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MINUTES OF THE 86TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 22ND DECEMBER 2011

- PRESENT: His Excellency the Governor, Mr Alistair Harrison
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education
- The Honourable Walcott Richardson, Minister of Labour, Immigration, Lands,
Physical Planning, Human Rights, Environment, Gender Affairs and Agriculture
and Fisheries
- 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: Mr Foster Rogers, PS, MHA/LANDS
Mr Larry Franklin, PS, MICUH
Mr Rommel Hughes, CEO, Water Corporation

EX MIN 11/878 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 85th Meeting held on Thursday 15th
December 2011 and the Minutes of a Special Meeting held on Friday 16th
December 2011.

MATTERS ARISING FROM THE MINUTES

EX MIN 11/879 **EX MIN 11/858 EX MEM 11/370 PROVISION OF DEDICATED**
IMMIGRATION CLEARANCE/DOCKING FACILITIES AT SIMPSON
BAY LAGOON FOR ANGUILLA BOUND PASSENGERS

EX MIN 11/858 of 15 December 2011 refers.

Council authorised the Hon CM and the Hon Minister, MHA to sign the MoU between the GoA and GoSXM to give effect to the Docking Facility at Simpson Bay Lagoon, subject to the following amendment to the document:-

Section 3, paragraph 4 – to read, “Vessels will be required to report to the agent at the Anguilla dock ‘before’ (to replace ‘when’) entering the Lagoon at Sandy Ground, giving name of vessel, estimated time of arrival and number of crew and passengers”.

Action: PS, EDICT; DIR, TOURISM; CHAIRMAN, ATB; PS, FIN; PAS, FIN; PARL SEC; AG; CO-ORD, TSDP

EX MIN 11/880

EX MIN 11/864 EX MEM 11/376 REIMBURSEMENT OF TELEPHONE BILLS TO HON CHIEF MINISTER

Further to EX MIN 11/864 of 15 December 2011, Council agreed that the matter should be further deferred pending information to be submitted by the PS, Finance to Executive Council.

Action: PS, FIN; PS, MHA/LANDS

OUTSTANDING ITEM FOR EXCO

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

Action: PS, MHA; AG

EX MIN 11/881

EX MIN 11/865 EX MEM 11/377 SUPPORT FOR CREATING THE WALLBLAKE HERITAGE CENTRE TOURIST ATTRACTION

EX MIN 11/865 of 15 December 2011 refers.

Council agreed that the paper be deferred. The Hon Chief Minister undertook to discuss the matter with Ms Jasmin Garraway, Co-ordinator, TSDP and to report back to Executive Council.

Action: PS, EDICT; HON CM

EX MIN 11/882

EX MEM 11/379 ACQUISITION OF PARCEL 206, BLOCK 38713B IN SOUTH CENTRAL REGISTRATION SECTION BEING 0.03 ACRE OF LAND

Mr Foster Rogers, PS, MHA/LANDS joined the Meeting.

Council agreed that the sum of US\$2,100.00 or EC\$5,645.22 should be paid to Dr. Bonnie Richardson-Lake of Sachasses, Anguilla as Lawful Attorney for Lucille Taylor as personal representative of the estate of Olive Taylor, deceased for the acquisition of Parcel 206, Block 38713B in South Central Registration Section

being 0.03 acre of land utilised as part of the Jeremiah Gumbs Highway.

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

EX MIN 11/883

EX MEM 11/380 ACQUISITION OF LANDS BY GOVERNMENT FOR PUBLIC ROAD TO LIMESTONE BAY

PS, MHA/LANDS remained for discussion.

Council agreed to the acquisition of lands by the GoA for public road to Limestone Bay and to a total amount of US\$28,000.00 as compensation for the said lands as shown in the table below:-

Land Owner	Block	Parcel		Progress	Estimated value US\$
Estella Azolia Webb, NY	58715B	243	0.12Ac Compensation requested but additional information was requested to show the impact on the property (see attached) (via phone)	Need to indicate to landowner the impact of road on existing property Offer value not provided	\$12,000
Dorothy C. Richardson		333	0.12Ac Compensation for US\$12,000 (see attached documents)	Offer accepted, payment due – prepare transfers	\$12,000
Amelia A. Brown, St. Thomas		357	0.04Ac Unable to Contact	No progress	\$4,000
Walter E. Richardson, St. Thomas		551	0.07Ac Will donate (via phone)	Prepare transfers	\$7,000

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

EX MIN 11/884

EX MEM 11/381 REQUEST FOR WORK PERMIT EXEMPTION - ANGUILLA YOUTH SAILING CLUB

PS, MHA/LANDS remained for discussion.

H E The Governor declared an interest because he and his children are part of the Sailing Club and his wife a Member of the Board of the Anguilla Sailing Association.

Council agreed that Mr Hazen Charles Grant, a citizen of Canada who is to be engaged as Director of the Anguilla Youth Sailing Club should be exempted from the work permit requirement for a period of one year, in accordance with Section 3 (g) of the Control of Employment Act.

