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MINUTES OF THE 234TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 26TH MARCH 2015

- PRESENT: His Excellency the Acting Governor, Mr Stanley Reid
- 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 Hon Acting Deputy Governor, Mr Larry Franklin
- 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 Patrick Hanley, Personal Assistant to the Hon CM/Finance
Mr Leslie Hodge, DLS
Mr Vanroy Hodge, CEO, AASPA
Mr Lanvil Harrigan, Chairman, AASPA Board
Mr Sherman Williams, Finance Manager, AASPA
Mr Lyndon Duncan, Member, AASPA Board
Mr Patrick Mardenborough, Member, AASPA Board
Mr Julian Romney, Member, AASPA Board
Mrs Sheila Haskins, Member, AASPA Board

ABSENT: Her Excellency the Governor, Ms Christina Scott

EX MIN 15/191 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 233rd Meeting held on Thursday 19th March 2015.

MATTERS ARISING FROM THE MINUTES

EX MIN 15/192

None

EX MIN 15/193

**MINUTES OF THE 3rd BUDGET DELIVERY COMMITTEE (BDC)
MEETING HELD ON 17TH FEBRUARY 2015**

Council noted the comprehensive Minutes of the 3rd Budget Delivery Committee (BDC) Meeting held on 17th February 2015.

Council particularly noted from the recommendations/proposals/action points that:-

- 1) Ministries/Departments continued to be unresponsive when a request was made to submit data for unbudgeted expenditure. The suggestion was made that the implementation of the budget score card with a defined threshold for expenditure would be useful;
- 2) the Committee would schedule a meeting with Financial Managers from major hotels to discuss ways of improving the collection of revenue in a timely manner; and
- 3) a list of outstanding arrears of revenue would be presented to the Committee, which would assist the Government in offsetting the debt it owed to other entities.

Council commended the BDC for its outstanding work.

Action: HON DG; PERM SECS; CIR; BD; DM; CPO; ACC GEN

EX MIN 15/194

FERRY BOAT & AASPA REPRESENTATIVES

The following persons joined the Meeting:-

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
 Mr Vanroy Hodge, CEO, AASPA
 Mr Lanvil Harrigan, Chairman, AASPA Board
 Mr Sherman Williams, Finance Manager, AASPA
 Mr Lyndon Duncan, Member, AASPA Board
 Mr Patrick Mardenborough, Member, AASPA Board
 Mr Julian Romney, Member, AASPA Board
 Mrs Sheila Haskins, Member, AASPA Board

Further to EX MIN 15/190 of 19th March 2015, Council noted the update from the CEO, AASPA, and correspondence from the Anguilla Ferry Boat Operators, the Chairman of the AASPA Board and Mr John Benjamin, Solicitor from Caribbean Juris Chambers (for Ferry Boat Operators) on the issue.

Council agreed that the AASPA, ATB, a representative from the Anguilla

Chamber of Commerce and relevant Government officials should meet on Monday 30th March 2015 to discuss the pros and cons of this situation and to engage with the Ferry Boat Operators, and to inform Council of the outcome.

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

Action: PS, MICUH; HON AG; CEO, AASPA

EX MIN 15/195

EX MEM 15/104 PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN LAND OWNERS (MRS OLIVE HODGE AND MR KENNEDY HODGE) AND THE GOVERNMENT OF ANGUILLA

Council agreed that:-

- (i) the Hon Deputy Governor should sign the MOU between the Government of Anguilla and Mrs Olive Hodge and Mr Kennedy Hodge of Junks Hole, Anguilla to establish a Tsunami Evacuation/Assembly site location and terms of use in the event of an evacuation of the public during a tsunami; and
- (ii) an MOU with the same terms should be used for any other parcel of land intended for the same purpose.

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

Action: HON DG; DDM; PS, MHA/LANDS; DLS

EX MIN 15/196

EX MEM 15/105 SENIOR MAGISTRATE'S HOUSING ALLOWANCE

PA to the Hon CM/Finance remained for discussion.

Council noted a request from the Senior Magistrate that consideration be given to paying her the full housing allowance for the duration of her new contractual period.

Council, taking into consideration the nature of the job, agreed that the Senior Magistrate, Ms Ivenia A. Benjamin should be paid the full housing allowance for the duration of her new contractual period with the Government of Anguilla.

