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MINUTES OF THE 194TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON FRIDAY 5TH JULY 2019
AT 9:00 AM

- PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE
- The Honourable Premier and Minister of Finance, Economic Development, Commerce, Tourism and Information Technology, Mr Victor Banks
- The Honourable Deputy Governor (acting), Dr Bonnie Richardson-Lake
- The Honourable Minister of Home Affairs and Education, Mrs Cora Richardson-Hodge
- The Honourable Minister of Infrastructure, Communications, Utilities, Housing, Agriculture, Fisheries and Environment, Mr Curtis Richardson
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Jewelle Fleming, MBE
- IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor
Ministerial Assistant to the Hon Minister, MHA, Mrs Evalie Bradley
Financial Specialist, Mr Stephen Turnbull
PS, Finance, Dr Aidan Harrigan
PS, MICUHAFE, Mr Karim Hodge
Director of Environment, Mr Calvin A. Samuel
Director, Lands and Surveys, Mr Leslie Hodge
Principal Planning Officer, Mr Vincent Proctor
PS, Public Administration, Mrs Kathleen Rogers
Accountant General, Mr Vonlee Harris
Administrator, Public Service Pension Fund, Mrs Monifa Brooks-Gumbs
Commissioner of Police (acting), Mr Elliott Forbes
Ports Manager, Mr Dale Rogers
CEO, AASPA (acting), Mr Sherman Williams
Deputy Director, Lands and Surveys, Mrs Kristy Harrigan
SER Legal & Consultancy Services, Mr Stanley Reid
Director, Economic Planning, Mrs Shantelle Richardson
Compliance Manager, Ms Marisa Harding-Hodge
Economist, Ms Amber Woodley
- ABSENT: The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Minister of Health and Social Development, Lands and Physical Planning, Mr Evans Rogers

EX MIN 19/298

CONFIRMATION OF THE MINUTES

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council confirmed the Minutes of the 193rd Meeting held on Friday 21 June 2019.

MATTERS ARISING FROM THE MINUTES

EX MIN 19/299

MTEFP UPDATE

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. PS, Finance, Dr Aidan Harrigan joined.

Following on from EX MIN 19/289 of 21 June, Council:

- (i) noted that at the end of June:
 - (a) revenue collections were EC\$127m (half of what was projected in terms of the revised figure submitted)
 - (b) expenditure – EC\$99.3m
- (ii) noted that further requests for additional monies from statutory bodies and GoA departments were placing added pressures on the recurrent and capital expenditures;
- (iii) continued to stress the repercussions for 2019 and beyond due to the prolonged sale of the GoA's shareholding in Anglec and the repercussions this would have for the release of the CDB policy based loan (PBL);
- (iv) agreed that prudent measures would have to be taken in order to meet GoA's commitments – whether to look at relocation warrants, prioritisation/deferral of matters;
- (v) agreed that revenue figures be revised and to consider whether a supplementary budget in 2019 was needed; and
- (vi) agreed that work had to be accelerated on Anglec and the two (2) pieces of legislation (Physical Planning Act and Regulations and the Environmental Management Act) which were important to realising the PBL.

Council thanked the MFEDICTIT for their hard work and prudence in 2019.

Action: PS, FIN; PS, HLPP; PS, EDICTIT; PAS, FIN; DEP; BD; CPO; HON AG;
ACC GEN; CIR; MINS OF GOV'T

EX MIN 19/300

PHYSICAL PLANNING ACT AND REGULATIONS AND THE ENVIRONMENTAL MANAGEMENT ACT

Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, Finance remained.

The following persons joined:

Hon Parliamentary Secretary, Mr Cardigan Connor
 PS, MICUHAFE, Mr Karim Hodge
 Director of Environment, Mr Calvin A. Samuel
 Director, Lands and Surveys, Mr Leslie Hodge
 Principal Planning Officer, Mr Vincent Proctor

Further to EX MIN 19/289 of 21 June, Council:

- (i) thanked the Caribbean Development Bank (CDB) for its continued support to the project;
- (ii) noted that the consultants arrive on island in August and that the work is to be completed within a month;
- (iii) noted that there were some concerns raised by the Ministry of Lands and that these should be discussed to ensure clarity of issues; and
- (iv) agreed that the draft legislation should be submitted to Executive Council by the end of September for consideration with the view to taking it to the House of Assembly in October.

Council thanked the officials for their participation.