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

EX MIN 11/885 **EX MEM 11/382 LICENCE USE OF CROWN LAND – JAMES BRYSON**

PS, MHA/LANDS remained for discussion.

Council agreed that a licence should be granted to Mr James Bryson to operate a restaurant on .25 acres of Crown land registered as Section Cauls Pond, Block 69114B Parcel 132 for a period of 5years with an annual rent of US\$900.00 or EC\$2,419.38

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

EX MIN 11/886 **EX MEM 11/383 APPEAL AGAINST PLANNING PERMISSION – NEVILLE GUMBS**

PS, MHA/LANDS remained for discussion.

Council agreed that the matter should be deferred for a site visit.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 11/887 **EX MEM 11/384 APPEAL AGAINST PLANNING PERMISSION – GILLIAN RICHARDSON**

PS, MHA/LANDS remained for discussion.

Following a site visit, Council agreed that the appeal against planning permission submitted by Ms Gillian Richardson to construct a workshop at Lockrum, Anguilla on land, registered as Block 38510B; Parcel 111 should be allowed in light of the fact that development will not create noise that will impact the other developments in the area, and that no other land is available in the vicinity for this development.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 11/888 **EX MEM 11/385 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE**

PS, MHA/LANDS remained for discussion.

Council agreed that the following persons should be granted Permits of Permanent Residence in accordance with Section 24 (1) of the Immigration and Passport Act:-

- 1) Ann Margaret Watty - Dominica National, residing in Anguilla since 2001.
- 2) Vesta Envalee Smith - Jamaica National, residing in Anguilla since 2000.
- 3) Roxann Melisia Pinnock - Jamaica National, residing in Anguilla since 1998.

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|-----|----------------------------|---|---|
| 4) | Jose Noel Gumbs Gonzalez | - | Cuba National, residing in Anguilla since 2006. |
| 5) | Iris Caridad Gumbs Fajardo | - | Cuba National, residing in Anguilla since 2006. |
| 6) | Remigio Mejia Jose | - | Dominican Republic National, residing in Anguilla since 2007. |
| 7) | Roberto Sanchez Justo | - | Dominican Republic National, residing in Anguilla since 1998. |
| 8) | Manuela N. Rogers Brujan | - | Dominican Republic National, residing in Anguilla since 1999. |
| 9) | Juana E. Rogers Brujan | - | Dominican Republic National, residing in Anguilla since 1998. |
| 10) | Maria Elizabeth Guerrero | - | Dominican Republic National, residing in Anguilla since 1997. |
| 11) | Juan Jose Del Rosario | - | Dominican Republic National, residing in Anguilla since 2001. |
| 12) | Howard Martin Resh | - | Canada National, residing in Anguilla since 1999. |
| 13) | Shanique Samora Thompson | - | St. Vincent National, residing in Anguilla since 2000. |
| 14) | Suresh Seesahai | - | Guyana National, residing in Anguilla since 1997. |
| 15) | Deonarine Hardyal | - | Guyana National, residing in Anguilla since 2001. |
| 16) | Franklin Avon Brandon | - | Guyana National, residing in Anguilla since 2001. |

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

EX MIN 11/889

EX MEM 11/386 APPLICATIONS FOR THE PERMIT OF PERMAMENT RESIDENCE

PS, MHA/LANDS remained for discussion.

Council agreed that the following persons should be granted Permits of Permanent Residence in accordance with Section 24 (1) of the Immigration and Passport Act:-

- 1) Samantha Lynne Wright - UK Citizen, residing in Anguilla since 2002.
- 2) Lisa Elizabeth Williams - Jamaica National, residing in Anguilla since 1994.
- 3) Antonia Hernandez Alcala - Dominican Republic National, residing in Anguilla since 1997.
- 4) Amauris Israel Mateo - Dominican Republic National, residing in Anguilla since 1999.
- 5) Astriz Salangi S. Fleming - Dominican Republic National, residing in Anguilla since 1997.
- 6) Leonor Diplan T. Justo - Dominican Republic National, residing in Anguilla since 2000.
- 7) Daislan Avistene Michael - St. Vincent National, residing in Anguilla since 2001.
- 8) Avis Lauret Michael - St. Vincent National, residing in Anguilla since 2001.
- 9) Daisley Cornelius Michael - St. Vincent National, residing in Anguilla since 2001.
- 10) Kylene Kemorna C. Quashie - St. Vincent National, residing in Anguilla since 2001.

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

EX MIN 11/890

EX MEM 11/387 DRAFTING OF LEGISLATION ON BEACH VENDING AND CHAIR AND UMBRELLA RENTALS

PS, MHA/LANDS remained for discussion.

Council:-

- (i) approved the Beach Vending and Beach Equipment Rental Services Planning Policy and Advice;
- (ii) authorised the AG's Chambers to draft the necessary legislation on the basis of the approved Policy.