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

Action: PS, PA; PS, FIN; PS, EDICT; BD; ACC GEN; OFF MAN, JUDICIARY

EX MIN 15/197

EX MEM 15/106 FILLING OF POST – SENIOR PROGRAMME OFFICER, CULTURE

Council agreed that the post of Senior Programme Officer, Culture should be filled effective 1st July 2015. Council noted that the cost for filling this post had been budgeted for in the Department of Youth and Culture's 2015 Budget.

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

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

EX MIN 15/198

EX MEM 15/107 NOMINATIONS FOR ANGUILLA DAY NATIONAL AWARDS 2015

Council agreed that the following persons should be nominated for the 2015 Anguilla Day Awards:-

- 1) Mr Henderson Smith - Revolution
- 2) Mr Synric (Fogle) Webster - Revolution
- 3) Mrs Violet Harrigan - Revolution
- 4) Hon Hubert B. Hughes - Social Development (Politics)
- 5) Mr Irvin Phillip - Social Development (Entrepreneurship)
- 6) Mr Audley Almair Carty - Social Development (Construction)
- 7) Mr Clement (Bankie) Banx - Social Development (The Arts)

The Honourable Chief Minister, Mr Hughes, was absent during the consideration of this matter.

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

Action: PS, MHA; PAS, MHA

EX MIN 15/199

EX MEM 15/108 AMENDMENT TO EXCO MINUTE 15/88 GRANTING A LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – PETER HUNTINGTON PEARCE AND ANSLEY WILKINS PEARCE TO HOLD A REGISTERED CHARGE OVER PROPERTY DESCRIBED AS SITUATE IN REGISTRATION SECTION NORTH, BLOCK 59018 B, PARCEL 193, STRATA LOT SL B/2B, CONTAINING 1,747 SQUARE FEET

PA to the Hon CM/Finance remained for discussion. Mr Leslie Hodge, DLS joined the Meeting.

Council noted that in EX MIN 15/88 of 5 February 2015, an Aliens Land Holding Licence was approved for the above mentioned persons. Council additionally noted that due to an oversight, Parcel SLB/2A was included in the memorandum to Executive Council for consideration.

Council therefore agreed that EX MIN 15/88 of 5 February 2015 should be amended to read:-

Council agreed that an Aliens Land Holding Licence under Section 4 of the Aliens Land Holding Licence Regulations Act, RSA, CA55 should be issued to Peter H. Pearce and Ansley W. Pearce to allow the registration of a charge in the sum of US\$845,000.00 in favour of Peter H. Pearce and Ansley W. Pearce over property registered to Anguilla Aviation Ltd. described as Strata Lot SL B/2B, containing

1,747 square feet, located on Parcel 193, in Block 59018 B, Registration Section North, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Licence in accordance with Aliens Land Holding Licence Regulations Act	=	EC\$ 500.00
(ii)	Stamp Duty on Charge @ 1% of EC\$2,271,529.00	=	EC\$22,715.29
	TOTAL	=	EC\$23,215.29

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

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

EX MIN 15/200

EX MEM 15/109 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – SUMMITT ISLAND PROPERTIES LLC – REGISTRATION SECTION NORTH CENTRAL; BLOCK 48814 B; PARCEL 266, CONTAINING 0.10 OF AN ACRE

PA to the Hon CM/Finance and DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Summitt Island Properties LLC, to hold property described as situate in Registration Section North Central, Block 48814 B Parcel 266 containing 0.10 acre of land, on a freehold basis located at The Valley adjacent to property owned by Summit Island Properties LLC, on the grounds that the additional land is to serve existing and future building, as well as to comply with the regulatory standards of Government, subject to payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$215,566.76		EC\$ 10,778.34
(ii)	under the Stamp Act – 12.5% of EC\$215,566.76		EC\$ 26,945.84
	TOTAL		EC\$ 37,724.18

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

EX MIN 15/201

EX MEM 15/110 PAYMENT OF DEFERRED SALARY – MS X

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

Council agreed that Ms X, a Graduate Teacher in the Education Department should be paid her deferred salary of EC\$48,645.95 to assist with the medical costs for her and her daughter.

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

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

EX MIN 15/202

EX MEM 15/111 APPLICATION BY LICENSED REGISTERED CHARGE FOR CONSENT UNDER THE ALIENS LAND HOLDING REGULATIONS ACT TO CHANGE ITS SHAREHOLDER – MRES MALLIOUHANA LENDER, LLC – CHARGE OVER PROPERTIES REGISTERED TO MALLIOUHANA (E.C.) LTD – REGISTRATION SECTION: WEST END; BLOCK: 18011 B; PARCELS 1, 2, 148, 211, 213, 215, 217 (FREEHOLD) AND 4/1, 6/1, 7/1, 8/1, 29/1, 222/1, 223/1 (LEASEHOLD)

PA to the Hon CM/Finance and DLS remained for discussion.

