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MINUTES OF THE 23rd MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 17th DECEMBER 2020 AT 9.00AM

- PRESENT: His Excellency the Governor, Mr Timothy Foy, OBE
- The Honourable Premier and Minister for Finance 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 Economic Development, Commerce,
Information Technology, Environment and Natural Resources,
Mr Kyle Hodge
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: Hon Parliamentary Secretary for Economic Development,
Mrs Quincia Gumbs-Marie
Hon Special Ministerial Assistant to the Hon Minister for Social
Development/Education, Mr Merrick Richardson
Financial Specialist, Mr Stephen Turnbull

EX MIN 20/517

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council confirmed the Minutes of the 22nd Meeting of Executive Council held on Thursday 10th December 2020 and the Minutes of the Special Meeting held on Monday 14th December 2020.

MATTERS ARISING FROM THE MINUTES

Council noted that:

- 1) the Attorney General's Chambers continues to work on amendments to regulations to facilitate hotels remitting arrival fees to the Government of Anguilla on behalf of guests;
- 2) in relation to EX MIN 20/468, work continues to ensure the transfer of responsibility for the administration of unemployment assistance benefit from the Ministry of Finance to the Ministry of Social Development;
- 3) in relation to EX MIN 20/488, the Hon Premier and the Attorney General's Chambers continue to work on amendment of the regulations;
- 4) in relation to EX MIN 20/491, it is anticipated that the Astra Zeneca vaccination may be approved before the end of the year at which time supplies shall be forwarded to Anguilla. Due to the difficulties in maintaining cold chain during transport the Pfizer vaccine will only be supplied to Overseas Territories receiving direct flights from the UK;
- 5) in relation to EX MIN 20/510 some of the budgets presented by the Statutory Bodies were approved and those with unapproved or queried budgets must present revisions to Executive Council by December 23; and
- 6) the Interim Stabilisation Levy Bill will receive its first reading at the House of Assembly on December 20.

EX MIN 20/519

EX MEM 20/264 UPDATE ON ANGUILLA'S NATIONAL RISK ASSESSMENT EXERCISE AND ANGUILLA'S PREPARATIONS FOR THE CARIBBEAN FINANCIAL ACTION TASK FORCE MUTUAL EVALUATIONS IN 2022

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. The following persons joined the meeting:

Senior Crown Counsel, Ms Erica Edwards
FSC Regulator II, Ms Ojeda Vanterpool

Senior Crown Counsel updated Council on the Anguilla National Risk Assessment exercise and report and also on Anguilla's preparations for the Caribbean Financial Action Task Force Mutual evaluations in 2022. The salient points were: -

- In July 2009 Anguilla was first evaluated by CFATF on the 40 + 9 recommendations and performed fairly well in the review. An effectiveness portion has now been added.
- The National Risk Assessment is being prepared and will be submitted to Council for consideration.
- In order to satisfy the effectiveness portion of the evaluation it is likely that Anguilla will have to consider the implementation of new legislation within the next 12 months and certain MOU's will be required.
- A good rating is important for the economic viability of the jurisdiction.

Council:

- 1) agreed that the members of the Working Group should consist of:
 - Chair of the Money Laundering Reporting Authority
 - Head of the Financial Intelligence Unit
 - Representative of the Ministry of Finance
 - Representative of the Attorney General's Chambers

- Representative of the Royal Anguilla Police Force
 - Representative of the HM Customs Department
 - Representative of the Inland Revenue Department
 - Representative of the Immigration Department
 - Representative of the Anguilla Financial Services Commission
 - Representative of the Governor's Office
 - Representative from the Private Sector
- 2) agreed that a representative from the Commercial Registry should be added to the membership of the Working Group; and
- 3) further agreed that Ms. Erica Edwards replace Ms. Marisa Harding Hodge as Coordinator and Ms. Ojeda Vanterpool fill the position of Deputy Coordinator.

Action: PS, FIN; HON, MIN FIN

EX MIN 20/520

EX MEM 20/265 DIGITAL PAYMENT SYSTEMS LEGISLATION

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Director of the FSC briefed Council on the proposed legislation, indicating that it has been identified as an avenue to enhance both financial services and all other sectors through improved payment systems. The proposed legislation is independent of the ECCU.

Council instructed the AG's Chambers to review the proposed draft legislation and conduct a comparative exercise of the Digital Payments System Bill against ECCU model legislation. Whilst there is a commitment to pass harmonised legislation regionally, the Bill will be amended to take into consideration the nuances of the jurisdiction.

Action: PS, FIN; HON, AG; HON, MIN FIN

EX MIN 20/521

EX MEM 20/266 DRAFT COOPERATIVE SOCIETIES ACT AND DRAFT COOPERATIVE SOCIETIES REGULATIONS

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted the brief of the Director of the FSC. The credit union sector is comprised of two credit unions. One credit union serves the general public while the other serves only its members. Combined, the credit unions have a total of one thousand and eighty-six (1,086) members with deposits totaling approximately EC\$11 million. The largest credit union has been operating for only two years and is growing exponentially. There is no legislation enacted to allow for the prudential regulation of the credit unions. This puts Anguilla at risk of failing its upcoming Mutual Evaluation by CFATF.

