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MINUTES OF THE 76TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 6TH OCTOBER 2011

- PRESENT: His Excellency the Acting Governor, Mr Stanley Reid
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism
- The Honourable Acting Deputy Governor, Mr Larry Franklin
- The Honourable Edison Baird, Minister of Social Development and Education
- The Honourable Walcott Richardson, Minister of Labour, Immigration, Lands,
Physical Planning, Human Rights, Environment and Gender Affairs
- The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities, and Housing
- The Honourable Attorney General, Mr James Wood
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Hon Jerome Roberts, Adviser to the Hon CM
Hon Haydn Hughes, Parliamentary Secretary
Dr Aidan Harrigan, PS, EDICT
Mr Foster Rogers, PS, MHA/LANDS
Mr Gifford Connor, DLS
Mr Vincent Proctor, PPO
Ms Gina Brooks, Tourism Planner
Ms Mary Clare Haskins, Crown Counsel
- ABSENT: His Excellency the Governor, Mr Alistair Harrison (attended Executive Council
until 10:30 am)

EX MIN 11/651

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 75th Meeting held on Thursday 29th September 2011 and the Minutes of a Special Meeting held on Monday 3rd October 2011 as amended.

MATTERS ARISING FROM THE MINUTES

OUTSTANDING ITEM FOR EXCO

1. EX MIN 08/761 IMMIGRATION AND LABOUR POLICY
of 11 December 2008

Action: PS, MHA; AG

EX MIN 11/654

EX MEM 11/268 REQUEST FOR DEFERMENT OF NEW TRAINING POLICY

Council agreed that the GoA should continue to fund 100% of the costs for eligible students for this semester (September to December) only and that the new policy be implemented with effect from January 2012.

Executive Council requested the opportunity to examine the policy further prior to its implementation.

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

Action: PS, PA; PS, ELSYC

EX MIN 11/655

EX MEM 11/269 ESTABLISHMENT OF THE DEPARTMENT OF LEGISLATURE

Council agreed that the matter should be deferred and that Mr Leroy Rogers be invited to Executive Council at a later date for further discussion on the matter.

Action: PS, FIN; HON CM; PS, PA

EX MIN 11/656

EX MEM 11/270 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – BI-LI- TOURISM LTD.

Council agreed that an Aliens Land Holding Licence should be issued to BI-LI-Tourism Ltd. to hold 0.9 acre of land with a dwelling house thereon on a freehold basis located at Cul De Sac (Block 28309B Parcel 38) at a valuation of US\$2,150,000.00/EC\$5,779,630.00, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Licence @ 12½% of EC\$5,779,630.00	EC\$ 722,453.75
(ii)	Stamp Duty on Transfer @ 5% of EC\$5,779,630.00	EC\$ 288,981.50
	TOTAL	EC\$1,011,435.25
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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 11/657

EX MEM 11/271 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – JMW, INC.

The above application was approved at a meeting of Executive Council on Thursday 5 May 2011 (EX MIN 11/257). The application was resubmitted to Executive Council to amend the stamp duties payable.

Council agreed that an Aliens Land Holding Licence should be issued to JMW, Inc. to hold 0.21 acre of land with a luxury villa thereon approximately 6,059 sq ft. on a freehold basis located at Barnes Bay (Block 17810B Parcel 169), which forms part of Resorts and Residences of Anguilla Homeowners Association Ltd., a Condominium development Ltd. at a valuation of US\$5,130,000.00/ EC\$13,790,466.00 in keeping with the amended Memorandum of Agreement (MOA) between Barnes Bay Development Ltd and the Memorandum of Understanding (MOU) between Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC, subject to the payment of the following stamp duty:-

(i)	Stamp Duty on Transfer – 5% of EC\$13,790,466.00	EC\$689,523.30
(ii)	Stamp Duty on Licence – 12.5% of EC\$13,790,466.00	EC\$ Waived
	TOTAL	EC\$689,523.30

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

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

EX MIN 11/659

EX MEM 11/273 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – CARLO PARISI AND CHERYL BALDASSARRI PARISI

The above application was approved at a meeting of Executive Council on Thursday 12 May 2011 (EX MIN 11/286). The application was resubmitted to Executive Council following a request from the applicants that the licences be separated so that each applicant could hold a unit separately.