Action: PS, HLPP; HON AG; PS, MICUHAFE; DIR, ENV; DLS; PPO

EX MIN 19/302

UPDATE ON DISSOLUTION OF THE POLICE PENSION FUND – AMENDMENTS TO THE ACT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, Finance remained. The following persons joined:

PS, Public Administration, Mrs Kathleen Rogers
 Accountant General, Mr Vonlee Harris
 Administrator, Public Service Pension Fund, Mrs Monifa Brooks-Gumbs
 Commissioner of Police (acting), Mr Elliott Forbes

Council:

- (i) thanked the officials for the initial consultations held;
- (ii) retained its position regarding the need for a Police Pension Fund and what police officers have to contribute to make it sustainable;
- (iii) agreed that an actuarial review was necessary and that the actuary be invited to undertake a range of options to be presented to police officers; and

- (iv) requested the Hon Attorney General to look at the legality of the options and to give his opinion to Executive Council on Thursday 11 July.

Action: PS, FIN; PS, PA; HON AG; AD, PSPF; HON DG; ACC GEN; COP;
MINS OF GOV'T

EX MIN 19/304

EX MEM 19/146 FUNDS FOR MEDICAL TREATMENT OVERSEAS

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, Finance remained.

Council noted that:

- (i) there are insufficient funds in the 2019 budget to continue to provide needy clients with medical treatment overseas; and
- (ii) an additional allocation of EC\$1.72 million would be considered as part of a supplementary appropriation.

Action: PS, HSD; PS, FIN; PS, EDICTIT; PAS, FIN; BD; ACC GEN;
MINS OF GOV'T

EX MIN 19/305

PAYMENT SYSTEM (EASTERN CARIBBEAN AUTOMATED CLEARING HOUSE) (AMENDMENT) RULES 2019

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, Finance remained.

Council:

- (i) noted that an amendment has been made to the rules governing certain aspects of the payment system;
- (ii) agreed to the amendment, subject to the definition as to whether it can be brought into effect by regulation or an amendment to the Act; and
- (iii) additionally noted that the rules are required to be published in the official gazette.

Action: PS, FIN; HON AG; PS, EDICTIT; PAS, FIN; DEP; BD; ACC GEN;
MINS OF GOV'T

EX MIN 19/306

EX MEM 19/147 CREDIT REPORTING BILL AND REGULATIONS

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, Finance remained.

Council:

- (i) approved in principle the implementation of the Eastern Caribbean Credit Reporting Bill and Regulations;

- (ii) directed the Attorney General's Chambers to provide an update on its review of the Credit Reporting Bill and Regulations; and
- (iii) agreed that once the AG's Chambers has completed its review, the Bill and Regulations be resubmitted to Executive Council for final approval and subsequent submission to the House of Assembly.

Action: PS, FIN; HON AG; PS, EDICTIT; PAS, FIN; BD; ACC GEN;
MINS OF GOV'T

EX MIN 19/307

EX MEM 19/148 TAX COMPLIANCE GAP ANALYSIS TO INFORM THE GOODS AND SERVICES TAX RATE

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, Finance remained.

Council noted the terms of reference for the Tax Revenue Compliance Gap analysis.

Action: PS, FIN; PS, EDICTIT; PAS, FIN; DEP; CIR; ACC GEN; COS/GOV's OFF;
MINS OF GOV'T

EX MIN 19/309

EX MEM 19/149 GRANT OF PERMIT OF PERMANENT RESIDENCE VIA INVESTMENT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, Finance remained. The following persons joined:

Director, Economic Planning, Mrs Shantelle Richardson
Compliance Manager, Ms Marisa Harding-Hodge
Economist, Ms Amber Woodley

Council:

- (i) considered an application in respect of a Permit of Permanent Residence in accordance with the provisions of Section 24 (1) of the Immigration and Passport Act and the Permanent Residence Permit (Amendment) Regulations 2018; and
- (ii) advised His Excellency the Governor to grant the Permit of Permanent Residence, subject to the payment of the permit fee and all other requirements being fulfilled.

Action: PS, EDICTIT; DEP; HON AG; PS, FIN; PAS, FIN; COM MAN;
MINS OF GOV'T

EX MIN 19/310

EX MEM 19/150 GRANT OF PERMIT OF PERMANENT RESIDENCE VIA INVESTMENT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Finance, Director, Economic Planning, Compliance Manager and Economist remained.

