

UNCLASSIFIED

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No:

MINUTES OF THE 156TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 18TH JULY 2013

- PRESENT: His Excellency the Acting Governor, Mr Stanley Reid
- 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 and Health
- The Honourable Acting Deputy Governor, Mr Larry Franklin
- The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister
of Education, Library Services, Sports, Youth and Culture
- The Honourable Attorney General, Mr James Wood
- Mrs Sonia Brooks, Acting Clerk to Executive Council
- ABSENT: The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing
- IN ATTENDANCE: Mr Foster Rogers, PS, EDICT
Mr Ivor Greene, SCC (Civil)
Dr Bonnie Richardson-Lake, PS, HSD

EX MIN 13/459 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 155th Meeting held on Wednesday 26th June.
Council agreed that the Minutes of the Special Meeting held on Wednesday 12th
June 2013 should be deferred.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/461 **EX MIN 13/446 EX MEM 13/214 URGENT/ADDITIONAL FINANCIAL ASSISTANCE**

Council agreed that (iv) of EX MIN 13/446 of 26 June 2013 should be amended to read:-

- (iv) noted that Mr Asharn Hodge, a Belonger of Anguilla has been granted a scholarship from UWI, Barbados to pursue a Degree in Accounting and

UNCLASSIFIED

Economics for four years. Unfortunately, the scholarship is not fully funded. Council agreed to grant Mr Hodge financial assistance in the sum of EC\$15,000.00 to pursue his studies. The Deputy Governor advised that this matter was not considered by the Committee responsible for reviewing applications for urgent/additional financial assistance as Mr Hodge did not meet the Criteria based on 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 13/462

EX MIN 13/451 EX MEM 13/219 CE BLUE PROJECT MOU

PS, EDICT remained for discussion.

The Attorney General provided his advice to Council on Ce Blue Occupancy Tax.

Council agreed that the TIC should brief the Hon Chief Minister and Hon Minister of Infrastructure on the matter and then bring it back to Executive Council.

Action: PS, EDICT; TIO

EX MIN 13/463

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

Council agreed that the paper should be deferred.

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

EX MIN 13/464

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

Council agreed that the paper should be deferred.

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

EX MIN 13/465

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

PS, HSD joined the meeting.

The Hon Minister of Home Affairs notified Council that Chief Minister and himself met with ANGLEC Board which updated them on how far they are with the waste to energy project. The Board should have clarity by month end.

Council agreed:

- (a) to await further clarification before a decision is made on the way forward;
- (b) that the existing contract for the Corito Landfill Management should be extended to 31st August 2013.

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

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

EX MIN 13/466

EX MEM 13/215 REVIEW OF THE ANGUILLA ROADS ACT

Council agreed that the paper should be deferred.

Action: PS, MICUH

EX MIN 13/467

**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.

Action: PS, MICUH

EX MIN 13/468

**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.

Action: PS, MICUH

EX MIN 13/469

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

Council agreed that the paper should be deferred.

Action: PS, MICUH

EX MIN 13/470

EX MEM 13/220 WENDY COBBLER V ATTORNEY GENERAL

The Hon Attorney General rejoined the meeting. Mr Ivor Greene SCC (Civil) remained for discussion.

Council approved the sum of US\$9,000 to be paid to Ms Wendy Cobbler for wrongful arrest, false imprisonment and wrongful removal of a minor and for

distress caused to the said child.

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

4
EX MIN 13/471

EX MEM 13/221 SYLVIA HODGE V ATTORNEY GENERAL

Mr Ivor Greene SCC (Civil) remained for discussion.

Council approved the sum of US\$7,000 to be paid to Ms Sylvia Hodge to settle her claim including legal costs and special damages.

