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MINUTES OF THE 173RD MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 28TH NOVEMBER 2013

- PRESENT: His Excellency the Acting Governor, Mr Stanley Reid
- The Honourable Acting Deputy Governor, Mr Larry Franklin
- 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 Attorney General, Mr James Wood QC
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Crefton Niles, Director, Public Utilities
Mr Bancroft Battick, Chief Engineer
- ABSENT: 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

EX MIN 13/811 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 171st Meeting held on Thursday 7th November 2013 and the Minutes of the 172nd Meeting held on Thursday 14th November and continued on Tuesday 19th November 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/812 **EX MIN 13/774 EX MEM 13/291 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – BRETT DEL FETTEROLF (REGISTRATION SECTION: EAST END; BLOCK: 99415B; PARCEL 391 CONTAINING 0.30 ACRE)**

Council agreed that EX MIN 13/774 of 7th November 2013 should not be

confirmed in order to allow the Hon CM (who was absent from the Meeting) and other ministerial colleagues to speak to the matter again, if they so wish.

Action: MINS OF GOV'T; PS, MHA/LANDS

EX MIN 13/813

EX MIN 13/776 ISSUES AT THE HEALTH OF AUTHORITY OF ANGUILLA (HAA)

Council agreed that EX MIN 13/776 of 7th November 2013 should be further discussed when the Hon CM was present in Executive Council.

Action: PS, HSD; AG; HON CM

EX MIN 13/814

EX MIN 13/810 EX MEM 13/366 APPOINTMENT OF TWO COMMISSION MEMBERS TO THE PUBLIC UTILITIES COMMISSION (PUC)

Further to EX MIN 13/810 of 19th November 2013, Council noted that Mr George Hodge had resigned the post of Executive Chairman of the Public Utilities Commission which took effect 25th November 2013.

Action: PS, MICUH

EX MIN 13/816

UPDATE ON PROGRESS OF REVIEW OF THE ANGUILLA ROADS ACT

Mr Crefton Niles, Director, Public Utilities and Mr Bancroft Battick, Chief Engineer joined the Meeting.

Council noted that the drafting instructions had been passed to the Attorney General's Chambers.

Council agreed to a further update on Thursday 16th January 2014.

Action: PS, MICUH; AG

EX MIN 13/817

INF 13/02 INFORMATION PAPER – UPDATE ON STATUS OF BROADCASTING LEGISLATION

Director, Public Utilities and Chief Engineer remained for discussion.

Council noted that:-

- 1) the Ministry had commissioned the law firm of FOGA DALEY from Jamaica to develop the legislation, and that on the 30th October they submitted an initial draft for review and in particular for comments from the AG's Chambers in general and in particular on certain aspects of Anguillian law. On the 1st November the said draft from FOGA DALEY was submitted to the Chambers; and
- 2) after contacting the AG's Chambers as to their comments on the initial draft Broadcasting Legislation and upon requesting a meeting with them they

informed the Ministry that they had some internal matters to work through and that hopefully they would be able to get back to the Ministry on the week of the 25th November with word on their comments.

Council agreed to a further update on Thursday 16th January 2014.

Action: AG; PS, MICUH; DIR, PU

EX MIN 13/818

UPDATE ON PROGRESS WITH CONSULTANCY ON STRUCTURAL INTEGRITY OF ROAD BAY JETTY

Director, Public Utilities and Chief Engineer remained for discussion.

Council noted the update and terms of reference as attached.

Council agreed to a further update on Thursday 16th January 2014.

Action: PS, MICUH; CHIEF ENG

EX MIN 13/819

EX MEM 13/367 FILLING OF VACANT POSITIONS AT INLAND REVENUE DEPARTMENT

Council agreed that the paper should be deferred for consultation with the Permanent Secretaries.

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

Action: PS, FIN; CIR; PS, EDICT

EX MIN 13/820

EX MEM 13/368 PERMISSION TO FILL VACANT POST OF SENIOR PLANNER AT THE DEPARTMENT OF PHYSICAL PLANNING

Council agreed that the vacant post of Senior Planner at the Department of Physical Planning should be filled.

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

Action: PS, MHA/LANDS; PPO; PS, PA; PS, FIN, PS, EDICT; BD

EX MIN 13/821

EX MEM 13/369 NAMING OF ROADS

Council noted four (4) requests which were forwarded to the National Awards and Honours Committee for consideration and recommendation to Executive Council.

Following consideration of the requests, Council:-

- (i) supported the recommendation from the National Awards and Honours Committee that the road beginning from the Cottage Hospital to the junction of the North Side road should be named the Rev. John Hodge Road;

- (ii) noted that the National Awards and Honours Committee did not support the naming of the road for Calvin W. Lake. Council nonetheless agreed that the road South of the Secretariat building should be named the Calvin W. Lake Road;
- (iii) noted that the National Awards and Honours Committee did not support the naming of the road for Albert Bernardo Richardson. Council nonetheless agreed that the road opposite the Methodist Church, South Hill should be named the Albert Bernardo Richardson road; and
- (iv) noted that the National Awards and Honours Committee did not support the naming of the road for Mildred Vanterpool-Hodge. Council deferred consideration of this matter to seek further clarification from relevant officials.

