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MINUTES OF THE 49TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 5TH MAY 2016

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism, Lands & Physical Planning
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Evans Rogers, Minister of Health and Social Development
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture and Fisheries and Information Technology
- The Honourable Attorney General, Mr Rupert Jones
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Rev. Dr. Wycherley Gumbs, Superintendent Minister, Methodist Church
Hon Cardigan Connor, Parliamentary Secretary
Mrs Evalie Bradley, Ministerial Assistant to Hon Minister, MHA
Mr Larry Franklin, PS, MICUHAFIT
Mr Bancroft Battick, Chief Engineer, DICUH
- ABSENT: The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and
Information and Broadcasting
- EX MIN 16/276 **NATIONAL DAY OF PRAYER: THURSDAY 5TH MAY 2016**
- Hon Cardigan Connor, Parliamentary joined the Meeting.
- Reverend Dr. Wycherley Gumbs, Superintendent Minister, Methodist Church/
Chairman of the Christian Council gave the opening prayer in Executive Council as
a part of the National Day of Prayer 2016.
- Action: EXCO MEMBERS

EX MIN 16/277

CONFIRMATION OF THE MINUTES

Hon Cardigan Connor, Parliamentary Secretary remained in attendance. Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA joined the Meeting.

Council confirmed the Minutes of the 48th Meeting held on Thursday 28th April 2016.

MATTERS ARISING FROM THE MINUTES

EX MIN 16/279

EX MEM 16/163 REQUEST FOR APPROVAL TO RESEAL A FOREIGN ORDER APPOINTING GUARDIANS PURSUANT TO SECTION 48 OF THE DEPENDANT ADULTS ACT R.S.A C D. 8

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council agreed that the Ministry of Social Development should send clear drafting instructions to the Attorney General's Chambers to draft a regulation to the Dependent Adults Act pursuant to Section 48 to reseal a foreign order appointing guardianship.

Action: PS, HSD; HON AG; HON MIN, HSD

EX MIN 16/280

EX MEM 16/164 APPLICATION FOR DUTY EXEMPTION FOR ANGUILLA MUSIC ACADEMY

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council agreed that the matter should be deferred for more information.

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 16/281

EX MEM 16/165 PAYMENT OF DEFERRED SALARY – MS X

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

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council agreed that Ms. X, who is employed in the Education Department should be paid her deferred salary of EC\$36,714.59 to assist her with costs associated with her medical condition.

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

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

EX MIN 16/282

EX MEM 16/166 PAYMENT OF DEFERRED SALARY – MS Y*[note on publication: name redacted to protect personal health information]*

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council agreed that Ms. Y, who is employed in the Anguilla Public Service should be paid her deferred salary of EC\$11,566.16 to assist her with costs associated with her mother's medical condition.

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

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

EX MIN 16/283

EX MEM 16/167 PAYMENT OF DEFERRED SALARY – MS Z*[note on publication: name redacted to protect personal health information]*

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council agreed that Ms Z, who is employed in the Anguilla Public Service be paid her deferred salary of EC\$43,125.08 to assist her with costs associated with restorative and dental treatment.

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

Action: HON DG; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 16/284

EX MEM 16/168 CONSULTATION ON (A) THE JUSTICE PROTECTION ACT; (B) THE ANGUILLA POLICE AMENDMENT ACT

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council agreed that:-

- (i) the Anguilla Police Amendment Act 2016 should be published on the GoA website and in the Official Gazette;
- (ii) joint public consultations by the Hon Attorney General and the Commissioner of Police should be held on the Anguilla Police Amendment Act 2016 and the Justice Protection Act in the weeks commencing 23rd and 30th May 2016; and
- (iii) both Bills should be taken to the House of Assembly at the end of June 2016 for their first reading.

Action: HON AG; COP; CL, HOA

EX MIN 16/285

EX MEM 16/169 RECRUITMENT OF SUPERINTENDENT OF THE ROYAL ANGUILLA POLICE FORCE (RAPF)

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council:-

- (i) noted that the post of Superintendent in the RAPF had become vacant due to promotion;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given;
- (iii) additionally noted that full funding for the position had already been budgeted for in the RAPF Budget for 2016; and
- (iv) agreed that the post of Superintendent in the RAPF should be filled.

