

**Cayman Islands
Public Lands Commission
Policies and Procedures Manual**

Preface

The purpose of this manual is to act as an operational guide for the Members of the Public Lands Commission (the “**Commission**”).

It specifies the internal procedures, rules and processes that the Commission has established to govern its operation and is published on the Commission website to assist the members of the public to understand the operation of the Commission including the procedures necessary to file a complaint regarding a perceived breach of Public Lands Act (2020 Revision), Public Lands Regulations, 2021, and the Prescription Act (2018 Revision).

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Part A: Statutory Guidelines, Roles, Responsibilities and Administrative Matters

1. Statutory Guidelines

The statutory guidelines for the Commission are found in Sections 4 through 9 of the Public Lands Act (2020 Revision) and reads as follows:

1.1 Establishment of Commission

4. There is hereby established a Commission, to be called the Public Lands Commission, which has the powers and duties conferred or imposed on it by this Act.

1.2 Commission's mandate

5. The mandate of the Commission is to regulate the use of public land in the public interest, and in particular —

- (a) to regulate the use and enjoyment of public land by members of the public;
- (b) to protect the right of access to and use of public land by members of the public, including the enforcement of public rights of way over private land;
- (c) to respond to complaints regarding the use or misuse of public land;
- (d) to issue permits for the use of, and activities on public land;
- (e) to advise the Chief Officer of the Ministry presided over by the Minister on general policies respecting the enforcement of this Act and particular enforcement matters; and
- (f) to exercise the powers and carry out the functions delegated to it by the Minister under section 3.

1.3 Membership of the Commission

6. (1) The Commission shall consist of —

- (a) six Caymanian members of the public, among whom shall be one from George Town, West Bay, Bodden Town, East End, North Side, and Cayman Brac and Little Cayman;
- (b) the Director of Lands and Survey or the Director's designate;
- (c) the Chief Officer of the Ministry of Lands or the Chief Officer's designate;
- (d) the Chief Officer of the Ministry of Tourism or the Chief Officer's designate; and
- (e) the Chief Officer of the Ministry of Commerce or the Chief Officer's designate.

(1A) The Cabinet, on the recommendation of the Minister, shall appoint the chairperson and the deputy chairperson of the Commission, from among the six Caymanian members of the public named in subsection (1)(a) who are not civil servants.

(1B) The secretary to the Commission shall be a civil servant appointed by the Chief Officer of the Ministry presided over by the Minister, in accordance with section 11(1) and shall carry out the duties of secretary to the Commission in accordance with section 11(2).

(2) The members of the Commission appointed by Cabinet shall hold office for a term of two years, and are eligible on the expiry of their term for appointment for an additional two-year term.

(3) The Commission is deemed to be properly constituted, notwithstanding that there is a vacancy in the office of Chairperson or of one of the members of the Commission.

1.4 Meetings

7. (1) The Commission shall meet at least six times annually.

(2) A quorum shall be five members.

(3) The chairperson shall preside over the meetings of the Commission and, in the absence of the chairperson, the deputy chairperson shall be the acting chairperson, and in the absence of both, the members at the meeting shall elect a member among those members present, to be acting chairperson and to preside over the meeting.

(4) If a member of the Commission has a pecuniary interest, direct or indirect, in any matter before the Commission in which that person's private capacity conflicts with the member's duties, the member shall —

(a) as soon as practicable after becoming aware of the interest in the matter, disclose it to the Chairperson; and

(b) recuse themselves from participating in the Commission's consideration of the matter.

(5) Every question or matter to be determined by the Commission at a meeting shall be decided by a majority of the votes of the members present and voting, except the Chairperson or acting chairperson.

(6) In the event of an equal division of votes on a question or matter to be determined by the Commission, the Chairperson or acting chairperson shall have and exercise a casting vote.

(7) Subject to this Act, the Commission shall regulate its own procedure.

(8) Fees shall be paid to members of the Commission who are not public servants for their attendance at meetings of the Commission, as approved by Cabinet.

1.5 Powers of the Commission

8. (1) In implementing its mandate, the Commission may take legal measures to enforce public rights of way over private land, including making an application to the Grand Court under section 9 of the Prescription Act (2018 Revision) to settle any dispute respecting public user of any beach, land, road, track or pathway, if designated to do so by Cabinet under that section.

(2) The Commission may require the Chief Officer of the Ministry presided over by the Minister to provide any information to it respecting the enforcement of the Regulations that it may require to prepare its annual report or otherwise carry out its mandate.

(3) The Commission shall charge the prescribed fees for issuance of permits in accordance with the Regulations and shall pay such fees into the revenue of the Islands.

1.6 Posting signs and advertisements

9. The Commission may post such signs, notices and advertisements, and distribute such other information to the public, as it considers necessary in order to promote public knowledge of and compliance with this Act and to support the administration of this Act.

2. The Role, Purpose and Powers of the Commission

2.1 Role

In accordance with Section 5 of the Public Lands Act (2020 Revision) the mandate of the commission is to regulate the use of public land in the public interest.