Council agreed that an Aliens Land Holding Licence should be issued to Carlo Parisi and Cheryl Baldassarri Parisi to hold separate licences as indicated below:-

Council agreed to issue an Aliens Land Holding Licence to Carlo Parisi to hold a strata lot of 648 sq ft on a freehold basis located at Barnes Bay (Block 17810B 201 SL B201B) at a valuation of US\$584,621.62/EC\$1,571,579.84 in keeping with the amended Memorandum of Agreement (MOA) between Barnes Bay

Development Ltd and the Memorandum of Understanding (MOU) between Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC, subject to the payment of the following stamp duty:-

(i)	Stamp Duty on Transfer – 5% of EC\$1,571,579.84	EC\$78,578.99
(ii)	Stamp Duty on Licence – 12.5% of EC\$1,571,579.84	EC\$ Waived
	TOTAL	EC\$78,578.99

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

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

Council agreed to issue an Aliens Land Holding Licence to Cheryl Baldassarri Parisi to hold a strata lot of 993 sq ft. on a freehold basis located at Barnes Bay (Block 17810B 201 SL B201A) at a valuation of US\$895,878.39/ EC\$2,408,300.29 in keeping with the amended Memorandum of Agreement (MOA) between Barnes Bay Development Ltd and the Memorandum of Understanding (MOU) between Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC, subject to the payment of the following stamp duty:-

(i)	Stamp Duty on Transfer – 5% of EC\$2,408,300.29	EC\$120,415.01
(ii)	Stamp Duty on Licence – 12.5% of EC\$2,408,300.29	EC\$ Waived
	TOTAL	EC\$120,415.01

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

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

EX MIN 11/660

EX MEM 11/274 REQUEST TO THE GOVERNMENT OF ANGUILLA TO ADDRESS OUTSTANDING PAYMENTS TO THE WATER CORPORATION OF ANGUILLA

Mrs Kathleen Rogers, PS, FIN joined the Meeting.

Council:-

- (i) approved a part payment of EC\$839,450.00 of the total amount outstanding to the Water Corporation of Anguilla;

- (ii) approved the reconciliation and payment of the remainder before the end of GoA's financial year 2011;
- (iii) agreed to the cessation of the budgeting of a subvention for the WCA from the 2012 budget onward. GoA is cognisant that the electricity fuel surcharge has put significant constraints on the WCA and there may be need to review this position;
- (iv) approved the creation of a similar payment mechanism for water charges as that used for electricity and telecommunication services but at the Ministry level to pay for the services consumed;
- (v) agreed that the cost of vehicles maintenance and IT support provided by GoA should also be factored into the arrangement with the WCA;
- (vi) agreed that the water charges should be estimated and budgeted for in the 2012 budget.

Action: PS, MICUH; PS, FIN; PS, EDICT; ACC GEN

EX MIN 11/661

EX MEM 11/275 EXEMPTION FROM WORK PERMIT REQUIREMENTS – ARIJAH CHILDREN'S FOUNDATION

Council agreed that Ms Lorraine Shakespeare, a Jamaican National employed at the Arijah Children's Foundation as a Special Education Teacher should be exempted from the work permit requirement for a period of one (1) year in accordance with Section 3 (g) of the Control of Employment Act.

Council noted that the position was advertised during the period 11 August to 7 September 2011 and that no suitable Anguillian had been indentified.

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

Action: PS, MHA/LANDS; LAB COM; CIO

EX MIN 11/662

EX MEM 11/276 EXEMPTION FROM WORK PERMIT REQUIREMENTS – PROPHECY PRE-SCHOOL

Council agreed that Ms Teshia Griffeth, a Vincentian National employed at the Prophecy Pre-school as a Pre-school Teacher should be exempted from the work permit requirement for a period of one (1) year in accordance with Section 3 (g) of the Control of Employment Act.

