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MINUTES OF THE 104TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 29TH JUNE 2017

- PRESENT:
- Her Excellency the Governor, Ms Christina Scott
 - The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism and Information Technology
 - The Honourable Deputy Governor, Mr Perin Bradley
 - The Honourable Evans Rogers, Minister of Health and Social Development, Lands
and Physical Planning
 - 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:
- Hon Cardigan Connor, Parliamentary Secretary
 - Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
 - Dr Aidan Harrigan, PS, FIN
 - Mr Larry Franklin, PS, EDICTLP
 - Mrs Shona Proctor, Budget Director
 - Mrs Shantelle Richardson, Director of Economic Planning
 - Mrs Nashara Webster-Wilkes, Economist, Finance Dept.
 - Ms Marisa Harding-Hodge, Compliance Officer
 - Mr Brian Deadman, Financial Adviser to the GoA
 - Mr Claudel Romney, Managing Partner, BDO
 - Mr Jerrick Evangelista, Manager, Audit and Advisory Services, BDO
 - Dr Bonnie Richardson-Lake, PS, ELSYC
 - Mrs Hyacinth Bradley, Community Services Planner
 - Ms Cleonette Lake, Tax Payer Services Officer, IRD
 - Mr Leslie Hodge, DLS
 - Mr Kiel Connor, Comptroller, Inland Revenue

EX MIN 17/274

CONFIRMATION OF THE MINUTES

Hon Cardigan Connor, Parliamentary Secretary and Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA joined the Meeting.

Council confirmed the Minutes of the 103rd Meeting held on Thursday 22nd June 2017.

MATTERS ARISING FROM THE MINUTES

EX MIN 17/275

None

EX MIN 17/276

PRESENTATION BY ANGLEC SHARE SALE COMMITTEE

Hon Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained in attendance. The following persons joined the Meeting:-

Dr Aidan Harrigan, PS, FIN
 Mr Larry Franklin, PS, EDICTLP
 Mrs Shantelle Richardson, Director of Economic Planning
 Mrs Nashara Webster-Wilkes, Economist, Finance Dept.
 Ms Marisa Harding-Hodge, Compliance Officer
 Mr Brian Deadman, Financial Adviser to the GoA
 Mr Claudel Romney, Managing Partner, BDO
 Mr Jerrick Evangelista, Manager, Audit and Advisory Services, BDO

Further to EX MIN 17/115 of 23rd March 2017, Council noted a comprehensive Power Point presentation by Mr Claudel Romney, Managing Director, BDO on GoA's intended sale of shares in Anglec to offset some of its debt. Council would decide on the share valuation and the amount of shares to sell.

Following the presentation and discussion, Council agreed that:-

- (i) the PS, FIN should sign the Prospectus on behalf of the Government of Anguilla; and
- (ii) the Attorney General's Chambers should review the Prospectus.

The Hon Minister of Home Affairs and Education stated that Anglec was the only monopoly held by the Government of Anguilla, and she was concerned that the Government was prepared to give up all its interest in Anglec. She said that the GoA should have at least, retained a small percentage ownership. The Minister abstained from making a decision. Council noted her concern.

Council commended the BDO team and the Anglec Share Sale Committee for a job well done.

Action: PS, FIN; PS, EDICTLP; PAS, FIN; BD; DEP; PS, MICUHAFIT; MINS OF GOV'T

EX MIN 17/277

PRELIMINARY MEDIUM TERM ECONOMIC AND FISCAL OUTLOOK 2016 – 2018

Hon Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained in attendance. PS, FIN, PS, EDICTLP, Director of Economic Planning, Economist, Finance Dept. and Financial Adviser to the GoA remained for discussion. Mrs Shona Proctor, Budget Director joined the Meeting.

Council noted the presentation by the finance officials on the Medium Term Economic and Fiscal Outlook for 2016 – 2018. Council mandated that the Ministry of Finance in starting discussions with ministries and departments on 2018 Budgets should use projected outturns for 2017 as the baseline for the future year's budget (and not the figures in the 2017 Budget).

Council commended the officers for their commitment and hard work.

Action: PS, FIN; PS, EDICTLP; DEP; BD; PAS, FIN; ACC GEN

EX MIN 17/278

EX MIN 17/267 EX MEM 17/157 REQUEST FOR EXTENSION OF TIME TO BUILD – ALIENS LAND HOLDING LICENCE – GOBLINS RETREATS LLC (REGISTRATION SECTION: WEST END; BLOCK: 18011 B; PARCEL 88, CONTAINING 1.63 ACRES)

Hon Parliamentary Secretary and Ministerial Assistant to the Hon Minister, MHA remained in attendance. Mr Leslie Hodge, DLS joined the Meeting.

Further to EX MIN 17/267 of 22nd June 2017, Council agreed that the matter be further deferred. The Hon Minister of Lands informed Council that the site visit had not yet taken place, but when done, the matter would be resubmitted to Executive Council for consideration.

