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MINUTES OF THE 155TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 26TH JUNE 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 and Minister of Social Development, Health, Sports
and Education
- 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: Mr Timothy Hodge, Director, Social Security Board
Mrs Monifa Brooks-Gumbs, Accountant, Public Service Pension Fund (PSPF)
Mrs Charissa-Ann Busby, Administrative Officer, PSPF
Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, FIN
Mrs Chanelle Petty-Barrett, PS, ELSYC
Mr Benjamin Jeffs, Archivist
Mr Euston Richardson, Finance Officer
Mr Foster Rogers, PS, EDICT
- ABSENT: The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

EX MIN 13/428

CONFIRMATION OF THE MINUTES

Council confirmed the Minutes of the 154th Meeting held on Monday 10th June and the Minutes of Special Meetings held on Tuesday 11th June, and Tuesday 18th June 2013. Council agreed that the Minutes of the Special Meeting held on Wednesday 12th June 2013 should be deferred for confirmation at Executive Council on Thursday 11th July.

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EX MIN 13/430 **EX MEM 13/189 ADVERTISING OF PRISON OFFICER VACANCY**

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

Council agreed that the paper should be deferred.

Action: PS, HSD

EX MIN 13/431 **EX MEM 13/190 CREATION OF A PRISON OFFICER/NURSE POST**

PS, ELYSC remained for discussion.

Council approved the creation of a Prison Officer/Nurse Post at HM Prison. Council noted that the Officer/Nurse would provide daily medical care in the prison and also conduct Prison Officer duties at other times of the day.

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

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

EX MIN 13/432 **EX MEM 13/192 APS EFFICIENCY REVIEW – THE FUTURE OF THE IDENTITY SERVICES ONE STOP SHOP**

Council agreed that the paper should be deferred to the next regular meeting of Executive Council to be held on Thursday 11th July.

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

EX MIN 13/433 **EX MEM 13/194 APPOINTMENT OF A CHIEF PROCUREMENT OFFICER TO MANAGE THE AFFAIRS OF THE CHIEF PROCUREMENT UNIT**

Council agreed that the matter should be deferred and considered at the meeting of Executive Council on Thursday 11th July.

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

EX MIN 13/434 **EX MEM 13/196 TRAINING OF PRE-SCHOOL TEACHERS**

PS, ELYSC remained for discussion.

Council agreed that:-

- (i) Government meets the cost of the Associate Degree in Early Childhood Education at the Anguilla Community College for a maximum of fifteen pre-school teachers in each training cohort, save for the following contribution from teachers:-
 - (a) Belongers – EC\$1,500.00 obtained by deducting EC\$53.60 per month for 28 months from the stipend paid to them by Government;
 - (b) Non-belongers - EC\$2,800.00 obtained by deducting EC\$100.00 per month for 28 months from the stipend paid to them by Government.

Council further agreed that the teachers be bonded to work in the sector for a period of one year after completion of the training.

Action: PS, ELSYC; PS, PA; PS, FIN; PS, EDICT; CEO; ACC GEN

EX MIN 13/435

EX MEM 13/197 IMPLICATIONS OF THE WASTE TO ENERGY PROJECT ON THE LANDFILL SITE CONTRACT

PS, ELYSC remained for discussion.

Council agreed that the existing contract for the Corito Landfill Management should be extended to 31st July 2013. Council further agreed that the other recommendations for consideration should be deferred to the meeting of Executive Council on 11th July.

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

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

EX MIN 13/436

EX MEM 13/204 ADVERTISING FOR HM PRISON TUTOR POST DUE TO RESIGNATION

PS, ELYSC remained for discussion.

Council:-

- (i) noted that HM Prison Tutor has tendered her resignation effective 27th August 2013 in order to pursue further education;
- (ii) agreed to the immediate advertising of the HM Prison Tutor post.

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

EX MIN 13/437

EX MEM 13/205 ANGUILLA TEACHERS' UNION – INDUSTRIAL

ACTION

PS, ELYSC remained for discussion.

Council agreed that the paper be deferred to enable further discussion with teachers in light of the advice of the Hon Attorney General.

