

UNCLASSIFIED

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No:

MINUTES OF THE 144TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 21ST MARCH 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 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: Mrs Chanelle Petty-Barrett, PS, ELSYC
Mr Foster Rogers, PS, EDICT
Mr Perin Bradley, TIO
Mr Gifford Connor, DLS
Ms Mary Clare Haskins, Crown Counsel
Dr Aidan Harrigan, PS, FIN
Ms Brenda Hughes, Debt Manager
Ms Anthea Ipinson, Chief Projects Officer

ABSENT: The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education

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

EX MIN 13/192 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 143rd Meeting held on Thursday 14th March
2013.

UNCLASSIFIED

MATTERS ARISING FROM THE MINUTES

EX MIN 13/193

EX MIN 13/179 EX MEM 13/85 APPOINTMENT OF MEMBERS OF THE BOARD OF THE ANGUILLA SOCIAL SECURITY BOARD (ASSB)

Further to EX MIN 13/179 of 14th March 2013, Council noted that Ms Lena Sasso who was appointed as the 7th person to sit on the ASSB will be serving as the GoA's representative.

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

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

EX MIN 13/194

EX MIN 13/187 EX MEM 13/93 BLOWING POINT PORT EXPANSION PROJECT; ACQUISITION OF PROPERTY FROM MITCHELL CONNOR ET AL: SECTION WEST CENTRAL, BLOCK 28409 B, PARCEL 39

Messrs Foster Rogers, PS, EDICT, Gifford Connor, DLS, Perin Bradley, TIO and Ms Mary Clare Haskins, Crown Counsel joined the Meeting.

Further to EX MIN 13/187 of 14th March 2013, Council needed further clarification with regard to sub-paragraphs (iii) and (iv) of the minute. Council agreed that the Meeting will be adjourned to reconvene at 2:00 p.m. Council tasked the Officials to return to Executive Council with a recommendation.

PS, EDICT, DLS and CC returned for discussion.

On the resumption of Executive Council, Council agreed that:-

- (i) title of the property will be transferred to the Crown after payment of the 50% deposit. The Attorney General's Chambers is instructed to include in the Sales and Purchase Agreement (SPA) a disclaimer (release and waiver) that releases the Government of any liability for any damages which may occur during the occupation of the property by Mr Mitchell Connor;
- (ii) the Attorney General's Chambers is requested to ensure that the SPA includes a clause that indicates that the continued use of the property by Mr. Connor's tenants during the period of the agreement does not constitute a Licence by Government for the tenants to continue their use of the place subsequent to September 30, 2013 when the tenants are expected to vacate the property;
- (iii) before the payment of the deposit, the DLS is instructed to ensure that Mr. Mitchell Connor obtains a new Power of Attorney that authorises him to sell the property on behalf of his brothers under the present circumstances in light of the fact that the current Power of Attorney only gives power to Mr Mitchell Connor to act upon compulsory acquisition by Government;

- (iv) a charge will be placed on the property in favour of the proprietor and that the fees to cover the registration of the charge will be paid to Mr. Connor in addition to the 50% deposit.

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

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

EX MIN 13/195

EX MEM 13/95 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ULDEAN ELDALE TRIM & PAUL UCLIFF TRIM (REGISTRATION SECTION: NORTH CENTRAL; BLOCK: 48813 B; PARCEL 102)

Council agreed to issue an Aliens Land Holding Licence to Uldean Eldale Trim and Paul Ucliff Trim to jointly hold on a freehold basis property described as Registration Section North Central, Block 48813 B Parcel 102, subject to payment of the following stamp duty:-

(i)	under the Stamp Act – 5% of EC\$21,505.60	EC\$1,075.28
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$21,505.60	Exempted
	TOTAL	----- EC\$1,075.28 =====

Council further agreed to a waiver on the eighteen (18) month time period of development.

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

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

EX MIN 13/196

EX MEM 13/96 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ADRIEN RONALD ALEXSON & JEANETTE MARY ALEXSON (REGISTRATION SECTION: EAST END; BLOCK: 99415 B; PARCEL 356)

Council agreed to issue an Aliens Land Holding Licence to Adrien Ronald Alexson & Jeanette Mary Alexson to jointly hold on a freehold basis property described as Registration Section East Central, Block 99415 B Parcel 356, subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$471,779.10	EC\$23,588.96
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$471,779.10	EC\$58,972.39
	TOTAL	----- EC\$82,561.35 =====

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

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

EX MIN 13/197

**EX MEM 13/97 APPEAL AGAINST PLANNING PERMISSION –
KENNETH HARRIGAN**

Council agreed that a site visit should be made to the proposed development at Shoal Bay (Block 89118 B Parcel 21) so that a more informed decision could be taken regarding the appeal against planning permission submitted by Mr Kenneth Harrigan.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/198

EX MEM 13/98 APPEALS AGAINST PLANNING PERMISSION

On Friday 15th March 2013, relevant members of Executive Council and other key personnel undertook site visits to the following developments:-

Travis and Lenia Simpson - Water Park - Meads Bay Beach: Mr. Simpson was advised to negotiate with the owners of the adjacent lands in order to obtain a legal Right-of-way to the proposed development, and to include provisions for a portable toilet facility, thereafter he must obtain the necessary planning approvals from the Land Development Control Committee.

