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MINUTES OF THE 140TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 21ST FEBRUARY 2013

- PRESENT: His Excellency the Governor, Mr Alistair Harrison
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education
- The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries
- The Honourable Attorney General, Mr James Wood
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Dr Bonnie Richardson-Lake, PS, HSD
Ms Mary Clare Haskins, Crown Counsel
Mr Ivor Greene, SCC (Civil)
Hon Haydn Hughes, Parliamentary Secretary
Mr Foster Rogers, PS, EDICT
Mr Perin Bradley, TIO
Mr Steve McCready, Chief of Staff, Governor's Office
Mr Larry Franklin, PS, MICUH
Mr Crefton Niles, DIR, PU
Mr Euston Richardson, Finance Officer
- ABSENT: The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

EX MIN 13/124 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 139th Meeting held on Thursday 14th
February 2013 and the Minutes of a Special Meeting held on Friday 15th February
2013.

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MATTERS ARISING FROM THE MINUTES

EX MIN 13/125

EX MIN 13/118 EX MEM 13/52 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – MALLIOUHANA (E.C.) LTD. [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, 223/1, 222/1 (LEASEHOLD)]

Council agreed that the third paragraph of EX MIN 13/118 of 14th February 2013 should be amended as follows:-

Council further agreed that the Hon Attorney General would be required to ensure the proper transfer of the shares.

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

EX MIN 13/126

EX MIN 13/122 A BILL FOR PUBLIC SERVICE SALARIES (TRANSITIONAL MEASURES) ACT, 2013

Council agreed that EX MIN 13/122 of 15 February 2013 should be amended as follows:-

A BILL FOR PUBLIC SERVICE SALARIES (TRANSITIONAL MEASURES) ACT, 2013

The following Officials joined the Meeting:-

Hon Jerome Roberts, Adviser to the Hon CM
Dr Bonnie Richardson-Lake, PS, HSD
Ms Aurjul Wilson, PS, MHA/LANDS
Mrs Chanelle Petty-Barrett, PS, ELSYC
Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, FIN
Mr Larry Franklin, PS, MICUH

As agreed in EX MIN 13/121 of 14th February 2013, the new draft Bill was presented to Executive Council for further consideration. Before discussion of the Bill, the Hon Attorney General stated that:-

- 1) The AG's Chambers need time to go through such matters in a proper manner;
- 2) No Bill is a product of an individual;
- 3) The new draft Bill has the approval of the Chambers.

The Attorney General expressed his gratitude and appreciation to the Officers who worked assiduously to prepare the new draft document.

Council discussed at length the new draft Bill and agreed that the Meeting should be adjourned and it reconvened at 1:15 pm.

On the resumption of Executive Council, the following Officials returned for discussion:-

Hon Jerome Roberts, Adviser to the Hon CM
Dr Bonnie Richardson-Lake, PS, HSD
Ms Aurjul Wilson, PS, MHA/LANDS
Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, FIN
Mr Larry Franklin, PS, MICUH
Mr Foster Rogers, PS, EDICT

Ms Valencia Prentice, Accountant General (Acting) was invited to attend the Meeting to give clarification to particular issues and subsequently left.

Council:-

- (i) agreed that the title "Public Service Salaries (Temporary) Reduction Act, 2013" should be retained;
- (ii) instructed the AG's Chambers to incorporate the agreed matters/issues into the Bill for gazetting next week.

Action: EXCO MEMBERS; PERM SECS

EX MN 13/127

EX MEM 13/31 DR. CLAUDE ILIOU'S WORK PERMIT

Dr Bonnie Richardson-Lake, PS, HSD joined the Meeting.

Further to EX MIN 13/88 of 7th January 2013, Council agreed that Dr. Iliou's work permit should be extended for three months effective 21st February 2013 while the matter is discussed further.

Action: PS, HSD; PS, LABOUR

EX MIN 13/128

EX MEM 13/35 WORK PERMIT POLICY

Further to EX MIN 13/90 of 7th January 2013, Council agreed that the matter should be further deferred.

Action: HON CM

EX MIN 13/129

EX MEM 13/48 LOAN FOR THE ANGUILLA COMMUNITY COLLEGE

Further to EX MIN 13/114 of 14th January 2013, Council agreed that the matter should be further deferred.

Action: PS, ELSYC

EX MIN 13/130

EX MEM 13/51 IMMEDIATE SUSPENSION OF ANGUILLA RENEWABLE ENERGY INTEGRATION PROJECT

Further to EX MIN 13/117 of 14th January 2013, Council agreed that the matter should be further deferred.

