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MINUTES OF THE 98TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON FRIDAY 30TH MARCH 2012

- 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
- Mr Ivor Greene, Honourable Acting Attorney General
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Dr Wycliffe Fahie, PAS, FIN
Mr Gifford Connor, DLS
Hon Jerome Roberts, Adviser to the Hon CM
Mr Foster Rogers, PS, EDICT
Ms Aurjul Wilson, PS, MHA/LANDS
Mr Perin Bradley, TIO

ABSENT: The Honourable Attorney General, Mr James Wood

EX MIN 12/202 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 96th Meeting held on Thursday 15th March, the Continuation of the Minutes of the 96th Meeting held on Friday 16th March and the Minutes of the 97th Meeting held on Friday 23rd March 2012 and the Minutes of Special Meetings held on Thursday 22nd March and Monday 26th March 2012.

MATTERS ARISING FROM THE MINUTES

EX MIN 12/203 **EX MIN 12/167 EX MEM 12/58 WORK PERMIT APPLICATION REFUSAL**

Further to EX MIN 12/167 of 16th March 2012, Council agreed, at the request of the Hon Minister, Home Affairs, that the statement issued by HE The Governor in Executive Council on 16th March should not be publicised before the Hon Minister, Home Affairs had the opportunity to reply to it.

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

EX MIN 12/205 **EX MIN 12/183 LETTER FROM REPRESENTATIVES OF THE ANGUILLA EVANGELICAL ASSOCIATION AND PRESIDENT, ANGUILLA CHRISTIAN COUNCIL**

EX MIN 12/183 of 16th March 2012 refers.

HE The Governor undertook to inform Pastor Gerard Gumbs of the Anguilla Evangelical Association and the Rt. Rev. L. Errol Brooks, President of the Anguilla Christian Council that the Hon Chief Minister would be replying substantively to their letter of 12th March 2012 which was addressed to the Governor.

Action: HE; HON CM

EX MIN 12/206 **EX MIN 12/188 EX MEM 12/78 PROGRESS REPORT ON THE APS EFFICIENCY REVIEW EXERCISE (MERGER OF DEPARTMENTS OF AGRICULTURE AND FISHERIES ETC)**

PS, MHA/LANDS remained for discussion.

EX MIN 12/188 of 23rd March 2012 refers.

Council approved:-

- (i) the proposed organisational structure for the merged Departments of Agriculture and Fisheries and Marine Resources as set out in Appendix II of EX MEM 12/78;
- (ii) the relocation of the Chief Veterinary Officer to the Ministry of Home Affairs;
- (iii) the proposed implementation date of 1st July 2012 for the merger of the Departments of Agriculture and Fisheries and Marine Resources;
- (iv) Recommendation 27 of the Efficiency Review, which speaks to the merger of all functions pertaining to the issuing of vehicle licences and recommendation 45, pertaining to the creation of a central procurement department/unit for the GOA in MFEDICT to be pursued during 2012.

Action: PS, MHA/LANDS; PS, PA; PS, MICUH; OTHER PERM SECS; DIR, AGR; DIR, FISH

EX MIN 12/207 **EX MIN 12/195 EX MEM 12/85 AMENDMENT TO EXCO MIN 12/116 RE ALIENS LAND HOLDING LICENCE APPLICATION FOR ANGUILLAN DEVELOPMENT CORPORATION LTD TO ACQUIRE PROPERTIES (BLOCK 28110 B PARCEL 3 BEING 5 ACRES)**

DLS remained for discussion.

Further to EX MIN 12/195 of 23rd March 2012, Council agreed that EX MIN 12/116 of 17th February 2012 should be amended in part to read as follows:

“Block 28210 B Parcels 24, 25, and 59 being 2 acres, 2 acres and 0.9 acre respectively and **Block 28110 B** Parcel 3 being 5 acres of land”

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

Action: PS, MHA/LANDS; DLS

EX MIN 12/208 **EX MIN 12/196 EX MEM 12/86 APPLICATION TO CLAIM LAND (REGISTRATION SECTION CAULS POND 68914B PARCEL 61 BEING APPROXIMATELY 0.30 ACRE) BY ABSENTEE OWNERS DURING CADASTRAL SURVEY AND REGISTRATION PROJECT**

DLS remained for discussion.