Goblins Retreat - Villa project - Long Bay: Members were mindful not to approve this planning appeal application on the grounds that the proposed 6 feet setback from the Right-of-way is unacceptable. The proposed development has not started to be built and therefore the Developer has an option to adjust the plans for the proposed building in order to accommodate the 16 feet setback from the Right-of-way as stipulated by the Land Development Control Act.

Kenneth Vanterpool - BBQ Tent - The Valley: Members were mindful to approve this planning appeal subject to the applicant moving the tent back from the roadside a sufficient distance so as to accommodate vehicles parking along the

front of the structure, off the road. In addition the applicant was advised that he should negotiate with the Rastafarian Community who are the custodians of the adjacent Crown Lands; in order to obtain permission to locate a portable toilet facility on the property.

George Hodge - Heritage Village - Mimi Bay: Members were mindful to approve this planning appeal subject to the applicant ensuring that the tents provided for use by tenants are properly secured from the effects of adverse weather conditions during storms. Additionally, provisions must be made for portable toilet facilities, and portable water supply on the property.

Benedict Hodge - Dwelling House - The Quarter: Members were mindful to approve this planning appeal on the grounds that the applicant had compromised with Government by giving permission for use of his access road to be deemed a Right-of- way for the owners of the neighbouring properties and the general public.

Keith Fabian - Mobile Container- Island Harbour: The members were mindful to approve this planning appeal subject to the applicant ensuring that the mobile container is properly secured against the effects of adverse weather conditions during storms.

Council noted the information above, following the site visits, and agreed that the appeals against planning permission in respect of Messrs Kenneth Vanterpool, Benedict Hodge, George Hodge and Keith Fabian should be allowed, subject to compliance with the agreed requirements.

In the case of Travis and Lenia Simpson and Goblins Retreat, Council agreed that their appeals will be further considered once they have complied with the requirements outlined by the Land Development Control Committee.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/199

EX MEM 13/99 FILLING OF VACANCIES - CURRICULUM OFFICER MATHEMATICS AND GUIDANCE COUNSELLOR

Mrs Chanelle Petty-Barrett, PS, ELSYC joined the Meeting.

Council agreed that the following positions should be filled in the Education Department for the following reasons:-

- 1) Curriculum Officer Mathematics – the appointment of the officer who currently holds the post of Curriculum Officer Mathematics ends on 31st July 2013;
- 2) Guidance Counsellor, ALHCS – a Guidance Counsellor at the ALHCS has resigned effective June 2013. This will reduce the number of Counsellors at

the main campuses to three which is inadequate to address the needs of the student population.

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

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

EX MIN 13/200

EX MEM 13/100 ENDANGERED ARCHIVES PROJECT

PS, ELSYC remained for discussion.

Council noted that the Anguilla Archaeological and Historical Society (AAHS) has obtained a grant from the British Library under the Endangered Archives Programme to conduct a survey of archival sources in Anguilla. The Project, which is entitled, "Safeguarding Anguilla's heritage: A survey of Endangered Records in Anguilla" aims to identify and digitize a variety of archival records pre-dating Anguilla's recent development (up to and including the Anguilla Revolution) resulting in a preliminary listing and web resource open to the wider community. Where possible, records that are in danger will also be placed in appropriate archival containers and relocated in safe storage. The Project is expected to run for three months from April to June 2013 and will be conducted by two British archivists.

Council:-

- (i) endorsed the Project;
- (ii) approved work permit exemptions for the archivists;
- (iii) approved a waiver of duties and charges on equipment imported for the Project (equipment will remain with the AAHS);
- (iv) approved office space for the archivists which should be large enough for sorting, cataloguing and filming records;
- (v) agreed that the archivists should have access to Government buildings and records;
- (vi) agreed to movement of records, if necessary, to more secure buildings under Government control;
- (vii) further agreed that all public officers should co-operate with the archivists.

Council also agreed that Government's focal point for the Project should be the Director of Library Services who can oversee and support the Project on behalf of Government and that a staff member of the Department of Library Services should work along with the Project Team to gain some expertise in this area.

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

Action: PS, ELSYC; DIR, LS; OTHER PERM SECS

EX MIN 13/201

EX MEM 13/101 PROPOSED AMENDMENTS TO POLICE PENSION LEGISLATION

Council agreed that the matter be deferred.

Action: PS, FIN; PS, PA

EX MIN 13/202

EX MEM 13/102 APPLICATION FOR DUTY EXEMPTION FOR COMPUTER SUPER STORE

Dr Aidan Harrigan, PS, FIN joined the Meeting.