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

EX MIN 13/472

EX MEM 13/222 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ALLAN LEWIS SCHUSS, ANDREW LAWRENCE SCHUSS & BRUNA SCHUSS (REGISTRATION SECTION: SOUTH EAST; BLOCK: 79214 B PARCEL 202 SL A8, CONTAINING 1478 SQUARE FEET)

PS, EDICT remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Allan Lewis Schuss, Andrew Lawrence Schuss & Bruna Schuss to jointly hold on a freehold basis, a luxury condominium unit of approximately 1478 sq. ft., described as Registration Section South East, Block 79214 B Parcel 202 SL A8, located at Sandy Hill, forming part of Sandy Hill Beach Resort Club Development, subject to the following conditions:

(a) Stamp duties are payable as follows:

(i)	under the Stamp Act – 5% of EC\$712,373.00	EC\$ 35,618.65
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$712,373.00	EC\$ 89,046.63
	TOTAL	EC\$124,665.28

(b) Subject to the usual condominium conditions.

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

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

EX MIN 13/473

EX MEM 13/223 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – LANIG CHRISTIAN YVI TROIN (SECTION: NORTH CENTRAL; BLOCK: 48714 B; PARCEL 740 CONTAINING 0.25 ACRE)

PS, EDICT remained for discussion.

UNCLASSIFIED

Council agreed to issue an Aliens Land Holding Licence to Lanig Christian Yvi Troin, to hold on a freehold basis 0.25 acre of land, North Central Block 48714 B Parcel 740 located at Crocus Hill to construct a dwelling house thereon subject to the payment of the following fees:

(i)	under the Stamp Act – 5% of EC\$268,820.00	EC\$13,441.00
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$268,820.00	EC\$33,602.50
(iii)	Refundable Deposit of 10% of EC\$268,820.00	EC\$26,882.00
	TOTAL	EC\$73,925.50

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

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

EX MIN 13/474

EX MEM 13/224 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – J & P INVESTMENTS LTD. (REGISTRATION SECTION: SOUTH CENTRAL; BLOCK: 38409 B; PARCEL 14, CONTAINING 0.36 ACRE)

PS, EDICT remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to J & P Investments Ltd., to hold property located at Blowing Point Harbour with a residential building thereon, described as Registration Section South Central, Block 38409 B, Parcel 14 containing 0.36 acre of land, on a freehold basis, subject to the payment of the following fees:

i)	Stamp Duty on Licence @ 12.5% of EC\$1,693,566.00	=	EC\$211,695.75
ii)	Stamp Duty on transfer @ 5% of EC\$1,693,566.00	=	EC\$ 84,678.30
	TOTAL	=	EC\$296,374.05

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

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

EX MIN 13/475

EX MEM 13/225 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – JAMES EDWIN LINDBLAD & PAULINE CAVE LINDBLAD (REGISTRATION SECTION: EAST END; BLOCK: 99415 B; PARCEL 357; CONTAINING 0.40 ACRE)

PS, EDICT remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to James Edwin Lindblad and Pauline Cave Lindblad to jointly hold on a freehold basis, vacant land described as Registration Section East End, Block 99415 B Parcel 357, containing 0.40 acre subject to the payment of the following fees:

(i)	under the Stamp Act – 5% of EC\$268,820.00	EC\$13,441.00
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$268,820.00	EC\$33,602.50
(iii)	Refundable 10% deposit of EC\$268,820.00	EC\$26,882.00
	TOTAL	EC\$73,925.50

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

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

EX MIN 13/476

EX MEM 13/226 RESCISSION OF EXCO MINUTE 11/259 GRANTING AN ALIENS LAND HOLDING LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – NEIL & JANICE ABRAHAMSON (SECTION: WEST END; BLOCK: 17910 B; PARCEL 59 SL 4AW & 4BW)

PS, EDICT remained for discussion.

Council:

- (1) agreed that EX MIN 11/259 be rescinded;
- (2) approved the granting of an Aliens Land Holding Licence to allow Neil Abrahamson and Janice Abrahamson to hold jointly on a freehold basis Two (2) strata lots described as situate in Registration Section West End, Block 17910 B, Parcel 59 SL2 1AW and 1BW containing 1365 and 590 square feet respectively which forms part of the Turtle Nest (Condominium) Development with strata lots registered to Paragon Holdings Ltd. subject to stamp duties payable as follows:

(i)	under the Stamp Act – 5% of EC\$1,142,485.00	EC\$57,124.25
-----	---	---------------

(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$1,142,485.00	EC\$142,810.63
TOTAL		----- EC\$199,934.88 =====

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

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

EX MIN 13/477

EX MEM 13/227 APPEAL AGAINST PLANNING PERMISSION – WALWYN GUMBS

PS, EDICT remained for discussion.

