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MINUTES OF THE 85TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 15TH 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 Crefton Niles, DIR, PU
Hon Haydn Hughes, Parliamentary Secretary
Dr Aidan Harrigan, PS, EDICT
Mrs Candis Niles, Director of Tourism
Mr Foster Rogers, PS, MHA/LANDS
Hon Jerome Roberts, Adviser to the Hon CM
Mrs Kathleen Rogers, PS, FIN
Mrs Gecheal Richardson-Gumbs, CIR
Mrs Shona Proctor, BO
Ms Valencia Prentice, Finance Officer

EX MIN 11/850 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 84th Meeting held on Thursday 8th
December 2011.

MATTERS ARISING FROM THE MINUTES

EX MIN 11/851 None

OUTSTANDING ITEM FOR EXCO

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

Action: PS, MHA; AG

EX MIN 11/852

**EX MEM 11/364 PUBLIC UTILITIES COMMISSION BUDGET 2012,
ASSESSMENT OF INDUSTRY LEVY (TELECOMMUNICATIONS)
REGULATIONS, 2011 AND ANNUAL LICENCE FEE REGULATIONS
2011 – RESUBMISSION**

Mr Crefton Niles, DIR, PU joined the Meeting.

Council approved:-

- (i) the Commission's Work Plan for 2012;
- (ii) the Commission's budget of EC\$1,087,200 for 2012;
- (iii) the Annual Licence Fee Regulations, 2011 which were signed by HE The Governor on 15 December 2011 for gazetting;
- (iv) the Assessment of Industry Levy (Telecommunications) Regulations, 2011 which were signed by HE The Governor on 15 December for gazetting.

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

Action: PS, MICUH; DIR, PU; CHAIRMAN, PUC

EX MIN 11/853

**EX MEM 11/365 CHANGE OF VEHICLE REGISTRATION PLATES
FROM G PLATES TO C PLATES FOR ALL VEHICLES WITH G PLATES
BEING USED BY STATURORY BODIES**

Council agreed to the change of vehicle registration plates from G plates to C plates on all vehicles with G plates being used by statutory bodies.

Action: PS, MICUH

EX MIN 11/854

**EX MEM 11/366 DESIGNATION OF A TELECOMMUNICATIONS
OFFICER**

Council agreed that Mr Crefton Niles, Director of Public Utilities and Information Security should be designated to carry out the duties and exercise the powers of a Telecommunications Officer for an additional two (2) year period from December 2011 to December 2013.

Action: PS, MICUH; PS, PA; PS, FIN; PS, EDICT; BO

EX MIN 11/855

EX MEM 11/367 APPLICATION FOR DUTY EXEMPTION FOR MR GAVIN RICHARDSON

Dr Wycliffe Fahie, PAS, FIN joined the Meeting.

The Hon Deputy Governor declared an interest because he is the nephew of Mr Gavin Richardson.

Council agreed that duty exemption should be granted to Mr Gavin Richardson on a solar energy system.

The estimated duty loss to the GoA is EC\$5,400.00.

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

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

EX MIN 11/856

EX MEM 11/368 APPLICATION FOR DUTY EXEMPTION FOR DR NICHOLAS CARBON

PAS, FIN remained for discussion.

Council agreed that duty exemption should be granted to Dr Nicholas Carbon on an Angel of Water Colon Hydrotherapy Medical Device on the grounds that the equipment is the only of its kind in the region and could also be used/promoted as part of the tourism product allowing guests from the nearby islands.

The estimated duty loss to the GoA is EC\$12,267.65.

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

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

EX MIN 11/857

EX MEM 11/369 APPLICATION FOR DUTY EXEMPTION FOR MS PATRICIA BYGRAVE

PAS, FIN remained for discussion.

Council agreed that duty exemption should be granted to Ms Patricia Bygrave on backpacks, school supply kits, children books and toys to be distributed to some 80 children on the island at the 7th annual gift giving event. The supplies are gifts that were donated by a US citizen.

The estimated duty loss to the GoA is EC\$1,093.34.