Council agreed that duty exemption should be granted to the Computer Super Store (c/o Mr and Mrs Elias and Candis Mkoba) on shelving and related amenities that will assist them to furnish the new building which they recently constructed.

The assessed duty loss to the GoA is EC\$17,484.70.

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

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

EX MIN 13/203

EX MEM 13/103 AMENDMENT TO EXCO MINUTE 13/95 TO EXCHANGE CROWN LAND TO ACQUIRE RIGHT OF WAY DEVELOPER TO ACQUIRE RIGHT OF WAY – ACCESS ROAD TO ROYALE CARIBBEAN RESORT LTD.

PS, EDICT, DLS and CC remained for discussion. Mr Perin Bradley, TIO joined the Meeting.

Council agreed that Section (ii) of EX MIN 13/95 of 7th February 2013 should be amended as follows:-

- (ii) the exchange of Crown land containing 0.25 acre described as Lot I in Registration Section West Central Block 28211 B part of Parcel 440 on Survey Plan LS08-13 in exchange for Lot 2 on Survey Plan LS 05-13 containing 0.25 acre being a 20 foot Right of Way being part of Parcel 456 on Block 38612 B in Registration Section South Central.

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

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

EX MIN 13/204

EX MEM 13/104 (i) TO AMEND EX MIN 10/438 (ii) TO AMEND THE REGISTERED LAND ACT TO PUT A TIME LIMIT ON CAUTIONS

PS, EDICT, TIO, DLS and CC remained for discussion.

Council:-

- (i) agreed to amend EX MIN 10/438 of 22 July 2010 to allow the nominal Stamp Duty fee to apply only to a Transfer of Charge between lending institutions regulated under the Eastern Caribbean Central Bank (ECCB) and the Anguilla Development Board and the Anguilla Mortgage Company and that the nominal fee would also apply to a charge by way of substitution of one property for another (Substituted Security);

- (ii) instructed the Attorney General's Chambers to draft the necessary bills to:
 - a) amend the Stamp Act to ensure that a nominal Stamp Duty fee in the amount of EC\$200.00 will only apply to a Transfer of Charge between lending institutions regulated under the ECCB and the Anguilla Development Board and the Anguilla Mortgage Company and also the same nominal fee of EC\$200.00 to a charge by way of or substitution of one property for another;
 - b) agreed that the Registered Land Rules should be amended to include an RL Form for Charge by way of Substituted Security;
 - c) agreed that the Registered Land Act, RSA CR30 should be amended to place an expiration time of six (6) months (with an option to renew) on the registration of Cautions.

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

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

EX MIN 13/205

EX MEM 13/105 FRAMEWORK FOR FISCAL RESPONSIBILITY (FFR) – UPDATE AND ISSUE FOR DISCUSSION

PS, FIN and PS, EDICT remained for discussion. Ms Brenda Hughes, Debt Manager and Ms Anthea Ipinson, Chief Projects Officer joined the Meeting.

Council agreed that:-

- 1) the rating proposals and baseline scenario with regard to the Framework for Fiscal Sustainability & Development (FFSD) should be emailed to Mr Steve Johnson, Economist, FCO;
- 2) a teleconference be held on Friday 22nd March 2013 at 8:30 am with FCO to discuss:-

- a) the Rating Proposals
- b) the Debt Service Ratio/Recurrent Revenue
- c) Transitional period
- d) Review Clause

Council further agreed that there would be a Special Meeting of Executive Council on Friday 22nd March at 11:00 am for further discussion on the FFR/FFSD.

Action: PS, FIN; PS, EDICT; DM; CPO

ORAL MENTION

EX MIN 13/206

EX MIN 13/80 PERMISSION TO ADVERTISE POSTS IN THE AG'S CHAMBERS

With reference to EX MIN 13/80 of 1st February 2013, Council confirmed that the

minute should reflect that the two (2) new positions of Senior Parliamentary Counsel in the AG's Chambers should be filled.

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

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

EX MIN 13/208

REQUEST FOR COPY OF LEGAL ADVICE

The Hon Attorney General informed Council that he had received a request from Ms Tara Ruan, Solicitor, Caribbean Juris Chambers & Chairman of the Health Authority of Anguilla for a copy of the legal advice from Mr Anthony Astaphan with regard to the deferred salary payments for public servants.

Council agreed that Mrs Ruan should not be granted a copy of the document, but if she wants clarity on a specific area regarding the advice, the AG's Chambers could, if appropriate, provide that information.

Action: AG

EX MIN 13/209

ANGUILLA NOMINEE TO SERVE ON THE ECCB TECHNICAL COMMITTEE ON ENERGY POLICY

Council confirmed the decision taken by electronic mail on 15th March 2013 that Mr Crefton Niles should be appointed as Anguilla's nominee to serve on the ECCB Technical Committee on Energy Policy.

Action: PS, MICUH; DIR, PU
