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MINUTES OF THE 206TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 21ST AUGUST 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 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 Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr Rupert Jones

The Honourable Acting Deputy Governor, Dr Bonnie Richardson-Lake

Mrs Sonia Brooks, Acting Clerk to Executive Council

IN ATTENDANCE:

Mr Patrick Hanley PA to HON CM/FINANCE
Mr Steve McCready, Chief of Staff, Governor's Office
Ms Anthea Ipinson, PS, EDICT (Ag)
Ms Marisa Harding-Hodge, TIO
Ms Ludiane Leveret-Richardson, Chief Procurement Officer
Mr Larry Frankin, PS, MICUH
Mr Vaughn Hazell, DIR, DITES
Mr Nigel Connor, Chief Engineer (Ag)
Mr Leslie J Hodge, DLS
Mrs Mary Clare Haskins-Banton, Crown Counsel

ABSENT:

The Honourable Deputy Governor, Mr Stanley Reid

EX MIN 14/512 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 205th Meeting held on Thursday 13th August 2014.

MATTERS ARISING FROM THE MINUTES

EX MIN 14/513 **EX MIN 14/510 EX MEM 14/280 WORK PERMIT APPLICATION REFUSAL**

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

HE the Governor indicated that, following the request from Ministers for progress to be made on implementing the new Labour Code, she had spoken to Ms Aurjul Wilson, PS Labour who had informed her that a few outstanding policy adjustments were being made following consultation with the Bar Association. The new Labour Code could then be brought to Council for consideration.

Action: PS, IMM; LAB COM; CIO

EX MIN 14/514 **EX MIN 14/511 MEETING OF THE HOUSE OF ASSEMBLY**

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

Further to EX MIN 14/511 of 14th August Ministers agreed, following consultation with the Speaker of the House of Assembly that the next meeting of the House of Assembly should take place on Friday 29th August at 10:00 am.

Council requested that the Chief Parliamentary Counsel should come to Executive Council in the coming weeks to give an update on progress in delivering the agreed legislative programme.

Action: CLERK, HOA; CPC

EX MIN 14/515 **EX MEM 14/281 TEMPORARY FILLING OF SOCIAL WORKER POSITION**

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

Council approved the temporary filling of the Social Worker, Family & Social Services post in the Ministry of Social Development until the incumbent was able to resume her duties.

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

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

EX MEM 14/282 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

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:-

[NOTICE ON PUBLICATION OF MINUTES: SOME PERSONAL DETAILS E.G. ON RESIDENCE, EMPLOYMENT AND BANKING REDACTED TO PROTECT PERSONAL DATA]

1) **Mr Andrew McCawley Blake**

Mr Andrew Mc Cawley Blake is a national of Jamaica who has been residing in Anguilla since 2001. The Police Records shows no criminal offences.

2) **Mrs Kathleen Bethiana Blake**

Mrs Kathleen Bethiana Blake is a national of Jamaica who has been residing in Anguilla since 2001. The Police Records shows no criminal offences.

3) **Mr Frank Kofi Akowuah**

Mr Frank Kofi Akowuah is a national of Ghana who has been residing in Anguilla since 2004. The Police Record shows no criminal offence.

4) **Mr. Hackeem Lorenzo Alves**

Mr. Hackeem Lorenzo Alves is a national of Guyana who has been residing in Anguilla since 2007. The Police Record shows no criminal offence.

5) **Mr. Nestor Julio Santana Vasquez**

Mr. Nestor Julio Santana Vasquez is a national of the Dominican Republic who has been residing in Anguilla since 2005. The Police Record shows no criminal offence.

6) **Mr Ravi Ananta Bahadursigh**

Mr. Ravi Ananta Bahadursigh is a national of Guyana who has been residing in Anguilla since 2000. The Police Record shows no criminal offence.

7) **Ms Heather Rubertha Rodney**

Ms Heather Rubertha Rodney is a national of Guyana who has been residing in Anguilla since 2007. The Police Record shows no criminal offence.

