

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No:

MINUTES OF THE 235TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 2ND APRIL 2015

- 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 Hon 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 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
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Dr Bonnie Richardson-Lake, PS, HSD
Ms Kathleen Rogers, Principal Environmental Health Officer
Mr Ambrell Richardson, Director of Health Protection
Mr Leslie Hodge, DLS
Mr Larry Franklin, PS, MICUH
Mr Vanroy Hodge, CEO, AASPA
Mr Bancroft Battick, Chief Engineer, DICUH

EX MIN 15/214 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 234th Meeting held on Thursday 26th March 2015.

MATTERS ARISING FROM THE MINUTES

EX MIN 15/215 **UPDATE ON MEETING WITH SOME REPRESENTATIVES OF THE FERRY AND CHARTER BOAT OWNERS**

The following persons joined the Meeting:-

Mr Larry Franklin, PS, MICUH

Mr Vanroy Hodge, CEO, AASPA
Mr Bancroft Battick, Chief Engineer, DICUH

Further to EX MIN 15/194 of 26th March 2015, Council noted a report on the meeting held with Government officials (Mr Larry Franklin, PS, MICUH and Mr Rawle Hazell, Superintendent of the non-commercial Ports) and some of the representatives of the Boat owners/operators on Monday 30th March 2015 in relation to increased ferry boat fares.

Council noted that it was highly unlikely that there would be agreement to rolling back the increased fees. Council acknowledged that there needed to be a clear and transparent process for the amendment of the ferry fares and that the process should be protected in the legal framework.

Council approved the following recommendations:-

1. all fees should be published as the EC\$ equivalent;
2. the fees of US\$20 (whatever is the EC\$ equivalent) and US\$10 (whatever is the EC\$ equivalent) should only be acknowledged, endorsed and installed on the appropriate signage at Blowing Point if:-
 - a) the fees are written into the Tariff Book;
 - b) the Ferry boat owners and charter boat owners organize themselves into a Ferry Boat Owners Association and a Charter Boat Owners Association respectively;
 - c) the mechanism for the amendment of ferry fares and fees is agreed and enshrined in Regulations;
 - d) AASPA establishes the Seaports User Liaison Committee as recommended by the EU report on AASPA;
 - e) GoA agrees and enshrines the mechanism for amendment to the ferry fares in a legal framework. The mechanism should involve the Seaports User Liaison Committee as a buffer for the political directorate;

(The letter from the legal counsel for the Ferry Boat Owners indicates what they would like the mechanism to be "Further is was agreed that any further fees imposed by AASPA will be transferred to the passengers and that in such cases fares increases will be made by the boat owners in consensus and after consultation with the Minister of Transportation"; and
 - f) the boat owners/operators should also commit to a minimum level of service, including the condition of the boats to ensure the

customers receive value for money. These conditions should be enshrined in the licence.

Council further concurred that:-

- (i) AASPA will implement the licensing and certification regime as required by the Seaports Regulations;
- (ii) AASPA will enforce the roster for ferries as required by the Seaports Regulations;
- (iii) AASPA will address all infractions of the AASPA Act and Regulations in a timely, consistent and fair manner;
- (iv) clear drafting instructions should be sent to the Attorney General's Chambers; and
- (v) representatives of the Boat owners/operators should be invited to attend the Meeting of Executive Council on Friday, 10th April 2015.

Action: PS, MICUH; HON AG; CEO, AASPA; MINS OF GOV'T

EX MIN 15/216

EX MIN 15/212 CONTINUED CONCERN REGARDING EXTRACTION OF MARL AT CORITO

The following persons joined the Meeting:-

Dr Bonnie Richardson-Lake, PS, HSD
Ms Kathleen Rogers, Principal Environmental Health Officer
Mr Ambrell Richardson, Director of Health Protection

Further to EX MIN 15/212 of 26th March 2015, Council agreed that the report, which was submitted in 2014 and which addressed the Corito Landfill ministerial concerns should be forwarded to the Hon Minister, MICUH. Council urged the Minister to read the report, and if he had any further questions after doing so, he should direct them to the appropriate officials to be addressed.

Action: HON MIN, MICUH; PS, HSD; PEHO; DHP

EX MIN 15/217

EX MIN 15/157 EX MEM 15/80 APPLICATIONS FOR INCLUSION OF DEPENDENTS ON THE PERMIT OF PERMANENT RESIDENCE

HE The Governor declared an interest due to social ties.

Further to EX MIN 15/157 of 12th March 2015, Council was not minded to favourably consider the request from Mr Ravi Bahadursingh, a national of Guyana (also holder of an Irish passport) for his dependents to be included on his Permit of

Permanent Residence. Council maintained that all applications should proceed through the standard process.

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

EX MIN 15/218

EX MEM 15/116 APPLICATION FOR DUTY EXEMPTION FOR FROM WITHIN DANCE

Council agreed that duty exemption should be granted to From Within Dance (c/o Ms Amber Woodley) on dancewear and equipment as per attached list.