2.2 Purpose

The primary purpose of the Commission is to –

- (a) to regulate the use and enjoyment of public land by members of the public;
- (b) to protect the right of access to and use of public land by members of the public, including the enforcement of public rights of way over private land;
- (c) Complaints should be received by the secretary inclusive of enforcement which goes to the Inspectorate.
- (d) to respond to complaints regarding the use or misuse of public land;
- (e) to issue permits for the use of, and activities on public land;
- (f) to advise the Chief Officer of the Ministry presided over by the Minister on general policies respecting the enforcement of this Act and particular enforcement matters; and
- (g) to exercise the powers and carry out the functions delegated to it by the Minister under section 3.

2.3 Powers

The Commission has the power to –

- a.** take legal measures to enforce public rights of way over private land, including making an application to the Grand Court under section 9 of the Prescription Act (2018 Revision) to settle any dispute respecting public user of any beach, land, road, track or pathway, if designated to do so by Cabinet under that section;
- b.** request the Chief Officer of the Ministry presided over by the Minister to provide any information to it respecting the enforcement of the Regulations that it may require to prepare its annual report or otherwise carry out its mandate;
- c.** charge the prescribed fees for issuance of permits in accordance with the Regulations and shall pay such fees into the revenue of the Islands;
- d.** post such signs, notices and advertisements, and distribute such other information to the public, as it considers necessary in order to promote public knowledge of and compliance with the Public Lands Act;
- e.** review, consider, grant/refuse/differ, suspend, cancel, and renew vendor and non-vendor permits in accordance with the Public Lands Act (2020 Revision) and Public Lands Regulations, 2021;
- f.** subject to approval by Cabinet —
 - (a) exempt that area from the application of all or any of the Regulations; or
 - (b) enter into an agreement with the Ministry, statutory authority, government company or other entity to regulate that area and to enforce the Regulations in respect of that area in collaboration with the Ministry, statutory authority, government company or other entity.
- g.** within three months from the beginning of each year, prepare and submit to the Minister a report containing a summary of its activities for the preceding year in such form and containing such information with respect to permits and tickets issued, prosecutions commenced, and fee revenue and fines collected, as the Minister may direct.
- h.** in order to protect the right of access to and use of public land by members of the public —
 - (a) clear and maintain any public right of way, public footpath or public thoroughfare over private or public land; and
 - (b) remove any sign, obstruction or obstacle from such right of way, footpath, thoroughfare or public land.

The Chief Officer of the Ministry responsible for Crown Lands has the power to instruct the Public Lands Inspectorate and the staff therein, therefore all decisions of the Commission related to the inspectorate shall be transmitted through the Chief Officer.

2.4 Communication of Instructions to the Chief Officer from the Public Lands Commission

2.4.1 Action Items from Meetings

Following a regularly scheduled, extraordinary, public, or other meeting of the Public Lands Commission, the Commission via its minutes and action items therefrom shall be taken as instructions to the Chief Officer to be provided to the Public Lands Inspectorate.

2.4.2 Ad-hoc Action Items

Following an informal meeting or discussions amongst the members of the Public Lands

Commission the Chairperson shall provide instructions in writing (copied to all members of the Commission) to the Chief Officer in regards to actions to be taken by the Public Lands Inspectorate.

2.5 Public Lands Inspectorate

Powers of the Public Lands Inspectorate include:

- a) designate other Act enforcement officers as deputy inspectors;
- b) conduct any searches under the Public Lands Act (2020 Revision);
- c) issue tickets under the Public Lands Act (2020 Revision);
- d) seize items under the Public Lands Act (2020 Revision);
- e) remove or detain persons, obstructions or things under the Public Lands Act (2020 Revision).

2.6 Control

The Commission is an independent body that is subject to the direction of the Minister responsible for Crown Land as set out in Section 3 of the Public Lands Act (2020 Revision).

3. Appointments and Responsibility of the Members of the Commission

3.1 Appointments

All members of the Commission (the “**Commissioners**”) are appointed by the Cabinet on the recommendation of the Minister responsible for Crown Lands.

3.2 Terms and Remuneration

The members of the Commission appointed by Cabinet shall hold office for a term of two years, and are eligible on the expiry of their term for appointment for an additional two-year term. The Commission members who are not Civil Servants are appointed members of the public who receive a stipend as approved by Cabinet for their hard work and dedication. The Secretary of the Public Lands Commission shall notify each Commission member, including all relevant details, when stipend payments have been approved.

3.3 Responsibilities

The Chairperson, Deputy Chairperson and the other Commissioners are expected to attend each meeting and participate in the activities of the Commission. The Chairperson sets the agenda for and chairs each meeting whilst overseeing the participation of all of the Commission members in the activities of the Commission.

3.4 Conflicts of Interest

If a member of the Commission has a pecuniary interest, direct or indirect, in any matter before the Commission in which that person’s private capacity conflicts with the member’s duties, the member shall —

- (a) as soon as practicable after becoming aware of the interest in the matter, disclose it to the Chairperson; and
- (b) recuse themselves from participating in the Commission’s consideration of the matter

Members of the Commission are unable to accept, or assist with the submission, of any complaint, matter or enquiry for the Commission's attention. All complaints, matters or enquiries should be directed to the Secretary of the Public Lands Commission.

3.5 Concerns

Concerns regarding the behaviour of a Commission member as it pertains to their role on the Commission must be directed to the Chief Officer and the Minister of the Ministry responsible for Crown Lands.

4. Administrative Matters

4.1 Meetings

The Commission will have scheduled meetings on the third Thursday of every month or additionally as needed. However the Commission will post on its website the dates of meetings at which permit applications will be heard as well as deadlines for submissions of permit applications (see specific application processes in [Part C](#) and [Part D](#) of this document).