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 17/279

EX MEM 17/167 BUDGETARY PROVISIONS FOR THE 2017 ANGUILLA SUMMER FESTIVAL

PS, FIN, PS, EDICTLP, Budget Director and Financial Adviser to the GoA remained for the initial part of the discussion, and left before the decision was taken. The following persons joined the Meeting, and remained until the end of the discussion:-

Dr Bonnie Richardson-Lake, PS, ELSYC
Mrs Hyacinth Bradley, Community Services Planner
Ms Cleonette Lake, Tax Payer Services Officer, IRD

Council:-

- (i) approved budgetary provisions to clear the EC\$922,000.00 deficit that would be incurred to execute the 2017 Summer Festival;
- (ii) recognising that the GoA would have committed to spend EC\$922,000.00 to pay off debts from 2015 and 2016, agreed that the Anguilla Summer Festival

(ASF) Committee should return to Executive Council on Thursday 6th July 2017 to relate how they were proposing to spend the GoA’s contribution of EC\$880,000.00 to the ASF for this year’s festivities; and

- (iii) agreed that the ASF Committee should explain the historical data pertaining to gate receipts and sponsorships over the last 2 - 3 years.

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

Action: PS, ELSYC; DIR, Y & C; PS, FIN; PS, EDICTLP; BD; ACC GEN; HON MIN, HSD/L & PP

EX MIN 17/280

EX MEM 17/171 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – CHAMPAGNE SHORES, INC. – REGISTRATION SECTION SOUTH CENTRAL, BLOCK: 38409 B, PARCEL 49, CONTAINING 0.45 ACRE

DLS remained for discussion.

Council agreed that an Aliens land Holding Licence should be issued to Champagne Shores, Inc. to hold property situated in Registration Section South Central, Block 38409 B, described as Parcel 49, containing 0.45 of an acre located at Lockrum, Anguilla, with a dwelling house thereon for residential purposes, subject to the following:-

- a) Payment of the following Stamp Duties:-

(i)	under the Stamp Act – 5% of EC\$5,376,400.00	EC\$268,820.00
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$5,376,400.00	EC\$268,820.00
	TOTAL	----- EC\$537,640.00 =====

- b) the Applicant Company must obtain a Business Licence from the Ministry of Finance in order to rent the said property.

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

Action: PS, EDICTLP; DLS; PS, FIN

EX MIN 17/281

EX MEM 17/172 STAMP DUTY AND ALIENS LAND HOLDING LICENCE RATES REDUCTION EFFECTIVE 1ST JANUARY

DLS remained for discussion. Mr Kiel Connor, Comptroller, Inland Revenue joined the Meeting.

Council agreed that the matter should be deferred so that the DLS and Attorney General’s Chambers could clarify certain issues.

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

EX MIN 17/282

EX MEM 17/173 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – CROCUS BAY DEVELOPMENT INC. REGISTRATION SECTION: NORTH; BLOCK: 58715 B; PARCEL 594 (FORMELY PARCEL 60), CONTAINING 0.38 ACRE LEASEHOLD INTEREST

DLS remained for discussion.

Council agreed that an Aliens Land Holding Licence should be issued to Crocus Bay Development Inc. to hold, on a leasehold basis, 0.38 of an acre of land currently utilised as a Desalination Plant by Water Corporation of Anguilla situate in Registration Section North, Block 58715 B, described as Parcel 594 (formerly Parcel 60) registered to Crown for tourism purposes, subject to the following conditions:-

- a) Payment of the following fees:-
 - (i) Stamp Duty on Licence @ 4% of EC\$716,674.12 = EC\$11,645.28
 - (ii) Stamp Duty on Lease @ 5% of EC\$716,674.12 = EC\$14,556.60
 - TOTAL = EC\$26,201.88**
- b) the term of the sub-lease and rent to be agreed by Water Corporation of Anguilla based on the draft sub-lease; and
- c) that Crocus Bay Development enter into a Memorandum of Understanding with the Crown for the property described in Registration Section North, Block 58715 B, Parcels 597 and 63.

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

EX MIN 17/283

EX MEM 17/174 AMENDMENT TO LEASE OF CROWN LANDS TO THE WATER CORPORATION OF ANGUILLA AT CROCUS BAY SITUATED IN REGISTRATION SECTION NORTH, BLOCK 58715 B, PARCELS 594 AND 595 (FORMERLY 59, 60 & 61)

DLS remained for discussion.

Council:-

- (i) agreed that the Water Corporation of Anguilla (WCA) should be granted a leasehold interest in Crown lands situate in Registration Section North,

Block 58715 B, Parcels 594 and 595 in accordance with Section 70 of the WCA Act; and

- (ii) agreed to a rent per annum in the amount of EC\$100.00 payable in advance at the commencement of lease for the first five (5) years, and increasing by 2% annually thereafter for the remainder of the lease, upward only.

