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MINUTES OF THE 143rd MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 6th JULY 2023 AT 9.00 AM

PRESENT: Acting Governor, Mr Paul Candler

The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Ms Dee-Ann Kentish-Rogers

The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr Kenneth Hodge

The Honourable Minister for Infrastructure, Communications, Utilities, Housing and Tourism, Mr Haydn Hughes

The Honourable Minister for Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie

Acting Attorney General, Ms Erica Edwards

Clerk to Executive Council, Mrs Angela Hughes

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson

Financial Specialist, Mr Stephen Turnbull

ABSENT: The Honourable Attorney General, Mr Dwight Horsford

EX MIN 23/216

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 142nd Meeting of Executive Council held on Thursday 29th June, 2023 and the Minutes of a decision made by Round Robin on Friday 30th June, 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/217

EX MEMO 23/173 CONSIDERATION OF PROPOSED AMENDMENTS TO THE PAROLE OF PRISONERS ACT

Parliamentary Secretary and Financial Specialist remained.

Executive Council considered this matter in Ex Min 23/78 and Ex Min 23/187. The Parole of Prisoners (Validation and Amendment) Act, 2023 was recently approved by the Executive Council. However, it has been identified that the absence of a provision regarding the appointment of a secretary to the Parole Board may result in operational challenges. The current Act designates an administrative officer as the secretary to the Parole Board but does not clarify who is responsible for making the appointment. This lack of clarity has led to confusion and delays in the appointment of a suitable secretary.

The proposed amendment to Section 2(15) of the Parole of Prisoners (Validation and Amendment) Act, 2023 is essential to streamline the operations of the Parole Board and enable it to fulfil its responsibilities effectively. Clarifying the party with responsibility for making the appointment of the secretary, will remove ambiguity and facilitate the prompt selection of a qualified individual.

Council agreed to amend Section 2(15) of the Parole of Prisoners (Validation and Amendment) Act, 2023 as follows:- *"An administrative officer working in the Anguilla Public Service **shall be appointed by the Board** as the recording secretary to the Board and shall provide general secretarial assistance to the Chairperson and keep accurate and complete minutes of each meeting of the Board including particulars of..."*

Action: PS, PA; HON, AG; HON, DG

EX MIN 23/218

**EX MEMO 23/174 MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN THE GOA AND MR COLVILLE PETTY**

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Social Development briefed Council. This matter was considered in Ex Min 22/390, where a number of issues were identified and deliberated.

Mr Colville Petty has agreed to lend his landmark Heritage Collection to the Government of Anguilla to be displayed at the newly restored court house. The collection will be housed under the care, custody and control of the Government of Anguilla, however, it will remain the property of Mr Petty and his heirs.

In Ex Min 22/390 it was noted that the items in the collection had not been valued or insured. The collection has since been valued at US\$75,000 and a procurement process for insurance is underway. The estimated cost of the insurance premiums can be accommodated within the Department's current budgetary allocations.

A further draft MOU is now presented for Council's consideration.

Council:

- 1) noted that the proposed term of 25 years may be considered long. However, there is a desire to be able to access the collection for the longer term;
- 2) agreed that for clarity the agreed value of the collection for insurance purposes should be included in the MOU;
- 3) noted that in relation to the financial information provided further work was required. When creating recurrent obligations for future years the Financial Administration and Audit Act has to be adhered to. Noted that Council had no authority to approve a Budget for forward years and the proposal outlined in the paper was not factored in to 2024 expenditure. It was understood that expenditure was budgeted for in 2022, brought forward for this year, 2023 and

deferred. The spending for 2023 is to be confirmed. The paper indicates that no consultation with the Ministry of Finance took place;

- 4) noted that baseline expenditure is determined by actual expenditure, so where vacancies are left unfilled any future request to fill them requires a request for new spending to be made; and
- 5) deferred a decision on this matter until a Supplementary Appropriation is considered. Noted that financing may be built into forward years estimates. Expenditure must be appropriated prior to entering into contractual commitments.

