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MINUTES OF THE 147th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 3rd AUGUST 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 Infrastructure, Communications, Utilities, Housing and Tourism, Mr Haydn Hughes

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

The Honourable Attorney General, Mr Dwight Horsford

Acting Clerk to Executive Council, Ms Jennyville Smith

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson

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

Financial Specialist, Mr Stephen Turnbull

EX MIN 23/250

CONFIRMATION OF THE MINUTES

Parliamentary Secretary remained.

Council confirmed the Minutes of the 146th Meeting of Executive Council held on Thursday 27th July, 2023.

The Head of the Governor's Office, Mr Orlando Ames-Lewis joined the meeting.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/251

EX MEMO 23/201 Blue Belt Programme

Parliamentary Secretary and The Head of the Governor's Office remained. PS, EDMSIE, Mrs Chanelle Petty-Barrett joined the meeting.

The Hon Minister for Sustainability, Innovation and Environment briefed Council. The overall objective of the Blue Belt Programme is to enhance the protection and sustainable management of the marine environments across the UK Overseas Territories (OTs). The Blue Belt Programme can assist UK OTs under five core themes:

- Strengthening governance of Marine Protected Areas (MPAs) and marine environments - Support OTs which have a network of MPAs to develop and implement effective management, research and monitoring, and enforcement strategies.
- Understanding and protecting biodiversity - Improve scientific understanding of MPAs to inform MPA assessments, to support adaptive management, and to measure their efficacy in meeting conservation objectives.
- Supporting compliance and enforcement - Provide a range of maritime domain awareness support, including investment in the development of innovative and effective technologies, to prevent, deter and eliminate Illegal Unreported and Unregulated (IUU) fishing and unsustainable marine activities; and improve the efficiency and accuracy of enforcement strategies.
- Supporting sustainable fisheries management - Support the development and implementation of management

frameworks that ensure ocean resources are used and harvested sustainably to protect the marine environment and ensure resources are available for future generations.

- Managing human impacts - Support the development and implementation of effective marine spatial planning frameworks to enable economic activity and growth, while ensuring the effective conservation of marine biodiversity.

Further to Ex Min 22/265, in January 2023 the Ministry of Sustainability held Blue Week which was attended by lead organisations in the Blue Belt Programme and key local stakeholders with a view to validating the recommendations of the Blue Anguilla (BANG) Task Force and developing a work programme to support Anguilla's needs and ambitions. Following that workshop, Lord Goldsmith, the former Minister for Overseas Territories visited Anguilla and a ceremony was held to announce Anguilla's joining of the Blue Belt Programme.

Additionally, an MOU setting out the partnership between the UKG and the GOA has been presented for consideration. It set out the usual obligations of reporting, accountability, due diligence and responsibilities of the implementing partner (ie. GOA).

Council:

- 1) thanked PS Petty-Barrett and her team for the work done;
- 2) approved Anguilla joining the Blue Belt Programme;
- 3) approved the Blue Belt work programme for Anguilla; and
- 4) approved the MOU between the United Kingdom Government and the Government of Anguilla with regard to Blue Belt support.

Action: HON MIN SIE; PS, EDMSIE

EX MIN 23/252

EX MEMO 23/202 LICENSING OF BUSINESSES (RESERVED INDUSTRIES) ORDER 2023

Parliamentary Secretary and The Head of the Governor's Office remained.

The Hon Minister of Commerce/Finance briefed Council. Under section 19(1)(d) of the Licensing of Businesses Act 2021, the Minister of Commerce (with the approval of the Executive Council), can make a Ministerial Order directing that particular industries are reserved for local enterprise and business licences are only to be issued to Anguillians or Anguillian controlled entities; or to non-Anguillians who have obtained the approval of Executive Council for the licence to be issued.

The Minister of Commerce is desirous of exercising this power to support the local business community and offer protection from competitors who may have a disproportionate advantage due to their ability to access more resources for expansion and development. The entrance of major competitors in the industries identified can potentially be detrimental to the viability of local businesses. Further, the Ministry is satisfied that the local businesses in these industries and the human resource capacity available on island are sufficient to meet current and future market demand.

Council:

1. noted that the submission could have benefitted from the inclusion of the analysis that supported the selection of said industries, and looks forward to receiving same in due course.
2. approved the draft Licensing of Businesses (Reserved Industries) Order, 2023; and
3. approved the amendment of the draft Order to include Jet Skis, Bicycles, ATVs, and Scooter Bikes to be noted among the reserved industries.