4.2 Minutes

The minutes of any meeting of the Commission shall be posted on the Commission's website after they have been confirmed by the Commission members and duly signed by the Chairperson.

4.3 Quorum

The quorum for any meeting of the Commission has been set statutorily at five (5) commission members.

4.4 Decision Making

Decisions of the Commission will be made by way of a majority vote and members have the option of recording their dissenting opinions if so desired. In the event that the vote is tied the Chairperson shall have a casting vote. (Note: Chairperson does not have an original vote.)

4.5 Spokesperson

The members agree that the Chairperson or the Deputy Chairperson if the Chairperson is not available would act as the official spokesperson for the Commission. It is noted however that other members of the Commission can express their opinions on matters, but must ensure that in doing so it is made clear that these are their personal opinions and are not being made on behalf of the Commission.

The Commission has a communications policy which outlines the way in which requests for interviews, comments or general enquires and all invitations to participate in public engagements or to present information to the community should be directed. In the interim such requests should be sent to plc@gov.ky.

4.6 Chairperson

In the event that the Chairperson appointed by the Cabinet is unable to attend any meeting of the Public Lands Commission, the Deputy Chairperson shall chair the meeting, where neither the Chairperson or the Deputy Chairperson are available the members shall choose an Acting Chairperson from among the members present.

4.7 Reporting Requirements

4.7.1 Annual Report

The Commission is statutorily required to make an annual report to the Parliament about its activities. Following which the Commission may publish the report on its website or by other means in order to place the document in the public domain.

4.7.2 Financial Reporting

The Secretary of the Commission shall complete and provide to the Commission on a quarterly basis a report regarding the financial aspects of the Commission which includes the budget, revenue and expenses of the Commission. On a monthly basis, the Secretary of the Public Lands Commission shall provide each Commissioner individually or collectively a document outlining the amount of their approved stipend for attending board meetings.

4.7.3 Other Reporting

The Secretary of the Commission shall collate and submit a monthly report to the Public Lands Commission which outlines the administrative non-vendor application approvals processed in the prior calendar month.

4.8 Analytical/Administrative Support

Analytical and administrative support for the Commission is provided by the civil service through the staff of the Ministry responsible for Crown Lands and the civil servants employed at the Public Lands Inspectorate.

4.9 Confidentiality

All members of the Commission take the issue of confidentiality seriously and no matters related to the Commission shall be discussed outside of meetings. All members are required to sign a confidentiality agreement at the commencement of their appointment to the Commission.

4.10 Legal Advice

The Commission may seek legal advice in the first instance from the Hon. Attorney General's Chambers by making such requests through the Chief Officer responsible for Ministry of Crown Lands.

4.11 Policies and Procedures

The Commission is responsible for maintaining and establishing its own policies and procedures

which may be added to this policy as an addendum. The contents of the policies and procedures manual may be subject to change at any time as agreed by the Commission for the purpose of enabling Commission to effectively fulfil its constitutional mandate.

4.12 Public Lands Commission System of Record

There shall be an electronic system of record that will provide timely organization for the processing of each vendor or non-vendor application. The system should facilitate the efficient production of reports for compliance with this policy and the Act. The system shall also include a motion and decision making tracking tool which is reported, by the Secretary, to the Commission on a quarterly or ad-hoc basis. The Secretary of the Commission shall maintain the electronic system of records in perpetuity and paper records thereof for a minimum of seven (7) years.

4.13 Situations where Public Land can be used without a Permit

Use of public land without a permit are allowed under certain conditions and within times of openings and closures. Permits or restrictions typically apply for any uses that are not stated. The following are typical uses that are possible without a permit.

Organized Events

- Any event to be attended by 25 people or less.
- A permit is also not required for the following organized events:
 - a tour group that stops on public land or at a facility for touring, sightseeing or a picnic;
 - a school group on public land for an educational purpose;
 - a marriage ceremony;
 - a national event;
 - a political meeting;
 - a religious organization or church;
 - a group carrying out activities on public land in the public interest, such as cleaning up or maintaining beaches;
 - an event organized by a registered non-profit organization for the purposes of charity fundraising; or
 - a one-time non-profit fundraising event which does not require registration under the Non-Profit Organisations Act (2020 Revision).

Parking a motor vehicle, trailer, boat or other vessel on public land

- Parking within designated parking areas and within any posted opening and closing times
- Overnight parking for the purpose of a fishing excursion is allowed provided that the person notifies the Commission or the Secretary by telephone call, email, text message or letter providing: the name of the owner, telephone number of the owner and the vehicle's license plate.

- Cleaning or disposing of fish or shellfish is allowed at a public dock or boat ramp.

Docking a boat or a vessel at a public wharf, ramp, dock or jetty

- Only for the loading or unloading the boat or vessel.
- With the consent of a Law enforcement agency.

Recreational Activities

- A person may engage in games or recreational activity on public land provided that:
 - they do not contravene a prohibition or rule on a sign posted; and
 - they do so in such a manner where they do not subject any other person not engaged in the game or activity to a substantial risk of injury, without the other person's consent; and
 - they do so in such a manner where they do not expose a facility or property to a substantial risk of damage.