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

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

EX MIN 11/858

EX MEM 11/370 PROVISION OF DEDICATED IMMIGRATION CLEARANCE/DOCKING FACILITIES AT SIMPSON BAY LAGOON FOR ANGUILLA BOUND PASSENGERS

Hon Haydn Hughes, Parliamentary Secretary, Dr Aidan Harrigan, PS, EDICT and Mrs Candis Niles, Director of Tourism joined the Meeting.

Council:-

- (i) approved the MoU between the GoA and GoSXM to give effect to the Docking Facility at Simpson Bay Lagoon;
- (ii) approved start up costs of the Facility not to exceed EC\$298,314.36 and recurrent costs for 2012 not to exceed EC\$390,886.56;
- (iii) authorised the ATB to enter into a Lease Agreement with a private entity in St. Maarten to lease property required for construction and operation of the Docking Facility;
- (iv) agreed that the ATB should be invoiced for the start-up and recurrent costs associated with the operation of the Docking Facility and that these costs should be refunded to the ATB from the Tourism Sector Development Project Head on the 2012 Capital Budget;
- (v) agreed that all Government Depts/Agencies should work expeditiously to facilitate the 15 January 2012 launch of the Simpson Bay Docking Facility;
- (vi) authorised the Hon CM and the Hon Minister, MHA to sign the MoU on behalf of the GoA, noting the desire of the GoSXM and the GoA that this should occur during the week of 19 December 2011.

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

Action: PS, EDICT; DIR, TOURISM; CHAIRMAN, ATB; PS, FIN; PAS, FIN; PARL SEC; AG; CO-ORD, TSDP

EX MIN 11/859

EX MEM 11/371 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – MICHAEL BRAVER

Mr Foster Rogers, PS, MHA/LANDS joined the Meeting.

The above application was approved in Executive Council on Thursday, 28 October 2010 (EX MIN 10/657). The application is resubmitted to Executive Council for amendment due to a change in the unit no. and the purchase price indicated below.

Council agreed that an Aliens Land Holding Licence should be issued to Michael Braver to hold a strata lot of 991 sq ft with a condominium thereon, on a freehold basis located at Barnes Bay (Block 17810B Parcel 201 SL B202) at a valuation of US\$786,991.00/EC\$2,115,589.21 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\$2,115,589.21	EC\$105,779.46
(ii)	Stamp Duty on Licence – 12.5% of EC\$2,115,589.21	EC\$ Waived
	TOTAL	EC\$105,779.46

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

EX MIN 11/860

EX MEM 11/372 APPROVAL TO HIRE TEMPORARY ANNOUNCERS, FOR 2011 AND 2012 AT THE DEPARTMENT OF INFORMATION AND BROADCASTING

PS, MHA/LANDS remained for discussion.

Council granted permission for two (2) Temporary Announcers to be hired at the Department of Information and Broadcasting for December 2011 and for two (2) Temporary Announcers be hired at the said Department for the year 2012 as necessary.

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

Action: PS, MHA/LANDS; PS, PA; DIR, DIB

EX MIN 11/861

EX MEM 11/373 APPROVAL OF PROGRAMME AND BUDGET FOR THE OBSERVANCE OF THE QUEEN'S DIAMOND JUBILEE CELEBRATIONS, JUNE 4TH, 2012

PS, MHA/LANDS remained for discussion.

Council approved the Programme of Activities and Budget for the observance of the Queen's Diamond Jubilee Celebrations on 4 June 2012 as per attached.

Action: PS, MHA/LANDS; PAS/MHA, PS, FIN; PS, EDICT; ACC GEN

EX MIN 11/862

EX MEM 11/374 APPROVAL OF THE DOG ISLAND RAT ERADICATION PROJECT (DIRP) MEMORANDUM OF UNDERSTANDING FOR SIGNATURE BY THE MINISTER OF ENVIRONMENT

PS, MHA/LANDS remained for discussion.

Council:-

- (i) agreed that the Minister of Environment should sign the Dog Island Rat Eradication Project MoU with immediate effect;

- (ii) agreed that formal letters should be issued to the project partners informing them in writing of the decision to sign the MoU.