8) **Mr Kassil Jeremiah Browne**

Mr. Kassil Jeremiah Browne is a national of St. Vincent who has been residing in Anguilla since 2000. The Police Record shows no criminal offence.

9) **Ms Deyon Takesha Grant**

Ms Deyon Takesha Grant is a national of Guyana who has been residing in Anguilla since February 2005. The Police Record shows no criminal offence.

10) **Mr. Gregory Robert Togel**

Mr. Gregory Robert Togel is a national of Canada who has been residing in Anguilla since 2006. The Police Record shows no criminal offence.

11) **Mr. Keith Evans Greaves**

Mr. Keith Evans Greaves is a national of Montserrat who has been residing in Anguilla since 2006. The Police Record shows no criminal offence.

12) **Mrs. Debby Eldene Arlene Greaves**

Mrs. Debby Eldene Arlene Greaves is a national of Montserrat who has been residing in Anguilla since 2006. The Police Record shows no criminal offence.

13) **Ms. Rose Marie Bartley**

Ms. Rose Marie Bartley is a national of Jamaica who has been residing in Anguilla since 2001. The Police Record shows no criminal offence.

14) **Mr Renante Garcia Guinto**

Mr Renante Garcia Guinto is a national of the Philippines who has been residing in Anguilla since 2005. The Police Record shows no criminal offence.

15) **Mr. Geraud Lavest**

Mr. Geraud Lavest is a national of France who has been residing in Anguilla since 2004. The Police Record shows no criminal offence.

16) **Ms. Valencia Antoinette Prentice**

Ms. Valencia Antoinette Prentice is a national of Nevis who has been residing in Anguilla since 2007. The Police Record shows no criminal offence.

17) **Mr. Travis Phillip Reddock**

Mr. Travis Phillip Reddock is a national of Guyana who has been residing in Anguilla since 2006. The Police Record shows no criminal offence.

18) **Mrs. Melanie Laekas**

Mrs. Melanie Laekas is a national of Canada who has been residing in Anguilla since 2004. The Police Record shows no criminal offence.

19) **Mrs. Catherine Elaine Hearn**

Mrs. Catherine Elaine Hearn is a national of United Kingdom has been residing in Anguilla since 2002. The Police Record shows no criminal offence.

20) **Mr. Bruce Parker Hearn**

Mr. Bruce Parker Hearn is a national of the United States who has been residing in Anguilla since 2002. The Police Record shows no criminal offence.

21) **Mr. Felix Antonio Santana Lopez**

Mr. Felix Antonio Santana Lopez is a national of the Dominican Republic who has been residing in Anguilla since 2006. The Police Record shows no criminal offence.

22) **Mrs. Eduvigis Carter Jean**

Ms. Eduvigis Carter Jean is a national of the Dominican Republic who has been residing in Anguilla since 2006. The Police Record shows no criminal offence.

23) **Mrs. Amalya Shaverne Adams-Edwards**

Mrs. Amalya Shaverne Adams-Edwards is a national of St Vincent who has been residing in Anguilla since 2004. The Police Record shows no criminal offence.

24) **Ms. Marion Mitchell**

Ms. Marion Mitchell is a national of the United States of America, who has been visiting and residing in Anguilla since 1985. The Police Record states that she has no criminal offences.

25) **Ms. Rosalie Lilian Greer Wade**

Ms. Rosalie Lilian Greer Wade is a national of Montserrat who has been residing in Anguilla since 2004. The Police Record shows no criminal offence.

26) **Ms. Kerlyne Frank**

Ms Kerlyne Frank is a national of Dominica who first began residing in Anguilla in 1996, thereafter she left the island and subsequently at the age of 9 years she returned in 2004. The Police Record shows no offences.

27) **Mr. Fagan Dilano Francis**

Mr. Fagan Dilano Francis is a national of Dominica who has been residing in Anguilla since 2004. The Police Record shows no offences.

28) **Ms. Kay Madelyn Ferguson**

Ms. Kay Madelyn Ferguson is a national of the United States of America who has been residing in Anguilla since 1998. The Police Record shows no criminal offences.