Action: PS, SD; PS, FIN; HON, MIN SD; HON, PREM

EX MIN 23/219

EX MEMO 23/175 APPOINTMENT OF A COMMISSIONER TO THE BOARD OF THE PUBLIC UTILITIES COMMISSION (PUC)

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for MICUHT briefed Council. According to section 3(1) of the Public Utilities Commission Act 2014 (the “Act”), “the affairs of the Commission shall be managed by a Board consisting of five (5) commissioners.”

Council:

- 1) approved the reappointment of Mr Romez Webster as a Commissioner to the Board of the Public Utilities Commission for a term of two years, effective from July 7, 2023;
- 2) further approved the publication of the name of the newly appointed Commissioner in the Gazette, pursuant to section 3(5) of the Act;
- 3) agreed that the Public Utilities Commission shall provide Board Governance and Public Financial Management Training for the appointed Board member, which is to be completed within three months of their appointment; and

- 4) noted that the PUC must inform the Ministry of ICUHT three (3) months in advance, of the expiry of any and all PUC members appointments or resignations from the PUC.

Council noted that a paper will be presented next week concerning Mr Christmas.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 23/220

EX MEMO 23/176 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE

Parliamentary Secretary and Financial Specialist remained.

Council:

- 1) noted that Executive Council considered the application of Mr Umesh Chhatlani in Ex Min 23/52 for referral to H.E. the Governor. His family was not included in that application but he has now requested that his wife Maya Chhatlani and their two children be considered as part of his application;
- 2) endorsed the recommendation of the Hon Minister for Home Affairs, for submission of the applications for consideration by the Acting Governor, as it relates to the grant of the Permit of Permanent Residence in accordance with Section 24 of the Immigration and Passport Act, for the following persons;
 - a) Maya Chhatlani
 - b) Dishita Chhatlani
 - c) Nikhil Chhatlani
- 2) further agreed that the applicant must submit a valid Certificate of Good Standing from the Inland Revenue Department, before the application is submitted to the Acting Governor for consideration; and
- 3) noted that granting Permanent Residence did not exempt persons from the provisions of the Labour (Relations) Act, nor entitle them to Belonger status until they have been residing

in Anguilla for 15 years, or become naturalized British Overseas Territories Citizens in Anguilla. These individuals would become eligible to apply for naturalization after one year of permanent residency.

Action: PS, HA; LAB, COM; CIO; HON, AG; HON, MIN HA

EX MIN 23/221

EX MEMO 23/177 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – FILIPPO MAZZEI – REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38611 B, PARCEL 270 CONTAINING 0.55 OF AN ACRE

Parliamentary Secretary and Financial Specialist remained.

Council agreed to defer the matter. The paper shall be amended, so that the private transaction between the parties concerning the Jeep Wrangler is removed and managed separately. The paper will then be presented for Council's consideration.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 23/222

EX MEMO 23/178 DRAFT FINANCIAL SERVICES ENACTMENTS REGULATIONS

Parliamentary Secretary and Financial Specialist remained. The Director of the FSC, Ms Tina Bryan and Deputy Director of the FSC – Supervision, Ms Charonay Carty joined the meeting.

The Director of the FSC briefed Council. The Digital Assets Business Act had its second and third reading in the House of Assembly on June 27, 2023.

The Digital Assets Business Act allows the Commission to regulate digital assets service providers for prudential purposes whilst the AML/CFT supervisory framework is covered by the Proceeds of Crime Act and subsidiary legislation to include the Anti-Money Laundering and Terrorist Financing Regulations and Code.

A consequential amendment is needed to the Financial Services Enactments Regulations to list the Digital Assets Business Act as a financial services enactment. This amendment brings the digital

assets service providers as set out in the Digital Assets Business Act under the regulatory framework of the Financial Services Commission Act.

Council approved the draft Financial Services Enactments (Amendment) Regulations, 2023.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG

EX MIN 23/223

EX MEMO 23/179 SECOND ROUND OF ANGUILLA'S NATIONAL RISK ASSESSMENT EXERCISE 2023

Parliamentary Secretary and Financial Specialist remained.

