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MINUTES OF THE 124TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 11TH JANUARY 2018

- PRESENT: His Excellency the Governor, Mr Timothy Foy, OBE
- The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism and Information Technology
- The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Evans Rogers, Minister of Health and Social Development, Lands
and Physical Planning
- The Honourable Cora Richardson-Hodge, Minister of Home Affairs and Education
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture, Fisheries and Environment
- The Honourable Attorney General, Mr John McKendrick QC
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Mr Darren Forbes-Batey, Chief of Staff, Governor's Office
Mr Leslie Hodge, DLS
Mr Larry Franklin, PS, EDICTLP
Mr Vincent Proctor, PPO
Mr Bancroft Battick, Chief Engineer, DICUH
Mr Nigel Connor, Deputy Chief Engineer, DICUH

EX MIN 18/01 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 123rd Meeting held on Thursday 13th
December 2017.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/02 None

EX MIN 18/03

END OF 2017 BUDGET POSITION AND 2018 BUDGET PREPARATION

Hon Parliamentary Secretary remained in attendance.

Council noted that finance officials would attend the next Meeting of Executive Council on Thursday 18th January to give a rundown on the 2017 end of year financial position and to discuss preparation plans for the 2018 Budget.

Action: PS, FIN; PS, EDICTLP; PAS, FIN; BD; DEP; CPO

EX MIN 18/04

ACCESS TO ANGUILLA FOR 2018 TOURIST SEASON

Hon Parliamentary Secretary remained in attendance. Mr Darren Forbes-Batey, Chief of Staff (CoS), Governor's Office joined the Meeting.

CoS reported on progress with UK funded programmes to repair infrastructure damaged by Hurricane Irma.

In terms of the airport the temporary Air Traffic Control Tower is functioning well. Night operations are, however, still not possible because of outstanding issues with fencing and lighting. Both matters are in hand and were being dealt with in accordance with ASSI Regulations.

In terms of ferry access, Council discussed the need to expedite the proposal for UK funding on Blowing Point and the corresponding site adjacent to the Princess Juliana Airport in St. Maarten. The Hon Chief Minister indicated he would have a word with the political directorate in St. Martin about who he should speak to directly. Council asked that this be expedited as quickly as possible. H.E. The Governor noted that he was ready to lend his weight to this vital work.

The CoS noted that the ATB, Parliamentary Secretary and officials were working together to formulate a proposal for UK's support to improve immediate air access into Anguilla and to support marketing initiative. He said that he and the Chairperson, ATB would finalise the proposal for presentation to the UK.

Action: H E; PARL SEC; MINS OF GOV'T

EX MIN 18/05

EXECUTIVE COUNCIL GOING FORWARD

Hon Parliamentary Secretary remained in attendance.

H E The Governor noted the large number of routine/uncontroversial matters being submitted to Executive Council. He felt this left little time to discuss important policy matters. He asked the Hon DG to work with Council to consider whether more matters could be dealt with administratively outside Council.

The Hon Minister of Lands undertook to speak with the Hon AG, PS, EDICTLP, DLS and PPO regarding land matters to determine what the Ministry could advance

administratively. Members were asked to consider what legislative changes they would like to see going forward.

Action: EXCO MEMBERS

EX MIN 18/06

EX MEM 18/01 PROPOSAL TO SETTLE ON RECTIFICATION PURSUANT TO SECTION 145 OF THE REGISTERED LAND ACT FOR PROPERTY DESCRIBED IN REGISTRATION SECTION WEST CENTRAL, BLOCK 28211 B, PARCEL 81

Hon Parliamentary Secretary remained in attendance. Mr Leslie Hodge, DLS joined the Meeting.

Council agreed that:-

- (i) the Ministry should identify and allocate the funds necessary to indemnify Michael & Melissa Riner, the registered Proprietors of property described in Registration Section West Central, Block 28211 B, Parcel 81 as follows:-
 - (a) compensation in the amount of US\$58,500.00/ EC\$157,259.70 to be paid in two instalments less the cost for relocation of fence and gate in the amount of US\$23,385.54/EC\$62,865.00. Therefore, indemnity to be awarded in the sum of US\$35,114.46/EC\$94,394.69;
 - (b) a part payment be made in the amount of US\$10,000.00/EC\$26,882.00 during the first half of 2018 and US\$25,114.46/EC\$67,512.69 to be made during the fiscal year of 2018;
 - (c) cost of EC\$76,133.75 to concrete the easement within five (5) weeks of the easement being registered in addition to also moving the existing fence and gate on the property, 12 feet to the new property line and the Riners to subdivide and transfer the easement to Crown at no further expense to the Crown;
 - (d) fixed legal costs of US\$2,500.00/EC\$6,720.50;
- (ii) Ministry of Infrastructure, Communications, Utilities and Housing and/ Department of Lands and Surveys to immediately engage in dealing with compensation associated with dealing with the western boundary compensation and to report back to Executive Council by 1st February, 2018; and
- (iii) the Department of Lands and Surveys should respond to Solicitors for the Riners to indicate the conditions under which payment would be made.