29) **Mr. Wilfred Gideon Williams**

Mr. Wilfred Gideon Williams is a national of St. Vincent who has been residing in Anguilla since 2001. The Police Record shows no criminal offences.

30) **Ms. Claire Veronica Johnson**

Ms. Claire Veronica Johnson is a national of Jamaica who has been residing in Anguilla since 2005. The Police Record shows no criminal offence.

31) **Mr. Jorge Osvaldo Pina Richardson**

Mr. Jorge Osvaldo Pina Richardson is a national of the Dominican Republic who has been residing in Anguilla since 2002. The Police Record shows no criminal offences.

32) **Mr. Jose Allen Francisca**

Mr. Jose Allen Francisca is a national of the Dominican Republic who has been residing in Anguilla since 2000. The Police Record shows no criminal offence.

33) **Mr. Constantine Francis Peter Alfred**

Mr. Constantine Francis Peter Alfred is a national of Dominica who has been residing in Anguilla since 2006. The Police Record shows no criminal offence.

34) **Ms. Sri Wahyuni**

Ms. Sri Wahyuni is a national of Indonesia who has been residing in Anguilla since 2003. The Police Record shows no criminal offence.

35) **Ms. Margaret Pamela Aaron**

Ms. Margaret Pamela Aaron is a national of Guyana who has been residing in Anguilla since 2002. The Police Record shows no criminal offence.

36) **Mr. Colwayne Anthony Pickering**

Mr. Colwayne Anthony Pickering is a national of Guyana who has been residing in Anguilla since 2001. The Police Record shows no criminal offence.

The Ministers agreed to have a revised policy in place before other applications for Permanent Residence are brought back to Council.

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

EX MIN 14/517

EX MEM 14/283 WORK PERMIT APPLICATION REFUSALS

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

The Hon Minister of Labour after consultation with the Executive Council and in accordance with Section 4 (1) of the Control of Employment Act, decided not to approve work permits for the following:-

<u>Name</u>	<u>Country</u>	<u>Employer</u>	<u>Position</u>
Sergio Pimentel Louis	Santo Domingo	Cristo Viene Painting/Oscar Marini Ramos	Painter
Day vi Silvestre Nieve	Santo Domingo	Cristo Viene Painting/Oscar Marini Ramos	Painter
Weigin Feng	China	Light House Supermarket/ Sydney Hughes	Cleaner/Store Clerk
Dawen Tang	China	Rigiang Cen/Asian Building Enterprises	Warehouse Attendant
Andrew Keith Cain	St Vincent	Superior Industrial Equipment	Labourer
Estefania Alfonseca Salas	Santo Domingo	Steven Hodge	Kitchen Helper

Action: PS, IMM; LAB COM; CIO

EX MIN 14/518

EX MEM 14/284 SUPPLEMENTARY AGREEMENT #1 TO THE MOU BETWEEN ANGUILLA PARTNERSHIP ENTERPRISES LTD AND THE GOVERNMENT OF ANGUILLA

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance and Ms Anthea Ipinson, PS, EDICT (Ag) remained for discussion. Messrs Vincent Proctor, PPO, Leslie J Hodge, DLS and Mrs Clare Haskins-Banton Crown Counsel joined the meeting.

Council considered the Supplementary Agreement #1 to the MOU between Anguilla Partnership Enterprises Ltd and the Government of Anguilla

Council agreed:

- a. to waive all customs duties on the importation of construction materials, furniture, furnishings, fixtures, fittings and equipment for a period of five (5) years on those portions of the Project which are not for resale to third parties including common areas and the Developer-owned Room Inventory effective from the date of signing of the MOU;
- b. to waive customs duties on the importation of furniture and furnishings, reasonably necessary for the periodic major refurbishment on the Developer Owned Room Inventory, for a period of twenty (20) years provided that such exemption shall not be granted more than six (6) times over the period effective from date of signing of the MOU; and
- c. to refuse the request for a reduction of the administrative fee applicable in instances where customs duties are waived.