Action: PS, ELSYC

EX MIN 13/438

**EX MEM 13/206 CONTRACT WITH PARTNERS IN CHANGE
MANAGEMENT AND HEALTHCARE ADMINISTRATION (PCMHA)
TO UNDERTAKE A FEASIBILITY STUDY AND SUBSTANCE ABUSE
PREVALENCE STUDY**

PS, ELYSC remained for discussion.

Council:

- (i) approved the signing of the contract with PCMHA;
- (ii) agreed that the Hon Chief Minister and Minister of Social Development and Health signs the contract on behalf of the Government of Anguilla.

Action: PS, HSD; HON CM/MIN, SOC DEV

EX MIN 13/439

**EX MEM 13/207 FURTHER EXTENSION OF THE SOLID WASTE
COLLECTION CONTRACTS**

PS, ELYSC remained for discussion.

Council approved the extension of the solid waste collection contracts to 31st July 2013.

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

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

EX MIN 13/440

**EX MEM 13/208 IMPLICATIONS OF THE WASTE TO ENERGY
PROJECT ON THE LANDFILL SITE CONTRACT**

Council noted that this paper was on the agenda previously (EX MEM 13/197 of 10th June 2013).

Action: CLERK, EXCO

EX MIN 13/441

**EX MEM 13/209 ADVERTISING OF THE SENIOR WATER
LABORATORY TECHNOLOGIST POST**

PS, ELYSC remained for discussion.

Council noted that the Senior Water Laboratory Technologist in the Department of Health Protection has tendered her resignation effective 1st August 2013.

Council approved the advertising and filling of the Senior Water Laboratory Technologist in the Department of Health Protection.

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

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

EX MIN 13/442

EX MEM 13/210 APPLICATION FOR DUTY EXEMPTION FOR A & A TRUCKING SERVICES

Mr Euston Richardson, Finance Officer joined the Meeting.

Council agreed that duty exemption should be granted to A & A Trucking Services (c/o Mr Allister Richardson) on a truck. Council noted that Mr Richardson was a part of the tendering process offering solid waste collection and disposable services.

The assessed duty loss to the GoA is EC\$18,951.81.

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

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

EX MIN 13/443

EX MEM 13/211 APPLICATION FOR DUTY EXEMPTION FOR FRANGIPANI BEACH RESORT

Finance Officer remained for discussion.

Council agreed that duty exemption should be granted to Frangipani Beach Resort (c/o Mr Scott Kircher) on solar energy equipment.

The assessed duty loss to the GoA is EC\$5,533.86.

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

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

EX MIN 13/444

EX MEM 13/212 APPLICATION FOR DUTY EXEMPTION FOR TERRY BRADYAND MELINDA GODDARD

Finance Officer remained for discussion.

Council agreed that the paper be deferred for discussion with the Ministry of Finance, the applicants and ANGLEC.

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

EX MIN 13/445

**EX MEM 13/213 UNITED NATIONS DEVELOPMENT PROGRAMME
MULTI COUNTRY PROGRAMME ACTION PLAN (M-CPAP) FOR
BARBADOS AND THE OECS 2012-2016**

Mr Foster Rogers, PS, EDICT joined the Meeting.

Council:-

- (i) agreed that the Government of Anguilla should become a signatory to, and an active participant in the Multi- Country Action Plan (M-CPAP) Barbados and the OECS 2012-2016;
- (ii) agreed that the Government of Anguilla should designate participation in the Programme and the associated procedures and tasks necessary for this purpose, a high priority, as there are many benefits that can accrue to Anguilla; (the programme component is attached)
- (iii) authorised the PS, EDICT to sign the document on behalf of the Government of Anguilla.

Action: PS, EDICT; PS, FIN; CPO

EX MIN 13/446

EX MEM 13/214 URGENT/ADDITIONAL FINANCIAL ASSISTANCE

Council:-

- (i) agreed that Miss Janet Lake, a Belonger of Anguilla is eligible for urgent/additional financial assistance in accordance with the policy and should be granted urgent/additional financial assistance in the sum of EC\$15,000.00 to complete a degree in Humanities and Education, History and Philosophy of Education at UWI, Barbados;
- (ii) noted that Miss Natasha Webster, a Belonger of Anguilla did not meet the criteria under the policy, but nonetheless agreed that she should be granted the sum of EC\$7,500.00 to assist her in settling some financial obligations related to the completion of her studies before leaving the USA;
- (iii) noted the Hon Minister of Home Affairs declaration of interest that Ms Shirmel Browne, a Belonger of Anguilla is his cousin. Council was informed that Ms Browne was not in a matriculated programme at a University or College and thus did not meet the criteria. Council however, noted that the Committee responsible for reviewing the applications indicated that there might be some merit in revisiting the policy to reflect

internships or other valid needs relevant to being properly equipped to practice one's profession. Council agreed that the policy should be revisited accordingly.

