

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No:

MINUTES OF THE 31ST MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 23RD DECEMBER 2015

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism, Lands & Physical Planning
- The Honourable Deputy Governor (Ag), Mr Perin Bradley
- The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs
and Information and Broadcasting
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture and Fisheries and Information Technology
- The Honourable Attorney General (Ag), Mr Ivor Greene
- Executive Assistant/Understudy to Clerk, Executive Council, Mrs Nicola Webster
- IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Dr Aidan Harrigan, PS, FIN
Mr Foster Rogers, PS, EDICTLP
Mr Leslie Hodge, DLS
Ms Tina Bryan-Bannister, Head, AML/CFT & Enforcement AFSC
- ABSENT: The Honourable Deputy Governor, Mr Stanley Reid
The Honourable Minister of Health and Social Development, Mr Evans M Rogers
The Honourable Attorney General, Mr Rupert Jones
Clerk to Executive Council, Mrs Jewelle Fleming

EX MIN 15/707 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council postponed the confirmation of the Minutes of the 30th Meeting held on Thursday 17th December 2015.

MATTERS ARISING FROM THE MINUTES

EX MIN 15/708

None

EX MIN 15/709

EX MEM 15/404 AMENDMENTS TO TRUST COMPANIES AND OFFSHORE BANKING (FEES) REGULATIONS

Parliamentary Secretary remained in attendance. Ms Tina Bryan-Bannister, Head, AML/CFT & Enforcement at the Anguilla Financial Services Commission (AFSC) joined for discussions.

Council:-

- (i) noted that there was a need for an increase in certain fees relating to offshore bank licenses. The proposed fee increases were intended to reflect the workload and associated costs to the AFSC of reviewing an offshore banking application and conducting effective and proper supervision of offshore bank licensees. The proposed increase reflected the additional workload and cost due to the need to meet current international regulatory standards relating to both prudential regulation and AML/CFT oversight and remained in line with fees imposed by equivalent jurisdictions in the region, including Cayman Islands and BVI; and
- (ii) approved for signature by the Governor the proposed amendments to the Trust Companies Offshore Banking Fees Regulations.

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

Action: PS, FIN; PS, EDICTLP; HEAD, AML/CFT & ENFORCEMENT (AFSC);
HON AG

EX MIN 15/710

EX MEM 15/407 FILLING OF POSTS OF LEGISLATIVE DRAFTING ASSISTANT IN CHAMBERS

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted the need for a Legislative Drafting Assistant for Chambers;
- (ii) further noted that the salary was in a Grade G and that funding was already approved in Chambers 2016 budget; and
- (iii) agreed that the post of Legislative Drafting Assistant for Chambers should be filled in accordance with established procedures.

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

Action: HON AG; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 15/711

EX MEM 15/408 PUBLIC UTILITIES COMMISSION 2016

Parliamentary Secretary remained in attendance.

Council approved the Public Utilities Commission (PUC) Work Plan and budget of EC\$890,000 for 2016.

Council additionally noted that in accordance with section 64(5) of the Financial Administration and Audit Act that the Minister with responsibility for the PUC should lay the estimates and work plan before the House of Assembly.

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

Action: PS, MICUHAF; PS FIN

EX MIN 15/712

EX MEM 15/409 ASSESSMENT OF INDUSTRY LEVY (TELECOMMUNICATIONS) REGULATIONS, 2015 AND ANNUAL LICENSE FEE REGULATIONS, 2015

Parliamentary Secretary remained in attendance.

Council approved and authorises the Attorney General's Chambers to draft the necessary amendments to:-

- (i) The Annual Licence Fee Regulations;
- (ii) The Assessment of Industry Levy (Telecommunications) Regulations.

Council noted that the revised Regulations would need to receive final approval, and be signed by the Governor, before the end of 2015, and so should return to Council in the week commencing 28 December.

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

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

EX MIN 15/713

EX MEM 15/410 APPEAL AGAINST PLANNING PERMISSION – ALKINS ROGERS (SUBDIVISION); OSBOURNE AND RUBY FLEMING (SUBDIVISION)

Parliamentary Secretary remained in attendance. Dr Aidan Harrigan, PS, FIN Mr Foster Rogers, PS, EDICTLP and Mr Leslie Hodge, DLS joined the meeting.

Council agreed to the following recommendations:-

- (i) Mr. Alkins Rogers (subdivision) APPL REF# 15/0063: Appeal be allowed;
- (ii) noted Mr. Osbourne Fleming and Mrs Ruby Fleming (subdivision) APPL REF# 15/0051: Appeal be allowed;
- (iii) The Department of Physical Planning be tasked with drafting a policy that

allows subdivisions for parcels that have physical access to public roads by using adjoining roads that are either paved or maintained by the Government of Anguilla. This is required in view of the significant barriers to development and economic activity that may result from individuals not being able to subdivide land that has very good physical access to Public Roads, but portions exist that are either paved or maintained by the Government (as a public good) are either in the names of deceased individuals, or other persons who cannot be contacted and registered access cannot be obtained.

- (iv) The Ministry of Infrastructure, Communications, Utilities and Housing to prepare schedules on paved roads and marled right of ways for Gazetting in order of priority. Thereafter, said schedule should be presented to Executive Council for consideration to quantify lands to be acquired for Public purposes and the potential financial implications involving such acquisitions.