Action: PS, EDICTLP; DLS; PS, FIN; PS, MICUHAFIT; HON AG; ACC GEN

EX MIN 18/07

EX MEM 18/02 BEACH BARS AT ISLAND HARBOUR BEACH

Hon Parliamentary Secretary remained in attendance. DLS remained for discussion.

Council endorsed the following recommendations:-

- (i) **The granting of a licence** for property situate in Registration Section East Central, Block 89319 B described as Parcels 73 and 74 (Part of) being Lot 2 as delineated on Survey Plan LS07-15 being 0.07 of an acre of land, subject to the following terms:-
- (a) rent per annum in the amount of US\$2,800.00 (EC\$7,526.96) for the licence term of five (5) years; and
 - (b) the development must operate to the satisfaction of the Environmental Health Unit for sanitary purposes.
- (ii) **The granting of a licence** for property situate in Registration Section East Central, Block 89319 B described as Parcels 73 and 74 (Part of) being Lot 1 as delineated on Survey Plan LS07-15 being 0.06 of an acre of land, subject to the following terms:-
- (a) rent per annum in the amount of US\$2,400.00 (EC\$6,451.68) for the licence term of five (5) years; and
 - (b) the development must operate to the satisfaction of the Environmental Health Unit for sanitary purposes.
- (iii) **The granting of a licence** for property situate in Registration Section East Central, Block 89319 B described as Parcels 73 and 74 (Part of) being Lot 3 as delineated on Survey Plan LS07-15 being 0.04 of an acre of land, subject to the following terms:-
- (a) rent per annum in the amount of US\$1,600.00 (EC\$4,301.12) for the licence term of five (5) years; and
 - (b) the development must operate to the satisfaction of the Environmental Health Unit for sanitary purposes.
- (iv) **The granting of a licence** for property situate in Registration Section East Central, Block 89319 B described as Parcels 73 and 74 (Part of) being Lot 4 as delineated on Survey Plan LS07-15 being 0.04 of an acre of land, subject to the following terms:-
- (a) rent per annum in the amount of US\$1,600.00 (EC\$4,301.12) for the licence term of five (5) years; and
 - (b) the development must operate to the satisfaction of the Environmental Health Unit for sanitary purposes.
- (v) the use of the premises should be for Beach Bars only;
- (vi) that property situated Registration Section East Central, Block 89319 B described as Parcels 72, 73 and 74 be demarcated as delineated on Survey Plan LS07-15;

- (vii) that Environmental Health, Departments of Environment, Disaster Management, MICUH and Physical Planning, monitor the activity of applicants to ensure that they comply with the relevant laws and regulations and build according to plan, and that the beach is aesthetically pleasing;
- (viii) the Land Development Control Committee and the Attorney General to hold discussions regarding the preparation of a schedule of fees in accordance with Section 13(2)(b) of the Land Development Control Act; and
- (ix) the Business Licences and Food Handling Applications be amended to require individuals/companies in the process of utilising or operating on Crown Property to present a valid licence or lease for such property.

Action: PS, EDICTLP; DLS; PEHO; DIR, HP; DIR, ENV; DIR, DM; PS, MICUHAFIT; PPO; HON AG; PS, FIN; ACC GEN

EX MIN 18/08

EX MEM 18/03 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – QUENTIN MEILHAC (REGISTRATION SECTION: NORTH; BLOCK: 58716 B; PARCEL 115; CONTAINING 0.50 ACRE)

Hon Parliamentary Secretary remained in attendance. DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Quentin Meilhac, with an exemption from the requirement to build within twenty-seven (27) months on grounds that the exemption departure from the Government of Anguilla's policy is justifiable. The property is being held on a freehold basis, 0.50 of an acre of vacant land, located at North Side situate at Registration Section North, Block 58716 B, described as Parcel 115, subject to the following:-

(a) the payment of the following Stamp Duty fees:-

(i)	under the Stamp Act – 5% of EC\$107,528.00	EC\$ 5,736.40
(ii)	under the Aliens Land Holding Regulation Act –6.25% of EC\$107,528.00	EC\$ 6,720.50
(iii)	refundable Deposit of 10% of EC\$107,528.00	Waived
	TOTAL	EC\$12,456.90

(b) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent his dwelling house without first notifying the Ministry of Lands.

