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MINUTES OF THE 131st MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 5th APRIL 2023 AT 9.00 AM

- PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
- The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, and acting Minister for ICUHT, 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, and acting Minister for SIE, 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 Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
- Financial Specialist, Mr Stephen Turnbull
- ABSENT: 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

EX MIN 23/90

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 130th Meeting of Executive Council held on Thursday 30th March 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/91

EX MEMO 23/68 PROPOSED SUPPLEMENTARY BUDGET NO. 1 FOR 2023

Parliamentary Secretary and Financial Specialist remained. The following persons joined the meeting:

PAS, Finance, Ms Marisa Harding-Hodge
 PS, Social Development, Dr Bonnie Richardson-Lake
 Chief Engineer, Mr Bancroft Battick

The PAS, Finance briefed Council.

- Supplementary No.1 of 2023 was brought before Council and approved on March 23, 2023, as stated in Ex Min 23/81. Providing for a total supplementary increase of EC\$9.74 million and reallocations in the amount of EC\$3.95 million.
- This paper seeks to update the supplementary increase by an additional EC\$2.10 million.
- Ex Min 23/81 approved additional funds of EC\$6.94 million for the completion of the Albena Lake Hodge Comprehensive School. The Ministry of Education and Social Development (MSD) was allocated EC\$3.14 million in capital for the completion of the ALHCS Package II. The UKG has earmarked EC\$2.1 million (US\$800k) to the project as part of the Anguilla Programme. These budgeted amounts were erroneously deducted from the MSD funding calculations requested for the supplemental budget.
- Thus far in 2023, the GOA has received US\$499,764.54 of the US\$800k in reimbursement from the UKG Anguilla Programme on the ALHCS project. These monies have been credited to Capital Revenue rather than being direct procurements of materials.

Therefore, the purpose of this Supplementary Budget is to facilitate expenditure adjustments, to reflect those to be funded by the Anguilla Programme.

CAPITAL EXPENDITURE

The approved Capital Budget for 2023 is EC\$21.43 million. As at the end of February 2023, capital expenditure totaled EC\$1.53 million. Total supplementary requests totaled EC\$9,748,124 as approved in Ex Min 23/81.

An adjustment was made to the MSD total approved supplementary of EC\$6,948,124 as per Ex Min 23/81 for the ALHCS Package II, to reflect an additional EC\$2.10 million, as the MSD informed the MOF of same. This brings the MSD total supplementary increase to EC\$9,048,124.

SUPPLEMENTARY NO.1 INCREASES

The total revised 2023 Estimates including all changes for Supplementary No. 1 are reflected in column E of the table below. The Total Recurrent and Capital Estimates will be adjusted from an approved 2023 Budget of EC\$267,364,132 to a revised budget of EC\$279,212,257. Updated overall total expenditure is increased by EC\$11,848,125.

Council:

- 1) noted that this Supplementary Appropriation is required to facilitate and recognise the grant funding of EC\$2.1 million provided by the UKG, for part funding of the ALHCS Package II. The funding is not UKG direct spending and thus for the Ministry of Finance to expend funds an appropriation must be in place;
- 2) noted the indication that it is possible for the ALHCS to open after Package II is completed as per the costs outlined above. Noted that whilst the ALHCS Package III was deemed to be partially complete, there may be cost implications as further funds are now being requested. Noted that uncosted architectural instructions for disputed claims need to be considered. Noted that no comprehensive breakdown of costs is available for Council's consideration and unfunded liabilities suggest a lack of control;
- 3) noted that the ALHCS project has to be completed. Going forward the work has to be adequately managed by a

responsible party, in order to attain the minimum standards required for completion by September 2023. Minimum standards refers to cleanliness and habitability;

- 4) approved the Portfolio allocations as identified in Table 1 below;

