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MINUTES OF THE 191ST MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 17TH APRIL 2014

PRESENT:

Her Excellency the Governor, Ms Christina Scott

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 Sports and Education, Library Services, Sports, Youth and Culture

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

The Honourable Acting Attorney General, Mr Ivor Greene

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE:

Ms Aurjul Wilson, PS, MHA/LANDS

Ms Gina Brooks, Tourism Planner

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance

Hon Haydn Hughes, Parliamentary Secretary

Mr Shaynis Connor, Roads Engineer, DICUH

Mr Nigel Connor, Deputy Chief Engineer, DICUH

Mr Calvin Andre Samuels, Deputy Director, Strategic Research Programme

Mr Leslie Hodge, DLS

Mr Foster Rogers, PS, EDICT

Mrs Shona Proctor, Budget Director/PS, FIN (Acting)

Dr Bonnie Richardson-Lake, PS, HSD

Mr Lynrod Brooks, Health Planner

Ms Kathleen Rogers, Principal Environmental Health Officer

Mr Ambrell Richardson, Director of Health Protection

ABSENT:

The Honourable Attorney General, Mr James Wood QC

The Honourable Deputy Governor, Mr Stanley Reid

EX MIN 14/249 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 190th Meeting held on Thursday 10th April 2014.

MATTERS ARISING FROM THE MINUTES

EX MIN 14/250 **EX MIN 14/246 EX MEM 14/126 2014 CAPITAL BUDGET – PRIORITISED IMPLEMENTATION OF UKG FUNDED PROJECTS**

Further to the EX MIN 14/246 of 10th April, 2014, Council noted that Ministers of Government and officials in the relevant Ministries met to discuss prioritisation across all capital projects and to agree the way forward. Council agreed that a detailed paper be submitted to the next meeting of Executive Council for consideration.

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

EX MIN 14/252 **PRESENTATION – VALLEY FOOD COURT**

The following persons joined the Meeting:-

Ms Aurjul Wilson, PS, MHA/LANDS
 Ms Gina Brooks, Tourism Planner
 Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
 Hon Haydn Hughes, Parliamentary Secretary
 Mr Shaynis Connor, Roads Engineer, DICUH
 Mr Nigel Connor, Deputy Chief Engineer, DICUH
 Mr Calvin Andre Samuels, Deputy Director, Strategic Research Programme
 Mr Leslie Hodge, DLS

Council:-

- (i) noted the presentation by the Committee;
- (ii) supported the scheme design and long term objectives of the intended plan for the Valley Food Court;
- (iii) agreed that the GoA did not have the funds for a long term implementation and that a phased approach to deliver the intended purpose was necessary; and
- (iv) agreed to liaise with the LDCC and Lands & Surveys on the correct process going forward that would enable demonstrable progress to be made on an earlier phase of the project.

Council thanked the team for their hard work in the development of the plan.

Action: PS, MHA/LANDS; DLS; PPO; PS, MICUH; TP

EX MIN 14/256

EX MEM 14/129 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE

Council agreed that the following persons should be granted the Permit of Permanent Residence in accordance with Section 24 of the Immigration and Passport Act:-

- 1) Ms Nadine Anniebertha Gayle - National of Jamaica who has been residing in Anguilla since 2004.
- 2) Ms Maria Antonia Gill - National of the Dominican Republic who has been residing in Anguilla since 1999.
- 3) Ms Beryl May Lewars - National of Jamaica who has been residing in Anguilla since 2004.
- 4) Mr Maikol Yaddel Rivas Herrera - National of the Dominican Republic who has been residing in Anguilla since 1999.
- 5) Ms Bibi Salima Allie-Tulsie - National of Guyana who has been residing in Anguilla since 1999.
- 6) Ms Tokisha Towana Hazel Charles - National of Guyana who has been residing in Anguilla since 2002.
- 7) Mr Ramdular Raghubir - National of Guyana who has been residing in Anguilla since 2002.
- 8) Ms Suzzett Semonia Johnson - National of Jamaica who has been residing in Anguilla since 1999.
- 9) Mr Colin Othneil Yearwood - National of Trinidad who has been residing in Anguilla since 2001.
- 10) Mr Vijay Kumar Linga - National of India who has been residing in Anguilla since 2004.

- 11) Ms Sandra Joseph - National of Dominica who has been residing in Anguilla since 2002.
- 12) Ms Nicole Renee Alleyne - National of Guyana who has been residing in Anguilla since 2003.
- 13) Mr Simon Seba Alcindor - National of St. Lucia who has been residing in Anguilla since 2003.
- 14) Ms Denise Rowetta Rohlehr-Richardson - National of Guyana who has been residing in Anguilla since 2001.
- 15) Ms Alice Warrington - National of Dominica who has been residing on Anguilla since 2004.
- 16) Ms Larricia Flavia La Corbiniere - National of St. Lucia who has been residing in Anguilla since 2004.
- 17) Ms Roshima Genista Roberts - National of Dominica who has been residing in Anguilla since 2004.