Action: PS, EDICTLP; DLS; PS, FIN

EX MIN 18/09

EX MEM 18/04 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – MARNAVI ANGUILLA LTD. REGISTRATION SECTION: NORTH; BLOCK: 58918 B; PARCEL 92, CONTAINING 0.50 ACRE

Hon Parliamentary Secretary remained in attendance. DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Marnavi Anguilla Ltd., to hold vacant property located in Registration Section North, Block 58918 B described as Parcel 92 containing 0.50 acre of land, on a freehold basis located at Brimegin to construct a dwelling house subject to:-

- (a) the payment of the following Stamp Duty fees:-
- | | | |
|-------|--|--|
| (i) | under the Stamp Act - 5%
of EC\$362,907.00 | EC\$ 18,145.35 |
| (ii) | under the Aliens Land Holding
Regulation Act – 6.25%
of EC\$362,907.00 | EC\$22,681.69 |
| (iii) | refundable 10% deposit
of EC\$362,907.00 | EC\$36,290.70 |
| | TOTAL | -----
EC\$77,117.74
===== |
- (b) the construction of the dwelling house to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30) months, 50% of the refundable deposit would be forfeited to the Government of Anguilla. The balance 50% would be forfeited if the construction is not completed within a further six (6) months. Thereafter, forfeiture proceedings for the property would commence by the Government of Anguilla; and
- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencees must not rent their dwelling house without first notifying the Ministry of Lands.

Action: PS, EDICTLP; DLS; PS, FIN

EX MIN 18/10

EX MEM 18/05 AMENDMENT TO APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – CROCUS BAY DEVELOPMENT INC (REGISTRATION SECTION: NORTH; BLOCK: 58715 B; PARCEL 565/SL1, SL2, SL3, SL4, SL5, SL6, SL7, SL8, SL9A, SL9B, SL9C AND SL9D)

Hon Parliamentary Secretary remained in attendance. DLS remained for discussion.

Council agreed that the matter should be deferred until next week to enable the Hon Attorney General to review the MoU to be certain what was initially agreed.

Action: HON AG; PS, EDICTLP; DLS

EX MIN 18/11

EX MEM 18/06 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – DAVID BRYAN MCGUINNESS - REGISTRATION SECTION SOUTH EAST, BLOCK 79214 B, PARCEL 202, STRATA LOTS SL B6, CONTAINING 899 SQUARE FEET AND SL G4 CONTAINING 366 SQUARE FEET

Hon Parliamentary Secretary remained in attendance. DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to David Brian McGuinness to hold property situated in Registration Section South East, Block 79214 B, described as Parcel 202, SL B6, containing 899 sq.ft. and SL G4 containing 336 sq.ft. located at Sandy Hill, Anguilla for residential purposes with intent to rent, subject to the following:-

(a) payment of the following Stamp Duties:-

(i)	under the Stamp Act – 5% of EC\$395,165.40	EC\$19,758.27
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$395,165.40	EC\$19,758.27
	TOTAL	EC\$39,516.54

- (b) Sandy Hill Beach Resort Club Development should be the exclusive renting agent for the villa;
- (c) the Licensee should be required to enter into an agreement with Sandy Hill Beach Resort Club Development for the management and use of the villa for at least forty-four (44) weeks in each calendar year; and
- (d) the Licensee shall have the right to reside in the villa for a maximum of eight (8) weeks in each calendar year without being liable for the payment of accommodation tax. However, if the applicant wishes to live in the villa for a period longer than eight (8) weeks, then the applicant should be required to pay the accommodation tax.

Action: PS, EDICTLP; DLS; PS, FIN

EX MIN 18/12

EX MEM 18/07 APPROVING THE MEMBERSHIP OF THE ANGUILLA HONOURS AND AWARDS COMMITTEE FOR THE PERIOD 2017 - 2020

Hon Parliamentary Secretary remained in attendance.

Council approved:-

- (i) the re-appointment of Rev. Dr. Wycherley Gumbs, Mrs. Yolande Richardson, Mr. Carl Ruan, Mr. Ralph Hodge and Mr. Rodney Rey as members of the Anguilla Honours and Awards Committee for a further period of three years (2017 – 2020); and
- (ii) the appointment of Mrs. Serene Carter Davis and Ms. Jansie Webster as new members of the Anguilla Honours and Awards Committee for a period of three years (2017 – 2020).

