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MINUTES OF THE 140TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 3RD MAY 2018

PRESENT: His Excellency the Governor, Mr Timothy Foy, OBE

The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism and Information Technology

The Honourable Cora Richardson-Hodge, Minister of Home Affairs and Education

The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture, Fisheries and Environment

The Honourable Attorney General, Mr John McKendrick QC

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Cardigan Connor, Hon Parliamentary Secretary
Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
Mr Stephen Turnbull, Financial Specialist

ABSENT: The Honourable Evans Rogers, Minister of Health and Social Development, Lands
and Physical Planning

The Honourable Deputy Governor, Mr Perin Bradley

EX MIN 18/224 **NATIONAL DAY OF PRAYER: THURSDAY 3 MAY 2018**

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

Pastor John Gumbs from the Sovereign Grace Baptist Church gave the opening
prayer in Executive Council as a part of the National Day of Prayer 2018.

Action: EXCO MEMBERS

EX MIN 18/225

CONFIRMATION OF THE MINUTES

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

Council confirmed the Minutes of the 139th Meeting held on Thursday 26th April 2018.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/226

EX MIN 18/215 EX MEM 18/112 PROPERTY TAX INITIATIVE FOR 2018

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

Following on from EX MIN 18/215 of 26 April 2018, H E The Governor told Council that he had informed the Comptroller, Inland Revenue that having considered the matter carefully he was content with the proposal on the Property Tax Initiative for 2018.

Considering the impact caused by Hurricane Irma, Council agreed to:-

- (i) a 20% reduction on the tax rate across the board for 2018; and
- (ii) a 10% discount for early payment to expire 31 July 2018.

Council noted that this was a one-off concession and that it would be matched by efforts to ensure compliance.

Action: PS, FIN; CIR; PS, EDICTIT; PAS, FIN; BD; MINS OF GOV'T

EX MIN 18/227

EX MIN 18/221 EX MEM 18/122 REHABILITATION OF THE PRINCESS ALEXANDRA HOSPITAL (PAH) POST HURRICANE IRMA

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

With reference to EX MIN 18/221 of 26 April 2018, H E The Governor informed Council that a meeting would be held on Thursday 3 May with the Chief of Staff, Governor's Office and HAA officials to determine what could be done regarding this issue.

Action: PS, HLPP; COS/GOV'S OFF; PS, FIN; PS, EDICTIT; BD; CPO; MINS OF GOV'T

EX MIN 18/228

**INF 18/03 FOR INFORMATION: FINANCIAL SERVICES COMMISSION
2018 BUDGET AND WORK PROGRAMME**

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

Council noted that the Financial Services Commission's 2018 Budget and Work Programme would be tabled in the House of Assembly at its next sitting on 29 May 2018 for the information of legislators and the public.

Action: HE; DIR, FSC; HON AG; PS, FIN; CL, HOA

EX MIN 18/229

EX MEM 18/124 PAROLE BOARD SUBSTITUTIONS

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

Council:-

- (i) approved the temporary appointment of Mrs Rhonda Connor as Chairman to the Parole Board and the temporary appointment of Mr Reynolds Richardson as a Parole Board member during the absence of Mr Ronald Scipio, Chairperson of the Parole Board; and
- (ii) agreed that both appointments take effect on 9 May 2018.

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

EX MIN 18/230

EX MEM 18/125 LEASE OF THE FORMER NBA BUILDING

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

Council:-

- (i) approved the draft lease agreement between the Government of Anguilla ("the Lessee") and the National Bank of Anguilla Limited (in receivership);
- (ii) agreed that the rent should be US\$1.50 per square foot per month, retroactive to 1 November 2017, and for a term of two years with the ability to terminate earlier on two months' notice if necessary;
- (iii) approved the payment of arrears for electricity and rent for the period of occupation; and
- (iv) agreed that clarification is sought on the interest rate on arrears identified in Clause 3.20 of the Lease Agreement.

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

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

EX MIN 18/231

EX MEM 18/126 APPEAL AGAINST PLANNING REFUSAL APPLICATION

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

Council agreed with the recommendation from the Hon Minister of Lands that the appeal against planning permission to construct a restaurant and toilets in The Valley on Parcel 232 of Block 48814 should be allowed on the grounds that:-

- (i) the development is engineered to withstand hurricane force winds;
- (ii) landscaping should be used to make the development aesthetically pleasing;
and
- (iii) the development has running water, and the toilet facilities must be constructed in a sound and aesthetically pleasing manner.

Council noted the recommendation from the Minister that a site visit be made to St. Maarten by Ministers of Government and appropriate technical staff from the Ministry/Department of Physical Planning and MICUH/DICUH to look at a similar development there that reportedly withstood the wind pressures of Hurricane Irma.

Action: PS, HLPP; DLS; PPO; DHP; PEHO; PS, MICUHAFE; MINS OF GOV'T

EX MIN 18/232

EX MEM 18/127 PROGRAMME OF ACTIVITIES AND BUDGET FOR THE CELEBRATION OF THE 51st ANNIVERSARY OF THE ANGUILLA REVOLUTION AND ANGUILLA DAY 2018

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

Council noted and appreciated the work that is being done by the MHA.