Action: PS, EDICT (Ag); TIO; COC

EX MIN 14/519

EX MEM 14/285 SUPPLEMENTARY AGREEMENT #1 TO THE MOU BETWEEN PARADISE HOLDING COMPANY LTD AND THE GOVERNMENT OF ANGUILLA

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance, Ms Anthea Ipinson, PS, EDICT (Ag) Messrs Vincent Proctor, PPO, Leslie J Hodge, DLS and Mrs Clare Haskins-Banton Crown Counsel remained for discussion.

Council considered the Supplementary Agreement #1 to the MOU between Paradise Holding Company Ltd and the Government of Anguilla.

Council agreed to defer consideration of the paper until further information on the unit density per acre and objectives for reducing the scope and size of the project were determined.

Action: PS, EDICT (Ag); TIO

EX MIN 14/520

EX MEM 14/286 FIRST ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN GOVERNMENT OF ANGUILLA (THE “GOVERNMENT”) AND RAVCO INC (THE “DEVELOPER”)

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance, Ms Anthea Ipinson, PS, EDICT (Ag) Messrs Vincent Proctor, PPO, Leslie J Hodge, DLS and Mrs Clare Haskins-Banton Crown Counsel remained for discussion.

Council considered the First Addendum to the MOU between Ravco Inc and the Government of Anguilla.

Council agreed:-

- a. to refuse the request for a reduction of the administrative fee applicable in instances where customs duties are waived;
- b. to request an update on the progress of the project from the developer.

Action: PS, EDICT (Ag); TIO

EX MIN 14/521

EX MEM 14/287 FIRST ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN GOVERNMENT OF ANGUILLA (THE “GOVERNMENT”) AND ANANYA INC (THE “DEVELOPER”)

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance, Ms Anthea Ipinson, PS, EDICT (Ag) Messrs Vincent Proctor, PPO, Leslie J Hodge, DLS and Mrs Clare Haskins-Banton Crown Counsel remained for discussion.

HE The Governor declared her friendship with the developer, turned the matter over to the Deputy Governor (Ag) to Chair, and stepped out of the meeting.

Council considered the First Addendum to the MOU Between Ananya Inc and the Government of Anguilla.

Council agreed to defer consideration of the paper and tasked the Tourism Investment Committee with reviewing existing land use policies, the Beach Control Act and Customs Act in conjunction with the developer’s requests and liaising further with Ministers of Government.

Action: PS, EDICT (Ag); TIO

EX MIN 14/522

EX MEM 14/288 PRIORITY TRAINING NEEDS FOR 2014/15

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

Ministers deferred the paper until next week in order to have a fuller discussion with PSPA/Chair of the Training Committee, PS Finance, Chief Education Officer and Budget Director.

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

EX MIN 14/523

EX MEM 14/289 2014 CAPITAL BUDGET – PROGRESS REPORT ON IMPLEMENTATION OF UKG-FUNDED PROJECTS

Messrs Larry Franklin, PS MICUH, Vaughn Hazell, Director of IT, Nigel Connor, Chief Engineer (Ag) Ms Anthea Ipinson, PS EDICT (Ag) and Ms Ludiane Leveret-Richardson, Chief Procurement Officer joined the meeting.

The Chief Minister asked that it be recorded that he had listened attentively to the discussion on the number of smaller infrastructure projects. He saw Anguilla heading in the direction of a failed state. For many years the FCO had been saying that Overseas Territories have the first charge on British Development Aid but everything in Anguilla was currently falling apart and no help was being received. What Anguilla needed now was an Economic Development Plan and he wanted HMG to administer the development of it. Soon Anguilla would not be in a position to produce an annual budget.

Council agreed to:

- i. ask MICUH personnel to confirm that ASSI has received the information on the construction of the Air Traffic Control Tower and Fire Station from AASPA;
- ii. amend the earliest start date for commencement of construction on Adrian T Hazell Primary School to mid-November 2014; and
- iii. defer any decision on the use of UKG funds to finance any projects outside of the existing priorities until October when there would be greater clarity on the GoA fiscal position and the status of the receipt of funds due under the EDF 10 Programme.