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

Action: COP; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/286

EX MEM 16/170 VOTING GOVERNMENT SHARES AT SPECIAL SHAREHOLDERS MEETING OF ANGLEC ON 12TH MAY 2016

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance. Messrs Larry Franklin, PS, MICUHAFIT and Bancroft Battick, Chief Engineer, DICUH joined the Meeting.

Council:-

- (i) approved the recommendations outlined below and agreed that they should be communicated to the Board of ANGLEC as appropriate before the Special Shareholders Meeting of ANGLEC scheduled for 12th May 2016:-

Recommendation 1. That the PAS Finance, Dr. Wycliffe Fahie, be nominated to attend the Special Shareholders meeting of ANGLEC on 12th May 2016 and authorized to vote the Government of Anguilla's shares in accordance with the Executive Council's directives.

If the PAS Ministry of Finance is unavailable to attend the meeting, a public officer should be authorised by the Honourable Minister with responsibility for Electricity to attend the meeting and vote the GoA shares in accordance with the Executive Council's directives. (Section 68 of the Financial Administration and Audit Act):-

Voting of shares held by Government

68. Except as provided in any other Act, the voting rights attached to shares held by the Government of Anguilla in a body corporate may be exercised by the minister responsible for the portfolio under which the body corporate falls, or a person authorised by the minister to exercise the voting rights.

Recommendation 2. Notwithstanding the request for input from ANGLEC, the Government should write to ANGLEC in line with sections 2 to 12 above and request additional written information. The letter should be copied to the other large institutional Shareholders including Social Security. Consideration should be given to Government publicising its position on distributed renewable energy systems and the proposed transfer of regulatory authority for the electricity sector to the Public Utilities Commission.

Recommendation 3. Instruct its authorised representative to put forward an alternate proposal for a mediated settlement to this matter and to request and vote for such a resolution. It is recognised that ANGLEC is a legal entity and can continue to pursue its own course of action.

Recommendation 4. The Government should use its position to get the parties to settle this matter in a manner that is in line with the Laws of Anguilla and the Government's official policy position on renewable energy and distributed PV systems.

Council noted that there was the potential for a perceived conflict of interest during the negotiations with Cuisinart for the Board Chairman given his work as a contractor for Cuisinart. This should be avoided. The Chairman should be asked to recuse himself from Board decisions regarding the settlement of the ongoing dispute with Cuisinart.

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

Action: HON MIN, MICUHAFIT; PS, MICUHAFIT; PAS, FIN; PS, FIN; HON AG

ORAL MENTION

EX MIN 16/287

EX MIN 16/257 EX MEM 16/148 CONTRACTOR FINANCING OF ROAD BAY JETTY REPAIRS AND GOVERNMENT GUARANTEE OF 80%

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance. PS, MICUHAFIT remained for discussion.

With reference to EX MIN 16/257 of 21st April 2016, HE The Governor informed Council that the Hon Minister for the Overseas Territories had granted approval for the Anguilla Air and Seaports Authority (AASPA) to obtain the loan for the financing of urgent repairs to the Road Bay Cargo Jetty. The Governor said that the Minister had indicated the UK's commitment towards funding for the second phase of the project.

Action: PS, MICUHAFIT; HON AG; PS, FIN; PS, EDICTLP; CEO, AASPA; CHAIR, AASPA; DCE; MINS OF GOV'T

EX MIN 16/288

OVERSEAS TRAVEL

Parliamentary Secretary and Ministerial Assistant to Hon Minister, MHA remained in attendance.

Council was informed of the following dates of travel:-

- 1) HE The Governor - 7 – 21 May, leave
- 2) Hon Chief Minister - 11 – 16 May, leave
17 – 20 May, CBD Meeting, Jamaica
- 3) Hon Minister of Social Dev. - 11 – 27 May, leave

Action: EXCO MEMBERS