GOVERNMENT OF ANGUILLA 2023 ESTIMATES OF RECURRENT EXPENDITURE AND CAPITAL SUMMARY OF APPROPRIATIONS SCHEDULE						
PROGRAM	MINISTRY	ESTIMATE 2023	REVISED 2023 ESTIMATE	SUPPLEMENTARY INCREASES No. 1	REALLOCATION	REVISED 2023 ESTIMATE SUPPLEMENTARY No.1
		A	B	C	D	E
PART 1 - RECURRENT EXPENDITURE						
		\$				
001R	HE THE GOVERNOR	31,301,634	31,301,634	-	-	31,301,634
350R	MINISTRY OF HOME AFFAIRS, LABOUR, IMMIGRATION, INFORMATION AND BROADCASTING	8,671,292	8,671,292	-	-	8,671,292
450R	MINISTRY OF FINANCE AND HEALTH	112,679,140	112,679,140	1		112,679,141
550R	MINISTRY OF SOCIAL DEVELOPMENT AND EDUCATION	54,433,545	54,433,545	-	-	54,433,545
650R	MINISTRY OF INFRASTRUCTURE, COMMUNICATIONS UTILITIES, HOUSING AND TOURISM	26,665,798	26,665,798	-	3,000,000	29,665,798
850R	MINISTRY OF SUSTAINABILITY, INNOVATION AND THE ENVIRONMENT	12,178,591	12,178,591	-	-	12,178,591
	TOTAL RECURRENT EXPENDITURE	245,930,000	245,930,000	1	3,000,000	248,930,001
PART 11 - CAPITAL						
001D	HE THE GOVERNOR	-	-	-	-	-
350D	MINISTRY OF HOME AFFAIRS, LABOUR, IMMIGRATION, INFORMATION AND BROADCASTING	-	-	-	-	-
450D	MINISTRY OF FINANCE AND HEALTH	903,700	903,700	-	950,000	1,853,700
550D	MINISTRY OF SOCIAL DEVELOPMENT AND EDUCATION	7,491,054	7,491,054	9,048,124	-950,000	15,589,178
650D	MINISTRY OF INFRASTRUCTURE, COMMUNICATIONS UTILITIES, HOUSING AND TOURISM	4,512,439	8,526,939	2,800,000	-3,000,000	8,326,939
850D	MINISTRY OF SUSTAINABILITY, INNOVATION AND THE ENVIRONMENT	8,526,939	4,512,439	-	-	4,512,439
	TOTAL CAPITAL	21,434,132	21,434,132	11,848,124	-3,000,000	30,282,256
	TOTAL RECURRENT AND CAPITAL EXPENDITURES	267,364,132	267,364,132	11,848,125	0	279,212,257

- 5) approved an additional EC\$2.1 million expenditure to be added to the Supplementary Appropriation being proposed. Noted that this adjustment will be made to the approval letter to be sent to the UKG, which shall be issued urgently; and
- 6) authorised the Attorney General's Chambers to work with the Ministry of Finance to draft a Bill for Supplementary Appropriation for submission to the House of Assembly for consideration at its next sitting.

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

Action: PS, FIN; PS, EDMSIE; PERM, SECS; BD; ACC, GEN;
HON, DG; HON, AG; MINS OF GOV'T

EX MIN 23/92

EX MEMO 23/69 APPROVAL OF THE CO-OPERATIVE SOCIETIES BILL AND REGULATIONS, TOGETHER REFERRED TO AS DRAFT CO-OPERATIVE SOCIETIES LEGISLATION

Parliamentary Secretary and Financial Specialist remained. The Anguilla Financial Services Commission (“FSC”) Director, Ms Tina Bryan and FSC Deputy Director, Ms Charonay Carty joined the meeting.

The FSC Director, Ms Tina Bryan briefed Council.

The purpose of the draft Co-operative Societies legislation is to provide a regulatory framework for the effective registration, supervision, governance, operation and management of co-operatives societies including credit unions in Anguilla.

In October 2017, Executive Council agreed that the Co-operatives Societies Bill should proceed to public consultation. At that time the publication was delayed so that the Regulations to the Bill could be completed and service providers, stakeholders and the industry would have the benefit of commenting on the proposed legislation in its entirety.

The draft Co-operative Societies legislation is based on an ECCU model. However, in July 2021 the FSC procured a consultant who conducted extensive research to ensure that the said legislation aligned with international standards in financial reporting, risk management and the best practices in online and e-commerce services.

The draft Co-operative Societies legislation allows for robust prudential regulation as well as AML/CFT supervision that currently exists under the Proceeds of Crime Act, R.S.A. c. P98.

With the enactment of the draft Co-operative Societies legislation, there will be two registrars for co-operatives. The FSC will be the registrar for financial co-operatives including credit unions; while the

Registry of Commercial Activities will be the registrar for non-financial co-operatives.

It is proposed that the current Co-operatives Societies Act, R.S.A. C115 which predominantly acts as a registration vehicle for co-operatives and which is fundamentally deficient be repealed and replaced by the draft Co-operative Societies legislation.