Council further noted that Ms Browne is requesting EC\$29,600.00 to complete her internship and agreed to grant her urgent/additional financial assistance in the sum of EC\$15,000.00. Council further agreed that no financial assistance is given to Ms Browne unless she demonstrates that she has the capacity to fund the remaining balance;

- (iv) noted that Mr Asharn Hodge, a Belonger of Anguilla has been granted a scholarship from UWI, Barbados to pursue a Degree in Accounting & Economics for four years. Unfortunately, the scholarship is not fully funded. Council was minded to grant Mr Hodge urgent/additional financial assistance in the sum of EC\$15,000.00. This matter was not considered by the Committee responsible for reviewing applications for urgent/additional financial assistance.
- (v) noted an application from Mr Kumakie Parris for urgent/additional financial assistance to pursue a Bachelor of Arts in Psychology and Human Services at Argosy University in Tampa, Florida. Council agreed to give further consideration to his request when Executive Council meets on 11th July 2013. This matter was not considered by the Committee responsible for reviewing applications for urgent/additional financial assistance.

Council also agreed that all applications should be brought to Executive Council for consideration whether or not they meet the requirements of the established policy.

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

Action: HON DG; PS, PA, PS, FIN; PS, EDICT; TRNG OFF; ACC GEN

EX MIN 13/447

EX MEM 13/215 REVIEW OF THE ANGUILLA ROADS ACT

Council agreed that the paper should be deferred and considered at the meeting of Executive Council to be held on Thursday 11th July 2013.

Action: PS, MICUH

EX MIN 13/448

**EX MEM 13/216 APPROVAL AND PUBLICATION OF FINAL REPORT
"SUPPORT TO THE ANGUILLA AIR AND SEA PORTS AUTHORITY"**

Council agreed that the paper should be deferred and considered at the meeting of

Executive Council to be held on Thursday 11th July 2013.

Action: PS, MICUH

EX MIN 13/449

**EX MEM 13/217 REQUEST FROM THE ANGUILLA
ARCHAEOLOGICAL AND HISTORICAL SOCIETY TO PAINT A
MURAL ON THE STANDBY GENERATOR HOUSE AT CROCUS HILL**

Council agreed that the paper should be deferred and considered at the meeting of Executive Council to be held on Thursday 11th July 2013.

Action: PS, MICUH

EX MIN 13/450

**EX MEM 13/218 FIRE PRECAUTIONS AND SAFETY
REGULATIONS, 2013**

Council agreed that the paper should be deferred and considered at the meeting of Executive Council to be held on Thursday 11th July 2013.

Action: PS, MICUH

EX MIN 13/451

EX MEM 13/219 CE BLUE PROJECT MOU

PS, EDICT remained for discussion.

Council approved the following mechanism for the collection of occupancy tax, subject to the AG's Chambers confirming that this can be done by law:-

- 1) Recalling Government standard on use restrictions, the Developer shall collect from Owners and remit to the Government an annual levy ("Occupancy Levy") equal to ten percent (10%) of the Presumed Owner Occupancy Base ("POOB"), with POOB being calculated for each Unit as follows:-
 - a) First by subtracting from the number of days in the calendar year (365) the Permissible Use (90) and a maintenance period which for the initial period is agreed to equal ten (10) days, with the resulting 275 day period being referred to as the "Applicable Annual Period."
 - b) Then, by multiplying the Applicable Annual Period by the average annual occupancy rate for hotel accommodations in Anguilla, as determined by the Tourism Master Plan, which for the initial period is currently equal [thirty-five percent (35%)], with the resulting 96.25 days being referred to the "Presumed Owner Occupancy."
 - c) Then, by multiplying the Presumed Owner Occupancy by CeBlue's average daily rate ("CeBlue ADR") for the initial period.