Action: PS, EDICT (Ag); PS, FIN; CPO; BD; PS, MICUH; COM MAN

EX MIN 14/524

EX MEM 14/290 MS YOLANDE DASH

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

Council agreed that the contract for consultancy services for Ms Yolande Dash to the Attorney General's Chambers should be extended by twelve (12) months.

Council further agreed that every effort should be made to encourage Ms Dash's skills are passed on to persons within the Chambers.

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

EX MIN 14/525

EX MEM 14/291 ESTATE OF WILFRED ALFRED RICHARDSON ALSO KNOWN AS JAMES ALFRED RICHARDSON, DECEASED

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

Council agreed to waive the Crown's right to the Estate of Wilfred Alfred also known as James Alfred Richardson to which it would have been otherwise entitled under section 2(4) of the Law Reform (Illegitimacy) Act. The Estate consists of 1/5 share interest in a parcel of land of 6.25 acres described as Registration Section North Block 588816 B Parcel 69.

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

EX MIN 14/526

EX MEM 14/292 PAYMENT OF DEFERRED SALARY – MR AND MRS F

[NB: names redacted on publication to protect personal health information]

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

Council agreed that Mr and Mrs F, both employed in the public service should be paid their deferred salaries of EC\$20,973.05 and EC\$52,364.78 respectively to enable them meet some of the cost associated with Mr F's medical condition.

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

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

EX MIN 14/527

EX MEM 14/293 REMOVAL OF CLAUSE D FROM SECTION 8, RECOMMENDATIONS OF THE WATER CORPORATION OF ANGUILLA (WCA) – 2014 BUSINESS PLAN (UPDATE) AND COMMERCIAL ARRANGEMENTS EXECUTIVE COUNCIL MEMORANDUM

Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance remained for discussion.

Further to EX MIN 14/472 of 23 July 2014 Council agreed that section "d" of those minutes should be removed. Section 'd' would have allowed for the selection and commissioning of a three-person team to liaise with the Water Corporation of Anguilla, to undertake a peer review of the bids and the bid process for the Crocus Bay Water Plant before the GoA committed to approving the project.

HE the Governor asked for it to be recorded that in her view:

1. the proposed decision significantly reduced the scope for GoA to reassure itself that the contracts had been properly and fairly awarded;
2. as a result, GoA would not know if the best possible value for money was being achieved through the contract, and hence no idea what any impact would be on consumers in terms of water costs;
3. the lack of GoA review of Water Corporation plans also lay the GoA open to possible future financial exposure, of an unknown level;

- 4. the decision also made it more likely that any inappropriate procurement practices would not be identified.

The Hon Minister of Home Affairs indicated that he objected to the Governor’s position as it undermined the credibility and responsibility of the Board of Directors of the Water Corporation in addressing their duties.

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

Action: PS, MICUH; PS, FIN; CEO, WCA

ORAL MENTION

EX MIN 14/528

VALLEY FOOD COURT

Messrs Patrick Hanley, Personal Assistant to the Hon CM/Finance, Vincent Proctor, PPO, Leslie J Hodge and Ms Anthea Ipinson, PS, EDICT (Ag) remained for discussion. Ms Aurjul Wilson, PS Home Affairs joined the meeting.

Mr Vincent Proctor, PPO indicated that the Planning Department and LDCC were not at fault for the delays associated with the implementation of the Valley Food Court Project.

Minister of MICUH requested that the correspondence related to outstanding actions on the Valley Food Court for which MICUH are responsible be directed to the PS MICUH with the Minister of MICUH included by way of copy.

Council noted that there would be no costs to GoA associated with installation and running costs of electricity and water services to the Valley Food Court.

Council agreed to defer consideration and convene a Special Executive Council Meeting on Monday 25 August to discuss permissible and transparent approaches in securing the necessary approvals for ongoing implementation of the Valley Food Court Project.

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

Action: PS, MICUH; EXCO MEMBERS