Council:

- 1) noted the public consultation documentation provided dated November 23 & 24, 2021;
- 2) noted the related concerns that one credit union is currently operating under the provisions of the draft Co-operative Societies Act and that the absence of a robust regulatory framework places Anguilla at risk of receiving poor ratings in FATF Recommendations and Immediate Outcomes in the upcoming Mutual Evaluation;
- 3) noted that regulatory fees are to be charged to cover the costs of regulation;
- 4) noted the key aspects of the draft Co-operative Societies Bill and Regulations as per the paper. Noted that the legislation is needed so that Anguilla can demonstrate that action can be taken forward where required;
- 5) approved the draft Co-operative Societies Bill and Regulations; and
- 6) instructed the Attorney General's Chambers to conduct a final review and formatting of the legislation for submission to the House of Assembly for consideration at its next sitting.

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

Action: PS, FIN; PAS, FIN; HON, DG; HON, AG; HON, PREM

EX MIN 23/93

EX MEMO 23/76 APPROVAL OF AMENDMENTS TO LEGISLATION TO IMPROVE ANGUILLA'S COMPLIANCE WITH THE EXCHANGE OF INFORMATION ON REQUEST (EOIR) STANDARD

Parliamentary Secretary and Financial Specialist remained. Director – International Tax Cooperation Delegated Competent Authority (EOI), Ms Nordisia Lake joined the meeting.

The PAS, Finance briefed Council. Following the release of the second round Peer Review, Anguilla requested and was granted a supplementary review. The draft report rates Anguilla as Partially Compliant, due to the significant issues identified previously in Ex Min 23/74 and the legislative amendments must be in force by April 17 to be considered in the next review.

Council:

- 1) noted the proposed amendments to the legislation as outlined in the paper, where the legislation was deemed to be in place but requiring improvement, the amendments are intended to close the compliance gaps. Other amendments will be addressed in the future;
- 2) noted that the proposal to amend or repeal section 260 of the Business Companies Act requires further consideration as it may be beneficial for Anguilla to retain the provision and indicate that information obtained shall not be shared publicly, rather than to repeal it altogether. Noted the requirement to have access to records that are held by a company manager, if needed;
- 3) considered and approved the following draft Bills:
 - a) Bill for Business Companies (Amendment) Act, 2023;
 - b) Bill for Commercial Registry and Beneficial Ownership Registration System (Amendment) Act, 2023;
 - c) Commercial Registry and Beneficial Ownership Registration System (Amendment) Regulations, 2023; and
 - d) Bill for Trust Companies and Offshore Banking (Amendment) Act, 2023; and

- 4) instructed the Attorney General's Chambers to conduct a final review and formatting of the legislation for submission to the House of Assembly for consideration at its next sitting.

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

Action: PS, FIN; PAS, FIN; HON, DG; HON, AG; HON, PREM

EX MIN 23/94

EX MEMO 23/70 APPOINTMENT OF AN AUDITOR FOR THE PUBLIC UTILITIES COMMISSION FOR THE YEAR ENDED 31ST DECEMBER, 2022

Parliamentary Secretary and Financial Specialist remained.

The Hon Premier briefed Council.

Council:

- 1) noted the following:
 - a) section 18(4) of the PUC Act states: "*the accounts shall be audited by such person as may be appointed in respect of each financial year by the Governor in Council*";
 - b) letter to H.E. the Governor from the PUC Executive Director, dated March 20, 2023;
 - c) that in 2021 the appointment of BDO LLC was extended for three further years and the 2023 audit of the 2022 financial year is the third and final year for said services. A tender process is to be conducted to procure a new contract for auditing services to commence in 2024 for the 2023 financial year; and

- 2) confirmed its approval to appoint the firm BDO LLC to conduct the audit of the Public Utilities Commission's accounts for the year ended December 31, 2022.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 23/95

EX MEMO 23/71 THE PUBLIC UTILITIES COMMISSION (PUC) 2020 ANNUAL REPORT - TABLED IN THE ANGUILLA HOUSE OF ASSEMBLY

Parliamentary Secretary and Financial Specialist remained.

The Hon Premier briefed Council. The PUC has submitted its 2020 Annual Report, which provides a synopsis of the financial performance and activities of the PUC during 2020 and shows the financial position of the PUC at the year ending 31 December 2020.

The annual report is prepared and submitted in accordance with section 22 of the Public Utilities Act, which also requires the report to be tabled in the House of Assembly.

Council:

- 1) noted the 2020 Annual Report of the Public Utilities Commission; and
- 2) authorised the Minister with responsibility for communications to table the 2020 Annual Report of the Public Utilities Commission at the next session of the House of Assembly.

