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MINUTES OF THE 215TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON TUESDAY 28TH OCTOBER 2014

PRESENT: 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

The Honourable Deputy Governor, Mr Stanley Reid

The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister
of Education, Library Services, Sports, Youth and Culture

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

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Ensor Gumbs, PAS, MHA/LANDS
Hon Haydn Hughes, Parliamentary Secretary
Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
Mr Foster Rogers, PS, EDICT
Mr Larry Franklin, PS, MICUH
Mr Bancroft Battick, Chief Engineer, DICUH
Mr Nigel Connor, Deputy Chief Engineer, DICUH
Mr Shaynis Connor, Roads Engineer, DICUH
Mr Rawle Hazell, Director, Construction & Housing
Ms Ludiane Leveret-Richardson, Chief Procurement Officer
Mr Vaughn Hazell, Director, DITES

EX MIN 14/686

EX MEM 14/371 APPLICATION FOR ISSUE OF LICENCE UNDER THE
ALIENS LAND HOLDING REGULATIONS ACT – DANAHER AND
LYNCH ENTERPRISES, LLC (REGISTRATION SECTION: SOUTH
CENTRAL; BLOCK: 38510 B; PARCEL 295 CONTAINING 0.17 OF AN
ACRE)

Hon Haydn Hughes, Parliamentary Secretary, Mr Patrick Hanley, Personal

Assistant to the Hon CM/Finance and Mr Ensor Gumbs, PAS, MHA/LANDS joined the Meeting.

Further to EX MIN 14/637 of 7th October 2014, Council agreed that an Aliens Land Holding Licence should be issued to Danaher and Lynch Enterprises LLC to hold, on a freehold basis, 0.17 acre of land, described as Registration Section South Central, Block 38510 B, Parcel 295 with villa residence thereon located at Lockrum, forming part of the Solaire Project for tourism purposes, subject to payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$806,460.00	EC\$ 40,323.00
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$806,460.00	EC\$100,807.50
	TOTAL	EC\$141,130.50

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

EX MIN 14/687

**EX MEM 14/396 PROCEDURE FOR GGII'S APPEAL AGAINST
REFUSAL OF PLANNING PERMISSION FOR A WASTE TO ENERGY
PLANT**

Parliamentary Secretary and PA to the Hon CM/Finance remained in attendance.

In EX MIN 14/676 of 23rd October 2014, Council agreed to defer the matter until the Hon Minister of Lands was present.

Council agreed HE the Governor should write to representatives of the LDCC and GGII on 28th October 2014 outlining the proposed procedure for the appeal as indicated below:-

**PROCEDURE FOR AN APPEAL UNDER SECTION 7 OF THE LAND CONTROL
(DEVELOPMENT) ACT**

'Parties' means the 'Appellant', namely GGII, and the Land Development Control Committee (LDCC).

'Documentary material' includes any written evidence, statements, affidavits, photographs, plans, scientific or other expert reports, environmental impact assessments, correspondence and any other written material.

'Submissions' is a document which summarises the party's factual and/or legal arguments as to their position and refers to the documentary material on which they rely.

Before the hearing

- (i) Each party may provide written submissions and any documentary material in support of their position to the Clerk to Executive Council (EXCO) and the other party by 4pm on

4 November 2014. Six copies of the same are to be provided.

- (ii) Each party shall be entitled to collate and provide documentary material which represents expert opinion and the views of the public which may be affected by the decision such as local residents, businesses, community or environmental groups, companies and organisations.
- (iii) The minutes and decision of the LDCC and minutes and notes of the town hall meetings and round table meetings will also be available to EXCO for consideration.

