

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No:

MINUTES OF THE 129TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 15TH FEBRUARY 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 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 Acting Attorney General, Mr Ivor Greene

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Dr Aidan Harrigan, PS, FIN
Mrs Shona Proctor, Budget Director
Mr Kiel Connor, Comptroller, Inland Revenue
Mr Larry Franklin, PS, EDICTIT
Mr Foster Rogers, HLPP
Ms Marisa Harding-Hodge, Compliance Officer
Mr Leslie Hodge, DLS

ABSENT: The Honourable Attorney General, Mr John McKendrick QC

EX MIN 18/88 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 128th Meeting held on Thursday 8th February 2018.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/89

EX MIN 18/77 ELECTORAL REFORM

Hon Parliamentary Secretary remained in attendance.

With reference to EX MIN 18/77 of 8th February 2018, Council agreed that the electoral legislation should be in place by 30th June 2018.

Action: HON AG; HON DG; MINS OF GOV'T

EX MIN 18/90

REVIEW OF JANUARY 2018 FINANCIAL POSITION – REVENUES AND EXPENDITURES

Hon Parliamentary Secretary remained in attendance. The following persons joined the Meeting:-

Dr Aidan Harrigan, PS, FIN
Mrs Shona Proctor, Budget Director
Mr Kiel Connor, Comptroller, Inland Revenue

The finance officials briefed Council on the revenue and expenditure financial position for the month of January as follows:-

Recurrent Revenue – January 2018

Projection for 2017	Projection for 2018	Actual collection to date
EC\$20.46	EC\$18.39m	EC\$15.4m

Recurrent Expenditure – January 2018

Projection for 2017	Projection for 2018	Actual expenditure to date
EC\$14.1m	EC\$16.08m	EC\$13.83m

Accommodation Tax

EC\$3.96m was collected in January 2017 compared to EC\$200,000 for January 2018. The PS, FIN pointed out that the drastic reduction in accommodation figures was due to the closure of the hotels following hurricane Irma. He added that although the financial position looked grim, other measures which included risk mitigation, fiscal monitoring and review of outturns which were being looked at monthly are now being monitored on a weekly basis.

The Director, Inland Revenue Department stated that the department's focus was directed to arrears management. The strategy in dealing with arrears would help to offset the debt.

HE The Governor noted that it was important not to place too much emphasis on one month's figures. Nevertheless January's disappointing revenue performance underscored the importance of managing expenditure very tightly and collecting all revenues which could be – he noted again his concern about concessions. He also asked whether consideration needed to be given to revising the CARTEC budget forecasts to reflect what might be a slower recovery in revenues than had been anticipated.

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

EX MIN 18/91

EX MEM 18/52 EXTENSION OF HURRICANE IRMA CUSTOMS DUTY RELIEF – VEHICLE WINDOWS

Hon Parliamentary Secretary remained in attendance. PS, FIN remained for discussion.

Council:-

- (i) noted that in 2017, Executive Council approved a Customs Duty Exemption relief programme on a number of items including vehicle windows which ended on 31st December 2017;
- (ii) noted that the Ministry of Finance continues to receive requests for waiver of duty on vehicle windows to facilitate Hurricane Irma replacement;
- (iii) additionally noted that under the assistance programme, Customs Duty and Custom Surcharge are waived. However, a 5% Customs Administration Fee is charged; and
- (iv) approved the extension of the Hurricane Irma Customs Duty Relief assistance programme for vehicle windows from 1st January to 31st March 2018.

HE the Governor noted that this needed to be the last exemption offered given the financial position.

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

Action: PS, FIN; PS, EDICTIT; PAS, FIN; COC; FO

EX MIN 18/92

EX MEM 18/53 IMPLEMENTATION OF INITIATIVE TO SHARE BENEFICIAL OWNERSHIP INFORMATION WITH THE UK GOVERNMENT

Hon Parliamentary Secretary remained in attendance. PS, FIN remained for discussion. Mr Larry Franklin, PS, EDICTIT and Ms Marisa Harding-Hodge, Compliance Officer joined the Meeting.

Council agreed that:-

- (i) the Ministry should inform the UKG via response to Miriam Sachak's letter of the continuing need for assistance in respect to the funding of the upgrade to

the ACORN system in order to deliver on the BO initiative commitments as delineated in the EoN and the need for a revision to the EoN to recognise issues which would delay the implementation;

- (ii) the Commercial Registry should draft an Action Plan for Executive Council's approval to address all deficiencies indicated in the AFSC Inspection Reports; and
- (iii) Ministry officials should lead on an Industry Day in collaboration with the FSC, as a strategic visioning exercise in order to inform a Strategic Plan/Business case for continued investment in the industry.

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

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

EX MIN 18/93

EX MEM 18/55 EU BLACKLISTING OF NON-COOPERATIVE JURISDICTIONS FOR TAX PURPOSES BRIEF

Hon Parliamentary Secretary remained in attendance. PS, FIN, PS, EDICTIT and Compliance Officer remained for discussion.

Council authorised the Ministry of Finance to reply to the OECD Secretary General's letter of invitation to join the BEPS Project, indicating an interest in joining the BEPS inclusive framework.

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

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

EX MIN 18/94

EX MEM 18/56 AMENDMENT TO INTERNATIONAL BUSINESS COMPANIES ACT AND INTERNATIONAL BUSINESS COMPANIES REGULATIONS

Hon Parliamentary Secretary remained in attendance. PS, FIN, PS, EDICTIT and Compliance Officer remained for discussion.