Council agreed that:-

- (1) no consent be granted under section 9(1) of the Aliens Land Holding Licence Regulations Act, RSA, CA55 to MRES Malliouhana Lender, LLC [holder of an Aliens Land Holding Licence and Registered Chargee in the sum of US\$5,000,000.00 over properties registered to Malliouhana (E.C.) Ltd.] to change the shareholder from Agman II LLC to MRES Malliouhana Holdco, LLC; and
- (2) Executive Council Minute 14/71 be upheld in which Executive Council approved the granting of an Aliens Land Holding Licence under Section 4 of the Aliens Land Holding Licence Regulations Act, RSA, CA55 to MRES Malliouhana Lender, LLC to allow the registration of a charge in the sum of US\$5,000,000.00 in favour of MRES Malliouhana Lender, LLC over properties registered to Malliouhana (E.C.) Ltd. described as Registration 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, 222/1, 223/1 (Leasehold) containing 6.62 acres and 13.66 respectively, totalling 20.28 acres, subject to the payment of the following stamp duties:-

i) Stamp Duty on Licence in accordance with Aliens Land Holding Licence Regulations Act	=	EC\$ 500.00
ii) Stamp Duty on Charge @ 1% of EC\$13,441,000.00	=	EC\$134,410.00
TOTAL	=	EC\$134,910.00
- (3) the Attorney General's Chambers would draft another follow up letter from the Ministry of Home Affairs to the Applicant indicating that all documentation subsequent to the April 23, 2014 have been duly considered; and

- (4) the Director of Lands & Surveys and the Registrar of Lands should identify solutions in relation to the potential loopholes in the ALHL Regulation Act and the Stamp Act.

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

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

EX MIN 15/203

**EX MEM 15/112 AMENDMENT TO EXCO MINUTE 14/225 AND 14/241:
LEASE OF PART OF CROWN LAND BY TAMARA GUMBS & TAYNA
GUMBS – PROPERTY DESCRIBED AS REGISTRATION SECTION
NORTH, BLOCK 58814 B PARCEL 2, CONTAINING APPROXIMATELY
28 ACRES OF LAND, SAID PART CONTAINING 0.35 ACRE**

PA to the Hon CM/Finance and DLS remained for discussion.

In EX MIN 14/225 of 3 April 2014, Council granted permission to Tamara and Tayna Gumbs (herein together referred to as “the Applicants”) to hold a leasehold interest on property described as Lot #1 containing 0.35 acre being part of property described as situate in Registration Section North, Block 58814 B, Parcel 2.

Council agreed that:-

- a) EX MIN 14/225 of 3 April 2014 should be amended as follows:-
 - (i) A nominal rent in the amount of EC\$1,500.00 per annum be payable for the first five (5) years, that is the fitting out period. Thereafter, the rent shall be reviewed at the end of every fifth (5th) year of the lease to the market rent of the property; or two percent (2%) greater than the rent existing at the time of review whichever is greater but in no event shall the rent be less than the rent payable prior to the review; provided that at the end of each year of the lease the rent payable shall increase by at least two percent (2%) annually. The Premises are fully fitted out and equipped to the requirements of a willing tenant and is available for immediate occupation and use.
 - b) the Applicants should be granted a leasehold interest in property described as Lots 1A and 1B containing a total of 0.44 acre of land situated in Registration Section North, Block 58814B Parcel 2 (Part of) as delineated on Survey Plan LS33-13A; and
 - c) the fence should be removed by the Agriculture Department to the new boundary line as delineated on Survey Plan LS33-13A.

Council additionally agreed that consideration be given to including break clauses in all leases.

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS; DIR, AGR; ACC GEN

EX MIN 15/204

EX MEM 15/113 APPOINTMENT/RE-APPOINTMENT OF MEMBERS OF THE BOARD OF THE ANGUILLA AIR AND SEA PORTS AUTHORITY

PA to the Hon CM/Finance remained for discussion.