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

Action: PS, MHA; PAS, MHA; HON MIN, MHA

EX MIN 18/13

EX MEM 18/08 REPLACEMENT OF GOVERNMENT VEHICLES 2017

Hon Parliamentary Secretary remained in attendance. Messrs Bancroft Battick, Chief Engineer, DICUH and Nigel Connor, Deputy Chief Engineer, DICUH joined the Meeting.

Further to EX MIN 17/588 of 13th December 2017, Council:-

- (i) noted the present condition of Government vehicles;
- (ii) noted the plan for vehicle replacement for 2017 and thereafter; and
- (iii) granted approval for the MICUH/MOF to undertake the acquisition for 26 – 30 vehicles under a lease-to-own arrangement as part of the vehicle replacement plan.

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

Action: PS, MICUHAFIT; CHIEF ENG; DCE; PS, FIN; PS, EDICTLP; PAS, FIN; BD; CPO; MINS OF GOV'T

EX MIN 18/14

EX MEM 18/09 RE-APPOINTMENT OF COMMISSIONERS TO THE BOARD OF THE PUBLIC UTILITIES COMMISSION

Hon Parliamentary Secretary remained in attendance.

Council:

- (i) approved the re-appointment of Mr Jerome Richardson and Mrs Idona A. Alord to the Board of the Public Utilities Commission for a term of two years with effect from 26th November 2017 and 18th December 2017 respectively;
- (ii) noted that both Mr Jerome Richardson and Mrs Idona A. Alord re-appointment meets the criteria outlined in section 3(2) and/or 3(2),(c),(d) of the Public Utilities Commission (Amendment) Act 2014; and
- (iii) agreed that the PUC should inform the Ministry three months prior to the expiration of a Commissioner's term of office.

Action: PS, MICUHAFIT; EX DIR, PUC; HON MIN, MICUHAFIT

EX MIN 18/15

EX MEM 18/10 PAYMENT OF DEFERRED SALARY – MRS A

[note on publication: name redacted to protect personal health information]

Hon Parliamentary Secretary remained in attendance.

Council agreed that Mrs A, who is employed in the Immigration Department should be paid her deferred salary in the sum of EC\$11,111.53 to assist her with costs associated with her medical condition.

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

Action: CIO; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 18/16

EX MEM 18/11 PAYMENT OF DEFERRED SALARY – MR C

[note on publication: name redacted to protect personal health information]

Hon Parliamentary Secretary remained in attendance.

Council agreed that Mr C, who is employed in the Agriculture Department should be paid his deferred salary in the sum of EC\$14,734.39 to assist him with costs associated with his son's medical condition.

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

Action: DIR, AGR; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 18/17

EX MEM 18/12 PAYMENT OF DEFERRED SALARY – MRS D

[note on publication: name redacted to protect personal health information]

Hon Parliamentary Secretary remained in attendance.

Council agreed that Mrs D, who is employed in the Treasury Department should be paid her deferred salary in the sum of EC\$13,767.33 to assist her with costs associated with her husband's medical condition.

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

Action: ACC GEN; PS, PA; PS, FIN; PS, EDICTLP

EX MIN 18/18

EX MEM 18/13 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – WATER’S EDGE ANGUILLA, LLC – REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38409 B, PARCEL 20, CONTAINING 0.23 ACRE

Hon Parliamentary Secretary remained in attendance. DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Water’s Edge Anguilla, LLC to hold property described as Registration Section South Central, Block 38409 B, Parcel 20, containing 0.23 acre of land located at Blowing Point, Anguilla for residential purposes with a dwelling house thereon, subject to the following:-

(a) payment of the following Stamp Duties:-

(i)	under the Stamp Act – 5% of EC\$1,370,982.00	EC\$68,549.10
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$1,370,982.00	EC\$68,549.10
	TOTAL	EC\$137,098.20
		=====

(b) with the expressed condition that the land is to be used for residential purposes and that the Licencees must not rent their dwelling house without first notifying the Ministry of Lands.

Action: PS, EDICTLP; DLS; PS, FIN

EX MIN 18/19

EX MEM 18/14 ACQUISITION THROUGH EXCHANGE OF PROPERTIES DESCRIBED AS REGISTRATION SECTION EAST CENTRAL, BLOCK 89217 B, PARCELS 142 AND 143

Hon Parliamentary Secretary remained in attendance. DLS remained for discussion.