The police records submitted for all seventeen persons show no criminal offences.

Action: PS, MHA & IMM; LAB COM; CIO

EX MIN 14/257

EX MEM 14/130 OUTSTANDING CLAIMS

Council agreed that the outstanding, aged financial claims on the post office (list attached) emanating from a courier service out of Miami under the agency of CARIB LINK should be paid. Council noted that this service which was patronized by many customers was no longer operational.

Council further agreed that the total payment of US\$5,028.19/EC\$13,516.78 should be met from within the Post Office 2014 Budget.

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

EX MIN 14/258

EX MEM 14/131 ANNUAL REPORT OF THE PAROLE BOARD

Council noted the annual report of the Parole Board and agreed that it be laid before the House of Assembly at its next sitting on 28th May 2014.

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

Action: PS, HSD; SOP

EX MIN 14/259

EX MEM 14/132 APPLICATION FOR DUTY EXEMPTION FOR SOLAIRE ANGUILLA RESORT RESIDENCES

Council agreed that duty exemption should be granted to Solaire Anguilla Resort Residences (c/o Mr Conrad F Rogers) on phase one of the project, subject to a Customs administration fee of 5% as set out in the MOU.

Council noted:-

- | | | |
|----------------------------------|---|----------------|
| a) the assessed duty loss to GoA | - | EC\$136,072.32 |
| b) the net loss to GoA | - | EC\$ 99,874.31 |

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

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

EX MIN 14/260

EX MEM 14/133 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – UFT COMMERCIAL FINANCE, LLC, TO HOLD A REGISTERED CHARGE OVER PROPERTIES DESCRIBED AS REGISTRATION SECTION: NORTH; BLOCK: 59018 B; 89 STRATA LOTS AND TWO STAND ALONE PARCELS ALL DESCRIBED IN SCHEDULE OF PARCELS ATTACHED AS APPENDIX 9

Hon Parliamentary Secretary and Personal Assistant to the Hon CM/Finance remained for discussion. Mr Leslie Hodge, DLS joined the Meeting.

Council agreed to issue an Aliens Land Holding Licence under Section 4 of the Aliens Land Holding Licence Regulations Act, RSA, CA55 to UFT Commercial Finance, LLC to allow the registration of a charge in the sum of US\$10,000,000.00 in favour of UFT Commercial Finance, LLC over properties registered to Fountain Beach Residences Ltd. (Zemi Beach Project) described as Registration Section North Block 59018 B Parcels Schedule of Parcels, subject to the following:-

- (a) a letter, with attached documents where necessary, from UFT Commercial Finance, LLC and or their Solicitors Keithley Lake & Associates to the Government of Anguilla evidencing the ability of UFT Commercial Finance, LLC to fund the loan of US\$10,000,000.00 immediately upon sale of the securities known as Credit Participation Certificates to qualified Participating Lenders; and
- (b) the payment of the following stamp duties:-

(i) Stamp Duty on Licence in accordance with Aliens Land Holding Licence Regulations Act	=	EC\$ 500.00
(ii) Stamp Duty on Charge @ 1% of EC\$26,882,000.00	=	EC\$268,820.00
TOTAL	=	EC\$269,320.00

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

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

EX MIN 14/261

EX MEM 14/134 NOMINATIONS FOR ANGUILLA DAY NATIONAL AWARDS 2014

The Hon Deputy Governor (Acting) declared an interest due to familial connection and excused himself from discussion.

Council agreed, following recommendations from the National Awards Committee which had made the proposals, that the following persons should be nominated for the Anguilla Day Badge of Honour and Queen's Certificate for 2014:-

[redacted as these minutes are being published before Anguilla Day]

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

Action: PS, MHA/LANDS; PAS, MHA

EX MIN 14/262

EX MEM 14/135 PERMISSION TO FILL THE VACANT POSTS OF DEPUTY DIRECTOR FISHERIES MANAGEMENT AND FISHERIES OFFICER

Council agreed that the vacant posts of Deputy Director Fisheries Management and Fisheries Officer in the Department of Fisheries and Marine Resources should be filled. Council further agreed that the post of Deputy Director Fisheries Management in the Department of Fisheries and Marine Resources should be filled effective 1 May 2014.

Council noted that the views of the Permanent Secretaries had been sought and their support given to the filling of the posts.