Council additionally noted that the House of Assembly was dissolved on the 25th February 2015 and that only the HoA could grant duty exemption. With this in mind, Council accepted that the Customs Act contained a mechanism which allowed the Comptroller of Customs to release such goods in advance of consideration by the HoA, once the importer provides a written guarantee in a manner acceptable to the Comptroller.

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

EX MIN 15/219

EX MEM 15/117 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – PRESTIGE WORLDWIDE, LTD. – REGISTRATION SECTION WEST CENTRAL, BLOCK 28309 B, PARCEL 172, CONTAINING 1.00 ACRE WITH 2 VILLAS

Mr Leslie Hodge, DLS joined the Meeting.

Council agreed that an Aliens Land Holding Licence should be issued to Prestige Worldwide, Ltd., to hold property described as Registration Section West Central, Block 28309 B, Parcel 172, containing 1.00 acre of land, with two (2) villas thereon located at Sandy Point, Anguilla for tourism purposes, subject to the following:-

(a) payment of the following Stamp Duties:-

(i)	under the Stamp Act – 5% of EC\$5,376,400.00	EC\$268,820.00
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$5,376,400.00	EC\$672,050.00
	TOTAL	EC\$940,870.00

(b) with the expressed condition that after June 2015 the land should be used for residential purposes and that the Licencee must not thereafter rent its villas unless an application is made and written permission obtained from

the Ministry of Finance, Economic Development, Investment, Commerce and Tourism (MoFEDICT).

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

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

EX MIN 15/220

EX MEM 15/118 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – TRADEWINDS HOLDINGS LIMITED – REGISTRATION SECTION: WEST CENTRAL, BLOCK 28211 B, PARCEL 192 (PART OF), CONTAINING 0.03 OF AN ACRE

DLS remained for discussion.

Council agreed that the previous memo and minute on this matter (EX MEM 15/115 of 26th March 2015 and EX MIN 15/206 of 26th March 2015) should be retracted.

Council agreed that an Aliens Land Holding Licence should be granted to Applicant Company, Tradewinds Holdings Limited, to hold, on a freehold basis, 0.03 acre of land located in Lower South Hill, situate at Registration Section West Central, Block 28211 B, Parcel 192 (Part of), on the grounds that the additional land is nominal and is needed to rectify the boundary, subject to the payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$12,096.90	EC\$604.85
(ii)	under the Aliens Land Holding Regulations Act – 12.5% EC\$12,096.90	Waived
	TOTAL	EC\$604.85

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

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

EX MIN 15/221

EX MEM 15/119 AMENDMENT TO EXCO MINUTE 13/741 – LEASE OF CROWN LAND TO ABC SUPPLIES LIMITED AND THE RELOCATION OF FOOTPATH BY MICUH – PROPERTIES DESCRIBED AS REGISTRATION SECTION NORTH CENTRAL, BLOCK 48813 B, PARCEL 80, CONTAINING 0.25 ACRE AND PARCEL 89, CONTAINING 0.03 ACRE, RESPECTIVELY

DLS remained for discussion.

Council noted that, in EX MIN 13/741 of 28th October 2013, permission was

granted to ABC Supplies Limited to hold a leasehold interest in property described as situate in Registration Section North Central, Block 48813 B, Parcel 80 comprising of 0.25 acre of land to serve as additional land for parking purposes to facilitate business operations of the ABC Supplies business place situate on Parcel 78. Council further noted a letter dated February 23rd 2015 from Mrs Keesha Fleming-Lake of Fleming Lake Group, Solicitors for ABC Supplies requesting an amendment to the rental fee from US\$867.41/EC\$2,331.77 to US\$550.00 EC\$1,747.33.

Council agreed that point (v) of EX MIN 13/741 of 28th October 2013 should be amended to read:-

(v) "An annual rent in the amount of US\$650.00 (EC\$1,747.33) to be payable for the first five (5) years. Thereafter, the rent shall be reviewed at the end of every fifth (5th) year of the lease increasing by five percent (5%) greater than the rent existing at the time of review.

Council pointed out that the appropriate officials/authorities should be firm with those persons utilising crown properties without authorisation.

The Hon Minister of Lands stated that this decision had nothing to do with the pending general elections in light of the fact that this matter was brought before Executive Council in October 2013 and this has been the first time that it was returned to Council for further consideration.

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

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

EX MIN 15/222

EX MEM 15/120 EXEMPTION FROM THE WORK PERMIT REQUIREMENTS

Council agreed that the following persons should be exempted from the work permit requirement in accordance with Section 3 (g) of the Control of Employment Act:-

- 1) Mr Faizal Ali Nizamali - National of Guyana, who is employed by Trans Anguilla Airways (TAA) as Chief Engineer.
- 2) Mr Joel Antonio Disla Santana - National of the Dominican Republic presently residing at the Long Path, Anguilla. Mr Santana attended the Valley Primary School from 2005 to 2007 and subsequently the Albena Lake-Hodge Comprehensive School from 2007 to 2012. He is employed at Smokey's at the Cove as a Bartender since November 2013.

