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MINUTES OF THE 118TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 13TH SEPTEMBER 2012

PRESENT: His Excellency the Governor, Mr Alistair Harrison

The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism

The Honourable Acting Deputy Governor, Ms Aurjul Wilson

The Honourable Edison Baird, Minister of Social Development, Health, Sports
and Education

The Honourable Walcott Richardson, Minister of Labour, Immigration, Lands,
Physical Planning, Human Rights, Environment, Gender Affairs and Agriculture
and Fisheries

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

The Honourable Attorney General, Mr James Wood

Mrs Sonia Brooks, Acting Clerk to Executive Council

IN ATTENDANCE: Mr Keith Bell, Director Financial Services
Mr Gifford Connor, DLS

EX MIN 12/635 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 117th Meeting held on Friday 7 September
and the Minutes of the Special Meeting held on Monday 10th September 2012.

MATTERS ARISING FROM THE MINUTES

EX MIN 12/636 **EX MIN 12/623 NEW OVERSEAS MINISTER**

HE informed Executive Council that he had sent off a congratulatory message to
Mr Mark Simmonds as agreed by Council.

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OUTSTANDING ITEMS FOR EXCO

1. EX MIN 12/500
of 19 July 2012 CENTRAL CHRISTIAN SCHOOL
To report back to Executive Council.

Action: PS, ELSYC
2. EX MIN 12/501
of 19 July 2012 LEASE OF CINNAMON REEF PROPERTY
FROM ASSIDCO
To report back to Executive Council.

Action: HON CM; PS, ELSYC; PS, FIN;
PS, EDICT
3. EX MIN 12/502
of 19 July 2012 CONSIDER REQUEST FROM THE ANGUILLA
TOURIST BOARD (ATB) FOR THE GOA TO
FUND SETTLEMENT WITH
MR FITZROY "BRIGY" TOMLINSON
To report back to Executive Council.

Action: PS, EDICT

EX MIN 12/637

EX MEM 12/304 OVERDRAFT FACILITY 2012

Council approved the following:-

- (i) that the Government of Anguilla maintain an Overdraft Facility of EC\$20 million at a local banking institution or institutions for a period not exceeding twelve (12) months, effective from 1 October 2012;
- (ii) letters be sent to all the commercial banks on the island inviting proposals for the funding of the EC\$20 million Overdraft Facility;
- (iii) the attached draft Overdraft Resolution be submitted to the House of Assembly at its next sitting, to give effect to the proposed Overdraft Facility.

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

Action: PS, FIN; PS, EDICT

EX MIN 12/638

EX MEM 12/305 RESIGNATION OF MR. WILLIAM "BILL" GRANDFIELD FROM THE ANGUILLA AIR AND SEA PORTS AUTHORITY BOARD

Council:

Noted the resignation of Mr. William “Bill” Grandfield as a Member and Deputy Chairman of the Board of the Anguilla Air and Sea Ports Authority Board.

Authorised the publication of a notice of Mr. Grandfield’s resignation in the Gazette.

Action: PS, MICUH; AG

EX MIN 12/639

EX MEM 12/306 APPLICATION FOR DUTY EXEMPTION FOR OMOLOLU

Council agreed that duty exemption should be granted to Teacher Gloria Omololu Institute (c/o Mr Aidan Harrigan) on list of items attached.

The estimated duty loss to the GoA is EC\$12,902.94.

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

Action: PS, FIN; COC; FO

EX MIN 12/640

EX MEM 12/307 EXTENSION OF TIME FOR SUBMISSION OF 2013 BUSINESS PLANS – ANGUILLA AIR AND SEA PORTS AUTHORITY AND WATER CORPORATION OF ANGUILLA

Council noted that the Anguilla Air and Sea Ports Authority and the Water Corporation of Anguilla will be granted an extension to October 30, 2013 to submit their 2013 Business Plans.

The Hon Chief Minister decided that he would discuss the Anguilla Air and Sea Ports Authority with the EU as he was of the view that this is a project for funding until it can stand on its own two feet.

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

Action: PS, MICUH

EX MIN 12/641

EX MEM 12/308 MS YOLANDE DASH

Hon Minister of Infrastructure

“I want my concerns recorded in the minute as it regards to Miss Yolande Dash. I have serious concerns of any Government worker working two jobs at the same time. I cannot see the services rendered for the time and money being paid from government funds. I support the reappointment but not the position of Miss Dash doing two jobs. No one can do justice in that manner; there will be short comings somewhere along the lines. I don’t want to sound as if I am on one person in particular but Miss Dash is who we are dealing with at present.”

