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MINUTES OF THE 170TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 31ST OCTOBER 2013

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Evan Gumbs, Minister of Infrastructure, Communications, Utilities and Housing and Acting Chief Minister
- 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 and Minister of Sports and Education, Library Services, Sports, Youth and Culture
- The Honourable Attorney General, Mr James Wood QC
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Foster Rogers, PS, EDICT
Mr Leslie Hodge, Director Designate, Lands & Surveys
Mr Vincent Proctor, PPO
Hon Haydn Hughes, Parliamentary Secretary
Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
Mr Bancroft Battick, Chief Engineer
Mr Larry Franklin, PS, MICUH
Dr Aidan Harrigan, PS, FIN
Mrs Shantelle Richardson, Projects Officer
Ms Anthea Ipinson, Chief Projects Officer
Mr Perin Bradley, Compliance Manager
- ABSENT: 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

EX MIN 13/747

CONFIRMATION OF THE MINUTES

Council:-

- a) confirmed the remaining matters of the Special Meeting held on Tuesday 8th October 2013 and of the 168th Meeting held on Thursday 17th October 2013;

- b) confirmed the Minutes of the 167th Meeting held on Thursday 10th October 2013 and of the 169th Meeting held on Thursday 24th October 2013, subject to amending EX MIN 13/737; and
- c) deferred the Minutes of a Special Meeting held on Monday 28th October 2013 for confirmation at the regular meeting of Executive Council on Thursday 7th November 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/748

EX MIN 13/699 EX MEM 13/323 ANGUILLA SUMMER FESTIVAL 2014

Further to EX MIN 13/699 of 10th October 2013, Council was advised by the Hon Minister of Education and noted that:-

- a) the Chairman of the Anguilla Summer Festival Committee would receive a single telephone allowance of EC\$2,500.00 for the 3-month period June – August each year; and
- b) other members of the Committee (save for the Secretary) would receive EC\$100.00 per month for the period June – August each year.

Council agreed that paragraph 3, last sentence of EX MIN 13/699 should be amended to read, “The Minister indicated that he would find out from the Ministry of Social Development whether this was the position”.

Action: PS, HSD; PS, FIN; PS, EDICT; ACC GEN; MINS OF GOV'T

EX MIN 13/749

EX MIN 13/727 EX MEM 13/312 WELLS REGULATIONS, 2013

Council agreed that sub-paragraph (iii) of EX MIN 13/727 of 24th October 2013 should be amended as follows:-

- (iii) the publication of the Wells Regulations 2013 in the gazette.

Action: PS, MICUH; AG

EX MIN 13/750

DISCUSSION ON 2014 BUDGET

The following persons joined the Meeting:-

Hon Haydn Hughes, Parliamentary Secretary
 Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
 Dr Aidan Harrigan, PS, FIN
 Mr Foster Rogers, PS, EDICT
 Mr Larry Franklin, PS, MICUH
 Mr Bancroft Battick, Chief Engineer
 Ms Anthea Ipinson, Chief Projects Officer
 Mrs Shantelle Richardson, Projects Officer

Council discussed the 2014 Budget Estimates and Forward Estimates and looked at the following outstanding matters:-

EX MIN 13/719 of 17th October 2013 – Extending opening hours of the Blowing Point Port

Council:-

1. did not agree with the suggestion that the US\$1.00 per day Tourism Levy be increased to US\$2.00 per day per tourist;
2. agreed that, given the importance to the economy of visitors arriving on late flights into SXM being able to reach Anguilla the same evening, the Blowing Point Port should be kept open into the late evening beyond the current operating hours seven (7) days a week, to be reviewed in six (6) months;
3. authorised PS, EDICT to write to the ATB regarding the collection of the Touch Fee, pointing out to them that they were responsible for the collection of the fee, and further that the fees collected should be used to fund the extended hours at the Port.

EX MIN 13/703 of 10th October 2013 - Approval of Brand Realignment Exercise by the Britto Agency

Council was advised that this was not a new request for funding as it was now expected to be met from the ATB subvention. Council agreed that this matter would be further discussed on the Hon Chief Minister's return from overseas business.