Action: PS, MICUH; DIR, PU

EX MIN 13/131

EX MEM 13/54 WEBSTER’S MANAGEMENT GROUP LTD V AG

Mr Ivor Greene, SCC (Civil), Dr Bonnie Richardson-Lake, PS, HSD and Ms Mary Clare Haskins, Crown Counsel joined the Meeting.

Council agreed to pay EC\$1,270,000.00 (inclusive of legal fees) to settle the claim brought by Webster’s Management Group Ltd. Council further agreed that an initial payment of \$150,000.00 be made and the balance paid over a two year period of the initial payment.

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

EX MIN 13/132

EX MEM 13/55 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT FOR HOTEL OWNER ANGUILLA LTD. TO HOLD A REGISTERED CHARGE OVER PROPERTY REGISTERED AS REGISTRATION SECTION: WEST END; BLOCK: 8011B; PARCEL 3

Council confirmed the decision taken by round robin on 18th February 2013 to grant an Aliens Land Holding Licence under Section 4 of the Aliens Land Holding Licence Regulations Act, RSA, CA55 to Hotel Owner Anguilla Ltd. under the following terms and conditions:-

- (a) to allow the registration of a Charge in favour of Hotel Owner Anguilla Ltd. over property described as Registration Section West End Block 18011 B Parcel 3:
 - i) Stamp Duty on Licence in accordance with Aliens Land Holding Licence Regulations Act EC\$14,516,280.00 = EC\$ 500.00
 - ii) Stamp Duty on Charge @ 1% of EC\$14,516,280.00 = EC\$145,162.80

TOTAL	=	----- EC\$145,662.80 =====
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Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 13/133

EX MEM 13/56 FURTHER EXTENSION OF THE SOLID WASTE MANAGEMENT CONTRACTS

PS, HSD remained for discussion. Mr Ivor Greene, SCC (Civil) and Ms Mary Clare Haskins, Crown Counsel remained for discussion.

Council approved the extension of all solid waste management contracts to 15th March 2013 and, if it becomes necessary for further extension, until 31st March 2013.

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

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

EX MIN 13/134

EX MEM 13/57 APPLICATION FOR DUTY EXEMPTION FOR TROPICAL TREATS

Mr Euston Richardson, Finance Officer joined the Meeting.

Council agreed that full duty exemption should be granted to Tropical Treats (c/o Mr Kyle Hodge) on the attached list of items (inclusive of consumables). Council further agreed that full duty exemption should be granted to Tropical Treats for two (2) years effective 30th January 2013.

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

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

EX MIN 13/135

EX MEM 13/58 APPLICATION FOR DUTY EXEMPTION FOR BLOWING POINT SAILING GROUP

Finance Officer remained for discussion.

Council agreed that duty exemption should be granted to Blowing Point Sailing Group (c/o Mr Curtis Richardson) on two (2) flag poles to be used for the assembling of a mast for one of the racing boats.

The assessed duty loss to the GoA is EC\$2,688.20.

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

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

EX MIN 13/136

EX MEM 13/59 APPLICATION FOR DUTY EXEMPTION FOR FABIAN FISHING SUPPLIES

Finance Officer remained for discussion.

Council agreed that duty exemption should be granted to Fabian Fishing Supplies

(c/o Mr Keith Fabian) on the attached list of items. Council further agreed that the following items should be duty paid:-

- 1) Bathroom Tissue
- 2) Plastic Garbage bags
- 3) Mattress

The assessed duty loss to the GoA is EC\$18,903.50.

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

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

EX MIN 13/137

EX MEM 13/60 TRANSFER OF SEVENTY-FIVE PERCENT OF COLLECTED EMBARKATION TAX TO THE AASPA

Messrs Larry Franklin, PS, MICUH and Crefton Niles, DIR, PU joined the Meeting.

Council approved a 75:25 (AASPA:GoA) split of the Embarkation Tax effective 1st January 2013.

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

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

EX MIN 13/138

EX MEM 13/61 PAYMENT OF AVIATION SAFETY REGULATIONS SERVICES

PS, MICUH and DIR, PU remained for discussion.

Council:-

- (i) approved a partial payment from the provisional budget of Anguilla's contribution to the aviation safety regulation services provided by UK's Department for Transport;
- (ii) agreed that the amount to be paid for the first instalment and subsequent instalments should be worked out by the technical officers in MFEDICT

and MICUH after consultation with the UK's Department for Transport.