Council approved the extension by twelve (12) months of the contract for Ms Yolande Dash consultancy services to the Attorney General's Chambers.

Council agreed that efforts should be made for other persons to be trained in this area.

Council approved monthly payments of US\$3,527.50, or its equivalent in Eastern Caribbean Dollars.

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

EX MIN 12/642

EX MEM 12/309 PROPOSED SEVERANCE PAY FOR FORMER NON-ESTABLISHED EMPLOYEES OF THE AIRPORT AND SEAPORTS DEPARTMENT

Council approved the following once funds become available:-

- (a) The payment of a gratuity/severance package to the former non-established employees of the Airport and Seaports Department in keeping with the decision made in 2009 for the former non-established employees of the Water Department.
- (b) The formula for calculating the gratuity for the former non-established employees.

$$\frac{1}{3} x (\text{average monthly wage} \times \text{number of years of service})$$

- (c) A minimum requirement for length of service to 10 years.
- (d) Mrs. Violet Brooks and Mrs. Ruth Fleming to be treated as though their full tenure was as unestablished wage workers.
- (e) The issuance of a promissory note to the former employees to indicate the Government of Anguilla's commitment to the payment of a gratuity as soon as it is financially possible. In the event of the death of any of the persons in this group, the Government of Anguilla will undertake to pay the gratuity to the estate of the deceased person.
- (f) Depending on the financial circumstances consideration should be given to paying the gratuity on an individual basis when the eligible employees retire or resign from the Water Corporation of Anguilla and the Anguilla Air and Sea Ports Authority.

Action: PS, MICUH

EX MIN 12/643

EX MEM 12/310 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – SPECIALTY VACATIONS PROPERTY LLC

Mr Gifford Connor, DLS joined the meeting.

Council agreed to issue an Aliens Land Holding Licence to Specialty Vacations Property LLC to hold a strata lot on a freehold basis that is 1,747 sq. ft. and forms part of Anguilla Aviation Limited, a condominium development, located at Shoal Bay, at a valuation of US\$425,000.00/EC\$1,142,485.00 for tourism purposes, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Transfer – 5% of EC\$1,142,485.00	EC\$ 57,124.25
(ii)	Stamp Duty on Licence – 12.5% of EC\$1,142,485.00	EC\$142,810.63
	TOTAL	EC\$199,934.88

Council further agreed that:-

- Anguilla Aviation Limited should be the exclusive renting agent for the villa.
- The Licensees should be required to enter into an agreement with Anguilla Aviation Limited for the management and use of the villa for at least forty-four (44) weeks in each calendar year.
- The Licensees 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 applicants wish to live in their villa for a period longer than eight (8) weeks, then they should be required to pay the accommodation tax.

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

EX MIN 12/644

EX MEM 12/311 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – TYRONE BERNARD WHYTE

DLS remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Tyrone Bernard Whyte to hold 0.50 acre of land on a freehold basis located at Junks Hole (Block 99418B Parcel 137), at a valuation of US\$55,000.00/EC\$147,851.00 for the purpose of constructing a dwelling house, subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$147,851.00	EC\$ 7,392.55
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(ii)	under the Aliens Landholding Regulation Act – 12.5% of EC\$147,851.00	EC\$18,481.38
(iii)	Refundable Deposit @ 10% of EC\$147,851.00	EC\$14,785.10
	TOTAL	EC\$40,659.03

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

EX MIN 12/645

EX MEM 12/312 PARLIAMENTARY COUNSEL

Council agreed that the post of Parliamentary Counsel at the Attorney General's Chambers be advertised with immediate effect.

Action: AG; PS, PA

EX MIN 12/646

EX MEM 12/313 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – FOUNTAIN BEACH RESIDENCES LTD

Council agreed to issue an Aliens Land Holding to Fountain Beach Residences Ltd. The Directors are applying for an Aliens Land Holding Licence to hold 0.28 acre of land on a freehold basis located at Shoal Bay (Block 59018B Parcels 140) at a valuation of US\$5,000.00/EC\$13,441.00, subject to the payment of the following stamp duties:-

(i)	Stamp Duty on Licence @ 12.5 % of EC\$13,441.00	EC\$1,680.13
(ii)	Stamp Duty on Transfer @ 5% of EC\$13,441.00	EC\$ 672.05
	TOTAL	EC\$2,352.18

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

EX MIN 12/647

INF 12/13 THE ERITREA (RESTRICTIVE MEASURES) OVERSEAS TERRITORIES) ORDER 2012

Council noted that the Eritrea (Restrictive Measures) (Overseas Territories) Order 2012 gives effect in specified Overseas Territories to the measures adopted by the European Union in Council Decision 2010/127/CFSP, as amended by Council Decision 2010/414/CFSP, and implemented by Council Regulation (EU) No. 667/2010. The EU measures implement the restrictive measures adopted in United Nations Security Council Resolution 1907 (2009). The Order also gives effect to

exemptions to the restrictive measures adopted in United Nations Security Council Resolution 2060 (2012).