Action: HON CM/FIN; PS, FIN; PS, EDMSIE; HON MIN SIE, HON AG

EX MIN 23/253

EX MEMO 23/203 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – ANGUILLAN RESORT HOLDING COMPANY LTD. – REGISTRATION SECTION: WEST CENTRAL, BLOCK 28110 B, PARCEL 2

Parliamentary Secretary and The Head of the Governor's Office remained.

Council agreed to approve the granting of an Aliens Land Holding Licence to Anguillan Resort Holding Company Ltd., to hold on a freehold basis, property situate in Registration Section: West Central, Block 28110 B, described as Parcel 2 being 5 acres land located at Rendezvous, Anguilla for with a dwelling house, subject to the following:

(a) Payment of the following stamp duties:

(i) under the Stamp Act – 5% of EC\$4,032,300.00	EC\$201,615.00
(ii) under the Aliens Land Holding Regulation Act – 4% of EC\$4,032,300.00	<u>EC\$161,292.00</u>
TOTAL	<u>EC\$362,907.00</u>

- (b) To fully comply with the terms and conditions as stipulated in the Memorandum of Understanding (MOU) held in escrow between Anguillan Resort Holding Company Ltd. and Anguillan Residences Holding Company Ltd. and the Government of Anguilla.
- (c) The reasons and grounds for the exemption to Government of Anguilla policy to own said land are equitable as it is for tourism purposes;
- (d) To allow access to the Authorised Officer(s) of the Government of Anguilla to judge the progress of the resort development;
- (e) That stamp duty under the Aliens Land Holding Licence Regulation Act be reduced from 12.5% to 4% on the transfer of properties detailed in the Table below, on the basis that it is in the public interest pursuant to the Financial Administration and Audit Act;
- (f) That the Government of Anguilla forgo taxes in the amount of EC\$330,860.51 on the grant of the Aliens Land Holding Licence

to Anguillan Resort Holding Company Ltd. described in the Table below:

Registration Section	Block	Parcel	Assessed Value (EC\$)	ALHLR Act @ 12.5%	ALHLR Act @ 4%	Value of Concession
West Central	28110 B	2	\$4,032,300.00	\$504,037.50	\$161,292.00	\$342,745.50

- (g) that the Attorney General Chambers prepare and issue regulations under Section 16 of the Finance Administration and Audit Act, R.S.A. c. F27 to remit Anguillan Resort Holding Company Ltd. from the payment of Stamp Duties under the Aliens Land Holding Licence Regulation Act in the amount of EC\$342,745.50 owed to the Government of Anguilla; and
- (h) To comply with the Labour Department Act R.S.A. c. L15 and Section 16 (1) and (2) of the Fair Labour Standards Act, R.S.A. c. F15.

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

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

EX MIN 23/254

EX MEMO 23/204 Request for Refundable Deposit – Aliens Land Holding Regulation Act – Robert Fiore and Jane Fiore – Registration Section North, Block 59018 B, Parcel 49 containing 0.47 of an acre.

Parliamentary Secretary and The Head of the Governor's Office remained.

The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning briefed Council. By Executive Council Minute 18/100, Executive Council approved the granting of an Aliens Land Holding Licence (ALHL) to Robert Fiore and Jane Fiore to hold property located at Registration Section North, Block 59018 B described as Parcel 49, containing 0.47 of an acre located at Shoal Bay for the construction of a dwelling house.

Council noted that:

- Letter dated 28th July 2022, from the Applicants Agent noted that the Applicants are requesting consideration for the refundable deposit of EC\$41,667.10.
- The delay in construction appeared to be as a result of external factors outside the control of the Applicants (i.e. Material delay of approximately 3 months and Covid Lockdown – 11 days). Therefore, usually reasonable judgement we would consider that approximately four (4) months were lost due to external factors.
- The Applicants obtained full electrical connection in January 2021 (i.e. the actual completion date of the dwelling house), which would have been approximately three (3) months after the said completion date of 18th October 2020, based on the inspection certificate and application. Google Earth imagery overlaid with land registry map parcel in June 2022 also verified that the development appeared to be completed.

Council agreed

That in light of the circumstance, the Applicants, Robert Fiore and Jane Fiore should be refunded their fifty percent (50%) deposit for property situated in Registration Section North, Block 59018 B described as Parcel 49 via the usual process between the Department of Lands and Surveys and the Treasury Department.

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