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MINUTES OF THE 139TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 14TH FEBRUARY 2013

PRESENT: His Excellency the Governor, Mr Alistair Harrison

The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing/Acting Chief Minister

The Honourable Deputy Governor, Mr Stanley Reid

The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education

The Honourable Walcott Richardson, Lands, Physical Planning, Human Rights,
Environment, Gender Affairs and Agriculture and Fisheries

The Honourable Attorney General, Mr James Wood

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Hon Jerome Roberts, Adviser to the Hon CM
Dr Bonnie Richardson-Lake, PS, HSD
Ms Aurjul Wilson, PS, MHA/LANDS
Mrs Chanelle Petty-Barrett, PS, ELSYC
Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, FIN
Mr Foster Rogers, PS, EDICT
Mr Larry Franklin, PS, MICUH
Mr Gifford Connor, DLS

ABSENT: The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration

EX MIN 13/107 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 138th Meeting held on Thursday 7th February 2013.

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MATTERS ARISING FROM THE MINUTES

EX MIN 13/108 **EX MIN 13/99 APPROVAL OF FOREIGN ORDER UNDER DEPENDENT ADULTS ACT**

Further to EX MIN 13/99 of 7th February 2013, Council:-

- (i) approved the Foreign Order Regulations, 2013;
- (ii) agreed that the Order should proceed through the Court.

Action: HE; AG

EX MIN 13/109 **EX MEM 13/43 ADVERTISING FOR PROBATION OFFICER ADULT/VICTIM SERVICES**

Council agreed that the post of Probation Officer Adult/Victim Services in the Department of Probation should be filled.

Action: PS, HSD; PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 13/110 **EX MEM 13/44 FILLING OF VACANT POSITION – EMERGENCY COMMUNICATIONS OFFICER, DEPARTMENT OF DISASTER MANAGEMENT**

Council noted that the position of Emergency Communications Officer will become vacant due to the resignation of the present holder of the post effective 25th March 2013.

Council agreed that the vacant position of Emergency Communications Officer in the Department of Disaster Management should be filled.

Action: DIR, DIS MAN; PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 13/111 **EX MEM 13/45 APPEAL AGAINST PLANNING PERMISSION – TRAVIS & LENIA SIMPSON**

Council agreed that a site visit should be made to the proposed development at Meads Bay (Block: 17910B, Parcel 39) so that a more informed decision could be taken regarding the appeal against planning permission submitted by Travis & Lenia Simpson.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/112

**EX MEM 13/46 APPEAL AGAINST PLANNING PERMISSION –
GOBLINS RETREAT**

Council agreed that a site visit should be made to the property at Long Bay (Block

18011 B Parcel 88) so that a more informed decision could be taken with regard to the appeal against planning permission submitted by Goblins Retreat LLC.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/113

**EX MEM 13/47 APPROVAL TO HIRE TWO (2) TEMPORARY
ANNOUNCERS FOR 2013 AND 2014 AT THE DEPARTMENT OF
INFORMATION & BROADCASTING**

Council granted permission for two (2) Temporary Announcers to be hired at the Department of Information and Broadcasting during 2013 and 2014 as necessary.

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

Action: PS, MHA/LANDS; PS, PA; DIR, DIB

EX MIN 13/114

EX MEM 13/48 LOAN FOR THE ANGUILLA COMMUNITY COLLEGE

Council agreed that the matter should be deferred until the Hon Chief Minister is present.

Action: PS, ELSYC

EX MIN 13/115

**EX MEM 13/49 FILLING OF VACANT CLERICAL OFFICER POST –
RAPF**

Council noted the present Clerical Officer had resigned her position effective 10th January 2013 to take up a position as Police Constable Trainee within the Royal Anguilla Police Force.

Council agreed that the vacant position of Clerical Officer in the RAPF should be filled.

Action: DG; PS, PA; COP

EX MIN 13/116

**EX MEM 13/50 RECOMMENDATION TO HE THE GOVERNOR TO
ENACT THE FIRE AND RESCUE SERVICE WELFARE ASSOCIATION
REGULATIONS**

Council approved the enactment of the Fire and Rescue Service Welfare Association Regulations in accordance with Sections 75 and 86 of the Fire and Rescue Service Act.

