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MINUTES OF THE 67TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 22ND SEPTEMBER 2016

PRESENT: Her Excellency the Governor, Ms Christina Scott

The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism, Lands & Physical Planning

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and
Information and Broadcasting

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

The Honourable Attorney General, Mr John McKendrick QC

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Brian Deadman, Financial Advisor to the GoA
Mr Paul Morrison, Commissioner of Police
Mr Larry Franklin, PS, MICUHAFIT
Mr Sherman Williams, Finance Manager, AASPA
Mr Fabian M. Fahie, Chairman, AASPA
Mr Allen Barnett, Airport Consultant
Mr Foster Rogers, PS, EDICTLP
Mr Leslie Hodge, DLS

ABSENT: The Honourable Evans Rogers, Minister of Health and Social Development

EX MIN 16/567 **CONFIRMATION OF THE MINUTES**

Mr Brian Deadman, Financial Advisor to the GoA joined the Meeting.

Council confirmed the Minutes of the 66th Meeting held on Thursday 15th September 2016.

MATTERS ARISING FROM THE MINUTES

EX MIN 16/568 None

EX MIN 16/569 **EX MEM 16/356 GUIDANCE ON THE ISSUING OF FIREARM LICENSES IN ANGUILLA**

Financial Advisor to the GoA remained in attendance. Mr Paul Morrison, Commissioner of Police joined the Meeting:-

Council:-

- (i) approved the attached draft guidance on the issuing of firearm licenses, subject to amendments to Sections 10 & 11 of the document that written decisions should be given;
- (ii) agreed that the guidance once finalised should be published by the GoA; and
- (iii) noted that the Hon Chief Minister and the Governor agreed that the proposed joint foreword should be published in their name to underline the Government of Anguilla's robust approach to the safe and appropriate licensing of firearms in Anguilla.

Action: HE; COP; HON AG; MINS OF GOV'T

EX MIN 16/570 **EX MEM 16/357 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – IAN CLIF ROBERT HAMILTON AND ERICA LUCINDA HAMILTON – REGISTRATION SECTION WEST CENTRAL, BLOCK 28211 B, PARCEL 378, CONTAINING 0.51 ACRE**

Financial Advisor to the GoA remained in attendance. Messrs Foster Rogers, PS, EDICTLP and Leslie Hodge, DLS joined the Meeting.

Council agreed that an Aliens Land Holding Licence should be issued to Ian Clif Robert Hamilton and Erica Lucinda Hamilton, to hold, on a freehold basis, 0.51 acre of vacant land described as Registration Section West Central, Block 28211 B, Parcel 378, located at Spring Path to construct a dwelling house thereon, subject to the following:-

- (a) Payment of Stamp Duties:-
 - (i) under the Stamp Act – 5%
of EC\$94,087.00 EC\$4,704.35
 - (ii) under the Aliens Land Holding
Regulations Act – 6.25%
of EC\$94,087.00 EC\$ 5,880.44

(iii) refundable deposit of 10% of EC\$94,087.00	EC\$ 9,408.70

TOTAL	EC\$19,993.49
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(b) 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, Commerce & Tourism, Lands & Physical Planning (MFEDICTLP); and

(c) Regulations to be issued for exemption.

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/571

EX MEM 16/358 RESCINDING OF EXECUTIVE COUNCIL MINUTE 16/520 – APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – DEBORAH ANN GARINGER TO HOLD PROPERTY DESCRIBED AS SITUATE IN REGISTRATION SECTION NORTH, BLOCK 58918 B, PARCEL 69, CONTAINING 0.49 OF AN ACRE

Financial Advisor to the GoA remained in attendance. PS, EDICTLP and DLS remained for discussion.

The Hon Minister of Home Affairs declared an interest and did not engage in the discussion.