Council:-

- (i) instructed the Ministry of FEDICT to send out the draft International Business Companies (Amendment) and draft International Business's Companies (Amendment) Regulations for public consultation for a two-week period and to work with the Financial Services Commission to circulate it to industry participants for comment; and
- (ii) agreed that the Financial Services sector should take the lead on the consultation.

The Hon Deputy Governor noted that the Compliance Officer should draft a short consultation note to go along with the draft International Business Companies

(Amendment) and draft International Business's Companies (Amendment) Regulations to be circulated to the relevant stakeholders.

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

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

EX MIN 18/95

EX MEM 18/57 PAYMENT OF DEFERRED SALARY – CHANGE OF PROCEDURE

Hon Parliamentary Secretary remained in attendance.

Council:-

- (i) approved the proposed process for the payment of requests submitted for the payment of deferred salary based on EX MINS 12/915 and 14/375 as indicated below:-
 - (a) all requests for the repayment of deferred salary based on the conditions approved in EX MIN 12/915 and EX MIN 14/375 continue to be submitted to the PS, Public Administration;
 - (b) a form for approval with the relevant information and the supporting documentation is prepared by the PS, Public Administration and submitted to the PS, Finance and the Deputy Governor for their approval;
 - (c) a copy of the form is sent to the respective Ministries, Departments and Treasury Department to facilitate the payment of the request;
 - (d) the request and supporting documentation is filed by Public Administration; and
 - (e) a list showing the number, names and amount of requests processed is provided to Executive Council on a monthly basis for information.
- (ii) approved the form to be used for the processing of the deferred salary.

The Hon Minister, MHA noted that a paper had been submitted to Executive Council to extend the conditions for repayment of deferred salaries to persons who had made requests for payment of their deferred salaries, to ease some of the financial difficulties they were experiencing, due to damage caused by hurricane Irma. It has been perceived by those persons requesting the assistance that their requests had been rejected. The Minister was of the view that this matter needed clear direction.

Action: PS, PA; HON DG; PS, FIN; ACC GEN; OTHER PERM SECS

EX MIN 18/96

EX MEM 18/58 LEASE BY DIGICEL ANGUILLA LTD – PROPERTY DESCRIBED AS REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38812 B, PARCEL 131 (PART OF)

Hon Parliamentary Secretary remained in attendance.

Council agreed that:-

- (i) Digicel Anguilla Ltd. should be granted a licence for a temporary Cell Tower in Corito next to the Flow Tower. The licence area should be 20 feet by 20 feet as delineated on GIS map, referenced as LS03-18;
- (ii) the monthly rent should be in the amount of US\$400/EC\$1,075.28, payable in advance;
- (iii) the term of the licence should be for two (2) months (effective 19th February 2018 until 18th April 2018) with an option to renew for a further four (4) months; and
- (iv) the Department of Lands and Surveys drafts the licence and the Attorney General's Chambers finalises the licence for execution by the applicant and the Government of Anguilla.

Council noted that permission to use the land in East End would have to be negotiated with the land owner first and then an application made to the Planning Department.

Action: PS, HLPP; DLS; HON AG; PS, FIN; ACC GEN

EX MIN 18/97

EX MEM 18/59 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ROBERT FRANCIS FIORE & JANET HEPBURN FIORE – REGISTRATION SECTION NORTH, BLOCK 59018 B, PARCEL 49, CONTAINING 0.47 ACRE

Hon Parliamentary Secretary remained in attendance.

Council agreed to issue an Aliens Land Holding Licence to Robert Francis Fiore and Jane Hepburn Fiore, to hold, on a freehold basis, 0.49 acre of vacant land situate in Registration Section North, Block 59018 B, described as Parcel 49, located at Shoal Bay to construct a dwelling house thereon, subject to the following:-

- (a) Payment of Stamp Duties:-
 - (i) under the Stamp Act – 5%
of EC\$416,671.00 EC\$20,833.55
 - (ii) under the Aliens Land Holding
Regulation Act – 6.25%
of EC\$416,671.00 EC\$26,041.94

(iii) refundable deposit of 10% of EC\$416,671.00	EC\$41,667.10 -----
TOTAL	EC\$88,542.59 =====

- (b) the construction of the dwelling house to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30) months, 50% of the refundable deposit will be forfeited to the Government of Anguilla. The balance 50% will be forfeited if the construction is not completed within a further 6 months. Thereafter, forfeiture proceedings for the property will be commence the Government of Anguilla for a period of twenty-four (24) months; and
- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencees must not rent their dwelling house without first notifying the Ministry of Lands.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 18/98

EX MEM 18/61 POST OF CROWN COUNSEL

Hon Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that the business plan and corporate structure of the Attorney General’s Chambers provides for three (3) positions of Crown Counsel;
- (ii) noted that two (2) of the Crown Counsel positions are filled by Anguillians while the other position, Crown Counsel (Civil and Commercial) is filled by a contract officer, whose contract would expire on 9 May 2018;
- (iii) additionally noted that the Chambers requires the filling of all positions of Crown Counsel due to its workload; and
- (iv) agreed that the post of Crown Counsel (Civil and Commercial) in the Attorney General’s Chambers should be filled at the end of the current officer’s contract.

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

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