EX MIN 13/687 of 10th October 2013 – Road Development

Council agreed that the figure of EC\$5.6 million earmarked for road development would remain as is. Council further agreed that the relevant Ministries personnel should draft a paper setting out proposals for the upgrade of the Valley Road and also seeking to make a case for the upgrade of the Mango Garden Road for the consideration of Executive Council. The Governor asked again for further details about precisely what schemes would be covered by the funds, as requested in EX MIN 13/683 and EX MIN 13/687, so that Council, Ministers in London and the public in Anguilla had full transparency about the schemes that would be funded.

Anguilla Community College (ACC)

Council noted a request from the ACC for a loan of US\$4.927 m (this figure included interest during implementation as well as commitment fee). Council concurred with the Ministry of Education that the GoA should borrow the funds directly because if the ACC were to borrow the funds it would count 100% against GoA borrowing as ACC borrowing is listed as a 100% contingent liability of the GoA in the FFSD.

Council approved the figure of US\$4.927 m, subject to HE the Governor

receiving approval from the UK. Council agreed that the 2013 Capital Budget Estimate should be amended by this amount.

Request from the Health Authority of Anguilla (HAA)

Council noted a request from the HAA for approximately EC\$4 m for the purchase of a generator and electrical upgrade. Council did not agree to this as it felt it should be met from funds already committed to the HAA. Furthermore, HAA had failed to raise this issue during the detailed budgeting process for 2014.

Council noted that the total 2014 budget figure for the Government of Anguilla for Recurrent Revenue remained at EC\$183,426,501.00, Recurrent Expenditure was now forecast at EC\$183, 246,443.00. The 2014 Capital Budget (ACC figure included) now stood at EC\$40,492,325.00.

Action: PS, FIN; OTHER PERM SECS

EX MIN 13/752

EX MEM 13/328 APPLICATION FOR RENEWAL OF LEASE OF CROWN LAND – LESTER AND CAROLYN RUAN – PROPERTY DESCRIBED AS REGISTRATION SECTION ROAD CAULS POND 69114B PARCEL 131 CONTAINING 1.00 ACRE OF LAND

Council:-

- (i) agreed that Mr Lester Ruan and Mrs Carolyn Ruan should be granted a lease on the following terms and conditions:-
 - a. the description of the property being leased should be described as 1.00 acre of land being property described as Registration Section Cauls Pond Central Block 69114 B Parcel 131;
 - b. the term of the lease should be for twenty (20) years from October 1, 2013;
 - c. the use of the premises should be for the construction and operation of a nursery and to offer for sale to the public plants and garden and plant supplies and equipment;
 - d. an option to renew;
 - e. the rent for the first five (5) years shall be the sum of EC\$268.00 per month with rent review every five (5) years upwards only;
 - f. Mr Lester Ruan and Mrs. Carolyn Ruan should pay outstanding rent in the amount of EC\$5,079.18 for the period March 1, 2012 to September 30, 2013 prior to the issuing of the lease; and
 - g. stamp duty in the sum of US\$1,000.00/EC\$2,688.20 (US\$100,000.00 x 0.0005 x 20).

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

EX MIN 13/753

EX MEM 13/339 REPLACEMENT OF DOMESTIC FIRE TRUCK

Council:-

- (i) approved the purchase of a replacement domestic fire truck;
- (ii) approved a budget of EC\$250,000.00 to cover the cost of a replacement domestic fire truck including shipping and any other related matters;
- (iii) agreed that MoFEDICT and MICUH should liaise with the Governor's Office and UKG with respect to how best to accelerate the purchase of a replacement fire truck from the UKG funds earmarked for the capital development fund; and
- (iv) noted that, if the truck was to be bought by GoA rather than UKG, then the Procurement Board would have to approve the procurement process for the acquisition of the fire truck.

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

EX MIN 13/754

EX MEM 13/340 LEGISLATIVE AMENDMENTS SATISFYING THE OECD GLOBAL FORUM ON TRANSPARENCY AND EXCHANGE OF INFORMATION FOR TAX PURPOSES (FOR PHASE 2 PEER REVIEW OF ANGUILLA)

Mr Perin Bradley, Compliance Manager, joined the Meeting.