Council:

- (i) considered an application in respect of a Permit of Permanent Residence in accordance with the provisions of Section 24 (1) of the Immigration and Passport Act and the Permanent Residence Permit (Amendment) Regulations 2018; and
- (ii) advised His Excellency the Governor to grant the Permit of Permanent Residence, subject to the payment of the permit fee and all other requirements being fulfilled.

Action: PS, EDICTIT; DEP; HON AG; PS, FIN; PAS, FIN; COM MAN;
MINS OF GOV'T

EX MIN 19/311

EX MEM 19/151 GRANT OF PERMIT OF PERMANENT RESIDENCE VIA INVESTMENT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Finance, Director, Economic Planning, Compliance Manager and Economist remained.

- (i) considered an application in respect of a Permit of Permanent Residence in accordance with the provisions of Section 24 (1) of the Immigration and Passport Act and the Permanent Residence Permit (Amendment) Regulations 2018; and
- (ii) advised His Excellency the Governor to grant the Permit of Permanent Residence, subject to the payment of the permit fee and all other requirements being fulfilled.

Action: PS, EDICTIT; DEP; HON AG; PS, FIN; PAS, FIN; COM MAN;
MINS OF GOV'T

EX MIN 19/312

EX MEM 19/152 GRANT OF PERMIT OF PERMANENT RESIDENCE VIA INVESTMENT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Finance, Director, Economic Planning, Compliance Manager and Economist remained.

Council agreed that the paper should be deferred for further consultation with the MFEDICTIT.

Action: PS, EDICTIT; DEP; HON AG; PS, FIN; PAS, FIN; COM MAN;
MINS OF GOV'T

EX MIN 19/313

EX MEM 19/153 GRANT OF PERMIT OF PERMANENT RESIDENCE VIA INVESTMENT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Finance, Director, Economic Planning, Compliance Manager and Economist remained.

Council:

- (i) considered an application in respect of a Permit of Permanent Residence in accordance with the provisions of Section 24 (1) of the Immigration and Passport Act and the Permanent Residence Permit (Amendment) Regulations 2018; and
- (ii) advised His Excellency the Governor to grant the Permit of Permanent Residence, subject to the payment of the permit fee and all other requirements being fulfilled.

Action: PS, EDICTIT; DEP; HON AG; PS, FIN; PAS, FIN; COM MAN;
MINS OF GOV'T

EX MIN 19/314

EX MEM 19/154 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – PEGGY ANN VANESSA KARSENTI – REGISTRATION SECTION WEST CENTRAL, BLOCK 28309B, PARCELS 199 AND 200 CONTAINING 0.25 AND 0.50 OF AN ACRE RESPECTIVELY

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Peggy Ann Vanessa Karsenti to hold property situate in Registration Section West Central, Block 28309 B, described as Parcels 199 and 200 containing 0.25 and 0.50 of an acre of vacant land respectively located at Cul-de-Sac, Blowing Point, Anguilla for residential purposes, subject to the following:

- (a) payment of the following stamp duties:

PARCEL 199

(i)	under the Stamp Act – 5% of EC\$94,087.00	EC\$4,704.35
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$94,087.00	EC\$5,880.44
(iii)	refundable deposit 10% of EC\$94,087.00	EC\$9,408.70
	TOTAL	EC\$19,993.49

PARCEL 200

(i)	under the Stamp Act – 5% of EC\$188,174.00	EC\$ 9,408.70
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00	EC\$11,760.88

(iii)	refundable deposit 10% of EC\$188,174.00	EC\$18,817.40

	TOTAL	EC\$39,986.98
		=====
	GRAND TOTAL	<u>EC\$59,980.47</u>

- (b) Parcels 199 and 200 must be amalgamated within three (3) months of registration;
- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Lands.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/315

EX MEM 19/155 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – AJ1 ANGUILLA LLC – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL F202 CONTAINING 493 SQ. FT.

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to AJ1 Anguilla LLC, through its Director, Benjamin Donlyn Milbrath to hold on a freehold basis a luxury condominium unit of approximately 493 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL F202, subject to the following:

(a)	stamp duties payable are as follows:	
	(i) under the Stamp Act – 5% of EC\$1,077,833.79	EC\$53,891.69
	(ii) under the Aliens Land Holding Regulation Act – 3% of EC\$1,077,833.79	<u>EC\$32,335.01</u>
	TOTAL	<u>EC\$86,226.70</u>

- (b) Regulations to be issued for Exemption.