Further to EX MIN 12/196 of 23rd March 2012, Council approved the application to allow the transfer of Parcel 61, Block 68914B in Registration Section Cauls Pond now registered to the Crown to John Bryan and Charles Bryan of The Quarter, Anguilla, as Owners in Common (½ share each), with Absolute Title.

Action: PS, MHA/LANDS; DLS

OUTSTANDING ITEM FOR EXCO

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

Action: PS, MHA; AG

EX MIN 12/209 **EX MEM 12/88 TVET COUNCIL**

Council approved the membership of the Advisory TVET Council comprising the following persons representing the various interests outlined in the Education Bill effective 1st April 2012:-

- 1) Russel Reid, Labour Commissioner, nominated by Ms Aurjul Wilson, Permanent Secretary, Ministry of Labour as her representative (*Ex Officio*)
- 2) Rhonda Connor, Chief Education Officer (*Ex Officio*)

- 3) Delroy Loudon, President of the Anguilla Community College
(*Ex Officio*)
- 4) Janis McKeag, TVET Coordinator and Secretary to the Council (*Ex Officio*)
- 5) Carlton Pickering (representing an association which represents employers)
- 6) Jeritza Samuel (expertise in technical and vocational education)
- 7) Rawle Hazell (expertise in technical and vocational education)
- 8) Karl Woodley (expertise in technical and vocational education)
- 9) Charmaine Rey-Richardson (representing an association which represents employees)
- 10) Perinett Hodge (representing an association which represents employees)
- 11) A person nominated by the Anguilla Hotel and Tourism Association (AHTA), an Association which represents employers, replacing its current representative Mr Delroy Lake

Council agreed that the members of the Advisory Council should continue to be paid a monthly stipend of:-

EC\$500.00 - Chairperson
EC\$450.00 - Deputy Chairperson
EC\$425.00 - Secretary
EC\$400.00 - Members

Council noted the Ministry's proposal that the payment of the stipend should be revisited when the Council is formally established after the passage of the Education Bill in the HoA. Council at this time of financial strain was minded not to approve an increase to the stipend.

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

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

EX MIN 12/210

EX MEM 12/89 HOSTING OF CXC SEC AND COUNCIL MEETINGS IN DECEMBER 2012

Council agreed that delegates at the meetings should be exempted from payment of taxes as part of Government's contribution to hosting the conference and also to relieve the Ministry of the responsibility of bearing those costs which CXC is unable to meet. The taxes to be exempted are as follows:-

Accommodation Tax
Environmental Tax
Marketing Levy

meetings Customs duties on items imported for the purpose of the

The Hon Minister of Education undertook to speak to the Port Authority about exempting the Departure Tax.

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

Action: PS, ELSYC; PS, MICUH; CIR; COC

Comment [J1]:

EX MIN 12/211

EX MEM 12/90 AMENDMENTS TO EDUCATION BILL 2012

EX MIN 12/187 of 23rd March 2012 refers.

Council:-

- (i) agreed the most appropriate wording to address the concerns by the Hon Evan M. Gumbs as follows:-

Section 25(3)(d) – “the educational plan shall be compatible with the National Curriculum established under Part 8”;

- (ii) agreed that the section referring to ‘Home Schooling’ should be worded to make it clear that ‘Home Schooling’ does not mean that a child or children is/are confined physically to the house.

Council further agreed the following amendments to the Bill as outlined in the paper:-

Sections 143 and 144 have been replaced by the following:

Abolition of corporal punishment

143. (1) No person who:-

- (a) is employed at or in respect of a school; or
 (b) owns, manages or controls an assisted private school, a private educational institution or an early childhood education facility,

shall administer corporal punishment to any student or child enrolled at or attending the school, institution or facility.

- (2) No person who, on behalf of a school, is supervising or controlling any student or child enrolled at or attending such school shall administer corporal punishment to the student or child.