Non- Motorized Vehicles

- The use of pedal bicycles, skateboards, scooters, rollerblades or other non-motorised means of transport on public land is allowed in accordance with any posted traffic signs and traffic control measures.

Camping

- A person who is legally and ordinarily resident in the islands may camp without a permit on public land in the following circumstances:
 - for a period not exceeding five consecutive days if not connected to a public general holiday or Easter; or
 - on a public general holiday, and for a period of seven days prior to, or seven days following, a public general holiday; or
 - for a period of ten days prior to Good Friday, or for a period of ten days ten days following Easter Monday, or a period of time prior to Good Friday and following Easter Monday, where the total period does not exceed ten days.

Barbequing and Fires

- A person can maintain a cooking fire on public land provided that it is in:
 - A public barbeque facility; or
 - A personal portable barbeque or fire pit; or
 - A personal portable stove.
- A person shall not leave an open fire or live coals unattended in a picnic area or other area on public land.

- Bonfires and Open Fires on public land require a permit

Control of Animals

- A person in charge of an animal shall not bring or allow the animal (excluding livestock) to be on public land unless–
 - The animal is on a leash or lead or in a cage;
 - The animal is at all times entirely within the control of the person; and
 - While on the respective public land, the person immediately cleans up, removes and disposes of the animal’s defecation.
- A person in charge of an animal shall not bring or allow the animal on any athletic playing area, children’s playground area or in any facility unless the Commission or the manager of the facility has posted a sign permitting the animal to be there.

Pasturing, grazing and running at large

- A person shall not leave unsupervised any livestock to run, to pasture or graze on public land except on the Agricultural Grounds;

Signage

- A person or political party who is nominated as a candidate for a general election of members of the Parliament under the Elections Act (2021 Revision) may erect election signage without requiring a permit under this regulation for the period commencing on the date of nomination and ending on the date of election as determined by the Elections Act (2021 Revision).

Note: Notwithstanding there being no need for a permit for the above activities the Public Lands Commissions requires notification of use of Crown Land in the above instances.

Under Regulation 26(3)(b) the fees set out in Schedule 1 are as follows:

PERMIT FEES

Type of permit	Regulation	Fee
1. Operation of motorised vehicle off road	7	\$100 per vehicle
2. Docking, etc. of boat or vessel	9	\$250 per vessel per use
3. Horse riding	12	\$650 annual, per stable
4. Camping	13	\$200 per tent
5. Bonfire or open fire	16(2)	Nil
6. Temporary structure	19	Nil
7. Organized event	24(1)	26 – 100 persons - \$100 101 – 250 persons - \$200 251 – 999 persons - \$500 1000 persons or more – \$1000 per every thousand persons

8. Vendor's permits	28(b)	kiosk/land – \$75 per annum local farm produce – nil watersports/public dock/ramp – \$250 per boat per annum \$50 per jet ski per annum \$250 per floating device per annum
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OTHER FEES

Application Type	Fee (non-refundable)
Non-Vendor Application Fee	\$50
Vendor Application Fee	\$100

4.14 Food Stall Vendors

Any vendor permit related to a food stall shall adhere to the following minimum requirements (which are subject to change from time to time) of the Department of Environmental Health which have been adopted by the Public Lands Commission:

- A. A basic food handling certificate from Department of Environmental Health for the applicant;
- B. Either one portable sink with hands free water distribution per vender or at a minimum one per every two vendors;
- C. If cooking onsite the cooking surface such as the grill should be cleaned at least once per day; and
- D. Ongoing oversight by the Department of Environmental Health which may include food preparation locations related to the space necessary to adequately prep food, sinks, impervious surfaces and any other aspect deemed necessary.

4.15 Liability

The Cayman Islands Government maintains a general insurance policy which covers the Crown's liability. However this does not negate the need for a vendor or non-vendor applicant to provide the insurance coverage deemed necessary by the Commission for the activities to be undertaken under such a permit.

4.16 Rental of a Structure

Any structure for which the Crown owns and where it is a condition of a vendor's permit that the vendor be located within or identified with that structure, the vendor shall enter into a lease agreement with the Cayman Islands Government through the Department of Lands & Survey. The lease shall provide the terms and conditions of use of the structure over the permit period.

5 Complaints

5.1 Reporting a Complaint

Complaints should be submitted by submitted in writing to the Secretary of the Public Lands Commission at plc@gov.ky and plcinspectorate@gov.ky or by hand. Forms can be hand delivered to the PLC office located at Unit #7, Crown Square, 71 Eastern Avenue, George

Town or mailed to Box 108, KY1-9000.

Part B: Policy on Responding to Planning Queries

The Public Lands Commission responds to requests for comments from the Department of Planning in connection with Planning applications relating to the Commission's remit.

These typically include:

- A. Development of structures on public land.
- B. Matters affecting the nature of a high-water mark.
- C. Placement of easements required under the Development and Planning Act.
- D. Applications to modify or extinguish a registered public right of way which was registered by a condition of planning approval;
- E. Planning applications from third parties in close proximity to Crown Land
- F. Any other matter of importance to public land management.

Due to the typical short turn around period (typically 14 days) of these requests for comment the Commission delegates the responsibility to the Inspectorate to provide responses to the Department of Planning.