During the hearing

- (iv) EXCO so long as it is properly constituted under law, shall hear the appeal.
- (v) The hearing shall take place on Monday 10 November 2014 at 2pm.
- (vi) Each party may be represented by a maximum of five representatives, whether legally qualified or not, who shall have the right to attend the hearing of the appeal.
- (vii) The hearing will be chaired by Her Excellency the Governor.
- (viii) The oral submissions of each party will be audio-recorded.
- (ix) All telecommunications equipment shall be switched off throughout the hearing.
- (x) The Chairperson will indicate the order in which the parties are to be heard except that the Appellant shall have the right to make oral submissions first and have a right of reply after the LDCC has made submissions.
- (xi) Oral submissions may be made by no more than two representatives of each party. The time allowed in total for all oral submissions on behalf of each party is limited to a maximum duration of 30 minutes.
- (xii) In addition, the Appellant shall have the right to make oral submissions in reply but these shall be limited to a total maximum of 15 minutes.
- (xiii) At the conclusion of oral submissions by each party, the Chairperson may ask questions of representatives to clarify any point raised either by the oral or written submissions provided by that party. The Chairperson shall have the right to invite the parties to leave the room while consulting EXCO as to any questions the Chairperson may then ask of the parties.
- (xiv) The representatives of each party must retire from the hearing room at the conclusion of oral submissions and questions.
- (xv) EXCO will deliberate in private.

After the hearing

- (xvi) The decision of Executive Council, together with its reasons will be communicated in writing to the parties.

Council additionally agreed that any comments or suggestions concerning the proposed procedure should be sent to HE the Governor by 4 pm on Thursday 30th October 2014 and that an oral hearing be scheduled for Monday 10th November at 2 pm at the Executive Council Chambers.

Action: EXCO MEMBERS

EX MIN 14/688

EX MEM 14/402 PAYMENT OF DEFERRED SALARY – MR X

[note on publication: name redacted to protect personal health information].

Parliamentary Secretary and PA to the Hon CM/Finance remained in attendance.

Council approved the payment of deferred salary, in the amount of EC\$16,019.73 to Mr X in the Inland Revenue Department to enable him to meet the costs associated with his medical condition.

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

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

EX MIN 14/689

EX MEM 14/403 AWARD OF ANGUILLA ISLAND SCHOLARSHIP 2014

Parliamentary Secretary and PA to the Hon CM/Finance remained in attendance.

Council:-

- (i) confirmed Mr Jose Vanterpool's selection for the Anguilla Island Scholarship for 2014;
- (ii) agreed that the scholarship be for the duration of five (5) years beginning September 2014 to ultimately pursue a Masters of Engineering in Computer Science;
- (iii) agreed that the scholarship be tenable at the University of Bristol, UK; and
- (iv) agreed that the cost of the scholarship should not exceed EC\$500,000.00.

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

Action: PS, PA; PS, ELSYC; CEO; PS, FIN; PS, EDICT; TRNG OFF; BD; ACC GEN

EX MIN 14/690

INF 14/01 ELECTION GUIDELINES FOR THE ANGUILLA PUBLIC SERVICE

Parliamentary Secretary and PA to the Hon CM/Finance remained in attendance.

Council agreed that the paper should be deferred to the next Meeting of Executive Council on Thursday 6th November 2014.

Action: DG; SUP/ELECTIONS

EX MIN 14/691

EX MEM 14/404 APPROVAL TO FILL THE VACANT POSITION OF AGRONOMIST AT THE DEPARTMENT OF AGRICULTURE

Parliamentary Secretary and PA to the Hon CM/Finance remained in attendance.

Council agreed that the paper be deferred for review.

Action: PS, MHA; HON MIN, MHA

EX MIN 14/692

EX MEM 14/405 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Parliamentary Secretary and PA to the Hon CM/Finance remained in attendance. Mr Ensor Gumbs, PS, MHA joined the Meeting.

Council agreed that the following persons should be granted the Certificate of Exemption from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act:-

- 1) Mr Careem Eddison Bedminster - National of Antigua & Barbuda to be employed as a Tennis Professional at the Anguilla Tennis Academy (ATA). Mr Bedminster is a qualified Tennis Instructor having obtained several certificates from the Professional Tennis Register.
- 2) Mr George Wenford Richards - National of St. Kitts & Nevis to be employed as a Tennis Professional at the ATA. Mr Richards is a member of the United States National Tennis Academy.
- 3) Ms Carol Bowen - National of the United Kingdom who has been residing in Anguilla since

1999. Ms Bowen is a Teacher/Founder at the New Wineskins which is a non-denominational Bible School. She has been volunteering her services at the Bible School in Tanglewood Anguilla since its inception in 2006.