Interpretation of section 143

- 144.** (1) Subject to subsection (2), references in section 143 to administering corporal punishment to a student or child are to doing anything that involves the application of physical force to punish or correct the student or child, whether or not there are also other reasons for so doing.

- reasons
to, or an
the student or
- (2) For the purposes of section 143, a person shall not be considered as administering corporal punishment by virtue of anything done for that include averting an immediate danger of personal injury immediate danger to the property of, any person, including child concerned.

Section 70 is amended as follows:

Prohibition of discrimination

70. Without prejudice to any other law, a private educational institution which denies admission to a child or expels a child on account of:-

- (a) race, colour, religion, place of origin of the child; or
- (b) race, colour, religion, place of origin or political affiliation of any parent of the child,
commits an offence and is liable on summary conviction to a fine of \$3,000.

Council also agreed that:-

- a) the Hon Minister, Education should communicate with the public regarding the amendments to the Bill;
- b) the Bill should be gazetted and that a date for the reading of the Bill in the House of Assembly will be determined by the House.

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

Action: PS, ELSYC; AG (Acting)

EX MIN 12/212

EX MEM 12/91 INTEGRATED CUSTOMS TARIFF (AMENDMENT) REGULATIONS, 2012

Dr Wycliffe Fahie, PAS, FIN joined the Meeting.

Council:-

- (i) approved the Integrated Customs Tariff (Amendment) Regulations, 2012
- (ii) authorised HE The Governor to sign the Regulations on 30th March 2012 for gazetting.

Action: AG (Acting); PAS, FIN; PS, FIN; PS, EDICT; COC

EX MIN 12/213

EX MEM 12/92 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – RUSTY CARIBBEAN PROPERTY, LTD. (SECTION: WEST END; BLOCK: 17810B; PARCEL 179), (SECTION: WEST END; BLOCK: 17810B 201 SL K103)

DLS remained for discussion.

acre of Council agreed that an Aliens Land Holding Licence should be issued to Rusty Caribbean Property, Ltd. to hold two parcels on a freehold basis that is 0.28 land with a single storey, four (4) bedroom villa thereon that is approximately 4,335 sq. ft. and a two (2) bedroom luxury condominium unit that is approximately 2,248 sq. ft., which forms part of Resorts & Residences of Anguilla Home Owners Association Ltd a Condominium development at Barnes Bay at a valuation of US\$4,100,000.00/EC\$11,021,620.00 and US\$2,300,000.00/EC\$6,182,860.00, subject to the payment of the following stamp duties:-

Block 17810B Parcel 179

(i)	Stamp Duty on Licence @ 12½% of EC\$11,021,620.00	Waived
(ii)	Stamp Duty on Transfer @ 5% of EC\$11,021,620.00	EC\$551,081.00
	TOTAL	EC\$551,081.00

Block 17810B Parcel 201 SL K103

(i)	Stamp Duty on Licence @ 12½% of EC\$6,182,860.00	Waived
(ii)	Stamp Duty on Transfer @ 5% of EC\$6,182,860.00	EC\$309,143.00
	TOTAL	EC\$309,143.00

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

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

EX MIN 12/214

EX MEM 12/93 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – UGO LUCCHIN AND LUCIANA LUCCHIN

DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Ugo Lucchin and Luciana Lucchin to hold a strata lot on a freehold basis located at Sandy Hill Bay, a strata lot unit of 1,756 sq ft (Block 79214B Parcel 202 SL C5), which forms part of Sandy Hill Beach Club Development Limited at a valuation of US\$188,552.00/EC\$506,865.49 for tourism purposes, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Transfer – 5% of EC\$506,865.49	EC\$25,343.27
(ii)	Stamp Duty on Licence – 12.5% of EC\$506,865.49	EC\$63,358.19

TOTAL**EC\$88,701.46**

Council further agreed that:-

- (i) Sandy Hill Beach Club Development Limited should be the exclusive renting agent for the villa;
- (ii) the Licensees should be required to enter into an agreement with Sandy Hill Beach Club Development Limited for the management and use of the villa for at least forty-four (44) weeks in each calendar year;
- (iii) the Licensees shall have the right to reside in the villa for a maximum of eight (8) weeks in each calendar year without being liable for the payment of accommodation tax. However, if the applicants wish to live in their villa for a period longer than eight (8) weeks, then they should be required to pay the accommodation tax.