Council noted that the position was advertised during the period 9 – 23 September 2011 and that no suitable Anguillian had been indentified.

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

Action: PS, MHA/LANDS; LAB COM; CIO

EX MIN 11/663
EX MIN 11/664

EX MEM 11/278 RENEWAL OF MEDICAL INSURANCE COVERAGE FOR PUBLIC OFFICERS WITH NAGICO INSURANCES

PS, FIN remained for discussion.

Council approved the renewal of the Medical Insurance for a period of 1 (one) year under the existing conditions with Nagico Insurance.

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

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

EX MIN 11/665

EX MEM 11/279 CLARIFICATION ON REDUCED RATE OF CUSTOMS DUTIES ON VEHICLES AND PARTS

PS, FIN remained for discussion.

Council agreed that:-

- (i) the reduced rate of customs duty should apply to all vehicles and parts imported during this period;
- (ii) to avoid confusion about duty being paid immediately on arrival that instead the existing customs procedure should be considered for the release and payment of duties once it is cleared during the 3 month period. If payment is not made during the 3 month period the original rate of duty will apply;
- (iii) the cut-off-date which is 31 January 2012.

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

Action: PS, FIN; AG; PS, EDICT; COC

EX MIN 11/666

EX MEM 11/280 FINANCIAL ASSISTANCE FOR NATIONAL CRICKET TEAM

PS, FIN remained for discussion.

Council agreed that the situation with regards to financial assistance for the National Cricket Team to represent Anguilla overseas in the Leeward Islands Cricket Tournament remained the same as previously agreed in EX MIN 11/620 of 22 September 2011.

The Hon Minister for Sports said he felt the matter could have been favourably considered.

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

Action: PS, ELSYC; HON MIN, HSD

EX MIN 11/667

EX MEM 11/281 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – TSG WATER WORKS (ANGUILLA) LTD.

Mr Foster Rogers, PS, MHA/LANDS and Mr Gifford Connor, DLS joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence to TSG Water Works (Anguilla) Ltd .for a period of ten (10) years to hold Part of Parcel 735, Block 48714B in North Central Registration Section amounting to a total of 0.42 acre of land with the Water Storage Tank and a Mechanical Building thereon and more particularly delineated on Survey Plan Reference LS09 -11, subject to the payment of the following stamp duty:-

(i)	Stamp Duty on Licence for Lease of 10 years @ 5% of EC\$135,485.28	Exempted
(ii)	Stamp Duty on Registration of Sub Lease 0.0005 x 10 x EC\$135,485.28	EC\$677.43
	TOTAL	EC\$677.43

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 11/670

MEETING OF THE HOUSE OF ASSEMBLY

Council agreed that the next meeting of the House of Assembly should be held on Monday 17 October 2011 at 2 p.m.

Action: SPEAKER, HOA; CLERK, HOA

EX MIN 11/671

STATEMENT MADE BY HE THE GOVERNOR

The following is a statement made by HE the Governor in Executive Council on Thursday 6 October 2011:-

“I understand that rumours are circulating that I have interfered with the Attorney General’s decision not to pursue a prosecution in a recent case.

I wish to make it clear that these rumours are completely unfounded. I understand from the AG that he took his decision by applying the test always used in the case of any prosecution, i.e. whether, based on the evidence, there was a realistic chance of a conviction. I was unaware of his decision until after he had taken it”.

Action: HE

EX MIN 11/672

OVERSEAS TRAVEL

Council was informed of the following dates of travel:-

- a) Hon Minister, Home Affairs - 10 – 14 October, Grenada, Meeting of the
OECS Ministers of Environment
- b) Hon Attorney General - 9 – 15 October, Cayman, OT/AG’s
Conference