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

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 23/97

EX MEMO 23/73 REAPPOINTMENT OF PROCUREMENT BOARD MEMBERS

Parliamentary Secretary and Financial Specialist remained.

The Hon Premier briefed Council. Section 12 of the Public Procurement and Contract Administration (Amendment) Act, 2016 stipulates the requirements for appointments to the Procurement Board, which shall consist of 7 members appointed by Council.

The Procurement Board is currently comprised of Ms Marisa Harding-Hodge, Mrs Monifa Brooks-Gumbs, Mrs Marcia Richardson, Mr Dallen Connor, Ms Keischa Brooks, Mr Clive Smith and Mr Gerard Gumbs.

Mr Dallen Connor & Mrs Monifa Brooks-Gumbs were both first appointed in 2017, they were reappointed to the Procurement Board on February 13, 2020 and their terms remained effective until February 13, 2023. Mr Clive Smith, was appointed to the Procurement Board on February 13, 2020 and as such his term remained effective until February 13, 2023.

Council:

- 1) approved the re-appointment of the following members to the Procurement Board, effective April 5, 2023 until April 4, 2024:
 - (i) Dallen Connor
 - (ii) Monifa Brooks-Gumbs
 - (iii) Clive Smith

- 2) authorised the publication of the names of the newly appointed members of the Procurement Board in the Gazette.

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

EX MIN 23/98

EX MEMO 23/ 74 APPOINTMENT OF A NEW MEMBER TO THE HIGHER EDUCATION LICENSING BOARD

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Social Development briefed Council. The Higher Education Licensing Act provides for the Anguilla Higher Education Licensing Board and vests in that Board the power to license institutions in Anguilla, to provide the processes and mechanisms for licensing institutions and accrediting higher education programmes of study and to provide for other related matters.

Mr Cleve Whyte has tendered his resignation from the board as the representative of Civil Society and must therefore be replaced. The Ministry of Social Development & Education, in collaboration with the relevant Ministries and organisations is recommending that Mr Tishon Gumbs be appointed to the Board in keeping with Section 3(1)(g) of the Higher Education Licensing Act. In accordance with Section 6(3) of the Act, Mr Gumbs will serve the remaining period for which Mr Whyte was originally appointed.

Council noted that the Minister will appoint Mr Tishon Gumbs to the Higher Education Licensing Board until November 30, 2023, by instrument published in the Gazette.

Action: PS, SD; HON, MIN SD

EX MIN 23/99

EX MEMO 23/75 PROGRAMME OF ACTIVITIES AND BUDGET FOR THE CELEBRATION OF THE 56TH ANNIVERSARY OF THE ANGUILLA REVOLUTION AND ANGUILLA DAY 2023

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Social Development briefed Council as to the 56th Anniversary of the Anguilla Revolution and Anguilla Day Celebrations detailing the theme and programme of activities for the 2023 commemoration, as follows:

Activity	Date	Venue
Tik Tok Competition – five favourite places in Anguilla	All month	Not applicable
Door decoration competition	All month	Not applicable
National Day of Prayer	Thursday 4 th May 2023	Not applicable
Primary Schools' Anguilla Day Spelling Bee	Wednesday 17 th May 2023	Alwyn A Richardson Primary Auditorium
Anguilla Cycling Association's Anguilla Day Cycling Race	Sunday 21 st May 2023	TBD
Primary Schools' Anguilla Day Quiz	Wednesday 24 th May 2023	Morris Vanterpool Primary Auditorium
Anguilla Day Dance Off	Thursday 25 th May 2023	Aurora Amphitheatre (TBC)
Ecumenical Service	Sunday 28 th May 2023	Mount Fortune SDA Church, East End
Anguilla Day Parade	Tuesday 30 th May 2023	J R W Park
Senior Citizens' Luncheon	Tuesday 30 th May 2023	Residential Care Facilities
Anguilla Day Boat Race	Tuesday 30 th May 2023	Round the island

Council:

- 1) noted the proposed theme and agreed that details of all the themes submitted for consideration should be provided to Council, for further consideration of an appropriate theme;
- 2) noted the proposed programme of activities and approved the proposed Budget of EC\$127,700 for the programme of activities for the 56th Anniversary of the Anguilla Revolution and Anguilla Day 2023; and
- 3) agreed that the identity of the donor for the sporting event should be confirmed.

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

Action: PS, FIN; ACC, GEN; BD; PS, EDMSIE; HON, MIN SIE