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

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

EX MIN 12/215

EX MEM 12/94 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ELISABETTA PONZIO

DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Elisabetta Ponzio to hold a strata lot on a freehold basis located at Sandy Hill Bay, a strata lot unit of 866 sq ft (Block 79214B Parcel 202 SL A6), which forms part of Sandy Hill Beach Resort Club Development Limited and the strata lot is registered to Ugo Lucchin and Luciana Lucchin, at a valuation of US\$174,698.00/ EC\$469,623.16 for tourism purposes, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Transfer – 5% of EC\$469,623.16	EC\$23,481.16
(ii)	Stamp Duty on Licence – 12.5% of EC\$469,623.16	EC\$58,702.90
	TOTAL	EC\$82,184.06

Council agreed that:-

- (i) Sandy Hill Beach Resort Club Development Limited should be the exclusive renting agent for the villa;

- (ii) the Licensee should be required to enter into an agreement with Sandy Hill Beach Resort Club Development Limited for the management and use of the villa for at least forty-four (44) weeks in each calendar year;
- (iii) the Licensee shall have the right to reside in the villa for a maximum of eight (8) weeks in each calendar year without being liable for the payment of accommodation tax. However, if the applicant wishes to live in her villa for a period longer than eight (8) weeks, then she should be required to pay the accommodation tax.

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

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

EX MIN 12/216

EX MEM 12/95 FILLING OF THE POST OF DIRECTOR OF LANDS AND SURVEYS/CREATION OF POSITION OF DIRECTOR (DESIGNATE) LANDS AND SURVEYS/FILLING OF THE SUBSEQUENT VACANT POSITION OF SURVEYOR

PS, MHA/LANDS remained for discussion.

Council agreed that:-

- (i) the post of Director, Lands and Surveys be filled when the contract of Mr Connor expires on June 29, 2012;
- (ii) the post of Director (Designate), Lands and Surveys be created effective April 1, 2012;
- (iii) the vacant post of Surveyor (which will be vacated by Mr Hodge) be filled soon as possible.

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

Action: PS, MHA/LANDS; PS, PA; PS, FIN; PS, EDICT; BO

EX MIN 12/217

EX MEM 12/96 WORK PERMIT APPLICATION REFUSAL

PS, MHA/LANDS remained for discussion.

The Hon Minister, Home Affairs, after consultation with the Executive Council and in accordance with Section 4 (1) of the Control of Employment Act, was not inclined to approve the following:-

Name	Country	Employer	Position
Rudolph Nelson Williams	St. Vincent	D and J Tech. Services	Labourer
Isaac V. Anthony Raphael	Dominica	D and J Tech. Services	Labourer
Annett Rose Reid	Jamaica	D and J. Tech. Services	Cleaner
Celeste C. Morales Nieves	Dom. Republic	D and J Tech. Services	Maid

Rosy E. Mundaray Sierra	Dom.	Republic	D and J Tech. Services	Maid
Yoel Morel Perez	Dom. Republic		D and J. Tech Services	Labourer
Edgar Ranyely Gumbs	Dom. Republic		Marcelo Acceu	Handyman
Carlos M. Morales Gomez	Dom Republic		Geoffrey Fieger	Marble Installer
Ameniel W. Zain Stapleton	St. Vincent		Sunset Homes	Carpenter
Joaquin Jabalera Mendoza	Dom. Republic		Sunset Homes	Labourer
Inginio Santana	Dom. Republic		Sunset Homes	Mason
Ricky Victor	St. Lucia		Sunset Homes	Carpenter

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

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

ORAL MENTION

EX MIN 12/219

MEETING OF EXECUTIVE COUNCIL

Council agreed that, due to the Easter holidays, the regular meeting of Executive Council should be held on Wednesday 4th April at 2 pm.

Action: EXCO MEMBERS
