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MINUTES OF THE 137TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 12TH APRIL 2018

PRESENT: His Excellency the Acting Governor, Mr Perin Bradley

The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism and Information Technology

The Honourable Acting Deputy Governor, Mrs Kathleen Rogers

The Honourable Evans Rogers, Minister of Health and Social Development, Lands
and Physical Planning

The Honourable Cora Richardson-Hodge, Minister of Home Affairs and Education

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

The Honourable Attorney General, Mr John McKendrick QC

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
Mr Stephen Turnbull, Financial Specialist
Mr Larry Franklin, PS, EDICTIT
Mrs Shantelle Richardson, Director of Economic Planning

ABSENT: His Excellency the Governor, Mr Timothy Foy, OBE

EX MIN 18/185 **CONFIRMATION OF THE MINUTES**

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Council confirmed the Minutes of the 136th Meeting held on Thursday 5 April 2018.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/186 None

EX MIN 18/187 **EX MEM 18/107 PERMANENT RESIDENCY BY INVESTMENT (ECONOMIC RESIDENCY)**

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance. Mr Larry Franklin, PS, EDICTIT and Mrs Shantelle Richardson, Director of Economic Planning joined.

With reference to EX MIN 18/182 of 5 April 2018, Council:-

- (i) approved the updated draft Permanent Residency Policy that incorporates Permanent Residency by Investment;
- (ii) agreed to a soft launch regularising persons who meet the criteria based on prior investment;
- (iii) agreed that the Ministry should submit a budget to Executive Council for consideration; and
- (iv) agreed that the technical team, Attorney General's Chambers and Financial Specialist should convene to work out other aspects of the policy as it related to the development of legislation.

Action: PS, EDICTIT; HON AG; PS, FIN; PAS, FIN; DEP; COM OFF; BD; CIR;
MINS OF GOV'T

EX MIN 18/188 **EX MEM 18/108 CRIMINAL JUSTICE REFORM**

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Following consideration of the Criminal Justice Reform legislation, Council agreed that the Criminal Justice Reform Act should be amended as follows:-

- 1) Part 6, Amendments to the Drugs (Prevention of Misuse) Act, "Schedule 4" (Sections 7 (1) & (2)) – page 39:-
 - (a) Cannabis - weight changed from 7grams to 10 grams
- 2) Amendments to the Vehicles and Road Traffic Act – page 34:-
 - (a) to ensure that child safety seat provisions come into force one year after the Act comes into force.

During further discussion, the Hon Minister of Home Affairs expressed her objection to automatic paper preliminary inquiries. The AG and the Minister would have

further discussion on this matter.

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

EX MIN 18/189

EX MEM 18/109 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Council agreed that the persons on the attached list whose circumstances were consistent with the current policy should be exempted from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act.

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

Action: PS, MHA; PAS, MHA (Acting); LAB COM (Acting); CIO

EX MIN 18/190

EX MEM 18/110 ON DEVELOPING A MINISTERIAL CODE

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Council:-

- (i) reconfirmed its commitment to the development of a Ministerial Code;
- (ii) agreed to the establishment of a Committee comprising the following persons:-
 - (1) Hon Minister of Home Affairs
 - (2) Hon Deputy Governor
 - (3) Mr Larry Franklin, PS, EDICTIT
 - (4) Hon Palmavon Webster, Opposition Member
 - (5) Mr Ronald Scipio, Legal/constitutional expert
Mr Stanley Reid (alternative)
 - (6) Committee Secretary to organise administration

Action: HON DG; PS, EDICTIT; MINS OF GOV'T

EX MIN 18/191

EX MEM 18/111 EXPULSION ORDER – GARVEY CUTHBERT SHILLINGFORD

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Council:-

- (i) noted that Mr Garvey Cuthbert Shillingford, an alien from Dominica was sentenced to prison on 16 March 2015 for handling stolen goods contrary to section 274 of the Criminal Code, Revised Statutes of Anguilla chapter C140 and sentenced to two (2) years in prison;
- (ii) noted that on 16 October 2015 Mr Shillingford was sentenced to prison for sexual intercourse with a person between 14 and 16 years of age contrary to section 145(1) of the Criminal Code, Revised Statutes of Anguilla chapter C140 and sentenced to three (3) years in prison;
- (iii) noted that on 28 March 2018, by virtue of the powers vested in the Governor under section 2 of the Undesirable Persons, Expulsion Act, R.S.A., c. U5, Mr Timothy J Foy, OBE, Governor, appointed Pastor Phillip Gumbs to hear any reasons to be urged by Garvey Cuthbert Shillingford as to why an expulsion order should not be made against him; and
- (iv) additionally noted that on 3 April 2018, Pastor Gumbs visited Her Majesty's Prison and conducted the hearing with Mr Shillingford. Pastor Gumbs has submitted a report which indicates that Mr Shillingford has an objection to returning to his homeland. He has indicated that he has no one to return to in Dominica and that he has been in Anguilla since the age of 9. He further indicated that if he returns to Dominica, he would not have a social support network.

Council requested the following information before taking a decision on the matter:-

- 1) submission of the report from Pastor Phillip Gumbs
- 2) age of Mr Shillingford
- 3) status in Anguilla (whether a believer/naturalised person)
- 4) marital status (if married, is it to an Anguillian)
- 5) whether he has children
- 5) was he employed and at what establishment
- 6) how often has a non-belonger/alien been expelled from Anguilla using the Undesirable Person's legislation

Action: HON AG

ORAL MENTION

EX MIN 18/192

APS VACANCIES – MARCH 2018

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Council agreed that the matter be deferred.

Action: HON DG

EX MIN 18/193

PREPARATIONS FOR 2020 ELECTIONS

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

The Hon Deputy Governor spoke about the preparations leading up to the 2020 Elections. He pointed out that the aim was to have things in place approximately eighteen months before the elections. The DG added that the main focus was the Boundaries Act to be followed by the Election Act.

Action: HON DG; HON AG; MINS OF GOV'T

EX MIN 18/194

DIVESTMENT OF ANGLEC SHARES - REGULATORY FRAMEWORK

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Council:-

- (i) noted that Executive Council directed that the regulatory framework for the electricity sector be addressed prior to the divestment of the shares of ANGLEC;
- (ii) noted that the time frame for completion of the divestment of the shares is June 2018;
- (iii) further noted that there was need to use the most direct and shortest procurement mechanism to revise the regulatory framework for the electricity sector; and
- (iv) agreed that MICUH should make the case to the procurement officials to engage a suitably qualified and experienced consultant to advance the revision of the regulatory framework for the electricity sector as quickly as possible so that the divestment of the shares could be undertaken by the June 2018 timeline.

Action: PS, MICUHAFE; PS, EDICTIT; PS, FIN; PAS, FIN; HON AG; DEP; BD;
MINS OF GOV'T