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

EX MIN 17/285

EX MEM 17/176 PARTNERSHIP WITH NORTHEASTERN SCHOOL OF NURSING

Council agreed to:-

- (i) the continued development of a proposal between Northeastern University School of Nursing and the Ministry of Health and Social Development;
- (ii) the development of the proposal in collaboration with the Dean of Nursing Northeastern University to include logistic costing for the Government of Anguilla associated with Anguillian nurses participating in the six weeks exchange programme and the financial and technical contribution from the Northeastern School of Nursing; and
- (iii) development of a Memorandum of Understanding with the Northeastern University which will be presented to Executive Council on completion for its consideration.

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

Action: PS, HSD; HON MIN, HSD

EX MIN 17/286

EX MEM 17/177 PROPOSED MERGER OF DEPARTMENTS OF ENVIRONMENT, AGRICULTURE AND FISHERIES

Council agreed that:-

- (i) the proposed merger of Departments of Environment, Agriculture and Fisheries should be revisited;
- (ii) consultations should be held with the relevant Department and stakeholders; and
- (iii) a detailed proposal should be presented to Executive Council on the operational, human resource and financial implications of the merger for implementation in January 2018 for consideration.

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

Action: PS, MICUHAFIT; DIR, ENV; DIR, FISH; DIR, AGR; MINS OF GOV'T

EX MIN 17/287

EX MEM 17/178 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE

Council agreed that fourteen (14) persons on the attached list should be granted the Permit of Permanent Residence in accordance with Section 24 of the Immigration and Passport Act, with the exception of those six (6) persons (listed as nos. 7 - 12) who did not qualify for the Permit of Permanent Residence under the existing programme. Council noted that those persons may qualify for the economic residency programme.

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

Action: PS, MHA/IMM; LAB COM; CIO

EX MIN 17/288

EX MEM 17/179 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Council agreed that the nine (9) persons on the attached list should be exempted from the work permit requirement under Section 3 (g) of the Control of Employment Act. Council further agreed that the criteria set out below should form the basis of the discussion and any exemption that may result.

1. the exemption must be in relation to a job that has been advertised, and not for the purpose of finding a job;
2. persons working for a non-profit, cultural, educational or charitable body; employment as a voluntary worker which covers certain unpaid workers for a charity, a voluntary organisation, an associated fund-raising body or a statutory body;
3. persons who have attended primary and secondary school in Anguilla covering a minimum of 5 years. Original school letters must be provided;
4. spouses of persons in essential services, including but not limited to medical doctors and air traffic controllers. However, the exemption **must** be in relation to a job being advertised for which there is no qualified Anguillian who can legitimately fill the position; and
5. persons in the aviation industry.

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

Action: PS, MHA/IMM; PAS, MHA; LAB COM; CIO

EX MIN 17/289

EX MEM 17/180 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Council agreed that, in accordance with the Anguilla Electricity Ordinance (1991), Anguilla Electricity Company Ltd – Public Suppliers Licence Section (9) Clause 9.1, the following persons, who would be in Anguilla from 3 – 6 July 2017 to inspect the diesel fuel oil tank storage tank #3, should be exempted from the work

permit requirement:-

1. Romeo Gandhi Persad
2. Amar Sunil Mahabir

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

Action: PS, MHA; LAB COM; CIO; PS, MICUHAFIT

EX MIN 17/290

EX MEM 17/181 AMENDMENT TO EXECUTIVE COUNCIL MINUTE REGARDING THE AMENDMENT TO THE INLAND REVENUE DEPARTMENT, R.S.A. CI13, CERTIFICATE OF GOOD STANDING REGULATIONS, 2012

DLS and Comptroller, Inland Revenue remained for discussion.

Council agreed that the Inland Revenue Department Act, R.S.A. CI13, Certificate of Good Standing Regulations, 2012 should be amended to:-

- (i) exclude minors, personal representatives (in their personal capacity) and the estates of deceased persons who are not registered as for tax purposes from producing certificates to the Registrar of Lands on submission of instruments of transfer;
- (ii) define tax as it relates to deceased persons; and
- (iii) require that, on the first Gazetting of the list of persons who have applied to the Court for Letters of Administration, that the Department of Inland Revenue, source said publication and publicise in the following Gazette publication of outstanding taxes owed to Government by each estate which is required to be paid by the personal representative in settlement of said outstanding taxes, and that the personal representative is responsible for finding out if there are any taxes owed by the deceased person.

Council agreed that the Attorney General's Chambers should draft the necessary Regulations to give effect to the amendment.

Action: CIR; HON AG; DLS; PS, FIN; PS, EDICTLP; ACC GEN; MINS OF GOV'T

ORAL MENTION

EX MIN 17/292

OVERSEAS TRAVEL

Council was informed of the following dates of travel:-

- 1) Hon Chief Minister - Friday 30th June – Monday 3rd July 2017, Miami, Guest Speaker, APANY Dinner/dance
- 2) H E The Governor - Friday 30th June – Friday 14th July

2017, UK, Official business and leave

- 3) Hon Attorney General - Thursday 6th July – Tuesday 18th July
2017

Action: EXCO MEMBERS