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

Action: PS, MHA/LANDS; DIR, ENV; MINS OF GOV'T

EX MIN 11/863

EX MEM 11/375 APPROVAL TO FILL THE VACANT POSITION OF CO-ORDINATOR, ENVIRONMENT AND SUSTAINABLE DEVELOPMENT WITH EFFECT FROM 1 JANUARY, 2012

PS, MHA/LANDS remained for discussion.

Council agreed that the vacant position of Co-ordinator, Environment and Sustainable Development in the Department of Environment should be filled with effect from 1 January 2012.

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

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

EX MIN 11/864

EX MEM 11/376 REIMBURSEMENT OF TELEPHONE BILLS TO HON CHIEF MINISTER

PS, MHA/LANDS remained for discussion.

The Hon CM declared an interest in the matter.

Council agreed that the paper should be deferred for further research.

Action: PS, MHA/LANDS

EX MIN 11/865

EX MEM 11/377 SUPPORT FOR CREATING THE WALLBLAKE HERITAGE CENTRE TOURIST ATTRACTION

PS, EDICT remained for discussion.

Council agreed that the paper should be deferred to the next regular meeting of Executive Council on Thursday 22 December 2011.

Action: PS, EDICT; EXCO MEMBERS

EX MIN 11/866

EX MEM 11/378 EXPULSION ORDER – LESTER LESTRADE

Council agreed that Mr Lester Lestrade, an alien from Dominica who was remanded into prison on 6 April 2009 for indecent assault on a minor should be expelled from Anguilla under Section 2 of the Undesirable Persons, Expulsion Act, R.S.A. c. U5.

Action: HE; COP; SOP; CIO

ORAL MENTION

EX MIN 11/867

EX MIN 11/782 POLICY ON RENEWABLE ENERGY

PAS, FIN remained for discussion.

Further to EX MIN 11/782 of 14 November 2011, Council stressed the importance/urgency of having a Policy on Renewable Energy in place as requests for duty exemption on solar systems were becoming more frequent.

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

EX MIN 11/868

SELECTION OF REGISTRAR, HIGH COURT

Council was informed that Ms Vernetta Richardson, Senior Crown Counsel (Criminal - Acting) in the AG's Chambers had been selected as Registrar of the High Court effective January 2012.

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

EX MIN 11/869

THREAT TO IMPLEMENTATION OF CAPITAL PROJECTS

Council noted a correspondence dated 12 December 2011 from Mr Kenn Banks, Chairman of the Anguilla Air & Sea Ports Authority to the Hon Evan Gumbs, Minister, MICUH on the above matter. The Governor noted that the Hon Minister may wish to raise the issues contained in the letter in due course.

Action: PS, MICUH; HON MIN, MICUH

EX MIN 11/871

EX MIN 11/644 PRESENTATION OF TOURISM MASTER PLAN FINAL REPORT

PS, EDICT and PS, MHA/LANDS remained for discussion.

Further to EX MIN 11/644 of 30 September 2011, Council confirmed its commitment to the decisions taken in the document attached to EX MIN 11/644.

Action: PS, EDICT; CO-ORD, TSDP

EX MIN 11/872

MEETING OF EXECUTIVE COUNCIL

Council agreed that there should be a Special Meeting of Executive Council to be held on Friday 16 December 2011 at 3 p.m. to meet with Mr William Tacon for an update on the developments at Cap Juluca.

Action: PS, MHA/LANDS; PS, EDICT

**2012 ESTIMATES OF
AND CAPITAL**

RECURRENT REVENUE, EXPENDITURE

PS, EDICT and PS, MHA/LANDS remained for discussion. Hon Jerome Roberts, Adviser to the Hon CM, Mrs Kathleen Rogers, PS, FIN and Mrs Gecheal Richardson-Gumbs, CIR joined the Meeting. Mrs Shona Proctor, BO and Ms Valencia Prentice, FO joined later.

Council agreed the final figures of the 2012 Estimates of Recurrent Revenue, Expenditure and Capital for presentation to the House of Assembly scheduled for Friday 16 December at 10:00 am.

The figures are as follows:-

- 1) Recurrent Revenue - EC\$189,649,817.00
- 2) Recurrent Expenditure - EC\$183,505,404.00
- 3) Capital - EC\$ 28,211,952.00

Action: PS, FIN; PS, EDICT; PAS, FIN; BO