Action: PS, EDICTLP; DLS; PPO; CE; HON AG; PS, MICUHAF

EX MIN 15/714

EX MEM 15/411 LEASE OF CROWN LAND BY ARA HOLDINGS ANGUILLA LTD – PROPERTY DESCRIBED AS REGISTRATION SECTION NORTH CENTRAL, BLOCK 48814 B PARCEL 270 (PART OF), CONTAINING 0.32 OF AN ACRE OF LAND

Parliamentary Secretary remained in attendance. Dr Aidan Harrigan, PS, FIN Mr Foster Rogers, PS, EDICTLP and Mr Leslie Hodge, DLS remained in the meeting.

Council noted and agreed to the following recommendations:-

- (i) that a lease be granted to ARA Holdings Anguilla Ltd (with its Director being J. Alexis Richardson) on the following terms:-
- (a) The property is described in Registration Section North Central, Block 48814 B, Parcel 253 (part of) Lot 4, being 0.32 of an acre as delineated on Survey Plan LS09-09;
 - (b) The use of the premises is to establish an office building in the Valley;
 - (c) The parking lot must be developed to the requirements and standards approved by the Chief Engineer at the Department of Infrastructure in the Ministry of Infrastructure, Communications, Utilities and Housing by the applicant;
 - (d) The term of the lease is a fifty (50) year leasehold interest with an option to renew;
 - (e) A rent per annum in the amount of US\$2,300.00 (EC\$6,182.86) to be payable annually in advance increasing by Consumer Price Index (CPI) or two (2%) percent per annum, whichever is greater. At the end of every

fifth (5th) year of the lease the rent is to be reviewed to market rent upward only;

(f) Stamp Duty payable is as follows:

(i) Market Value of the property is US\$77,427.00 (EC\$208,139.26);

(ii) Stamp Duty on Lease US\$1,935.68 (EC\$5,203.48);

(g) The Department of Lands and Surveys drafts the lease and the Attorney General's Chambers finalises the lease for execution by ARA holdings Anguilla Ltd and the Government of Anguilla.

Action: PS, EDICTLP; DLS; HON AG; PS, FIN; PS, EDICTLP; PS, MICUHAF;
ACC GEN

EX MIN 15/715

EX MEM 15/412 (A) POTENTIAL NEW REVENUE STREAM – INTRODUCTION OF DELAYED PAYMENT FEE ON DELAYED REGISTRATION OF ALIENS LAND HOLDING LICENCES AMENDMENTS TO EXTERNALLY AND NON-REGULATED SERVICE PROVIDERS REGULATIONS (B) CANCELLATION OF ALIENS LAND HOLDING LICENCES

Parliamentary Secretary remained in attendance. Dr Aidan Harrigan, PS, FIN, Mr Foster Rogers, PS, EDICTLP and Mr Leslie Hodge, DLS remained in the meeting.

Council agreed to defer the paper.

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

EX MIN 15/716

EX MEM 15/413 APPOINTMENT OF SPECIAL ADVISER

Parliamentary Secretary remained in attendance. Hon DG (Ag) left after declaring his interest.

Council:-

(i) noted the need to appoint a Special Adviser at the Ministry of Home Affairs which came about with the advent of a duly elected member of the House of Assembly being placed at the Ministry to assist the Minister in the execution of her ministerial duties.

(ii) approved the appointment of a Special Adviser to the Ministry of Home Affairs effective 1st May, 2015 pending a final review of the Agreement and Schedule by the AG's Chambers.

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

Action: PS, MHA; HON AG

EX MIN 15/717

EX MEM 15/414 BILL FOR PROPERTY TAX

Parliamentary Secretary remained in attendance. Dr Aidan Harrigan PS, FIN remained for discussion.

Council:-

- (i) agreed that Inland Revenue Department and Attorney General's Chambers should meet to discuss Article 71 of the Property Tax Bill prior to the Bill going to the next sitting of the House of Assembly;
- (ii) agreed that full public consultation would need to take place in the spring in advance of the finalisation of the Regulations; and
- (iii) approved the recommendation that the Property Tax Bill 2015 be Gazetted with immediate effect.

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

Action: PS, FIN; CIR; HON AG; PS, EDICTLP

ORAL MENTION

EX MIN 15/718

SIGNING OF REGULATIONS

Parliamentary Secretary remained in attendance.

The following Regulations were agreed for signature and signed on 23rd December 2015 by HE The Governor:-

- 1) Registered Land Rules (Amendment) Regulations, 2015;
- 2) Levy Rates (Amendment) Regulations, 2015; and
- 3) Tourism Levy Rates (Amendment) Regulations, 2015

Action: HON AG

EX MIN 15/719

MEETING OF EXECUTIVE COUNCIL

Parliamentary Secretary remained in attendance.

Council noted that due to House of Assembly being slated for the 29th and 30th December, 2015, a Meeting of Executive Council was not expected to be convened. Any pending documents that need urgent attention would be considered via Round Robin.

Action: EXCO MEMBERS

EX MIN 15/720

OVERSEAS TRAVEL

Parliamentary Secretary remained in attendance.

Council was informed of the following dates of travel:-

- 1) Hon Chief Minister and Minister of Finance - 28 December 2015, Meeting of
ECCB Monetary Council in St Kitts

Action: EXCO MEMBERS