Council agreed that:-

- (i) EX MIN 16/520 dated 29 August 2016 should be rescinded due to the fact that the property was given to the applicant from her deceased uncle through the Administrator of his estate and that the fees had been erroneously calculated;
- (ii) Deborah Ann Garinger should be granted an Aliens Land Holding Licence to hold property described as Registration Section North, Block 58918 B, Parcel 69 containing 0.49 acre located at Black Garden, with a house thereon for tourism purposes, subject to payment of the following:-

(a) under Section 14(3) of the Aliens Land Holding Licence Act	EC\$200.00
(b) under the Stamp Act	EC\$ 20.00

TOTAL	EC\$220.00
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Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/572

EX MEM 16/359 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ANNETTE SUZETTE FRANCIS TO HOLD PROPERTY DESCRIBED AS REGISTRATION SECTION CAULS POND, BLOCK 68915 B, PARCEL 314 CONTAINING 0.25 OF AN ACRE

Financial Advisor to the GoA remained in attendance. PS, EDICTLP and DLS remained for discussion.

Further to EX MIN 16/65 of 4 February 2016, Council was satisfied that Ms. Shamika Chantel Francis is the daughter of Mr Romeo Gumbs and the applicant, Ms Annette Suzette Francis.

Council therefore confirmed that an Aliens Land Holding Licence should be issued to Annette Suzette Francis, to hold, on a freehold basis, 0.25 of an acre of vacant land described as Registration Section Cauls Pond, Block 68915 B, Parcel 314, located at Cauls Pond to construct a dwelling house thereon, subject to the following:-

- | | | |
|-------|--|---------------------|
| (a) | Payment of Stamp Duties:- | |
| (i) | under the Stamp Act – 5%
of EC\$43,011.20 | EC\$2,150.56 |
| (ii) | under the Aliens Land Holding
Regulations Act – 12.5%
of EC\$43,011.20 | Exempted |
| (iii) | refundable deposit of 10% of
EC\$43,011.20 | Exempted |
| | TOTAL | EC\$2,150.56 |
- (b) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent her dwelling house unless an application was made and written permission obtained from the Ministry of Finance, Economic Development, Investment, Commerce & Tourism, Lands & Physical Planning (MFEDICTLP); and
- (c) Regulations to be issued for exemption.

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/573

EX MEM 16/360 HUT NEXT TO PEOPLE'S MARKET UTILISED BY EUNICE HARRIGAN (LATE DENNIS HARRIGAN) SITUATE ON CROWN PROPERTY DESCRIBED AS REGISTRATION SECTION NORTH CENTRAL, BLOCK 48814 B, PARCEL 224 (PART OF), CONTAINING 0.05 OF AN ACRE OF LAND

Financial Advisor to the GoA remained in attendance. PS, EDICTLP and DLS remained for discussion.

Council agreed that:-

- (i) a yearly licence should be granted to Mrs. Eunice Harrigan on the following terms:-
 - (a) the property is described in Registration Section North Central, Block 48814 B, Parcel 224 (part of) Lot 1, being 0.05 of an acre as delineated on Survey Plan LS27-15;
 - (b) the use of the premises is for a Food Hut only;
 - (c) rent per annum should be in the amount of US\$440.00 (EC\$1,182.81) increasing by two (2%) percent yearly (upwards only) if renewed;
 - (d) upon termination of licence the licensee shall remove all movables including structure from the site at their own expense; and
 - (e) the Department of Lands and Surveys should draft the licence and the Attorney General's Chambers finalise the licence agreement for execution by the applicant and the Government of Anguilla.

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

Action: PS, EDICTLP; DLS; HON AG; PS, FIN; ACC GEN

EX MIN 16/574

EX MEM 16/361 AMENDMENT TO EXCO MINUTE 15/230: LEASE OF PART 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 0.44 ACRE

Financial Advisor to the GoA remained in attendance. PS, EDICTLP and DLS remained for discussion.

