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MINUTES OF A SPECIAL MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 5TH NOVEMBER 2014

PRESENT: Her Excellency the Governor, Ms Christina Scott

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

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 Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

ABSENT: 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 14/698 **EX MIN 14/687 EX MEM 14/396 PROCEDURE FOR GGII'S APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR A WASTE TO ENERGY PLANT**

Further to EX MIN 14/687 of 28th October 2014, Council convened a meeting to consider comments provided by both parties and agreed the final procedure for the appeal as outlined 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 Friday 14 November 2014. Seven copies of the same are to be provided to EXCO and one copy to the other party.
- (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 (and in the case of ex-officio members acting either in person or through their designates), shall hear the appeal.
- (v) The hearing shall take place on Wednesday 19 November 2014 at 9am.
- (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 shall invite the parties to leave the room while she and EXCO consult in private as to any questions the Chairperson or EXCO may then ask of the parties. The parties will then be invited to return to the room and the Chairperson or members of EXCO at their discretion, may ask questions of representatives to clarify any point raised either by the oral or written submissions provided by that party.
- (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 agreed that the LDCC had a right to seek legal representation at the hearing, if it chose to. Council further agreed that if legal representation was sought, that the LDCC and its principal departments should facilitate the provision of the legal representation from its prevailing budgets.

Action: EXCO MEMBERS