- 3) Mrs Holly Jahn - USA National, who is currently residing at Crocus Hill, Anguilla with her husband, who works at the Ani Art Academy in Anguilla. Mrs Jahn is employed by the Klassique Academy of Dance and Performing Arts as a Dance Instructor.

Action: PS, IMM; LAB COM; CIO

EX MIN 15/223

EX MEM 15/121 SHOAL BAY ROAD ACQUISITION OF RIGHT OF WAY TO THE FOUNTAIN CAVERN

DLS remained for discussion.

Council agreed that:-

- (i) the Government of Anguilla should negotiate the purchase of the entire Right of Way as delineated on Boundary Plan BP02-15 (attached) being 2.80 acres of land, from Ms. Veda Harrigan co-executrix of the estate of Abraham Harrigan (deceased) in order to facilitate extension of the road network in the future;
- (ii) the Ministry of Home Affairs should consult with the Ministry of Finance based on the valuation and draft payment terms;
- (iii) Fountain Beach Resort & Residences Ltd may develop the Right of Way over Crown parcel at no cost to Crown and shall not seek to recover any cost for constructing the said portion labelled on GIS map (attached) as "Area 2 Request To Build Now". The Right of Way should be developed in consultation with the Ministry of Infrastructure, Communication, Utilities and Housing on agreed specifications and project management to ensure quality;
- (iv) the constructing of the remaining portion by Fountain Beach Resort & Residences Ltd. currently held under private ownership, once transferred to Crown should be considered by the Government at a later date. The Procurement Act should be followed if Fountain Beach Resort & Residences Ltd. is seeking to recover cost at any of the stage(s) of Road development;
- (v) Government should be minded that before considering granting any concessions that the Government has the long term commitment to maintaining the said Right of Way once transferred to Crown;
- (vi) MICUH should provide an estimate to the GOA for the construction of the remainder of the R.O.W. currently held under private ownership (i.e. from Shoal Bay Main Road to the beginning of Crown Parcel); and

- (vii) the naming of the R.O.W. once acquired and declared a Public Road should be processed by the Road Naming Committee.

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

Action: PS, MHA/LANDS; DLS; PS, MICUH; CHIEF ENG; PS, FIN; PS, EDICT; HON AG; CPO; ACC GEN

EX MIN 15/224

EX MEM 15/122 UPDATE ON VICEROY ANGUILLA RESORT & RESIDENCES

DLS remained for discussion.

Council noted the written opinion from the Director, Lands & Surveys on the Viceroy Anguilla Resort & Residences valuation as attached.

Action: PS, MHA/LANDS; DLS; HON AG; MINS OF GOV'T

EX MIN 15/225

EX MEM 15/123 REQUESTING REGULAR MONTHLY PAYMENT FOR WATER BILLS FROM THE GOVERNMENT OF ANGUILLA (GOA), ITS AFFILIATES AND STATUTORY BODIES

PS, MICUH remained for discussion.

Council agreed that the paper should be deferred to the next Meeting of Executive Council to be held on Friday 10th April 2015.

Council agreed that the PS, FIN and the CEO, Water Corporation of Anguilla should be invited to attend the Meeting of Executive Council on Friday for discussion.

Action: EXCO MEMBERS; PS, FIN; CEO, WCA

ORAL MENTION

EX MIN 15/226

ELECTORAL CONCERNS

The Hon Minister of Home Affairs stated that he had raised a concern with the Supervisor of Elections pertaining to an incident that occurred at the electoral office on 20th March 2015, and as a result, had requested a written apology from an electoral officer. The Hon Minister indicated that he had not received a response from the Supervisor of Elections concerning the matter.

Action: HON MIN, HA; SOE

EX MIN 15/227

EX MIN 15/82 OFFICE ACCOMMODATION FOR ENVIRONMENTAL UNIT

In EX MIN 15/82 of 5th February 2015, Council noted the update from HE the Governor that there was a problem with the ceiling at the NEOC building along

with some other minor renovations, and that the building would not be ready until the end of February.

The Hon Minister of Home Affairs stated that this matter was behind schedule and that the mould situation at the Ministry of Home Affairs was posing health risks for the staff. In light of this, Council agreed that the Department of Environment should seek rental office accommodation at the ABC Building.

Action: HE; PS, MICUH; PS, MHA/LANDS; DIR, ENV; DIR, DM

EX MIN 15/228

EXECUTIVE COUNCIL MEETING

Council agreed that the regular Meeting of Executive Council should be held on Friday 10th April 2015 at 9:00 am.

Action: EXCO MEMBERS

EX MIN 15/229

LEAVE

HE The Governor informed Council that she would be on leave from the 7 – 13 April 2015.

Action: EXCO MEMBERS