Council noted the significance of Anguilla's recent OECD Phase 2 Review and the close cooperation between the Ministry, private sector, FSC and OECD on preparing the legislative amendments under consideration.

Council agreed that the following Bills should be gazetted prior to approval in the House of Assembly:-

- 1) Confidential Relationships (Amendment) Act, 2013; and
- 2) Financial Services (Miscellaneous Amendments) Act, 2013

Council approved the following regulations for signature by the Governor, and enactment by the Financial Services Commission, which would ensure that Anguilla was compliant with the OECD report: -

- 1) Anguilla Foundation (Amendment) Regulations, 2013; and
- 2) Custody of Bearer Shares (Amendment) Regulations, 2013

Council agreed the proposed amendments to the AML/CFT Code.

Action: AG; COM MAN; PS, EDICT; PS, FIN

EX MIN 13/755

EX MEM 13/341 EXTERNALLY AND NON-REGULATED SERVICE PROVIDERS (AMENDMENT) REGULATIONS, 2013

Council approved the Externally and Non-Regulated Service Providers (Amendment) Regulations, 2013 for immediate publication in the gazette. This amended the definition of “significant owner” within the Externally and Non-Regulated Service Providers Regulations to incorporate OECD recommendations and bring Anguilla into line with other Overseas Territories legislation.

Action: AG

EX MIN 13/756

EX MEM 13/342 PERMISSION TO FILL VACANT POST OF CASHIER/SENIOR CLERICAL OFFICER

Council agreed that the matter should be deferred for discussion with the Permanent Secretaries.

Action: PS, MHA/LANDS

EX MIN 13/757

EX MEM 13/343 ESTABLISHING THE VALLEY FOOD COURT

Council approved in principle the establishment of the Valley Food Court, subject to:-

- (i) the correct planning process being followed, and necessary approvals being secured;
- (ii) the views of the Commissioner of Police and other stakeholders being sought; and
- (iii) public consultation on the measures proposed.

Action: PS, MHA/LANDS; PPO; DLS; COP

EX MIN 13/758

EX MEM 13/344 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Council agreed that the auditors from KPMG who are representing the ECCB in Anguilla should be exempted from the work permit requirement in accordance with Section 3 (f) of the Control of Employment Act. They are:-

Caribbean Commercial Bank

- 1) Lou Ann Phillips Henry
- 2) Kerrie Blackman
- 3) Sinitta Mc Lean
- 4) Stephany Semper
- 5) Shemeka Joseph
- 6) Nekesha Isaac
- 7) Kenroy Thompson

National Bank of Anguilla Ltd

- 1) Rachel Williams
- 2) Kenroy Thompson

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

Action: PS, MHA/LANDS; PAS, MHA/LANDS; LAB COM; CIO

EX MIN 13/759

EX MEM 13/345 APPLICATION FOR DUTY EXEMPTION BY DEPARTMENT OF PUBLIC ADMINISTRATION

Council agreed that duty exemption should be granted to Ms Michelle Daley (c/o Mrs C Charmaine Rogers) on a motor vehicle. Ms Daley, a national of Jamaica, has been contracted as Chief Parliamentary Counsel in the Attorney General’s Chambers, and this exemption was in line with other duty free concessions granted to legal officers recruited from overseas to work in GoA.

Pending approval of the exemption by the House of Assembly, Council agreed that Customs could grant early release of the vehicle should it arrive before the Assembly could consider the matter, on the understanding that if the exemption was not approved, duty would have to be retrospectively paid.

The estimated duty loss to the GoA is EC\$20,699.14.

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

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

ORAL MENTION

EX MIN 13/760

ISSUES AT CORITO LANDFILL SITE

Council noted that there were still outstanding issues at the Corito Landfill site pertaining to the mining of marl. Council agreed that the PS HSD and the relevant technical officer(s) should be invited to attend Executive Council to give a briefing.

Action: PS, HSD; HP, DHP
