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**MINUTES OF THE 83<sup>RD</sup> MEETING OF THE TENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 1<sup>ST</sup> DECEMBER 2011**

- PRESENT: His Excellency the Governor, Mr Alistair Harrison
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,  
Economic Development, Investment, Commerce and Tourism
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Edison Baird, Minister of Social Development, Health, Sports  
and Education
- The Honourable Walcott Richardson, Minister of Labour, Immigration, Lands,  
Physical Planning, Human Rights, Environment, Gender Affairs and Agriculture  
and Fisheries
- The Honourable Evan Gumbs, Minister of Infrastructure, Communications,  
Utilities and Housing
- The Honourable Attorney General, Mr James Wood
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Dr Wycliffe Fahie, PAS, FIN  
Mr Rudolph Proctor, CoP  
Mrs Kellie Bailey, Parliamentary Counsel  
Mrs Kathleen Rogers, PS, FIN  
Hon Jerome Roberts, Adviser to the Hon CM  
Hon Haydn Hughes, Parliamentary Secretary  
Mr Foster Rogers, PS, MHA/LANDS  
Mr Perin Bradley, TIO  
Mr Gifford Connor, DLS  
Ms Gecheal Richardson-Gumbs, CIR  
Ms Mary Clare Haskins, Crown Counsel  
Mr William Tacon, Liquidator, LIR  
Mr Matthew Richardson, Manager, Zolfo Cooper

EX MIN 11/806

**CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 82<sup>nd</sup> Meeting held on Thursday 17<sup>th</sup> November 2011 and the Minutes of a Special Meeting held on Wednesday 16<sup>th</sup> November 2011.

EX MIN 11/807

**MATTERS ARISING FROM MINUTES**

None

**OUTSTANDING ITEM FOR EXCO**

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

Action: PS, MHA; AG

EX MIN 11/808

**EX MEM 11/333 ANGUILLA PUBLIC SERVICE EFFICIENCY REVIEW  
– IMPLEMENTATION OF AGREED PILOTS**

Council:-

- (i) agreed that the Efficiency Review Steering Group in relation to Pilot #1 should set up the identity one-stop shop in line with the analysis and recommendations of the Implementation Pilot #1 report;
- (ii) approved the recommended organisational structure of the new department which contains 8 established posts – these will be filled by transferring posts from other parts of the civil service;
- (iii) agreed to make savings elsewhere in the civil service of the equivalent of at least 5 posts (which may currently be vacant) to reflect the saving of identity processing time;
- (iv) agreed that the cost of investing in an integrated identity database will be covered by increases in user fees to accompany improvement in customer service;
- (v) agreed that the new identity one-stop shop will be incorporated into the 2012 Government of Anguilla budget, as a unit within the Immigration Department;
- (vi) approved a more detailed study to examine the feasibility/merits of setting up an Identity Board to approve all identity related applications in the future.

Council:-

- (i) further agreed that the Efficiency Review Steering Group in relation to Pilot #2 should merge the Department of Agriculture with the Department of Fisheries and Marine Resources in line with the analysis and recommendations of the Implementation Pilot #2 report;
- (ii) agreed that the Efficiency Review Steering Group should engage in discussions with senior officers in the affected departments with a view to creating an appropriate organisational structure for the new Department for Executive Council's ultimate approval;

- (iii) agreed that the new Department of Agriculture and Fisheries will be incorporated into the 2012 Government of Anguilla budget.

Council did not agree to reduce the subsidy to farmers by 50% in 2012, equivalent to an estimated saving of EC\$600,000.

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

Action: PS, PA; PS, FIN; PS, EDICT; PS, MHA/LANDS; BO

EX MIN 11/809

**EX MEM 11/339 EXPULSION ORDER - JOEL GUZMAN BAEZ**

Council confirmed the decision agreed by round robin on 22 November 2011 that Mr Joel Guzman Baez, an alien from the Dominican Republic who had been convicted in the High Court of Anguilla for indecent assault on a minor on 25 March 2009 should be expelled from Anguilla under Section 2 of the Undesirable Persons, Expulsion Act, R.S.A. c.U5.