Comment Response Steps

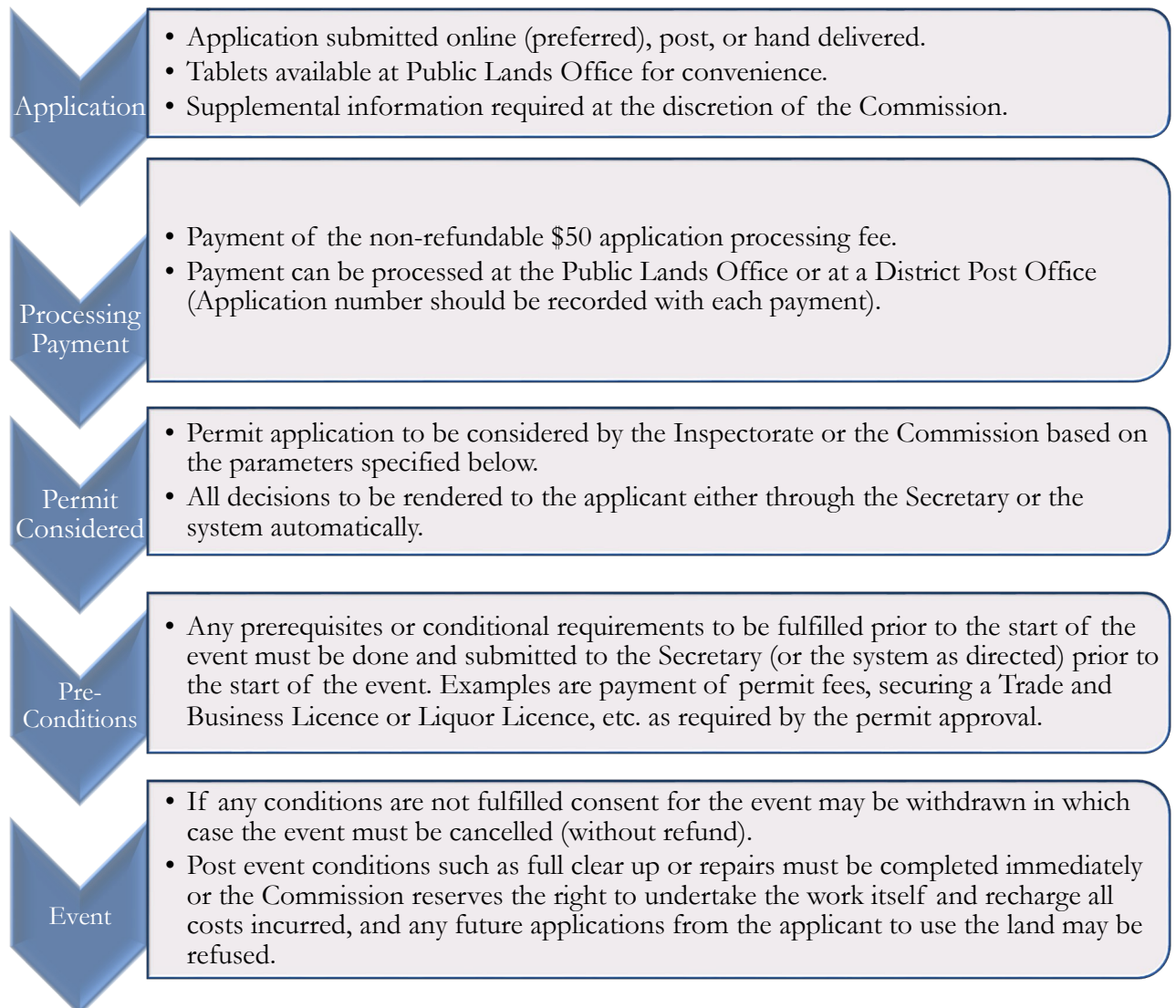
- A. The Inspectorate will prepare a brief including a draft response for the review of the Chief Officer responsible for Lands or delegate within 5 calendar days.
- B. The Chief Officer will review and submit the brief to the Secretary of the Public Lands Commission. The Chairperson of the Public Lands Commission shall submit the Public Lands Commissions approved comments to the Secretary for submission to the Department of Planning within 3 days.
- C. The submitted comments will be submitted to the Department of Planning through their online platform, they will also be distributed through the Secretary to Commission members.

Part C: Procedure on Non-Vendor Application Process

In many situations a permit is need prior to the use of public land, please be aware of stated processing times and plan accordingly. Non-Vendor Applications will be processed in accordance will the process outlined below.

These types of applications typically relate to:

- Operation of off-road vehicles
- Docking of a boat or vessel (please see exemptions above)
- Horse riding
- Camping (please see exemptions above for situations where no permit is needed)
- Bonfires or open fires
- Temporary structures
- Organized events for 26 or more persons



