



Minutes for the meeting held on Thursday 10th February 2022
Venue: PLC Conference Rm

MEMBERS PRESENT	
Woody DaCosta (WD)	Chairperson
Teddie Ebanks (TE)	Deputy Chair
Elsie Kynes (EK)	Member
Ezmie Smith (ES)	Member
Shane Edwards (SE)	Member
Shanna Myles (SM)	Member
David Fawcitt (DF)	SPO
Nicola Anderson-Wildman	ADCO
Perry Powery	DCO T&T
Sharon Roberts (SR)	Secretary PLC

ABSENT	
Wilbur Welcome (WW)	ACO DAL
Kathryn Dinspel-Powell (KDP)	DCO FSC
Jon Hall (JH)	HOD L&SD

INVITED	
Nigel Gayle	CC
Marylyn Brandt	CC

KEY:	
ACO	Acting Chief Officer
AG	Attorney General
AGC	Attorney General's Chambers
CI	Chief Inspector
CIG	Cayman Islands Government
CO	Chief Officer
CPA	Central Planning Authority
DCI	Department of Commerce and Investment
DCO	Deputy Chief Officer
HOD	Head of Department
DoP	Department of Planning
L&SD	Lands and Survey Department
FSC	Ministry of Financial Services & Commerce
T&T	Ministry of Tourism & Transport
MOE	Ministry of Education
MOH	Ministry of Health and Wellness
PresL	The Prescription Law (2018 Revision)
PLC	Public Lands Commission
PLA	Public Lands Act (2021)
PLR	Public Lands Regulations (2021)
SPO	Senior Policy Officer

1. Meeting called to order.

The Chair called the meeting to order at 10:18am with a quorum of ten(10) members present.

1.1 Welcome / Apologies & Nonattendances

- Chair welcome all who were present and those joining the meeting by using the ZOOM access link.
- Apologies were received from Jon Hall, Wilbur Welcome and Kathryn Dinspel-Powell.

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2. Revision and confirmation of PLC meeting Minutes.

2.1 Minutes for the meeting of 25th November 2021

– Deferred to the next meeting.

2.2 Minutes for the meeting of 2nd December 2021

- TE made the motion to accept the minutes, which was seconded by ES.

2.3 Minutes for the meeting of 27th January 2022

-Deferred to the next meeting.

3 Matters Arising.

3.1 West Bay Beach South – Royal Palms Summons

- Prior to CC Nigel Gayle joining the meeting by ZOOM, the **Chair** provided an update on the current status and opened the floor for those present to put forward any questions they would like to have addressed by Mr. Gayle, who was invited to the meeting as agreed upon at the last meeting.
- **Mr Gayle** noted that further to the initial meeting with the Dart Group, the agreed timelines for the Consent Order would be filed by end of March 2022. This was no longer the case as the settlement proposal from the Dart Group was still pending. It was further anticipated that he would be looking to file in April 2022 or later.
- Further clarified by **Mr Gayle** noted that as soon as he was in receipt of the proposal, it would be passed on to the PLC for discussion, after which he would propose a meeting with the Commissioners.
- **ES** emphasised her concern that a written ‘Undertaking’ should be filed in the interim, which was further supported by **SE**, who noted he shared the same concerns.
- In acknowledgment of the concerns raised by both **ES** and **SE**, Mr Gayle asked that if any one became aware of any activity at the site, that he be notify so that he could address any potential breaches.
- **ES** further noted that so far there were no activities on site but to safeguard in any event it would be good to have the undertaken in place because there was nothing but in the event of any building going on or in case of any change of ownership it would be good to have. Mr. Gayle further stated in the event that nothing was filed by the end of March 2022 he would be considering this.
- For the benefit of Mr Gayle’s understanding, of the direction the PLC wished to take the negotiations, the **Chair** mentioned the Ministry was asked to seek the necessary values of the site, both as is, and after the public ROWs potential relocation. Further clarification was made to confirm that the PLC would be open to the exchange of Property and Damages as a part of the proposed negotiations.
- **TE** note that his issue still remained that *Section 32* of the Development and Planning Section. The CC clarified that the LAW did allow for entering into negotiations by consent.



- ES confirmed that she would follow-up with a Memo to Mr Gayle for his opinion in regards to the Planning Dept. and the gap she believes existed.