Action: AG; PS, MHA/LANDS; PS, EDICT

EX MIN 11/891

EX MEM 11/388 AMENDMENT TO THE PENSIONS ACT, R.S.A. c. P20

Council agreed that:-

- (i) the Pensions Act, R.S.A. c. P20 should be amended to make it clear that the Consolidated Fund is liable for pensionable officers who were in the public service on or before January 2004, with a pensionable service of 10 years or more on or before 1 January 2004 and who reached normal retirement age of 55 years on or before 31 December 2009;
- (ii) the amendment be made retroactive as of 1 January 2001;

Council authorised the AG's Chambers to draft the necessary legislation to effect the above.

Action: AG; PS, FIN; PS, EDICT; PS, PA; ACC GEN

EX MIN 11/892

EX MEM 11/389 WATER CORPORATION OF ANGUILLA 2012 ANNUAL BUSINESS PLAN

Mr Larry Franklin, PS, MICUH and Mr Rommel Hughes, CEO, Water Corporation joined the Meeting.

Council approved the 2012 Annual Business Plan for the Water Corporation of Anguilla along with the following amendments and additions:-

- (i) Water Corporation of Anguilla (WCA) to include in the plan the critical success factors for the achievements of the targets in the Annual Business Plan;
- (ii) WCA to develop and include a service charter in the Business Plan. There is a need to demonstrate and benchmark the level of service offered by the Water Corporation. Also a need for a greater focus on the level of customer service;
- (iii) There is a need for a much more aggressive/urgent approach to address the issue of NRW with an aim to reduce it to an acceptable level of below 25% (the World Bank recommends that NRW should be "less than 25%") within the next 3 - 5 years;
- (iv) There is an urgent need to benchmark and address the inefficiencies in the operations of the Water Corporation of Anguilla;
- (v) The marketing section should have more focus on the traditional 4Ps of Marketing namely, price, promotion, place and product;
- (vi) The Government of Anguilla to consider a proposal for an additional rate structure for institutions like small hotels;
- (vii) The WCA needs to place a dollar value on NRW and consider different scenarios as to how the level of NRW could be reduced and how the overall profitability of the WCA will be affected. This should eventually translate to a reduction in water rates to the customers;

- (viii) The WCA needs to devise formal procedure to address debt collection in an effort to reconnect customers who have been disconnected. One suggestion is to forgive part of the debt for example 25 – 50% to encourage customers to get reconnected thereby widening the customer base;
- (ix) Other than a subdivision of the rate structure, the GoA/Minister MICUH should not approve any request for increasing water rates. The WCA should focus on loss reduction and increasing efficiency to increase financial viability.

Council agreed that in lieu of permitting an increase to the water tariff, the GoA will commit to meeting the cost of the electricity fuel surcharge.

Accounts and Audit – Amendments and Additions

- (i) WCA to appoint auditors by February 1, 2011
- (ii) WCA should prepare accounts on a cash basis using International Public Sector Accounting Standards (IPSAS) for the years 2009, 2010 and 2011
- (iii) Starting financial year 2012, the WCA will prepare its accounts on an accrual accounting basis using International Financial Reporting Standards (IFRS)
- (iv) The auditors will be informed of how the accounts will be treated for 2009, 2010 and 2011.
- (v) GoA and WCA need to complete the transitional arrangements as outlined in Part 6 of the Water Corporation of Anguilla Act.

Action: PS, MICUH; CEO, WCA; PS, FIN; PS, EDICT

EX MIN 11/893

EX MEM 11/390 REINSTATEMENT OF THE SUBSIDY AGREEMENT WITH ANGUILLA AIR SERVICES

PS, MICUH remained for discussion.

Council agreed in principle for the reinstatement of a scheduled air service between Anguilla and St. Maarten. Council further agreed that discussions be held with the AASPA with regard to subsidising the route.

Action: PS, MICUH

EX MIN 11/894

EX MEM 11/391 PROPOSED TRANSFER OF PERMAMENT SECRETARIES

Council agreed that the H E The Governor and the Hon Chief Minister should meet at 2pm on Friday 23 December 2011 for further discussion on the matter.

Action: H E; HON CM

ORAL MENTION

EX MIN 11/895

TOURISM REFORM – IMPLEMENTATION OF STMP

Council agreed that the services of the Consultant currently attached to the Ministry of FEDICT, and whose contract will expire in mid February 2012 be retained on a month to month basis so as not to lose momentum with the implementation of the STMP.

Action: PS, EDICT

EX MIN 11/896

INTERIM STABILISATION LEVY (AMENDMENT) (No. 3) ACT, 2011

Council approved the amendment to the Interim Stabilisation Levy (Amendment) (No.3) Act, 20011 for gazetting.

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

EX MIN 11/897

SALARY DEFERRAL ISSUE: ATB STAFF

Council noted a correspondence from the PS, EDICT querying how to deal with ATB Staff who had resigned, retired or whose services had been discontinued since 2009.

Council agreed that the matter be deferred to:-

- (i) verify if the persons concerned had their salaries cut;
- (ii) determine if persons who have already left had monies returned to them.

Action: PS, EDICT; AG