Non- Vender Application Processing Conditions

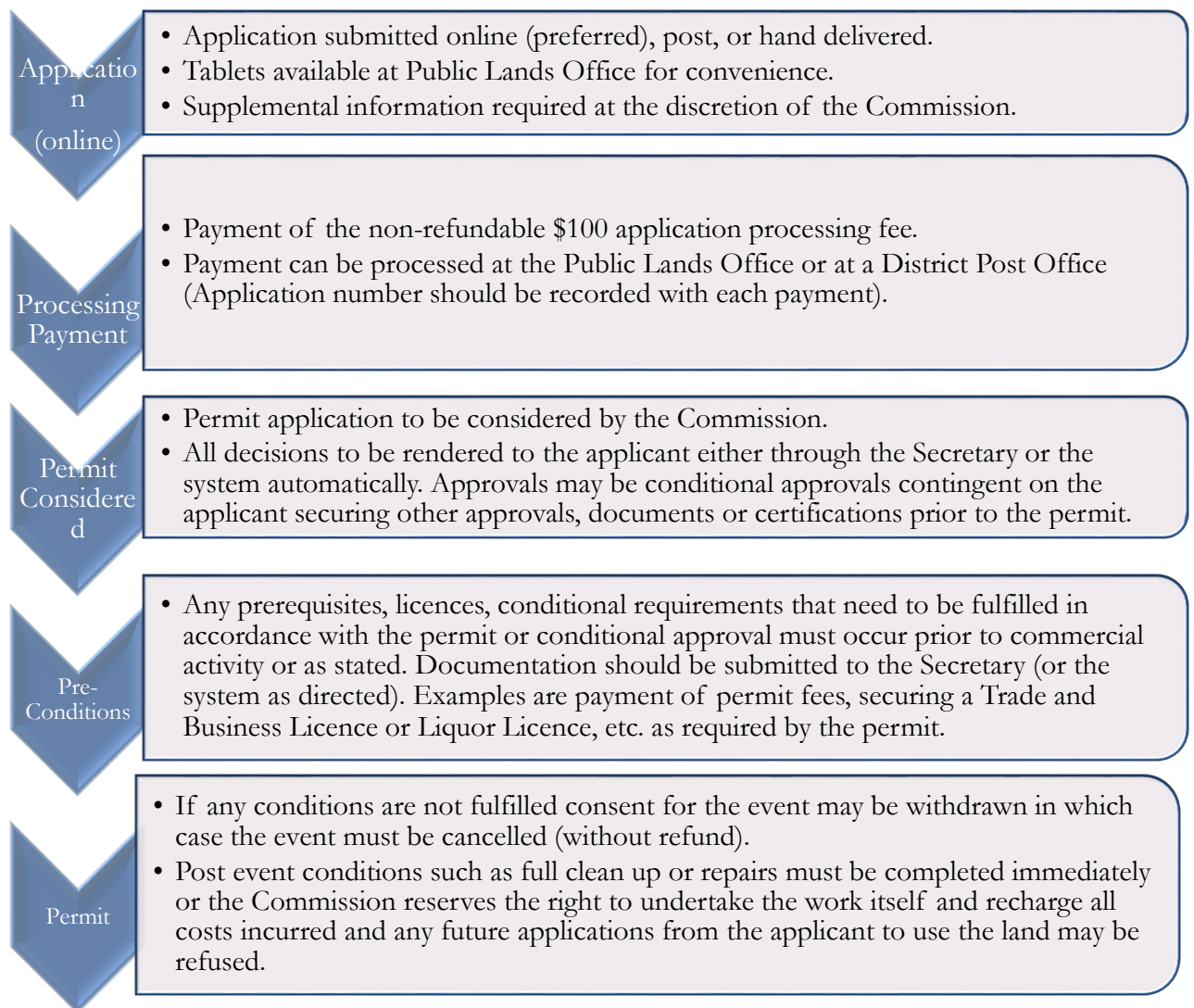
- 1 Any non-vendor application other than organized events greater than 251 persons in size shall be considered by the Chief Inspector or a designate.
- 2 A non-vendor application should be processed by the Chief Inspector or designate within 14 calendar days from the submission of a complete application (inclusive of supporting information).
- 3 A non-vendor application which is in the public interest and is being heard by the Commission should be processed by the Commission within 30 calendar days from the submission of a completed application (inclusive of supporting information).
- 4 Any applicant aggrieved by a decision rendered by the Chief Inspector may within 14 days from receipt of the decision lodge their application as a Review to have it considered by the Commission. Such a Review for an application shall be dealt with by the Commission within 5 calendar days of submission. As it is a Review and not a new application the non-refundable application processing fee and any other connected fees do not need to be repaid if the event has not yet occurred.
- 5 Any new similar application submitted by the same applicant within a 3-month period of a prior decision, does not have to be accepted nor the non- refundable processing fee accepted.
- 6 Any application received that is similar to a previous unapproved application but that relates to another land parcel shall be heard on its own merits and is subject to the non- refundable application processing fee.
- 7 Any application submitted online from a recognizable applicant's profile shall be equivalent to a physically signed application form in accordance with the Electronic Transaction Act or another Act in force that governs online applications.
- 8 Any decision rendered on a non-vender application by the Commission or otherwise shall be communicated to the Inspectorate for enforcement purposes.
- 9 All decisions rendered by the Inspectorate shall be recorded as such under delegated authority of the Commission and the Commission shall receive a monthly report on the administrative approvals processed.

Part D: Procedure on Vendor Application Process

Prior to a vendor carrying on commercial activity a vendor's permit is needed which will state any other terms and conditions required. Vendor Applications will be processed in accordance will the process outlined below.

These types of applications typically relate to the:

- Rental of Beach Gear and Watersport items.
- Sale of Cultural items, Sundry items and Food and Beverages either separated or groups together in the categories of Food Trucks, Food Stalls and Local Produce.
- Services related to Beauty or Massage.