Council noted that the positions for the ATA had been advertised during the period 12th – 26th August 2014.

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

Action: PS, IMM; LAB COM; CIO

EX MIN 14/693

EX MEM 14/406 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Parliamentary Secretary, PA to the Hon CM/Finance and PAS, MHA remained for discussion.

Council agreed that the following persons should be granted the Certificate of Exemption from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act:-

- 1) Mr Michael David Ward - USA National to be employed at the ATA as Tennis Director. Mr Ward is a qualified Tennis Instructor who has obtained his Certificate from the Professional Tennis Registry.
- 2) Mrs Emily Newman Ward - USA National to be employed at the ATA as a Tennis Professional. Mrs Ward is a qualified Tennis Instructor.
- 3) Mr Khristopher Anthony Riede - USA National to be employed at the ATA as a Tennis Professional. Mr Riede is a qualified Tennis Professional, having obtained his certification from the Professional Tennis Registry.
- 4) Mr Samuel Ethan Humphrey - National of the United Kingdom to be employed at the ATA as a Tennis

Professional. Mr Humphrey is a qualified Tennis Coach.

Council noted that the positions for the ATA had been advertised during the period 12th – 26th August 2014.

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

Action: PS, IMM; LAB COM; CIO

ORAL MENTION

EX MIN 14/694

UPDATE ON CAPITAL PROJECTS

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion. The following persons joined the Meeting:-

Mr Foster Rogers, PS, EDICT
 Mr Larry Franklin, PS, MICUH
 Mr Bancroft Battick, Chief Engineer, DICUH
 Mr Nigel Connor, Deputy Chief Engineer, DICUH
 Mr Shaynis Connor, Roads Engineer, DICUH
 Mr Rawle Hazell, Director, Construction & Housing
 Ms Ludiane Leveret-Richardson, Chief Procurement Officer
 Mr Vaughn Hazell, Director, DITES

Council noted the position on the following capital projects:-

- 1) Valley Roads Improvement Programme – Phase 2 (Carter Rey Boulevard Project);
- 2) Adrian T. Hazell Primary School Re-development Project – Phase 1;
- 3) Fire Station and ATC Tower Construction;
- 4) Telecommunications Tower Installation Project; and
- 5) Minor Education Projects

Council stressed the importance of decisions being taken by the Procurement Board in a timely fashion.

Action: PS, EDICT; PS, FIN; PAS, FIN; PS, MICUH; CHIEF PROC OFF; CPO

EX MIN 14/695

EX MIN 14/650 NATIONAL HEALTH INSURANCE (NHI)

EX MIN 14/650 of 13th October 2014 refers.

Council noted that the Committee representing the NHI had declined the invitation to attend the meeting of Executive Council on Thursday 23rd October 2014 to brief members on the NHI due to other engagements.

Council further noted that an invitation had been extended to members of Executive Council to attend the launching ceremony of the NHI on Monday 3rd November 2014. Council expressed concern that members of Executive Council had not been given the opportunity to be briefed on the NHI and was being asked to attend a launching ceremony without any prior knowledge of the NHI proposals.

Council agreed that another invitation should be extended to the Committee representing the NHI to attend the meeting of Executive Council on Thursday 13th November 2014 or thereafter.

Action: PS, HSD; PS, FIN; PS, EDICT; MINS OF GOV'T

EX MIN 14/696

MEETING OF EXECUTIVE COUNCIL

Council agreed that the regular meeting of Executive Council should be held on Thursday 6th November 2014 at 9:00 am.

Action: EXCO MEMBERS

EX MIN 14/697

EX MIN 14/666 POLICING ISSUES

Further to EX MIN 14/666 of 17th October 2014, Council agreed that the Commissioner of Police should be in attendance at the meeting of Executive Council on Thursday 13th November 2014.

Action: EXCO MEMBERS; COP