Council supported the recommendations from the Ministry that:-

- (i) lands situated in Registration Section West Central, Block 28111 B, described as Parcel 163 being 0.46 of an acre of land and in Registration Section North Central, Block 48813 B, described as Parcel 96 (part of) being 0.33 of an acre be exchanged for lands situate in Registration Section East Central, Block 89217 B, described as Parcels 142 and 143 registered to Frederick Harrigan and Hamlet Harrigan. The exchange of land is for the Welches community to further expand their existing community park and playing field;
- (ii) the Welches community shall have the right to use said property with the approval of the Ministry of Social Development;

- (iii) Messrs. Frederick Harrigan and Hamlet Harrigan should be responsible for the filling of the hole for property situate in Registration Section West Central, Block 28111 B, described as Parcel 163; and
- (iv) the Ministry should write to the proprietors of the property to communicate Government's offer with respect to the exchange of lands.

Action: PS, EDICTLP; DLS; PPO; PS, ELSYC

EX MIN 18/20

EX MEM 18/15 HURRICANE IRMA RELIEF PROGRAMME – OECS RELIEF FUNDS

Hon Parliamentary Secretary remained in attendance.

Council:-

- (i) approved the Cash/Voucher Relief Programme; and
- (ii) agreed that the following persons should serve on the Committee to administer the programme:-

Bishop Errol Brooks (Chair)
Pastor Gareth Hodge
Pastor Phillip Gumbs
Reverend Wycherly Gumbs
Pastor Iton Connor
Pastor Lucien McDonna

Action: PS, FIN; PS, EDICTLP; PAS, FIN; BD; CPO; ACC GEN

EX MIN 18/21

EX MEM 18/16 EXTENSION OF HURRICANE IRMA RECOVERY AND RECONSTRUCTION ASSISTANCE

Hon Parliamentary Secretary remained in attendance.

Council approved the extension of the Hurricane Irma Recovery and Reconstruction Customs Duty Relief assistance programme from 1 January 2018 to 31 March 2018.

Council noted that there would be no further extension beyond this date.

Action: PS, FIN; PS, EDICTLP; PAS, FIN; COC; BD; CPO; ACC GEN

ORAL MENTION

EX MIN 18/22

APPOINTMENT/RE-APPOINTMENT OF MEMBERS TO THE ANGUILLA BUILDING BOARD

Hon Parliamentary Secretary remained in attendance.

Council agreed that the following persons should be appointed/re-appointed to the Anguilla Building Board (ABB) for a period of two (2) years:-

1. Mr Bancroft Battick, Chief Engineer, Department of Infrastructure - Chairman (Section 3 (3) of Building Board Act)
2. Mr Vincent Proctor, Principal Planning Officer, Physical Planning Department - Vice Chairman (Section 3 (3) of Building Board Act)
3. Mr Carlisle Lake, Lead Fire Fighter, Anguilla Fire and Rescue Service - Member (Section 3 (3) of Building Board Act)
4. Ms Kathleen Rogers, Principal Environmental Health Officer, Department of Health Protection - Member (Section 3 (3) of Building Board Act)
5. Mr Claudius Gumbs, Building Engineer - Member (Section 3 (3) of Building Board Act)
6. Mr Cordel Niles, Chief Building Inspector - Member and Clerk to the Board (Section 3 (3) of Building Board Act)

Council additionally agreed that the following monthly allowances should be paid to the members of the ABB:-

- | | | |
|----|---------------|------------|
| 1. | Chairman | EC\$400.00 |
| 2. | Vice Chairman | EC\$300.00 |
| 3. | Secretary | EC\$350.00 |
| 4. | Members | EC\$300.00 |

Council noted that the above recommended rates for allowances have been in place since 2014.

Action: PS, MICUHAFIT; PS, FIN; PS, EDICTLP; HON MIN, MICUHAFIT

EX MIN 18/23

APPOINTMENT OF PUBLIC RELATIONS OFFICER

Hon Parliamentary Secretary remained in attendance.

Further to EX MIN 17/523 of 9th November 2017, the Hon Chief Minister informed Council that Mr Mark Romney had been appointed as GoA's Public Relations Officer.

Action: DG; MINS OF GOV'T

EX MIN 18/24

HURRICANE RELIEF ITEMS

Hon Parliamentary Secretary remained in attendance.

Council noted a concern that hurricane relief items, which included blankets, solar lights, buckets and other necessary commodities were still being stored in a container in the custody of the Anguilla Red Cross.

Council agreed that there should be dialogue between Disaster Management and the Anguilla Red Cross Committee on this.

Action: DIR, DM; HON DG; MINS OF GOV'T