Vendor Application Processing Conditions

- 1 All vendor application shall be considered by the Commission.
- 2 A completed vendor application shall be submitted to the Commission for consideration ten (10) calendar days prior to next Commission meeting at which vendor applications will be heard. Incomplete vendor applications will not be considered by the Commission.
- 3 A vendor application shall be processed by the Commission within 25 - 45 calendar days from the submission of a completed application (inclusive of supporting information).
- 4 Any new similar application submitted by the same applicant within a 3-month period of a prior decision, does not have to be accepted nor the non- refundable processing fee accepted.
- 5 Any application received that is similar to a previous application but that relates to another land parcel shall be heard on its own merits and is subject to the non- refundable application processing fee.
- 6 Any application submitted online from a recognizable applicant's profile shall be equivalent to a physically signed application form in accordance with the Electronic Transaction Act or another Act in force that governs online applications.
- 7 Any decision rendered on a vendor application by the Commission or otherwise shall be communicated to the Inspectorate for enforcement purposes.
- 8 All renewal application for a vendor permit at the same parcel of public land shall be submitted to the Commission at least 3 months prior to the expiry of the permit in accordance with Section 17 of the Public Lands Act and the processes set out in this policy. All renewals are subject to a five year maximum operation period irrespective of performance ratings to share the opportunity amongst other Caymanians and to prevent the sense of entitlement to the public land.

(Note: there may be instances where the Commission may provide conditional/provisional approval in order for an applicant can obtain other criteria required for a full permit – a conditional/provisional approval is not a permit grant and as such the applicant is not authorised to vend until a permit is granted.)

Part E: Seven Mile Beach Vendor Policy

Part F: Registering of Prescriptive Rights of Ways Policy & Procedure

Where the Public Lands Commission is made aware of Prescriptive Rights of Way that has become blocked, the Commission in accordance with Section 9 of the Prescription Act (2018 Revision) (see excerpt below) may make an application to the Grand Court for settlement of the dispute.

Procedure for establishing right under section 4

9. Where the public or any class of the public have used any beach, land, road, track or pathway in the manner specified in section 4(1) for the period mentioned in the said subsection and such user is disputed, an application may be made to the Grand Court for settlement of the dispute by —

- (a) any person concerned in the dispute; or
- (b) the statutory authority, department of Government or agency designated by Cabinet by Order, charged with responsibility for ensuring access to public beaches, on behalf of the public or any class of the public.

Process for making an application to the Grand Court:

- 1 Report or dispute to be reported to the public lands commission in writing through the Secretary of the Public Lands Commission at plc@gov.ky or by hand.
- 2 The Commission via instructions to the Chief Officer shall institute an investigation.
- 3 The Chief Officer shall, within 5 calendar days, instruct the Public Lands Inspectorate to carry-out such investigation and collect all relevant evidence.
- 4 Upon collection of the evidence the Public Lands Inspectorate shall provide the Chief Officer and the Secretary of the Public Lands Commission with the case file containing all the evidence and information within 30 calendar days of receipt of the instructions from the Chief Officer in paragraph 3 above.
- 5 The Chief Officer and/or the Secretary of the Public Lands Commission shall provide the Commission members with a copy of the case file within 5 calendar days of receipt of the same.
- 6 The Commissioners within 14 calendar days of receipt of the case file shall review and instruct the Chief Officer to either:
 - a) Request the Hon. Attorney General's Chambers make an application to the Grand Court on the basis of the information in the case file with the ultimate desire that the dispute is settled through the registration of the access and unobstructed public access is facilitated going forward in perpetuity; or
 - b) Not proceed with an application to the Grand Court via instructions to the Hon. Attorney General's Chambers.
- 7 Upon presentation of the case file to the Hon. Attorney General's Chambers the Chief Officer shall update the Public Lands Commission on the status of the case file and the Grand Court application on an urgent and ongoing basis until the case is completed.

Part G: Communications Policy

Purpose

The purpose of the Commission's Communications Policy (Policy) is to encourage and facilitate open and effective communications among Commissioners, the Ministry, the Public Lands Inspectorate, and the Public

Objectives

- A. Commissioners receive pertinent information in a consistent and uniform manner.
- B. Commissioners have equal access to appropriate information.
- C. Communications are efficient and timely.
- D. Communications with the Ministry, Public Lands Inspectorate, Public and other parties are accurate, consistent, and reflect the views or positions of the Commission as a whole.

Assumptions & Principles

- A. As a public commission, the Public Lands Commission generates public interest and therefore periodically receives inquiries from the media and other interested parties.
- B. When communicating, Commissioners recognize their sole and exclusive fiduciary duty to represent the interests of all Commission members.
- C. Commissioners must protect the integrity of the system, which includes the dissemination of accurate, appropriate, non-confidential and non-proprietary information to the public and media.
- D. Inappropriate or erroneous communications from Commissioners may represent a significant risk to the Commission, the Ministry, and individual Commission members.
- E. This Policy must balance the need to mitigate communications risk with the need for open and efficient communication.