Council agreed that:-

- a) the following persons should be re-appointed to the Board of the Anguilla Air and Sea Ports Authority until 31st July 2015:-
 - i) Mr Lanvil Harrigan as a member and Deputy Chairperson
 - ii) Mr Patrick Mardenborough as a member
 - iii) Mr Lyndon Duncan as a member
 - iv) Mr Julian Romney as a member
- b) the allowances for all Board members would remain unchanged.

Council noted that Mr Keithly F. T. Lake had not attended any meetings of the Board since his appointment in 2013 and could be removed under section 7(2) of the Act. Council agreed that Mr Keithly F. T. Lake be removed as a member, by written notice, of the Board of the AASPA.

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

Action: HE; PS, MICUH; HON AG; CEO, AASPA

EX MIN 15/205

EX MEM 15/114 FILLING OF POST – COMMISSIONER OF POLICE – HOUSING ALLOWANCE

PA to the Hon CM/Finance remained for discussion.

Council noted the concern from the incoming Commissioner of Police regarding housing allowance, that full housing allowance would only be payable for the first two years of the five-year appointment.

Council, taking into consideration the nature of the job, agreed that the new Commissioner of Police should be paid the full housing allowance for the five-year duration of her contract with the Government of Anguilla.

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

Action: PS, PA; HE; PS, FIN; PS, EDICT; BD; ACC GEN; COP

ORAL MENTION

EX MIN 15/206

EX MIN 15/60 EX MEM 15/31 FILLING OF POST – PRINCIPAL OF THE ALBENA LAKE-HODGE COMPREHENSIVE SCHOOL (ALHCS)

PA to the Hon CM/Finance and DLS remained for discussion.

Further to EX MIN 15/60 of 22 January 2015, Council agreed that the incoming Principal of the ALHCS should be paid the full housing allowance for the duration of her contractual period with the Government of Anguilla.

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

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

EX MIN 15/208

HOUSING ALLOWANCE

PA to the Hon CM/Finance remained for discussion.

Council noted the decisions taken in EX MINS 15/196, 205 & 207 above and agreed that the housing allowance policy should be reviewed.

Action: HON DG; PS, PA; PS, FIN; PS, EDICT; ACC GEN; BD

EX MIN 15/209

EX MIN 15/171 EX MEM 15/93 LETTER OF INTENT – INNOVATIVE FINANCE FOUNDATION

PA to the Hon CM/Finance remained for discussion.

Further to EX MIN 15/171 of 17th March 2015, the terms of reference (ToR) for the contract with IFF, and the draft letter of intent were circulated to Members of Executive Council. Council asked the Hon Attorney General to study the documents, and to submit his advice to Ex Co Members prior to consideration of the matter at the Meeting Executive Council on Thursday 2nd April 2015.

Action: HON AG; PS, FIN; PS, EDICT; MINS OF GOV'T; PA/HON CM/FIN

EX MIN 15/210

EX MIN 15/144 EX MEM 15/59 WORK PERMIT APPLICATION REFUSALS

Further to EX MIN 15/144 of 5 March 2015, Council revisited the paper at the request of the Hon Minister of Labour. Following consultation with Executive Council, the Hon Minister of Labour was inclined to approve the work permit applications for the following persons in accordance with Section 3 (g) of the Control of Employment Act:-

Name	Nationality	Employer	Occupation
1. Xiao Yan Feng	Chinese	Suying Feng	Bartender
2. Junhao Liang	Chinese	John C. Connor	Cook
3. Rongxiang Wu	Chinese	John C. Connor	Cook

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

EX MIN 15/211

EX MIN 15/170 CONTINUED CONCERN REGARDING EXTRACTION OF MARL AT CORITO

Further to EX MIN 15/170 of 12th March 2015, Council asked that the PS, HSD, the Principal Environmental Health Officer and the Director, Health Protection should be asked to attend the Meeting of Executive Council on Thursday 2nd April for further discussion on the marl situation at Corito.

Action: PS, HSD; PEHO; DHP

EX MIN 15/212

ELECTORAL PROCESS

Ministers continued to express concern regarding the electoral process in Anguilla.

The Hon Minister of Home Affairs stated that he had lost all confidence in the electoral process as well as confidence within the operations of the office. He said that a mechanism needs to be put in place to monitor or to have constant checks on those individuals who operate the system.

The Hon Chief Minister said that elections in Anguilla were not free and fair.

Ministers were reminded that there are processes in place to deal with electoral issues that Ministers may wish to have addressed.

Action: EXCO MEMBERS