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

Action: PS, MHA; DIR, FISH; PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 14/263

EX MEM 14/136 APPEAL AGAINST PLANNING PERMISSION

Following a site visit to the proposed development on Thursday 20th March 2014, Council agreed that the appeal against planning permission for the Montessori Academy to erect an advertisement sign at Old Ta, Anguilla (Block 48613 B, Parcel 372) should be allowed, subject to representation from the Planning Department on site when the sign is being erected to ensure that there are no adverse effects on motorists.

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

EX MIN 14/264

EX MEM 14/137 CLAIM BY LLOYD'S BED AND BREAKFAST LTD

Council:-

- (i) noted the paper; and
- (ii) asked that a revised paper be submitted setting out more fully the details of the incident and giving an official recommendation, informed by a discussion between Finance Ministry, Police and AG's Chambers.

Action: AG (Acting); PS, FIN; PS, EDICT; COP

EX MIN 14/266

EX MEM 14/139 EXEMPTION FROM WORK PERMIT REQUIREMENTS – FESTIVAL DEL MAR 2014

Council agreed that the members of the Gramps Morgan Band (list attached) from Jamaica should be exempted from the requirement of a work permit in accordance with Section 3 (g) of the Control of Employment Act. The musical band would be performing as part of the activities for the Festival Del Mar 2014 to be held from the 19th to 20th April 2014.

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

Action: PS, MHA & IMM; LAB COM; CIO

EX MIN 14/267

EX MEM 14/140 APPLICATION FOR DUTY EXEMPTION FOR ANGUILLA NATIONAL DOMINO ASSOCIATION

Council agreed that duty exemption should be granted to the Anguilla National Domino Association (c/o Mr Joey Gumbs) on a Hyundai Elantra. Council noted that the proceeds from the raffle would be used to assist the national team with expenses to send a national team to compete in the annual World Domino Tournament to be held in Barbados from 14 – 24 August 2014.

The estimated duty loss to the GoA is EC\$12,758.87.

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

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

EX MIN 14/268

EX MEM 14/141 DRAFT RESOLUTION FOR THE WRITE-OFF OF DEBT OWED BY CUSTOMERS TO THE WATER CORPORATION OF ANGUILLA

Mrs Shona Richardson, Budget Director/PS, FIN (Acting) joined the Meeting.

Council:-

- (i) noted EX MIN 12/573 of 16 August 2012 in which Executive Council approved the write-off of the outstanding debt owed to the Water Corporation of Anguilla by customers who had been inactive prior to 2009 and who had remained inactive;
- (ii) noted a draft Resolution (vetted by the Attorney General's Chambers) to be placed before the next sitting of the House of Assembly;
- (iii) approved the draft Resolution (attached); and
- (i) authorised the Hon Minister of Finance and the Chairman of the Water Corporation of Anguilla to proceed with the write-off of the above-mentioned outstanding debt.

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

Action: PS, FIN; PS, EDICT; PAS, FIN; PS, MICUH; CEO, WCA; AG; ACC GEN; CL, HOA

EX MIN 14/269

EX MEM 14/142 IMPLEMENTATION OF NEW IMMIGRATION ED/ AND CUSTOMS CARD FOR ANGUILLA

PS, EDICT remained for discussion.

Council agreed that:-

- (i) the recommendations of EX MEM 14/109 (attached) be accepted; and
- (ii) belongs who are out of the country for less than twenty four hours be exempted from completing the immigration portion of the combined form.

Action: PS, EDICT; CIO

EX MIN 14/270

INF 14/04 UPDATE ON THE PAYMENT SYSTEM (EASTERN CARIBBEAN AUTOMATED CLEARING HOUSE) RULES, 2014

Budget Director/PS, FIN (Acting) remained for discussion.

Council noted the information on the recent development of the Eastern Caribbean Central Bank (ECCB) regarding the Payment System for Bank member countries. Council further noted that the Rules governing the Payment System had been reviewed and formatted by the Attorney General's Chambers working in conjunction with the ECCB.

Council supported the action taken to have the information placed in an extraordinary Gazette.

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

ORAL MENTION

EX MIN 14/271

MEETING OF EXECUTIVE COUNCIL

Council agreed that there would be no regular meeting of Executive Council on Thursday 24th April 2014 due to the absence of Ministers on official overseas travel. Council further agreed that there should be a Special Meeting of Executive Council on Tuesday 22nd April at 2 pm to deal with urgent duty exemption matters.

Council also agreed that Mr Kenrick Richardson, Comptroller of Customs should be invited to attend the meeting.

Action: EXCO MEMBERS; COC

EX MIN 14/272

OVERSEAS TRAVEL

Council was informed of the following dates of travel:-

- 1) Hon Chief Minister - Dominica, 23 – 24 April (12th Meeting of the OECS Council of Tourism Ministers)
- 2) Hon Minister of Education - Bahamas, 24 – 26 April (Annual Business Meeting of the University of the West Indies Council)

Action: EXCO MEMBERS