Policy Guidelines

A. Communications Among Commissioners

1. The Commission shall carry out its activities in the spirit of open and transparent governance to:
 - a. Ensuring that communications by and between Commission members is professional and courteous and recorded in compliance with the Freedom of Information Act (2021 Revision), Data Protection Act (2021 Revision) or other relevant legislation;
 - b. Properly noticing and posting an agenda for Board and Committee meetings;
 - c. Properly describing all items to be considered in closed session in the notice or agenda for the meeting;
 - d. Not conducting or participating in a series of communications one at a time or in a group that in total constitutes a quorum of the Commission either directly or through intermediaries or electronic devices, for the purpose of developing a concurrence as to action to be taken;
 - e. Not taking any action, whether preliminary or final, by secret ballot;
 - f. Allowing proper public comment, where applicable, on agenda items before or during consideration by the Commission; and
 - g. Ensuring the Commission meeting agenda materials are properly made available to members of the public, upon request, without delay.
2. Commissioners should promptly communicate all information that is relevant to the business of the Commission to the Commission Chair if it appears that such communication would be of value to the Commission.
3. During meetings of the Commission, Commissioners shall communicate in an open, frank, and constructive manner.

B. Commissioners Communications with the External Stakeholders

Commissioners shall mitigate the risk of miscommunication with third parties by not giving explicit advice, counsel, or education with respect to the technicalities of Commission's laws, policies, or processes. When receiving questions from a member of the public, Commissioners shall:

1. Refer the member to the main telephone number of Commission or the Commission's website; or

2. Refer the person's question directly to the appropriate Secretary of the Public Lands Commission for handling and a response.

C. Commissioners Communications with the Ministry

1. Commissioners will direct concerns or questions concerning any aspect of the Commission's operations to the attention of the Chief Officer or other appropriate member of senior management of the Ministry.
2. Any request for information that requires significant expenditure of staff time or external resources shall be directed to the Chief Officer who will determine whether to take the request to the full Commission for consideration at a meeting.
3. Commissioners should share information in their possession pertinent to the affairs of the Commission with the Chief Officer in a timely manner if it appears that such information would be of value to the Cayman Islands Government.

D. Commissioner Communications with External Parties

1. The purpose of any communications by Commissioners shall be consistent with their sole and exclusive fiduciary duty to represent the interests of the Commission.
2. Commissioners are expected to respect the decisions and policies of the Cayman Islands Government in external communications even if they may have opposed them or disagreed with them during Commission deliberations.
3. In external communications, Commissioners are expected to disclose when they are not representing an approved Commission position.
4. Commissioners shall not disclose confidential communications received orally or in writing during closed session meeting of the Commission or from internal or external legal counsel and identified as confidential.
5. When an organization seeks the Commission's input on an issue (by formal vote or otherwise), a Commissioner may provide input to that organization on behalf of the Commission only if the Commission has authorized that Commissioner to provide such input. The Commission may delegate to a Commissioner authority to provide input to an organization on specified Commission issues or on an ongoing basis with respect to a particular organization (subject to the Commission's right to revoke that authorization). The Commission may grant or revoke such delegated authority only at an open meeting of the Commission.

E. Commission Communications with the Media

In addition to the guidelines for communications with external parties, when Commissioners communicate with the media the following guidelines shall apply:

1. When interviewed or otherwise approached by the media for information concerning the affairs of Commission, Commissioners shall not make any unilateral commitments on behalf of the Commission.
2. In situations that call for a spokesperson from the Commission and it is not practical for the Commission to develop a formal position at a Commission meeting, the Chairperson or his/her designate shall act as spokesperson for the Commission, in consultation with the Chief Officer. The spokesperson generally should request that the reporter put questions in writing, and attempt to review for accuracy any resulting materials before their publication.
3. Written press releases concerning the business of the Commission shall be prepared by staff of the Ministry and shall be approved by the Chief Officer in consultation with the Commission Chairperson.
4. Commissioners are free to write articles for publication that pertain to official Commission business. To help ensure the accuracy of such articles and that the Commission is not inadvertently placed at risk by such articles, all such articles shall be reviewed by the Chairperson of the Commission, the Chief Officer and legal counsel before being submitted for publication. The Commissioner must state at the beginning of the article that the article does not represent the Commission's official position (unless the Commission has authorized the article as its official position).
5. Requests from the news media will be given high priority and responded to quickly and efficiently.
6. Commissioners will not provide false, confidential or privileged information to the media.
7. Records containing private confidential information that is protected by the Freedom of Information Act (2021 Revision) or Data Protection Act (2021 Revision) or other legislation shall be not be disclosed to the media

Part H: Cancellation or Suspension of Vendor Permit Policy

- 1 In accordance with Section 21 of the Public Lands Act (2020 Revision) the Commission may cancel or suspend a vendor's permit if the vendor has contravened the Public Lands Act (2020 Revision), the Public Lands Regulations, 2021, or any terms or conditions of that vendor permit.
- 2 In considering the cancellation or suspension of a vendor permit the Public Lands Commission shall review a case file prepared by the Chief Inspector.
- 3 The Chief Inspector shall prepare a case file which includes any breaches of the Public Lands Act (2020 Revision), the Public Lands Regulations, 2021, or any terms or conditions of that vendor permit. The case file shall also include any other details pertinent to the vendor such as performance of the vendor.
- 4 The Public Lands Commission shall upon review of the case file make a decision regarding the cancellation or suspension of a vendor permit.
- 5 Following a decision by the Public Lands Commission to cancel or suspend a vendor permit the Commission shall notify the vendor of the Commission's decision within 5 calendar days of the decision.

Appendices