Easement forms by the relevant parties and subsequently lodgment at the DLS.

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

**EX MEM 14/346 REPATRIATION OF THE PRINTING OF ANGUILLA PASSPORTS TO THE UNITED KINGDOM**

Mrs Kathleen Rogers, PS, PA joined the Meeting.

Following discussion of the paper, Council noted the following concerns expressed by Ministers of Government:-

Hon Chief Minister

“I had never supported the idea of repatriation of Anguilla passports to the United Kingdom”.

Hon Minister of Home Affairs

“I am not in full support of the repatriation of the passports taking into consideration the number of uncertainties still to be agreed upon. This mechanism is serving to increase expenditure on our scarce budget resources and will indeed reduce revenue. This information has to be disseminated and a statement of some nature should be made sooner rather than later to the people of Anguilla. This is something that was not budgeted for and it is a cost. Where is this extra cost coming from? It is a cost that the people of Anguilla have not factored in and I am not hearing from the FCO their willingness to contribute to a request mandated by them. Despite my objection concerning this, I have no other choice but to agree”.

Hon Minister, MICUH

“I am not in support of the repatriation of the passports unless there is public consultation and the people of Anguilla decide. I need to hear the views of the people”.

HE The Governor explained that plans to repatriate the printing and issuing of BOTC passports to the UK had been taken some years ago, and that consultations with OT Governments had been taking place since then. Ministers had had the chance to raise concerns, e.g. at last December’s Joint Ministerial Council, but had not done so. At this late stage, it would be not be possible to reverse the move, and so the priority should be on ensuring the transition was as low-cost and smooth as possible. The change would allow BOTC passports to contain more sophisticated features that met increasingly strict international standards, and improve security while enhancing Anguilla’s status as a modern passport issuing authority. The UK Government was also seeking confirmation from the US authorities that the new passports would be accepted under the US visa waiver programme - a significant help to BOTC citizens.

Council nonetheless agreed to:-

- i) the signing of the agreement with WorldReach and authorised the PS, PA to sign the document on behalf of the GoA;

ii) the allocation for the payment due in 2014 from the 2014 budget and the inclusion of the expenditure associated with the repatriation in the 2015 budget if no alternate means of funding is identified; and

iii) the cost associated with making the Passport Office more secure.

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

Action: PS, PA; MINS OF GOV'T

### **ORAL MENTION**

EX MIN 14/601

### **DUTY FREE CONCESSION – SUNSHINE MARITIME CO. LTD.**

In EX MIN 14/467 of 23 July 2014, Council was minded to approve duty free concession for Sunshine Maritime Co. Ltd., subject to confirmation that there was no insurance coverage.

Council noted a letter dated 3 September 2014 from Mr Calvert Fleming, Sunshine Maritime Manager to the Comptroller of Customs on the insurance issue.

Council agreed that the PS, FIN should be asked to provide more information as to what exactly the insurance covers.

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

EX MIN 14/602

### **UPDATE ON MINOR EDUCATION PROJECTS**

PS, ELSYC and PS, MICUH remained for discussion. The following persons joined the Meeting:-

Mr Rawle Hazell, Director, Construction & Housing  
Ms Ludiane Leveret-Richardson, Chief Procurement Officer  
Mr Nigel Connor, Deputy Chief Engineer, DICUH  
Mr Vaughn Hazell, Director, DITES

Council noted the update on the Minor Education Projects as attached. Council further noted that a meeting was scheduled for the afternoon of Thursday 18 September 2014 to determine the next steps pertaining to the Adrian T. Hazell Primary School.

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

EX MIN 14/603

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

Ministers indicated that they were minded to ask the Speaker, HoA to hold the next Meeting of the HoA on a day to be agreed in the week beginning 6 or 13 October 2014.

Action: CLERK, HOA; MINS OF GOV'T

EX MIN 14/604

**OVERSEAS TRAVEL**

Council was informed of the following dates of official overseas travel:-

- 1) Hon Minister, MICUH - 23 – 25 September CARILEC Meeting, Tortola
- 2) HE the Governor - 24 – 26 September, Conference, Miami
- 3) Hon Chief Minister - 24 – 26 September, Health Ministers Board Meeting, Washington
- 4) Hon Minister of Education - 29 September – 3 October, Ministerial Meeting on Environment, BVI

Action: EXCO MEMBERS

\*\*\*\*\*