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

Action: PS, MHA/LANDS; PS, MICUH

EX MIN 13/822

EX MEM 13/370 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Council agreed that Mr Alberto Wayne Martin, a national of Antigua/Barbuda and a KPMG Auditor who would be representing the Eastern Caribbean Central Bank in Anguilla should be exempted from the work permit requirement 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, IMMIGRATION; LAB COM; CIO

EX MIN 13/823

EX MEM 13/371 CLARIFICATION ON THE EXECUTIVE MINUTE RELATED TO MONIES NEEDED FOR MEDICAL TREATMENT OVERSEAS

Council approved the sum of EC\$709,600.00 in the Ministry of Health and Social Development for medical treatment i.e. to pay bills currently outstanding and to provide care to those in need for the remainder of 2013.

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

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

EX MIN 13/824

EX MEM 13/372 FILLING THE VACANT POSTS OF PRISON OFFICER – NOVEMBER 2013

Council:-

- (i) noted that a Basic Grade Officer at HM Prison had recently tendered his resignation effective 2nd January 2014; and
- (ii) agreed to the filling of the vacant post of Basic Grade Officer at HM Prison.

Council agreed that there should be a further general discussion on filling of posts at HM Prison.

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 13/825

EX MEM 13/373 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – TO PURCHASE PROPERTY AND REGULARISE INTEREST IN PROPERTY ALREADY ACQUIRED – SHAWANA SIMPSON & HELEN SIMPSON (REGISTRATION SECTION: NORTH CENTRAL; BLOCK 48714 B; PARCELS 264 & 265; CONTAINING 0.02 & 0.20 ACRES RESPECTIVELY)

Council agreed to issue an Aliens Land Holding Licence to Helen Simpson and Shawana Simpson to:-

- (i) jointly hold on a freehold basis, vacant land described as Registration Section North Central, Block 48714 B, Parcel 264, containing 0.02 acre; and
- (ii) hold/regularize their interest in Parcel 265 containing 0.20 acre, subject to the payment of the following fees:-

Parcel 264 – 0.02 acre

(i)	under the Stamp Act – 5% of EC\$14,785.10	EC\$739.26
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$14,785.10	exempted
	TOTAL	EC\$739.26

Parcel 265 – 0.20 acre

- (i) under the Stamp Act **PAID**
(Receipt No. 91029809)

(ii)	under the Aliens Land Holding Regulations Act	EC\$200.00

	TOTAL	EC\$200.00
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	GRAND TOTAL	EC\$939.26
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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 13/826

EX MEM 13/374 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ZELBEL HOLDINGS, LLC AND MARC DE LA BRUYERE (REGISTRATION SECTION: WEST END; BLOCK: 17810 B; PARCEL 164)

Council agreed to issue an Aliens Land Holding Licence to Zelbel Holdings, LLC and Marc Chopin De La Bruyere to hold, as tenants in common, half (1/2) share each, on a freehold basis 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 164, containing 0.31 acre with an Ocean Front Villa described as Villa 2, containing 6,186 square feet and five (5) bedrooms thereon, subject to the payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$15,000,156.00	EC\$750,007.80
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$15,000,156.00	Exempted

	TOTAL	EC\$750,007.80
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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 13/827

EX MEM 13/375 EXTENSION OF THE TERRORIST FINANCING CONVENTION AND UNTOC PALERMO CONVENTION

Council approved a request to the Foreign and Commonwealth Office for extension of both the Anti-Terrorist Financing Convention and UNTOC Palermo Convention to Anguilla.

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

Action: AG

EX MIN 13/828

EX MEM 13/376 PUBLIC UTILITIES COMMISSION (PUC) 2012 ANNUAL REPORT

Council:-

- (i) noted the Public Utilities Commission's 2012 Annual Report; and
- (ii) authorised the Minister with responsibility for Communications to table the Public Utilities Commission's 2012 Annual Report at the next available Meeting of the Anguilla House of Assembly.

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

Action: PS, MICUH

EX MIN 13/829

EX MEM 13/377 PUBLIC UTILITIES 2014 BUDGET

Council approved:-

- (i) the Public Utilities Commission's Work Plan for 2014;
- (ii) the Public Utilities Commission's budget of EC\$997,746.00 for 2014;
- (iii) the drafting of the Annual Licence Fee Regulations 2013; and
- (iv) the drafting of Assessment of Industry Levy (Telecommunications) Regulations 2013.

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

Action: PS, MICUH; AG

EX MIN 13/830

EX MEM 13/378 DEVELOPMENT OF PRELIMINARY DESIGN AND COST ESTIMATE FOR ROAD NEXT TO PROPOSED TOWN HALL PLAZA HOTEL, THE VALLEY

Council agreed that staff at MICUH should be involved in the development of the preliminary design and cost estimate for the road next to the proposed Town Hall Plaza Hotel in the Valley.

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

Action: PS, MICUH; CHIEF ENG

ORAL MENTION

EX MIN 13/832

MEETING OF EXECUTIVE COUNCIL

Council agreed that the next regular meeting of Executive Council should be held on Friday 13th December 2013 at 9:00 am.

Action: EXCO MEMBERS

EX MIN 13/833

OVERSEAS TRAVEL

The Hon Minister of Infrastructure informed Council that he would be off island from the 2 – 6 December to attend a Telecommunications Conference in Jamaica.