Following a site visit to the proposed development at Stoney Ground on Thursday 9th May 2013, Council agreed to allow the appeal against planning permission for Walwyn Gumbs to operate a Barbeque Tent at Stoney Ground, Block: 68914B Parcel 181.

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 13/478

EX MEM 13/228 APPLICATION FOR DUTY EXEMPTION FOR ANGUILLA NATIONAL CARNIVAL COMMITTEE

Council agreed that duty exemption should be granted to Anguilla National Carnival Committee (c/o Mr Davon Carty) on the attached list of items. The Anguilla National Carnival Committee will be importing and exporting a number of items to make this year's event a success. They are the following:-

- (1) Material and costumes/costumes shoes for troupes
- (2) Dresses/Swimsuits/Sarongs/Shoes for pageants
- (3) Tents for the Caribbean Beach Party
- (4) Musical CDs for the various bands
- (5) Promotional material for the various bands
- (6) Promotional material for the ANCC
- (7) Sound Systems for the bands
- (8) Ipads/ Electronics for prizes
- (9) Crowns, Trophies and Sashes

The assessed duty loss to the GoA is EC\$289,587.00.

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

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

EX MIN 13/479

EX MEM 13/229 APPLICATION FOR DUTY EXEMPTION FOR CLASSIQ CARPENTRY

Council agreed that duty exemption should be granted to Classiq Carpentry (c/o Mr Roger Smith) on machinery to manufacture doors. Since the duties will be paid Executive Council approved a refund being done after the final exemption process.

The assessed duty loss to the GoA is EC2,584.02.

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

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

EX MIN 13/480

EX MEM 13/230 FINANCIAL ASSISTANCE FOR KUMAKIE PARRIS

Council agreed financial assistance for Mr Kumakie Parris to pursue his course of studies at Argosy University in Tampa.

HE the Acting Governor indicated that favourable consideration of this request is clear violation of the Training Policy. It does not take into considerable the many other Anguillians who are desirous of pursuing tertiary level training but do not have the financial means and like Mr Parris have not satisfied the requirements under the Training Policy. Approval of this request for financial assistance would lend credibility to the view held by some that scholarships and financial assistance are awarded on the basis of favouritism rather than objective criteria. In the circumstances he cannot support this request.

HE the Acting Governor noted that going forward straight forward matters should be the subject of round robins.

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 13/481

EX MEM 13/231 MORATORIUM ON CERTAIN CATEGORIES OF WORK PERMITS

Council agreed that the paper should be deferred.

Action: PS, MHA/LANDS

EX MIN 13/482

EX MEM 13/232 CONTRACT FOR THE BRITTO AGENCY

Mr Foster Rogers, PS, EDICT joined the meeting.

Members agreed the following amendments to the contract between the Ministry of Tourism and The Britto Agency:

- (1) The contract to commence August 1, 2013 and terminate July 31, 2015.
- (2) Section 3 (e) should read: To identify partners and other agencies on a global basis to participate in delivering the vision of the Ministry of Tourism, and submit recommendations on these partners to the Tourism Plan Oversight Accountability Committee for its approval prior to their engagement.
- (3) Section 8 Expenses should read: The Contractor shall be paid a deposit of One Thousand Dollars United States Currency (US\$1,000.00) each month for monthly expenses (the “Contractor’s Monthly Expense Deposit”). Any unspent funds from the Contractor’s Monthly Expense Deposit shall be rolled over to the next month. Any unspent balance at the end of the term of this Contract shall be remitted to the GOA. If expenses for any month exceed the Contractor’s Monthly Expense Deposit, the Contractor shall submit Purchase Authorization Forms (PAFs) to the Tourism Plan Oversight Accountability Committee for all additional expenditures and will not execute any expenditure without the PAF being first approved in writing by the Tourism Plan Oversight Accountability Committee.
- (4) Section 9 Purchasing Materials or Services on GOA’s Behalf should read: The Contractor shall only purchase materials or services on the GOA’s behalf in performing or carrying out the tasks assigned to the Contractor under this Agreement with the prior written approval of the Tourism Plan Oversight Accountability Committee.
- (5) Section 12 Insurance: The following sentence should be reinserted: The Contractor will also be responsible for any indirect costs resulting from illness and accidents to its employees, associates, sub-contractors or independent consultants employed by them in the execution of the services to be provided by the Contractor under this Agreement.
- (6) Section 14 (b) should read: The Contractor undertakes to provide personnel consisting of specialist consultants in relevant disciplines to perform the functions and duties under this Agreement. All costs for specialists shall be borne by the Ministry of Tourism and/or the Government of Anguilla, subject to written pre-approval of the Tourism Plan Oversight Accountability Committee. The Contractor shall not obtain any third party specialists unless such approval has been granted.
- (7) Section 14 (e) should read: Each party, agrees and undertakes to respond to correspondence in a timely and professional manner.
- (8) Section 15 Contractor’s Liability: Second paragraph to be removed.

- (9) Section 16 Assignment should read: Neither party shall, without the prior written consent of the other party, assign any of the duties and/or obligations arising under this Agreement.
- (10) Section 18 Acceptance of Work should read: The Contractor's work on the project shall be undertaken to the objective satisfaction of the GOA.
- (11) Section 20 Termination of Agreement should read:

This Agreement can only be terminated in the cases of:

- a. Immediately where there is a grave omission by the Contractor in the discharge of the services;
- b. Non-payment of Contractor's fees and pre-approved expenses for more than sixty (60) days;
- c. a request by the Ministry of Tourism and/or the Government of Anguilla on three (3) months' notice;
- d. breach of any provision of the Agreement by either party;
- e. force majeure.

In the event of this agreement being terminated prior to its expiration date, the Contractor shall be compensated for the actual amount of work performed to the satisfaction of the GOA, on a pro rata basis.

- (12) Section 25 Waiver should read: No failure or delay on the part of either party to exercise any of its rights under the Agreement shall operate as a waiver thereof nor shall any single or partial exercise of any such right preclude any other or further exercise thereof. Any waiver by a party with regards to any breach or alleged breach by the other party of any of its obligations under the Agreement shall not affect the waiving party's rights in the event of any further or additional breach or breaches.
- (13) Section 28 Notice: Notice should be given to the Minister of Tourism.
- (14) Section 29 Title Rights should read: All data, material and documentation originated or prepared by the Contractor pursuant to this Agreement shall be the property of the Government of Anguilla. Furthermore, the title rights, copyrights and all other rights of whatsoever nature in any data, material or documentation produced under the provisions of this Agreement shall be vested exclusively in the Government of Anguilla.

- (15) The second bullet on page two of Annex 2 (Terms of Reference for the Oversight Committee) should read: To approve the expenditure and execution of all initiatives to brand, market and promote the destination proposed by departments of Government, Agents and Contractors of the ATB and Ministry FEDICT in keeping with budgetary allocations.

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

Action: PS, EDICT; TIO

ORAL MENTION

EX MIN 13/484

HOUSING ALLOWANCE – ATTORNEY GENERAL

The Hon Attorney General absented himself from the meeting. Mr Ivor Greene joined the meeting.

The Chief Minister agreed to discuss the matter with the Permanent Secretary, Finance.

Action: PS, FIN; HON CM

EX MIN 13/485

MEETING OF HOUSE OF ASSEMBLY

Council agreed that the next meeting of the House of Assembly should be held on Monday 29 July 2013.

Action: SPEAKER, HOA; CL, HOA

EX MIN 13/486

LABOUR CONSULTANT

Council agreed that the Labour Consultant should be in attendance at Executive Council meeting on Thursday 25th July 2013.

EX MIN 13/487

OVERSEAS TRAVEL

Hon Jerome Roberts informed Council that he would be off island from 20 – 30 July with Scout work.