The main provisions of the Council Decision and Regulation are: a prohibition in respect of the sale or supply to Eritrea of arms and related materiel; a prohibition on the supply of technical assistance, training, financial and other specified forms of assistance; a prohibition on obtaining arms and related materiel as well as technical assistance, training, financial and other specified forms of assistance from Eritrea; a freezing of funds and economic resources owned or controlled by persons or entities designated by the relevant United Nations Sanctions Committee; and making funds and economic resources available to such designated persons or entities.

Action: HE; AG; MINS OF GOV'T

EX MEM 12/648

INF 12/14 THE IRAQ (UNITED NATIONS SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2012

Council noted that the Iraq (United Nations Sanctions) (Overseas Territories) Order 2012 consolidates the asset freezing provisions imposed by the United Nations Security Council in relation to Iraq. Asset freezing obligations were originally imposed by the Security Council in relation to Iraq in Security Council resolution 661 (1990). These obligations were significantly amended in by Security Council resolution 1483 (2003) to provide for an asset transfer mechanism to the Development Fund for Iraq (“the DFI”) which is an account of the Central Bank of Iraq subject to international oversight by the United Nations. The DFI along with certain obligations preventing the attachment of monies payable to the DFI was terminated by virtue of resolution 1956 (2010).

This Order also amends the Iraq (United Nations Sanctions) (Overseas Territories) Order 2003 (S.I.2003/1516) to update the definition of “restricted goods”.

Action: HE; AG; MINS OF GOV'T

EX MIN 12/649

INF 12/15 THE LIBERIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2012

Council noted that this Order amends the Liberia (Restrictive Measures) (Overseas Territories) Order 2004, as amended (“the 2004 Order”). The 2004 Order applies in the Overseas Territories specified in Schedule 1 to that Order the measures adopted by the United Nations Security Council in resolution 1521 of 22 December 2003 and by the Council of the European Union in Common Position 2004/137/CFSP adopted on 10 February 2004. This Order gives effect to the modified arms embargo measures provided for in United Nations Security Council Resolution 1903 adopted on 17 December 2009, Council Decision 2010/129/CFSP adopted by the Council of the European Union on 1 March 2010 and Council Regulation (EU) 493/2010 adopted on 7 June 2010.

This Order reduces the scope of the arms embargo already in place by prohibiting the supply or export of restricted goods and the provision of assistance, advice or

training related to military activities to non-governmental persons in Liberia. The Order also imposes an obligation to notify the Governor in advance of any export of prohibited goods to the Government of Liberia. The opportunity has also been taken to include definitions of “financing and financial assistance”, “technical assistance”, and to update the definition of restricted goods.

Action: HE; AG; MINS OF GOV'T

ORAL MENTION

EX MIN 12/652

NEW DIRECTOR OF THE FINANCIAL SERVICES COMMISSION

Mr Keith Bell, new Director of Financial Services Commission joined the meeting.

HE introduced Mr Keith Bell as the new Director of the Financial Services Commission. He is a National of Canada and has knowledge of regulatory issues.

The Hon CM welcomed Mr Bell to the FSC and agreed to meet with him to further discuss the financial services.

Mr Bell said that he will be friendly and approachable and Chief Minister is welcome to come at any time.

EXCO wish him well and an enjoyable stay on the island.

EX MIN 12/653

DATE FOR MEETING OF HOUSE OF ASSEMBLY

Council agreed that the next meeting of the House of Assembly should be held on Wednesday 19 September at 2pm.

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

Action: SPEAKER, HOA; CL, HOA

EXMIN 12/654

MEETING OF EXECUTIVE COUNCIL

Council agreed that the regular Executive Council meeting should be held on Wednesday 19 September at 9 am.

Action: EXCO MEMBERS

EX MIN 12/655

OVERSEAS TRAVEL

The Hon Chief Minister informed Executive Council that he would be off island from 20th September to 4th October to attend an EU-OCT Forum in Greenland.