Senior Crown Counsel briefed Council. The 4th Round Mutual Evaluation process, using new revised FATF standards is currently underway in Anguilla with the Caribbean Financial Action Task Force Assessors being on island from June 26, 2023. Recommendation 1 of the FATF methodology and Immediate Outcome 1 are relevant.

The National Risk Assessment (NRA) was published in February 2023 on the Government, Financial Intelligence Unit and Financial Services Commission websites.

The NRA process is ongoing requiring updates every three (3) years. Accordingly, the second round of the NRA should be conducted in the third quarter of 2023.

Council noted that the second round of Anguilla's National Risk Assessment shall be conducted in the third quarter of 2023 and approved same.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: SCC (Cr); HON, AG

EX MIN 23/224

**EX MEMO 23/180 HEALTH SERVICES REFORM COMMITTEE (HSRC)
INTERIM REPORT**

Parliamentary Secretary and Financial Specialist remained.

The Hon Premier briefed Council. The Health Services Reform Committee (HSRC) was established to conduct an overall review of the HAA and provide recommendations for the re-integration of the Health Authority into central government. The HSRC held meetings from October 2022 to March 2023, reviewing background reports and soliciting information from current and past HAA staff members on the current functioning of the HAA. The HSRC has produced an Interim Report with recommendations towards re-integration strategies.

The Interim Report proposed a re-organisation of the HAA into the Department of Health under the Ministry of Health. The report includes recommendations for services to be considered for centralization but notes the specific challenges that may be presented.

The HSRC reviewed available information on the current HAA operating practices including contracts and financial obligations, reports from units/departments on current challenges and previous health sector reform reports. The Interim Report proposes a re-organisation of the public health sector designed to improve management and accountability under the Ministry and Minister of Health. The Committee recommends the creation of a Department of Health (DoH) operating under a legal framework for the provision of health services. The Department of Health should be led by a Health Commissioner empowered under statute with certain responsibilities and a legal mandate towards the provision of services.

Council:

- 1) noted that the HSRC has reviewed the current health services structure and provided preliminary recommendations towards achieving the integration of health services into central Government;
- 2) noted and accepted the interim report dated March 2023, presented for consideration. Feedback shall be given by Executive Council. Approved the process of wider consultation on the health services report. Noted that a

final committee report shall follow in due course. The Financial Specialist shall engage with the finance sub-committee directly, regarding financial actions;

- 3) noted that the Ministry of Health has requested the assistance of PAHO for consultation purposes and to review the process and make recommendations. The final report is anticipated by October 2023 and PAHO will be issued a deadline to work towards;
- 4) noted that key areas of failure are poor management and lack of accountability, the transition back to the Ministry is aiming to improve the outlook in these areas, while providing key health care services. Noted points 2.4 and 2.5 on page 7 of the Interim Report and the proposed structure on page 17; and
- 5) further noted page 15 of the report. Any health insurance system that may potentially be considered in future should preferably be undertaken by an entity which is legally separate from the Government of Anguilla, to ensure the proper separation of funds held in trust for scheme beneficiaries. Funding mechanisms should be considered in detail in the final report.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HLTH; HON, PREM

EX MIN 23/225

EX MEMO 23/181 STIPEND PAYMENTS FOR HEALTH SERVICES REFORM COMMITTEE AND SUB-COMMITTEE MEMBERS

Parliamentary Secretary and Financial Specialist remained.

The Hon Premier briefed Council. The Health Services Reform Committee continues to work on recommendations for the reintegration of HAA into the Anguilla Public Service. Stipend payments for the work undertaken are due. Funds have already been allocated in the 2023 budget.

The 2023 Ministry of Health budget allocated EC\$80,000 for the HSRC including stipends for members. Approval is required for an additional allocation of EC\$3,000. The MoH believes this allocation can be supported by savings in the current budget.

Council:

- 1) noted that this decision falls within the purview of the accounting officer and payment can be made once they are satisfied; and
- 2) further approved the additional EC\$3,000 allocation.

The Hon Minister for SIE recused herself from the meeting and had no involvement in the discussions or decision.

Action: PS, HLTH; PS, FIN; HON, PREM