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

Action: PS, HLPP; DLS; HON AG; PS, FIN

EX MIN 19/317

EX MEM 19/157 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – CARIBBEAN BEACON LIMITED – REGISTRATION SECTION CAULS POND, BLOCK 69214 B, PARCELS 29 AND 31 CONTAINING 1.40 ACRES AND 4.00 ACRES

Hon Parliamentary Secretary, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Caribbean Beacon Limited to hold, on a freehold basis, property situated in Registration Section Cauls Pond, Block 69215 B, described as Parcels 29 and 31, containing 1.40 acres and 4.00 acres respectively located in Long Path for commercial purposes, subject to:

- (a) payment of the following stamp duties:

PARCEL 29

Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$193,550.40	EC\$ 9, 677.52
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$193,550.40	<u>EC\$ 9, 677.52</u>
	TOTAL	<u>EC\$19,355.04</u>

PARCEL 31

(i)	under the Stamp Act – 5% of EC\$100.00	EC\$100.00
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$537,640.00	EC\$26, 882.00
	TOTAL	<u>EC\$26,982.00</u> =====
	GRAND TOTAL	<u>EC\$46,337.04</u>

- (b) complying with the Labour Department Act R.S.A. c. L15 and Section 127 (1), (2), (3), (4) and (5) of the new Labour (Relations) Act;
- (c) complying with telecommunication regulations; and
- (d) Caribbean Beacon is to be monitored in terms of its operations, structural safety and radiation emissions as well as aerodrome requirements as specified by the International Civil Aviation Organisation (ICAO). The grant of planning approval and requirements should be adhered to, structural safety requirements, Telecommunications Act and standards and the requirement to monitor frequency from the Ministry of Communications at MICUH. The

existing structure shall also be in compliance with environmental standards. The monitoring reports should be submitted to the Ministry of Infrastructure, Communications, Utilities and Housing and Ministry of Social Development, and Departments of Planning, Environment and Disaster at their expense.

Action: PS, HLPP; DLS; LAB COM; PS, FIN; PS, MICUHAFE; PS, HSD; PPO; DIR, DDM; DIR, ENV

EX MIN 19/318

EX MEM 19/158 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – LEANNE GAYE REES – REGISTRATION SECTION EAST CENTRAL, BLOCK 89319 B, PARCEL 67 CONTAINING 0.80 ACRES

Hon Parliamentary Secretary, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Leanne Gaye Rees to hold property situated in Registration Section East Central, Block 89319 B, described as Parcel 67 located at Island Harbour, Anguilla for commercial and residential purposes with a two (2) storey building thereon, subject to the following:

- (a) stamp duties payable are as follows:
- | | | |
|------|---|------------------------------|
| (i) | under the Stamp Act – 5%
of EC\$2,607,554.00 | EC\$130,377.70 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5%
of EC\$2,607,554.00 | <u>EC\$130,377.70</u> |
| | TOTAL | <u>EC\$260,755.40</u> |
- (b) the applicant company must obtain a business licence from the Ministry of Finance; and
- (c) to comply with the Labour Department Act R.S.A. c. L15 and Section 127 (1), (2), (3), (4) and (5) of the new Labour (Relations) Act.

Action: PS, HLPP; DLS; LAB COM; PS, FIN

ORAL MENTION

EX MIN 19/319

LEASE OF FORMER NATIONAL BANK OF ANGUILLA BUILDING

Hon Parliamentary Secretary, Financial Specialist and PS, Finance remained.

Council ratified the position that the PS, Finance signs the lease agreement on behalf of the Government of Anguilla for the former National Bank of Anguilla (NBA) building.

Action: PS, FIN; PS, EDICTIT; BD; ACC GEN; MINS OF GOV'T

EX MIN 19/320

**IMPORT OF AUDIO AND VIDEO EQUIPMENT FOR EBENEZER
METHODIST CHURCH**

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that duty exemption be granted to the Ebenezer Methodist Church (c/o Rev Dr. Wycherley Gumbs) on the import of audio and video equipment for the reconstruction and refitting of the church, which suffered severe damage during hurricane Irma.

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

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 19/321

LEAVE

The Hon Minister of Infrastructure informed Council that he would be on leave from the 10 – 14 July 2019.

Action: EXCO MEMBERS