Action: PS, MHA; PAS, MHA; PS, FIN; PS, EDICTIT; BD; ACC GEN

EX MIN 18/233

EX MEM 18/128 APPOINTMENT OF BOARD MEMBERS TO THE BOARD OF THE ANGUILLA AIR AND SEA PORTS AUTHORITY

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

Council agreed that:-

- (i) Mr Fabian M. Fahie should be re-appointed as a Board Member and Chairman of the Board of the Anguilla Air and Sea Ports Authority (AASPA) for a term of two (2) years effective 15 May 2018;
- (ii) both Mrs Sheila Haskins and Mr Maurice Connor be re-appointed as Board Members of the AASPA for a period of two (2) years effective 1 May 2018; and
- (iii) AASPA must inform the MICUHAFE three (3) months in advance of the expiry of any and all AASPA Board Members, and the appointments above must be made in accordance with the Anguilla Air and Sea Ports Authority Act.

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

Action: PS, MICUHAFE; CEO, AASPA (Acting); HON AG; MINS OF GOV'T

EX MIN 18/234

EX MEM 18/129 CHILD PROTECTION LEGISLATION AND FAMILY COURT

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

Council:-

- (i) agreed to finalising the drafting of existing draft Child Protection legislation; and
- (ii) agreed in principle to legislation for the creation of a Family Court/Family Division of the High Court; and drafting of Family Procedure Rules.

Council further agreed to a four (4) week period of consultation as soon as possible. Council requested that a copy of the draft legislation be sent to the Bar Association, and to Ms Navine Fleming, Solicitor, Libran Chambers due to her involvement with this matter.

Action: HON AG; PS, HSD; CSD; MINS OF GOV'T

EX MIN 18/235

EX MEM 18/130 TRANSFER OF LANDS FROM VARIOUS LANDOWNERS TO GOVERNMENT OF ANGUILLA FOR ROAD IMPROVEMENT UNDER THE MINISTRY OF INFRASTRUCTURE, COMMUNICATIONS, UTILITIES & HOUSING (MICUH)

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

Council:-

- (i) agreed with the recommendation from the Ministry of Lands and MICUH that MICUH and Lands inspect all right of ways prior to transfer to determine right of way boundary lines and actual right of way conditions;
- (ii) agreed to the transfers (as gifts) by:-
 - (a) Mr Hamlet Harrigan, Administrator of the Estate of Frederick Osbourne Harrigan, for property situated in Registration Section East Central, Block 89218 B, described as Parcel 480;
 - (b) Mr. Keithley F.T. Lake, Lawful Attorney of Arthur Caswell Gumbs as Personal Representative of the Estate of Emmeline and William Reginald Lunt for property situated in Registration Section East Central, Block 89316 B, described as Parcel 168;
 - (c) Apostolic Faith Church for property situated in Registration Section South East, Block 78913 B, described as Parcel 381;
 - (d) Mrs. Octavia Elodia Lake for property situated in Registration Section Cauls Pond, Block 69015 B, described as Parcel 326 and Registration Section South East, Block 78913 B, described as Parcel 380;
 - (e) Mr. Samuel Connor as Personal Representative of the Estate of John Christopher Connor (deceased) for property situated in Registration Section West Central, Block 28310 B, described as Parcel 394; and
 - (f) Mr. Preston Richardson as Personal Representative of the Estate of Albert Bernardo Richardson (deceased) to transfer lands situated in Registration Section South Central, Block 38612 B, Parcel 303.

Council authorised His Excellency the Governor to sign the relevant transfer forms to complete the transfer process.

Council further agreed that:-

- (iii) all right of ways to be surveyed before they are declared as part of the public road;
- (iv) once the right of ways are transferred to Crown a declaration be made under the Roads Act R.S.A. c. R65 to designate right of ways as public road with the exception of property situated in Registration Section Cauls Pond, Block 69015 B, Parcel 326;
- (v) property situated in Registration Section Cauls Pond, Block 69015 B, Parcel 326 to be inspected by MICUH to provide their opinion on the strategic link of the parcel to be transferred to the general area and in providing emergency access;
- (vi) provision is made in the budget allocations going forward for the maintenance of said new roads; and

- (vii) the fee for a certificate of good standing be waived conditionally that the transfer are onward to the Crown.

Action: PS, HLPP; DLS; REG/LANDS; PS, MICUHAFE; ROADS ENG; MINS OF GOV'T

ORAL MENTION

EX MIN 18/236

BENEFICIAL OWNERSHIP

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

Council raised the matter of the UK’s Parliament’s decision to – as part of new legislation on anti-money laundering – to require every Overseas Territory to establish a public register of beneficial owners of companies registered in those jurisdictions. Council expressed its unhappiness with a step which required the Overseas Territories but not the Crown Dependencies to create a public register and the manner in which legislation appeared to be being forced upon the OTs. The Honourable Chief Minister noted that he was in contact with other elected leaders across the OTs on this matter.

Action: PS, FIN; PS, EDICTIT; PAS, FIN; COM OFF; DIR, FSC; ROC; HON AG; MINS OF GOV'T