Action: HE; COP; SOP; CIO

EX MIN 11/810

**EX MEM 11/340 DUTY EXEMPTION FOR ANGUILLAN DEVELOPMENT CORPORATION LTD TRADING AS CUISINART GOLF RESORT AND SPA**

Council confirmed the decision agreed by round robin on 23 November 2011 that duty exemption should be granted to Anguillan Development Corporation Ltd Trading as Cuisinart Golf Resort and Spa (c/o Mr Leandro Rizzuto) on the attached list of items including a reverse osmosis plant on the grounds that it is in line with the GoA's policy to support the development of tourism infrastructure in the tourism belt of the island.

The estimated duty loss to the GoA is EC\$408,620.00.

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

EX MIN 11/811

**EX MEM 11/341 ANGUILLA'S POLICY ON HIV/AIDS AND OTHER LIFE-THREATENING ILLNESSES IN THE WORKPLACE**

Council approved in principle the Policy on HIV/AIDS and Other Life-threatening Illnesses in the Workplace subject to:-

- (i) public consultation on the Policy;
- (ii) Hon Minister/MHA reviewing any issues relating to his Ministry.

Action: PS, HSD; PS, MHA/LANDS

EX MIN 11/812

**EX MEM 11/342 DUTY EXEMPTION FOR FROM WITHIN DANCE**

Dr Wycliffe Fahie, PAS, FIN joined the Meeting.

Council agreed that duty exemption should be granted to From Within Dance (c/o Ms Amber Woodley) on clothing and accessories on the grounds that the organization performs a role in the community which helps to keep the Anguillian culture and spirit alive.

The estimated duty loss to the GoA is EC\$12,217.87.

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

EX MIN 11/813

**EX MEM 11/343 DUTY EXEMPTION FOR SOUTH VILLA DEVELOPMENT (TOPAZ)**

PAS, FIN remained for discussion.

Council agreed that duty exemption should be granted to South Hill Villa Development (Topaz) on the attached list of items on the grounds that the track record of the project shows a commitment on the part of the owners even in difficult times and that the project is in line with the GoA's tourism policy.

The estimated duty loss to the GoA is EC\$78,203.32.

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

EX MIN 11/814

**EX MEM 11/344 DUTY EXEMPTION FOR THE ANGUILLA CRAFT GROUP**

PAS, FIN remained for discussion.

Council agreed that duty exemption should be granted to the Anguilla Craft Group (c/o Mrs Lindsay Lawrence) on the attached customs declaration on the grounds that the Group makes a positive cultural contribution and its charitable efforts are supported by the GoA.

The duty loss to the GoA is EC\$228.57 and the customs service charge is EC\$608.57 as per attachment.

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

EX MIN 11/815

**EX MEM 11/345 PUBLIC UTILITIES COMMISSION 2010 ANNUAL REPORT**

Council:-

- (i) noted the Public Utilities Commission's 2010 Annual Report;
- (ii) authorised the Hon Minister/MICUH to table the Public Utilities Commission's 2010 Annual Report at the next sitting of the Anguilla House of Assembly.

Action: PS, MICUH; CHAIRMAN, PUC

EX MIN 11/816 **EX MEM 11.346 PUBLIC UTILITIES COMMISSION BUDGET 2012, ASSESSMENT OF INDUSTRY LEVY (TELECOMMUNICATIONS), 2011 AND ANNUAL LICENCE FEE REGULATIONS 2011**

Council agreed to defer the paper to enable the AG's Chambers to finalise the Annual Licence Fee Regulations 2011 and the Assessment of Industry Levy (Telecommunications) Regulations 2011.

Action: PS, MICUH; AG

EX MIN 11/817 **EX MEM 11/347 TRANSITIONAL ARRANGEMENTS FOR THE WATER CORPORATION OF ANGUILLA: LEASE OF LAND, VESTING OF PERSONAL PROPERTY AND ASSIGNMENT OF CONTRACTS**

Council agreed to defer the paper to enable the GoA and WCA to undertake a valuation of the properties to be transferred so that the GoA could deduct the value of those assets from its asset register and WCA could use the values to create its asset register and establish its net worth and opening balance. Council noted in EX MEM 11.347 that the valuation should be completed by 20 December 2011. Council agreed that the paper should be resubmitted to Executive Council after completion of the valuation.