To illustrate, using an ADR of US\$500.00:

- i) Since 35% of 275 days = 96.25;
- ii) then \$500.0 x 96.25 = \$48,125.00;

iii) Therefore 10% of \$48,125.00 = \$4812.00

The Presumed Owner Occupancy and Ce Blue ADR will be subject to review and adjustment on 1st January 2015, and upon the completion of three-year periods thereafter, based on the reported increase or decrease, as applicable, in each component from the previous period as measured on the 1st July of the immediately previous calendar year, subject to a maximum one-time increase of 15%.

This provision is applicable to OWNERS only, and nothing herein shall modify the obligation to collect Occupancy Tax from third-party, non-owner transient guests.

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

Action: PS, EDICT; AG; TIO

ORAL MENTION

EX MIN 13/452

G8 TAX AGENDA

The Hon Chief Minister briefed Council on the above. He indicated that the meeting did not produce much difficulty. HE stated that the FCO had indicated that the meeting went fairly successfully.

Action: EXCO MEMBERS

EX MIN 13/453

MEETING OF EXECUTIVE COUNCIL

Council agreed that the next regular meeting of Executive Council will be held on Thursday 11th July 2013.

Action: EXCO MEMBERS

EX MIN 13/454

EX MIN 13/201 EX MEM 13/101 PROPOSED AMENDMENTS TO POLICE PENSION LEGISLATION

The following Officials joined the Meeting:-

Mr Timothy Hodge, Director, Social Security Board
Mrs Monifa Brooks-Gumbs, Accountant, Public Service Pension Fund (PSPF)
Mrs Charissa-Ann Busby, Administrative Officer, PSPF
Mrs Kathleen Rogers, PS, PA
Dr Aidan Harrigan, PS, FIN

In EX MIN 13/201 of 21st March 2013, Council agreed that the matter be deferred.

Mrs Monifa Brooks-Gumbs guided Council through a Power Point presentation.

The proposed amendments are as follows:-

CURRENT

4% Contribution rate
 Non-Linear Pension Formula
 Pension Accrual Rate – 66.7%
 Vesting Period – 2 or more years
 Compulsory Retirement Age – 55

PROPOSED AMENDMENTS

5% Contribution rate
 Linear Pension Formula
 Pension Accrual Rate – 50%
 Vesting Period – 15 years
 Compulsory Retirement Age – 60

Council agreed to have further discussions on this at the meeting of Executive Council to be held on Thursday 11th July 2013.

PS, FIN thanked the Officers at the Pensions Department for their hard work and dedication.

Action: PS, FIN; PS, PA

EX MIN 13/455

FRAMEWORK FOR FISCAL SUSTAINABILITY AND DEVELOPMENT (FFSD)

PS, FIN remained for discussion.

Council noted that the deadline of 30th June 2013 to have the necessary legislation in place with regard to the FFSD will not be met. Council agreed to have further discussion on this at Executive Council Meeting on Thursday 11th July.

Action: PS, FIN

EX MIN 13/456

EX MIN 13/200 EX MEM 13/100 ENDANGERED ARCHIVES PROJECT

Mrs Chanelle Petty-Barrett, PS, ELSYC and Mr Benjamin Jeffs, Archivist joined the Meeting.

The above project was conducted by two British archivists for three months from April to June 2013. Mr Jeffs briefed Council as to how the project was approached and what had been done. He thanked everyone for their co-operation and hospitality. Council, in turn thanked the archivists, Mr Benjamin Jeffs and Mr Andy Pearson for their work and commitment to the project.

Action: PS, ELSYC

EX MIN 13/458

STATEMENT BY HE THE GOVERNOR

The following statement was made by HE the Governor in Executive Council on Wednesday 26th June 2013:-

“As I have told the Chief Minister, I am very concerned about events that took place outside the AG’s Chambers last Friday (21 June). Leaving aside the public order concerns that are for the RAPF to deal with, it is inappropriate for

Government Ministers to have taken part in a demonstration against their own legal adviser, the Attorney-General. If they had concerns about his legal advice, or any other aspect of his performance, they could and should have raised them in Executive Council, or with me, either directly or through the Chief Minister”.

Action: EXCO MEMBERS
