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**MINUTES OF THE 215<sup>TH</sup> MEETING OF THE ELEVENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 9<sup>TH</sup> JANUARY 2020**  
**AT 9:00 AM**

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

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

The Honourable Deputy Governor, Mr Perin Bradley

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

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

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

The Honourable Attorney General, Mr Dwight Horsford

Clerk to Executive Council, Mrs Jewelle Fleming, MBE

IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor  
Ministerial Assistant to the Hon Minister, MHA, Mrs Evalie Bradley  
Financial Specialist, Mr Stephen Turnbull  
PS, Finance, Dr Aidan Harrigan  
Coordinator, Environment Pollution Control and Prevention, Mr Dallen Connor  
Tourism Planner, Ms Gina Brooks  
PS, Economic Development, Investment & Commerce, Mr Larry Franklin

EX MIN 20/01

**CONFIRMATION OF THE MINUTES**

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

Council confirmed the Minutes of the 214<sup>th</sup> Meeting held on Wednesday 18 December  
2019.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 20/02

**LAND DEVELOPMENT CONTROL COMMITTEE (LDCC) SUBMISSION TO EXECUTIVE COUNCIL OF SOF 82 ANGUILLA HOLDINGS, LLC PLANNING APPEAL REF#: 18/0184**

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

Council agreed that EX MIN 19/565 of 18 December 2019 should be amended to read:

Council agreed that the appeal against planning permission from SOF 82 Anguilla Holdings, LLC to construct storage units and twenty-four (24) apartment units at West End, Anguilla, Block 17910 B, Parcel 198 should not be allowed because:

- (i) the proposed development would be contrary to Government's abiding policy approach that residential accommodation for the developer's staff be afforded by private proprietors in Anguilla for economic reasons, and should not be part of the touristic development project; and
- (ii) this policy is clearly and consistently set out in various Memoranda of Understanding and Aliens Land Holding Licences contracted with developers, including those in respect of this development.

Council noted that a formal letter had been sent to Mr Roy Shanholtz of SOF 82 Anguilla Holdings, LLC informing him of this decision.

Action: PS, HLPP; PPO; DLS; HON AG; MINS OF GOV'T

EX MIN 20/03

**EX MEM 19/274 EXCHANGE OF LANDS BETWEEN ANGUILLA SOCIAL SECURITY INVESTMENT AND DEVELOPMENT COMPANY (ASSIDCO), ANGUILLA SOCIAL SECURITY BOARD AND THE CROWN – PROPERTY SITUATED IN REGISTRATION SECTION WEST CENTRAL, BLOCK 28409 B DESCRIBED AS PARCELS 54, 59 AND REGISTRATION SECTION ROAD, BLOCK 08412 B, DESCRIBED AS PARCELS 276 AND 172**

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

Further to EX MIN 19/489 agreed on Friday 25 October 2019, Council ratified the decision agreed by round robin on 27 December 2019 as outlined:

- (i) the exchange of certain lands situated in Registration Section North Central, Block 48814 B, described as Parcels 272 (Part of), 93 and 224 (Part of) and in Registration Section South Central, Block 38611 B, described as Parcel 305, assessed at a value of US\$3,960,000.00/EC\$10,645,272.00;
- (ii) in the first instance the Crown exchange lands situated in Registration Section North Central, Block 48814 B, described as Parcels 272 (Part of) being 6.4 acres of land valued at US\$3,310,000.00 /EC\$8,897,942.00 with Anguilla Social Security Board and Anguilla Social Security Investment and

Development Company for lands situated in Registration Section Road, Block 08412 B described as Parcels 172 and 276 and in Registration Section West Central, Block 28409 B described as Parcels 54 and 59, having a total acreage of 3.63 acres of land and overall value of US\$2,083,022.88/EC\$5,599,582.11;

- (iii) ASSIDCO and ASSB acknowledge that there is a difference in value in the amount of US\$1,876,977.12/EC\$5,045,689.89 of which US\$1,226,977.12/EC\$3,298,359.89 to be advanced immediately and held in escrow by the Crown for the completion of lands compulsorily acquired from Parcel 8 on Block 28409 B;
- (iv) Attorney General Chambers to draft a Heads of Terms Agreement on behalf of the Government of Anguilla to be entered into between ASSIDCO and ASSB and the Government of Anguilla regarding the exchanges and the additional sum of US\$1,876,977.12/EC\$5,045,689.89 to be paid by ASSIDCO and ASSB; and
- (v) the tenants on land situated on Parcel 272 (Part of) should be notified in writing that the property is to be transferred to ASSIDCO and ASSB and that they should contact said corporate entities to enter into new tenancy within three (3) months. The Attorney General Chambers shall provide the letter for issuance.

As outlined in point (iv) above, Council requested the Attorney General's Chambers to draft the Heads of Terms Agreement on behalf of the Government of Anguilla to formally complete this matter.

Action: PS, FIN; HON AG; PS, EDICTIT; BD; PS, HLPP; DLS; PS, MICUHAFE; CEO, AASPA (acting); DIR, ASSB; MINS OF GOV'T

EX MIN 20/04

**EX MEM 20/01 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – DAKOTA LIL LLC – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL B202 CONTAINING 991 SQ. FT.**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. Hon Minister for Home Affairs declared an interest.