3.2 Affidavits on the matter of Block 9A Par 428 _ Uncle Bob Rd

- The Chair expressed gratitude for **CC Brandt** attendance and in summary expressed the Commission's request to seek her professional guidance on the matter regarding the Memo sent pertaining to the breach access of the Uncle Bob Rd.
- **CC Marilyn Brandt** confirmed that she would review the matter and offer advice in writing by the 24th Feb 2022.
- Upon further discussions, the suggestion was made that the Commission may need to reach out to the AG Chambers requesting to have a Crown Counsel assigned to the PLC as an advisor, to ensure consistence when receiving advice on legal matters.

3.3 Vendor Application on SMB – The Marriott Hotel

- Further to reading the Public Lands Acts for clarity, the Chair raised his concerns that related to 'Commercial Activity', 'Granting a Vendor's Permit' and 'Renewal of a Vendor's Permit' of the Act. He highlighted sections that spoke to the privilege the PLC had as appointed Commissioners from the Hon. Minister, to participate in the approval process of Permits being submitted for use of Public Lands
- In light of the reasons put forward of the decision made at the last meeting to deny the application, the **Chair** asked for clarity from the Commissioners regarding the intension going forward, on handling all Vendor applications.
- Further to lengthy discussions on the matter, and questions raised by **SM** to understand the concerns raised by the commissioners on the vote to deny the application, it was highlighted that parameters need to be set in place.
- **ES** confirmed that the letter of Denial to be sent to the vendor was drafted and will be sent to Legal for advice before being mailed out.
- **SE** mentioned that he emailed his concerns on the application to the members, and commented that he felt the Lease option would be more appropriate, to meet the needs of the applicant. He suggested that the **ACO Welcome** could be approached for clarity on Leasing Public lands.
- **SM** emphasized that distinguishing between entities should be viewed only as outlined in the Regulations, when considering applications.
- Further to the discussion raised by **SE** it was agreed that clarity and legal advice would be necessary to understand the voting rights of Mr. DaCosta ,as a representative member of BT and as Chairperson of the PLC.
- Once received, the **Chair** instructed the Secretary to forward the Denial Letter on to the AG Chamber for advice.

3.4 Vendor Application – Jameion Bodden and Alexis Reve Aviles

- The application was review and **SE** asked to be recuse from the decision-making on this applicant noting a conflict of interest.



- Further to discussion on the submission of the applicant **Jameion Bodden**, it was agreed that the applicant would be contacted as the submission was incomplete. The following items were recorded as missing and would need to be provided:
 - Updated TAB Licence
 - Layout site plan/map for clarity
 - Food hygiene certificate and Liability Insurance
- **Application for Alexis Reve Aviles** – was deferred to the next meeting.
- **ES** suggested that a bulletin be published with the guideline for Vendor applications.

3.5 Commercial Vending on Public Land - Simon Rivers

- **DF** mentioned that applicant was a previously approved Vendor.
- It was agreed that the application be deferred pending additional documents required.
- Further to discussions on clarification of vetting application processes, **SM** asked for copies of JDs for the Inspectors. She suggested that the Inspectors be more involved with the application process by submitting a written Pre-inspection report confirming a site visit and post inspection after the applicant was approved.

3.6 Red Spot Update

- **SM** asked if the PLC wanted to proceed with seeking to acquire the location through the Ministry. After much discussion it was noted by the **Chair** that commissioners should be aware that if the acquisition was successful, the persons currently utilizing the location would need to submit applications as vendors.
- **ES** reiterated an update on the history of the location and mentioned that she had been approached by the public seeking an update on the PLC actions.
- **EK** excused herself from the meeting, as she had to leave.

3.7 Annual Report

- **TE** requested a template for the Annual Report from **DF**.
- **ES** mentioned that she sent an email previously and a further e-mail to **DF**, who confirmed that he received the emails.
- On another matter concerning the public access near the Foster's supermarket in West Bay Mr. Fawcitt confirmed that he had passed the information on to the Planning Department.
- It was agreed that the 2020 Report would be circulated to the commissioners for their final approval.
- **SE** noted that in his opinion the report should have a more detailed Budget report.

3.8 PLC Policy and Procedures

- It was agreed that a special meeting be set to address the matter. The date was set for Sat 26th February 2022 at 9:30am.

3.9 Chief Inspector's update

- A written report was submitted.
- The Inspector was absent due to travel to the Sister Island.

4 New Business

5 Any other Business

6 Scheduling of the next PLC meeting

The next PLC meeting tentatively set for Thursday 24 February 2022.

7 Adjournment

Meeting adjourned at 3:10pm.



Chairperson
Public Lands Commission

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