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MINUTES OF THE 77TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 13TH OCTOBER 2011

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

The Honourable Acting Deputy Governor, Mr Larry Franklin

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

The Honourable Acting Attorney General, Mr Ivor Greene

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Foster Rogers, PS, MHA/LANDS
Mrs Kathleen Rogers, PS, FIN
Ms Aurjul Wilson, PS, PA
Mr Mike Thomson, UK Consultant
Hon Jerome Roberts, Adviser to the Hon CM
Hon Haydn Hughes, Parliamentary Secretary
Dr Aidan Harrigan, PS, EDICT
Mr Perin Bradley, TIO
Ms Mary Clare Haskins, Crown Counsel
Mr Gifford Connor, DLS
Mr Vincent Proctor, PPO
Mr Harry Wiggin, Solicitor, Webster & Dyrud
Ms Sarah Barrington, Associate, Webster & Dyrud

ABSENT: His Excellency the Governor, Mr Alistair Harrison

The Honourable Edison Baird, Minister of Social Development and Education

The Honourable Walcott Richardson, Minister of Labour, Immigration, Lands,
Physical Planning, Human Rights, Environment and Gender Affairs

Mr James Wood, Honourable Attorney General

EX MIN 11/673

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 76th Meeting held on Thursday 6th October 2011 and the Minutes of a Special Meeting held on Friday 30th September 2011 as amended.

MATTERS ARISING FROM THE MINUTES

OUTSTANDING ITEM FOR EXCO

1. EX MIN 08/761 IMMIGRATION AND LABOUR POLICY
of 11 December 2008

Action: PS, MHA; AG

EX MIN 11/676

EX MEM 11/282 CLIMATE AND DEVELOPMENT KNOWLEDGE NETWORK (CDKN) LEGISLATIVE DRAFTING FOR RENEWABLE ENERGY INTEGRATION

Council approved the letter to CDKN from the Government of Anguilla re-affirming the Executive Council's commitment to legislative change for the Integration of Renewable Energy into the energy mix.

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

Action: PS, MICUH; DIR, PU

EX MIN 11/677

EX MEM 11/283 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – FRANK GALLO AND AMY GALLO

Mr Foster Rogers, PS, MHA/LANDS remained for discussion.

The above application was approved at a meeting of Executive Council on Thursday 28 October 2010 (EX MIN 10/655). The application was resubmitted to amend the change of name and stamp duties payable.

Council agreed to issue an Aliens Land Holding Licence to Frank Gallo and Amy Gallo to hold a strata lot of 992 sq ft. on a freehold basis located at Barnes Bay (Block 17810B 201 SL B303) at a valuation of US\$1,035,000.00/EC\$2,782,287.00 in keeping with the amended Memorandum of Agreement (MOA) between Barnes Bay Development Ltd and the Memorandum of Understanding (MOU) between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC, subject to the payment of the following stamp duty:-

(i)	Stamp Duty on Transfer – 5% of EC\$2,782,287.00	EC\$139,114.35
(ii)	Stamp Duty on Licence – 12.5% of EC\$2,782,287.00	EC\$ Waived
	TOTAL	EC\$139,114.35

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

EX MIN 11/678

EX MEM 11/284 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – WILLIAM WINGET

PS, MHA/LANDS remained for discussion.

The above application was approved at a meeting of Executive Council held on Thursday 14 October 2010 (EX MIN 10/627). The application was resubmitted to amend the change of unit and the stamp duties payable.

Council agreed to issue an Aliens Land Holding Licence to William Winget to hold two units on a freehold basis with condominiums thereon of 993 sq ft and 648 sq ft respectively, located at Barnes Bay (Block 17810B 201 SL B0301A and 201 SLB0301B) at a valuation of US\$1,374,509.25/EC\$3,694,955.77 in keeping with the amended Memorandum of Agreement (MOA) between Barnes Bay Development Ltd and the Memorandum of Understanding (MOU) between Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC, subject to the payment of the following stamp duty:-

(i)	Stamp Duty on Transfer – 5% of EC\$3,694,955.77	EC\$184,747.79
(ii)	Stamp Duty on Licence – 12.5% of EC\$3,694,955.77	EC\$ Waived
	TOTAL	EC\$184,747.79

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

EX MIN 11/679

EX MEM 11/285 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – THEEK HAI INC.