Council agreed that an Aliens Land Holding Licence should be issued to DAKOTA LIL, LLC, through its Director, Robert Maximillian Saar to hold on a freehold basis a luxury condominium unit of approximately 991 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a condominium development at Four Seasons Anguilla Ltd., situated in Registration Section West End, Block 17810 B, described as Parcel 201 SL B202, subject to the following:

- a) stamp duties payable are as follows:
  - (i) under the Stamp Act – 5%  
of EC\$2,638,397.58 EC\$131,919.88

- (ii) under the Aliens Land Holding Regulation Act – 0% of EC\$2,638,397.58 EXEMPTED

**TOTAL** **EC\$131,919.88**

- b) Regulations to be issued for exemption by the Attorney General's Chambers.

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

EX MIN 20/05

**EX MEM 20/02 APPOINTMENT OF NEW ALTERNATE MEMBERS TO THE PAROLE BOARD**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. The Hon Deputy Governor declared an interest.

Council:

- (i) noted that Mr Derek Gumbs who served as an alternate member on the Parole Board has resigned with immediate effect. Thanked Mr Gumbs for serving on the Board;
- (ii) noted that Mr Reynolds Richardson continues to serve as an alternate member on the Board; and
- (iii) endorsed the recommendation that Mrs Hyacinth Bradley and Mrs Vanessa Croft be added to the pool of alternate Parole Board members.

Action: PS, SD; HON MIN, HSD; SOP; CHIEF PROB OFF

EX MIN 20/06

**EX MEM 20/03 UPDATE ON PROHIBITION OF SINGLE USE PLASTICS IN ANGUILLA**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. The following persons joined:

Coordinator, Environment Pollution Control and Prevention, Mr Dallen Connor  
Tourism Planner, Ms Gina Brooks

Further to EX MIN 19/571 of 18 December 2019, Council considered the revised Single-Use Plastics (Prohibition) Regulations, 2019 and agreed as follows:

- (i) Section 2. **Prohibition on importation, distribution, sale and use of single-use plastics**
- (a) the importation of single-use plastics is prohibited after 31 March 2019; and
- (b) the distribution and sale of single-use plastics is prohibited after 30 June 2020.

(ii) Section 3. **Exemptions**

Sub-paragraph (2) (a) is retained. Sub-paragraph (2) (b) and paragraph (3) are deleted.

(iii) **Schedule (Section 3(1)) Single-Use Plastics Exempted from Ban**

Delete Section 2.

Action: PS, MICUHAFE; DIR, ENV; CO-ORD, EPCP; HON AG; PS, HLPP; TP; PS, EDICTIT; PS, FIN; MINS OF GOV'T

EX MIN 20/07

**EX MEM 20/04 THE PUBLIC UTILITIES COMMISSION (PUC) 2018 ANNUAL REPORT – TO BE TABLED IN THE ANGUILLA HOUSE OF ASSEMBLY**

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

Council:

- (i) noted the Public Utilities Commission's 2018 Annual Report; and
- (ii) authorised the Hon Minister for Communications to table the Public Utilities Commission's 2018 Annual Report at the next sitting of the Anguilla House of Assembly.

Action: PS, MICUHAFE; CL, HOA; EX DIR, PUC; HON MIN, MICUHAFE

EX MIN 20/08

**EX MEM 20/05 REDUCTION OF THE CUSTOMS DUTY AND THE IGT RATE FOR SPECIFIC COMMODITIES – RE FUEL, DIESEL, ALCOHOL, LIQUEURS AND RUM**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. PS, Finance, Dr Aidan Harrigan joined.

Following on from EX MIN 19/573 of 18 December 2019, Council:

- (i) recognised the issue, and the intention to reduce the customs duty and the IGT rate on specific commodities – re Fuel, Diesel, Alcohol, Liqueurs and Rum to ensure that all taxes paid with the new tax structure remain as close as possible to being revenue neutral;
- (ii) thanked the MFEDICT for the good work on this matter;
- (iii) agreed to the following proposed amendments to correct administrative errors by:
  - (a) increasing the Customs Duty rate on Fuel (Gasoline) from 0.05 to 0.40;
  - (b) increasing the Excise rate on Fuel (Gasoline) from 0.04 to 0.35;

- (c) reducing the Customs Duty rate on Diesel from 0.05 to 0.04;
  - (d) reducing the Interim Goods Tax Rate on Diesel from 5% to 1%;
  - (e) reducing the Customs Duty rate on Alcohol, Liqueurs and Rum from \$5.00 a litre to \$4.00 a litre; and
  - (f) reducing the rate of the IGT on Alcohol, Liqueurs and Rum to 1%.
- (iv) agreed once the amendments are made to the ICT Regulations, the matter should be taken to the House of Assembly for final approval.

Action: PS, FIN; HON AG; CL, HOA; PS, EDICTIT; COC; CIR; BD; ACC GEN;  
MINS OF GOV'T

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