Council agreed that the lease agreement between Crown and Tamara Gumbs & Tayna Gumbs for property described as Registration Section North, Block 58814 B, Parcel 2 (part of), containing 0.44 of an acre, should be amended as follows:-

- (i) Paragraph 11, Subsection 11.1, be amended to state forty-eight (48) months instead of the standard twenty-four (24) months for this transaction only; and
- (ii) Paragraph 13, Subsection 13.1, be amended to ninety (90) days as the stipulated timeframe for Stamp Duty and Registration fees to be payable for this transaction only.

Council further agreed that there be no changes to Paragraph 2, Subsection 2.1 and Paragraph 3, Subsection 3.1.

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

Action: PS, EDICTLP; DLS; HON AG; PS, FIN; ACC GEN

EX MIN 16/575

EX MEM 16/362 IMPLEMENTATION OF NEW WATER RATE FOR THE BULK WATER FILLING STATION

Financial Advisor to the GoA remained in attendance.

Council:-

- (i) approved an EC\$ **0.06 Cents** rate for the bulk filling station rate so as to increase volumetric and monetary water sales;
- (ii) agreed that the Attorney General's Chambers should draft the legislative amendments to facilitate the imposition of the interest fee and the monthly meter rental charge and
- (iii) agreed that the WCA should undertake a cost of service and rate study in 2017.

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

Action: PS, MICUHAFIT; CEO, WCA; HON AG; PS, FIN; PS, EDICTLP; ACC GEN; HON MIN, MICUHAFIT

EX MIN 16/576

EX MEM 16/363 AUTHORITY OF THE AASPA TO GRANT ITS COLLECTION POWERS TO THE CUSTOMS DEPARTMENT/ DEPARTMENT UNDER THE GOVERNMENT OF ANGUILLA

Financial Advisor to the GoA remained in attendance.

Council:-

- (i) noted that that the fees were not being increased;
- (ii) approved and authorised the amendment to the AASPA legislation to allow a GoA department to collect fees on behalf of the AASPA with the possibility of conceding a provision for a future service fee charge; and
- (iii) approved the laying of the Regulations before the House of Assembly in accordance with Section 86(8) of the Anguilla Air and Sea Ports Authority Act.

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

Action: PS, MICUHAFIT; HON AG; CEO, AASPA; CHAIR, AASPA; CL, HOA; ACC GEN; HON MIN, MICUHAFIT

EX MIN 16/577

EX MEM 16/364 IMPLEMENTATION OF NEW WATER SERVICE CHARGES

Financial Advisor to the GoA remained in attendance.

Council:-

- (i) supported the initiative to charge a 1.5% interest fee on outstanding balances to deter customer delinquency in order to assist the WCA in improving its collection levels, but agreed that before this charge is implemented, an update should be given to Council regarding the debt swap arrangement;
- (ii) approved a monthly meter rental charge of EC\$10.00 to cover the costs associated with maintaining, refurbishing and replacement of meters regularly in order to enhance billing accuracy for the WCA's customers;
- (iii) agreed that the Attorney General's Chambers should draft the legislative amendments to facilitate the imposition of the interest fee and the monthly meter rental charge, following the update on the debt swap arrangement and that the arrangement is finalised before signing off on the Regulations; and
- (iv) agreed that the WCA should undertake a cost of service and rate study in 2017.

Action: PS, MICUHAFIT; CEO, WCA; HON AG; PS, FIN; PS, EDICTLP; ACC GEN; HON MIN, MICUHAFIT

EX MIN 16/578

EX MEM 16/365 APPROVAL TO FILL THE POSITION OF CHIEF BUILDING INSPECTOR

Financial Advisor to the GoA remained in attendance. PS, EDICTLP and DLS remained for discussion.

Council:-

- (i) noted that the incumbent Chief Building Inspector in the Department of Physical Planning had recently applied for, and was successful in obtaining, the job of Design Engineer at the MICUHAFIT;
- (ii) further noted that the salary for this position for the period October to December 2016 (three months) was EC\$25,662.00 (8,554.00 monthly) and that funds were available to cover the expenditure; and
- (iii) agreed that the position of Chief Building Inspector in the Department of Physical Planning should be filled.