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

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

EX MIN 13/139

EX MEM 13/62 PROPOSED AMENDMENTS TO THE FIRE AND RESCUE SERVICE ACT

PS, MICUH and DIR, PU remained for discussion.

Council:-

- (i) approved the amendments to Section 6 and Schedule 1 of the Fire and Rescue Service Act, 2013;
- (ii) approved the Fire and Rescue Service Regulations, 2013
- (iii) agreed that the Bill for the Fire and Rescue Service (Amendment) Act, 2013 should be given its first reading at the next sitting of the House of Assembly.

Action: PS, MICUH; CFO

EX MIN 13/140

EX MEM 13/63 APPOINTMENT OF LUXURY BRANDING STRATEGIST AT MINISTRY OF TOURISM

Hon Haydn Hughes, Parliamentary Secretary and Mr Foster Rogers, PS, EDICT joined the Meeting.

Council:-

- (i) agreed to the formalization of the contract between the Ministry of Tourism and The Britto Agency (TBA) for the period July 2012 to February 2013 for services rendered with regard to P.R. Services in the U.S.A. The cost will be the same at the proposed contracted cost with the Anguilla Tourist Board (ATB) for which TBA was paid up to June 2012 (US\$8,000.00 per month);
- (ii) agreed that the Ministry should seek Council's approval regarding future arrangements with TBA;
- (iii) agreed in principle to the establishment of the Tourism Plan Accountability Oversight Committee (TPAOC) with terms of reference to be submitted to Executive Council for consideration.

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

8
EX MIN 13/141

EX MEM 13/64 APPLICATION FOR DUTY EXEMPTION FOR MOONSPLASH

Finance Officer remained for discussion.

Council agreed that duty exemption should be granted for Moonsplash (c/o Mr Bankie Banks) on the attached list of items following payment of his dishonoured cheque.

Council noted that this was an annual event and raised concern with regard to the late submission/last minute request to Executive Council for consideration of duty exemption.

The assessed duty loss to the GoA is US\$3,506.50.

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

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

EX MIN 13/142

EX MEM 13/65 FILLING OF VACANCY – REFERENCE LIBRARIAN

Council noted that the post of Reference Librarian at the Anguilla Public Library will become vacant due to the retirement of the Officer in April 2013. Council agreed that the post of Reference Librarian in the APL should be filled.

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

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

ORAL MENTION

EX MIN 13/143

MINISTERIAL APPOINTMENT

HE The Governor informed Council that Hon Walcott Richardson, Minister of Home Affairs had resigned his ministerial post due to the increased allegations of indecent assault against him. Mr Richardson tendered his resignation to the Hon Chief Minister on Thursday 21st February 2013. The Governor, in accordance with Section 24 (2) of the Constitution and acting on the advice of the Hon Chief Minister appointed Mr Jerome Roberts, elected member for Sandy Hill as successor to Mr Walcott Richardson. The Governor wished Mr Roberts well in his new position.

Action: EXCO MEMBERS

EX MIN 13/144

MEETING OF HOUSE OF ASSEMBLY

Council agreed that the next meeting of the House of Assembly should be held on Thursday 28th February 2013 at 10:00 am.

Action: SPEAKER, HOA; CL, HOA

EX MIN 13/145

MEETING OF EXECUTIVE COUNCIL

Council agreed that, due to the meeting of the HoA scheduled for Thursday 28th February, the regular meeting of Executive Council should be held on Wednesday 27th February at 9:00 am.

Action: EXCO MEMBERS

EX MIN 13/146

EX MIN 13/102 REQUEST BY HON CHIEF MINISTER

Further to EX MIN 13/102 of 7th February 2013, Council concurred with the request by the Hon Chief Minister that Ms Aurjul Wilson, PS, MHA/LANDS continues to carry the portfolio of Labour and Immigration.

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

Action: HON CM; PS, MHA/LANDS

EX MIN 13/147

ORAL BRIEFING ON INTERNATIONAL CO-OPERATION IN TAX MATTERS

Messrs Perin Bradley, TIO and Steve McCready, Chief of Staff, Governor's Office joined the Meeting.

Council was briefed on International Co-operation in Tax matters.

Action: TIO; PS, FIN; PS, EDICT

EX MIN 13/148

LEGAL REPRESENTATION

Council agreed that Messrs Sharmal Thomas Carty and Ishan Brooks who were both charged with attempted murder should be granted legal representation. Council further agreed that if individual representation is sought, the cost should be no more than US\$5,000.00 each and if one lawyer represents both men, the cost should be no more than \$8,000.00.

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