PS, MHA/LANDS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Theek Hai Inc. to hold 1.58 acres of land on a freehold basis located at Island Harbour (Block 8319B Parcel 6) at a valuation of US\$375,000.00/EC\$1,008,075.00, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Licence @ 12½% of EC\$1,008,075.00	EC\$126,009.38
(ii)	Stamp Duty on Transfer @ 5% of EC\$1,008,075.00	EC\$ 50,403.75
(iii)	Refundable Deposit @ 10% of EC\$1,008,075.00	EC\$100,807.50
	TOTAL	EC\$277,220.63

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

EX MIN 11/680

EX MEM 11/286 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – JOHNSON BANK

PS, MHA/LANDS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Johnson Bank to register a charge in the amount of US\$500,000.00/EC\$1,344,100.00 against properties registered to Todd & Elizabeth Tienfenthaler (Block 17709B Parcel 177/1) 2600 sq ft, subject to the following stamp duties:-

(i)	Stamp Duty on Licence	=	EC\$ 500.00
(ii)	Stamp Duty on Transfer @ 1% of charge (EC\$1,344,100.00)	=	EC\$13,441.00
	TOTAL		EC\$13,941.00

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

EX MIN 11/681

EX MEM 11/287 APPROVAL FOR PROMISSORY NOTE AS FUNDING FOR RESOLUTION TRUST COMPANY

Mrs Kathleen Rogers, PS, FIN joined the Meeting.

Council approved:-

- (i) the promissory note subject to consideration by the AG's Chambers;
- (ii) the allocation of the 5 million dollars in the 2012 budget as an equity investment in the Resolution Trust Company;
- (iii) the use of some of the reserves to fund the investment in the Resolution Trust Company.

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

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

ORAL MENTION

EX MIN 11/682

APPOINTMENT OF MR BRENT DAVIS AS A COMMISSIONER TO THE PUBLIC UTILITIES COMMISSION (PUC)

Further to EX MIN 11/641 of 29 September 2011, Council agreed that the appointment of Mr Brent Davis as a Commissioner to the PUC should be for a period of three years.

Action: PS, MICUH

EX MIN 11/683

PRESENTATION ON THE ANGUILLA CIVIL SERVICE REVIEW

Ms Aurjul Wilson, PS, PA and Mr Mike Thomson, UK Consultant conducting the Anguilla Service Review joined the Meeting.

Mr Thomson, in his final power point presentation briefed Council on what had been achieved from the review exercise and the recommendations of the Steering Committee.

The Hon Chief Minister indicated that he would like to see the recommendations implemented in a timely manner.

Council thanked Mr Thomson and the Steering Committee for a job well done and for endeavouring to make Anguilla and the service it offers a premium one.

Action: PS, PA

EX MIN 11/685

INTEGRATED CUSTOMS TARIFF (AMENDMENT) REGULATIONS, 2011

HE the Acting Governor signed the above Regulations on 13 October 2011 for gazetting.

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

Action: AG

EX MIN 11/686

EX MIN 11/471 EX MEM 11/216 APPEAL AGAINST PLANNING PERMISSION – MM RESORTS LTD. DBA ANACAONA BOUTIQUE HOTEL

EX MIN 11/471 of 27 July 2011 refers.

Following a site visit, Council agreed that the appeal against planning permission from MM Resorts Ltd. DBA Anacaona Boutique Hotel to construct a beach bar at Meads Bay, Anguilla on land registered as Block 17910B Parcel 39 should not be allowed.

Action: PS, MHA/LANDS; PPO

EX MIN 11/687

OFF ISLAND TRAVEL

Council noted that the Hon Minister, Social Development was off island from 11 – 14 October attending an OECS Ministers of Health Meeting in Montserrat.