Council:

- 1) noted that the contract between each shareholder and the Credit Union offers a level of protection to the shareholder; and
- 2) approved the draft Cooperatives Societies Act and Regulations for public consultation for a 6-week period.

Action: PS, FIN; HON, AG; HON, MIN FIN

EX MIN 20/522

EX MEM 20/267 POLICY FOR BUSINESS LICENSING AND TRANSPARENCY OF BUSINESS OWNERSHIP IN ANGUILLA

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted the brief of the Hon Minister for EDCITENR. The policy prepared is aligned with Government's overall objectives with regard to employment generation, trade facilitation, income distribution, national development and productive capacity; and seeks to address some of the shortcomings of the existing regime. The policy addresses fronting, seeks to protect Anguillian businesses and strengthens the legislative framework.

The policy objectives are to:

- 1) encourage business development through the establishment of a confidential, fair and efficient business licensing regime;
- 2) ensure transparency with regard to the ownership of businesses; and
- 3) promote and/or protect local enterprise and/ or specific industries based on Government's priorities and/or Anguilla's needs.

Council:

- 1) noted the legal and constitutional issues raised by the Hon Attorney General;
- 2) approved the Policy for Business Licensing and Transparency of Business Ownership in Anguilla; and
- 3) instructed the Attorney General's Chambers to draft the legislation to give effect to the policy on the instructions of the Ministry.

Action: PS, EDCITENR; HON, AG; HON, MIN EDCITENR

EX MIN 20/523

EX MEM 20/268 REMOVAL AND ADDITION OF REPTILES TO SCHEDULE 1 OF THE BIODIVERSITY AND HERITAGE CONSERVATION ACT

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for EDCITENR briefed Council on the recommendation to amend the legislation in the light of prevailing environmental conditions.

Council approved:

- 1) the removal of the invasive Green Iguana (*Iguana iguana*)

from Schedule 1 of the Biodiversity and Heritage Conservation Act; and

- 2) the addition of the following species to Schedule 1 of the Biodiversity and Heritage Conservation Act:
 - a) Little Scrub Ground Lizard (*Pholisoscelis corax*)
 - b) Anguilla Bank Skink (*Spondylurus powelli*)
 - c) Anguilla Bank Racer (*Alsophis rijgersmaei*)
 - d) Sombrero Ground Lizard (*Pholidoscelis corvinus*)

Action: PS, EDCITENR; HON, AG; HON, MIN EDCITENR

EX MIN 20/524

EX MEM 20/269 AMENDMENTS TO THE ANGUILLA COMMUNITY COLLEGE (ACC) ACT

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for Social Development briefed Council on the proposed legislative amendments. They are a cost saving measure which removes the statutory requirement of the ACC to have designated senior managers on staff and to have a President aged under 65.

Council instructed the AG's Chambers to amend the Anguilla Community College Act to:

- 1) remove the statutory requirement for designated senior staff; and
- 2) to allow for persons over the age of 65 to serve as President of the College.

Action: PS, SD; HON, AG; HON, MIN SD

EX MIN 20/525

EX MEM 20/270 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION EAST END, BLOCK 99315 B, PARCEL 69 CONTAINING 0.40 OF AN ACRE

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section East End, Block 99315B, described as Parcel 69 located in Sea Feathers for private residential purposes, subject to:

- | | | |
|-----|--|--|
| (a) | payment of the following stamp duties: | |
| | (i) | under the Stamp Act – 5% |
| | | of EC\$940,870.00 EC\$47,043.50 |
| | (ii) | under the Aliens Land Holding |
| | | Regulation Act – 5% |
| | | of EC\$940,870.00 EC\$47,043.50 |
| | TOTAL | <u>EC\$94,087.00</u> |

- (b) with the express 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 Finance.

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

EX MIN 20/526

EX MEM 20/271 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION NORTH, BLOCK 59018 B, PARCEL 175 CONTAINING 0.50 OF AN ACRE

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis, property situate in Registration Section North, Block 59018 B, described as Parcel 175 containing 0.50 of an acre of vacant land to construct a parking lot, subject to the following:

- (a) payment of the following Stamp Duties
 - (i) under the Stamp Act – 5%
of EC\$268,820.00 EC\$ 13,441.00

 - (ii) under the Aliens Land Holding
Regulation Act – 4%
of EC\$268,820.00 EC\$ 10,752.80

TOTAL **EC\$ 24,193.80**
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- (b) an application for full Planning Permission is required before any development commences and shall detail all matters relating to the site;
- (c) the parking lot must be paved to the satisfaction of the Chief Engineer within the Department of Infrastructure and designed with proper drainage;
- (d) with the express condition that the land is to be used for the sole purposes as approved in Planning Application No. 20/0293; and
- (e) the licensee shall fully comply with the terms and conditions as stipulated in the Memoranda of Understanding (MOU) dated 20th June, 2020, between the Applicant and the Government of Anguilla.

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