Action: PS, MICUH

EX MIN 11/818 **EX MEM 11/348 AMENDMENT TO THE VEHICLE ROAD TRAFFIC ACT – REVENUE RELATED MEASURES**

Mr Rudolph Proctor, CoP and Mrs Kellie Bailey, Parliamentary Counsel joined the Meeting.

Council:-

- (i) approved the amendments to the Vehicle and Road Traffic Act and the implementation of a regime for the issue of a permit for driving instructors;
- (ii) approved the Vehicle and Road Traffic (Amendment) Bill for gazetting;
- (iii) agreed that the amendments should come into force on 1<sup>st</sup> January 2012.

Action: AG; COP; PS, FIN; PS, EDICT; CIR

EX MIN 11/819 **EX MEM 11/349 EXTENSION OF DEADLINE IN RELATION TO INTERIM STABILIZATION LEVY: PENALTIES AND EXEMPTIONS FOR NON-FILING OF RETURNS**

PAS, FIN remained for discussion.

In EX MIN 11/696 number (v) of 20 October 2011, Council agreed the deadline of 30 November 2011 for filing of returns. Council agreed that the deadline should be changed to 31 December 2011.

Action: PS, FIN; PS, EDICT; PAS, FIN; AG; CIR

EX MIN 11/820

**EX MEM 11/350 EXPULSION OF JOHN DWAYNE JOSEPH**

EX MIN 11/769 of 10 November 2011 refers.

Council agreed that the process to facilitate consideration of the expulsion of Mr John Dwayne Joseph, a national of Dominica who was recently convicted and fined for receiving stolen goods should be undertaken under Section 2 of the Undesirable Persons Expulsion Act, R.S.A. c U5.

Action: HE; COP; SOP; CIO

EX MIN 11/821

**EX MEM 11/351 A BILL FOR PENSIONS AMENDMENT ACT, 2011**

Mrs Kathleen Rogers, PS, FIN joined the Meeting.

Council agreed to amend the Pensions Act, R.S.A. c. P20. The amendments are necessary to validate certain benefits granted and to determine the basis on which certain benefits will be calculated under the said Act.

Council agreed that persons employed in the APS before 1<sup>st</sup> January 2004 would have their pensions calculated up to 31<sup>st</sup> December 2003 using the formula in operation at that time. The formula enacted under the Pensions Act which came into effect in January 2004 would be applicable in computing pension for service in the APS after 1<sup>st</sup> January 2004.

Council further agreed that the same would apply for persons who died while serving in the APS after 1<sup>st</sup> January 2004. Such persons who were employed in the service prior to January 1<sup>st</sup> 2004 would have the gratuity payable to their personal representative calculated up to 31<sup>st</sup> December 2003 using the formula in operation at that time. The formula enacted under the Pensions Act which came into effect in January 2004 would be applicable in computing any entitlements for such persons/their personal representatives for the period they served in the APS after 1<sup>st</sup> January 2004 up until their death.

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

Action: PS, FIN; PS, EDICT; PS, PA; AG

**ORAL MENTION**

EX MIN 11/822

**HM PRISON**

Council agreed that, due to the overcrowding at HM Prison, HE the Governor should grant respite to four (4) prisoners who have already served half of their prison sentences.

Action: HE; SOP; COP

EX MIN 11/823

**EX MIN 11/654 EX MEM 11/268 REQUEST FOR DEFERMENT OF NEW TRAINING POLICY**

The Hon Deputy Governor was absent for the above matter.

Council agreed that Ministers should agree among themselves what they wanted to be reflected in the minute with regard to the new Training Policy and if needs be to have the matter approved by round robin on Friday 2 December 2011.

Action: EXCO MEMBERS

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