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

Action: PS, EDICTLP; PS, PA; DLS; PS, FIN; BD; ACC GEN

EX MIN 16/579

EX MEM 16/366 APPROVAL TO FILL THE POSITION OF SENIOR PLANNER

Financial Advisor to the GoA remained in attendance. PS, EDICTLP and DLS remained for discussion.

Council:-

- (i) noted the decision taken in EX MIN 16/68 of 4 February 2016 regarding the filling of two positions of Senior Planner in the Department of Physical Planning as attached;
- (ii) noted the information relating to section (b) of EX MIN 16/68 which indicated that the Ministry of Finance, Economic Development, Investment, Commerce & Tourism, Lands & Physical Planning (MFEDICTLP) was unsuccessful in getting agencies to commit towards the funding of the attachment in the UK;
- (iii) additionally noted that the salary for this position for the period October to December 2016 (three months) was EC\$22,740.00 (7,580.00 monthly) and that funds were available to cover the expenditure;
- (iv) supported the decision from the MFEDICTLP that the recommendation as outlined in section (b) of EX MIN 16/68 should be withdrawn;
- (v) agreed that the position of Planner in the Department of Physical Planning should not be filled until such time that Executive Council concurs with the need to fill this position; and
- (vi) agreed that the position of Senior Planner in the Department of Physical Planning should be filled.

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

Action: PS, EDICTLP; PS, PA; DLS; PS, FIN; BD; ACC GEN

EX MIN 16/580

EX MEM 16/367 APPROVAL TO FILL THE POSITION OF TRADE & INVESTMENT OFFICER

Financial Advisor to the GoA remained in attendance. PS, EDICTLP & DLS remained for discussion.

Council:-

- (i) noted that the post of Trade & Investment Officer in the Ministry of Finance, Economic Development, Investment, Commerce & Tourism, Lands & Physical Planning (MFEDICTLP) had become vacant due to the promotion of the incumbent officer earlier this year;

- (ii) further noted that the salary for this position for the period October to December 2016 (three months) was EC\$19,761.00 (6,587.00 monthly) and that funds were available to cover the expenditure; and
- (iii) agreed that the post of Trade & Investment Officer in the MFEDICTLP should be filled.

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

Action: PS, EDICTLP; PS, PA; PS, FIN; PAS, FIN; DLS; BD; ACC GEN

ORAL MENTION

EX MIN 16/581

UPDATE ON CLAYTON J LLOYD INTERNATIONAL AIRPORT (CJLIA)

Financial Advisor to the GoA remained in attendance. The following persons joined the Meeting:-

- Mr Larry Franklin, PS, MICUHAFIT
- Mr Sherman Williams, Finance Manager, AASPA
- Mr Fabian M. Fahie, Chairman, AASPA
- Mr Allen Barnett, Airport Consultant

Further to EX MIN 16/530 of 1 September 2016, Mr Allen Barnett, Airport Consultant updated Council on the progress of the CJLIA with regard to the safety and security instructions by the Air Safety Support International (ASSI). Mr Barnett pointed out that:-

- (i) there had been changes to the security management set up;
- (ii) a proper quality management system was being put in place. Technical assistance was sought from the BVI for training in this area, which was favourably agreed; and
- (iii) the weather equipment had been resolved.

Mr Fabian M. Fahie, Chairman, AASPA stated that there was need for institutional strengthening going forward, which included human resource development and further technical assistance and training support. Mr Fahie further stated that the matter was not just an immediate need to close findings but an organisational issue.

Council noted that by mid-October 2016, the CJIA should have met the safety and security instructions specified by the Air Safety Support International (ASSI).

Action: PS, MICUHAFIT; CHAIR, AASPA; MINS OF GOV'T