Action: PS, MICUH; CFO

EX MIN 13/117

EX MEM 13/51 IMMEDIATE SUSPENSION OF ANGUILLA RENEWABLE ENERGY INTEGRATION PROJECT

Council agreed that the matter should be deferred until the Hon Chief Minister is present.

Action: PS, MICUH; DIR, PU

EX MIN 13/118

EX MEM 13/52 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – MALLIOUHANA (E.C.) LTD. (SECTION: WEST END; BLOCK: 18011 B; PARCELS 1, 2, 148, 211, 213, 215, 217 (FREEHOLD) 4/1, 6/1, 7/1, 8/1, 29/1, 223/1, 222/1 (LEASEHOLD)

Hon Jerome Roberts, Adviser to the Hon CM and PS, EDICT remained for discussion. Mr Gifford Connor, DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence under Section 4 of the Aliens Land Holding Licence Regulations Act, RSA, CA55 to Malliouhana (E.C.) Ltd. under the following terms and conditions:-

(a) to allow the transfer of 2,007,999 shares owned by Leon Royden to Hotel Owners Anguilla Ltd. with sole Director Benjamin Jason Weprin, subject to payment of the following fees and in accordance with the Memorandum of Understanding dated February 1, 2013 between the Government and Hotel Owners Anguilla Ltd:-

(i) Stamp Duty on Licence @ 4% of EC\$25,134,670.00	=	EC\$1,005,386.80
(ii) Stamp Duty on transfer of Shares @ 5% of EC\$25,134,670.00	=	EC\$1,256,733.50
TOTAL	=	EC\$2,262,120.30

(b) on the condition that the shares in Malliouhana (E.C.) Ltd are properly transferred in accordance with the Articles of Association of that company to Hotel Owners Anguilla Ltd, whose sole director is Benjamin Jason Weprin.

Council further agreed that the Hon Attorney General would determine what amounts to the proper transfer of the shares.

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

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

EX MIN 13/119

EX MEM 13/53 AMENDMENT TO EXCO MIN 12/830 GRANTING APPLICATION FOR LEASE OF CROWN LAND – BONDED SECURITY SYSTEMS CO. LTD. – PART OF PROPERTY DESCRIBED AS REGISTRATION SECTION ROAD BLOCK 08413 B PARCEL 83 CONTAINING 0.88 ACRE OF LAND

DLS remained for discussion.

Council agreed that the second sentence of EX MIN 12/830 of 22 November 2012 should be amended to read:-

“Council agreed that Bonded Security Systems Co. Ltd. should be granted a lease on the following terms and conditions”.

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

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

ORAL MENTION

EX MIN 13/120

DESIGNATION OF SUPERINTENDENT OF PORTS – PORTS, HARBOURS AND PIERS ACT, 2010

Council agreed that Mr Rawle Hazell, Director of Housing and Construction should be designated to carry out the duties and exercise the powers of Superintendent of Ports under the Ports, Harbours and Piers Act, 2010 for an additional year (that is for the period 1 January 2013 to 31 December 2013).

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

Action: PS, MICUH; PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 13/121

A BILL FOR PUBLIC SERVICE SALARIES (TEMPORARY) REDUCTION ACT, 2013

The following Officials joined the Meeting:-

Hon Jerome Roberts, Adviser to the Hon CM
Dr Bonnie Richardson-Lake, PS, HSD
Ms Aurjul Wilson, PS, MHA/LANDS
Mrs Chanelle Petty-Barrett, PS, ELSYC
Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, FIN
Mr Foster Rogers, PS, EDICT
Mr Larry Franklin, PS, MICUH

The Hon Deputy Governor made Council aware of the comments submitted to him from public servants including a letter dated 12th February 2013 from the President of the Anguilla Nurses Association which was circulated to Members of Executive Council on the above matter.

Council agreed that Section 10 (Interest rate) of the Bill should be taken out.

The Hon Attorney General stated that he was not in full agreement to the Bill in its present form.

Council, taking into consideration the decision in EX MIN 13/104 of 7th February 2013 and the urgent need to meet the deadline for gazetting of the Bill at 2:00 pm on 15th February, agreed that a Special Meeting of Executive Council should be held on Friday 15th February at 9:00 am. Council instructed the AG to bring back to Executive Council a revised draft of the Bill for further consideration.

Action: EXCO MEMBERS; PERM SECS
