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**MINUTES OF THE 238<sup>TH</sup> MEETING OF THE ELEVENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON WEDNESDAY 24<sup>TH</sup> JUNE 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  
PS, Health, Lands and Physical Planning, Mr Foster Rogers  
Director, Lands and Surveys, Mr Leslie Hodge

EX MIN 20/272

**CONFIRMATION OF THE MINUTES**

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

Council confirmed the Minutes of the 237<sup>th</sup> Meeting of Executive Council held on  
Thursday 18 June 2020.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 20/273

**EMERGENCY POWERS (BORDER SECURITY AND CONTROL) REGULATIONS**

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

Council agreed to extend the regulations to direct the prohibition of the use of any boat in Anguilla's waters unless specifically exempted to remain in force until Tuesday 14 July 2020.

Action: PS, HLPP; CMO; CEO, HAA; HON AG; DIR, FISH; COP;  
MINS OF GOV'T

EX MIN 20/274

**PUBLIC HOLIDAY – TUESDAY 30 JUNE 2020**

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

Council agreed that there would be no public holiday on Tuesday 30 June 2020 following the results of the 2020 general elections until the new government is formed and Council is properly convened.

Action: MINS OF GOV'T

EX MIN 20/275

**EX MEM 20/129 APPROVAL OF BANKING BUSINESS VESTING ORDERS –TRANSFER OF BANKING BUSINESS FROM NATIONAL BANK OF ANGUILLA LTD (NBA) AND CARIBBEAN COMMERCIAL BANK (ANGUILLA) LTD (CCB) TO NATIONAL COMMERCIAL BANK OF ANGUILLA LTD (NCBA)**

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

PS, Finance, Dr Aidan Harrigan  
PS, Health, Lands and Physical Planning, Mr Foster Rogers  
Director, Lands and Surveys, Mr Leslie Hodge

Council:

- (i) noted the recommendation by the ECCB that in accordance with Section 174, sub-sections (1 to 3) of the Banking Act 2015 that banking vesting orders be issued to transfer to and vest in NCBA, the banking business of NBA and CCB, where banking business is the undertaking including assets, property, rights, liabilities and obligations as set out in the schedules to the Banking Business Vesting Orders;
- (ii) approved the exemption of stamp duty on the transfer of assets in accordance with Section 176 of the Banking Act 2015;

- (iii) authorised the Hon Minister for Finance to issue the Banking Business Vesting Orders in accordance with Section 174 (3) of the Banking Act 2015; and
- (iv) authorised that the Banking Business Vesting Orders be published in the official gazette, whereby they come into effect when published.

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

Action: PS, FIN; HON AG; PS, EDICTIT; PAS, FIN; PS, HLPP; DLS; MINS OF GOV'T

EX MIN 20/276

**EX MEM 20/130 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION ROAD, BLOCK 08513 B, PARCEL 235 CONTAINING 0.33 ACRE**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Health, Lands and Physical Planning and Director, Lands and Surveys remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section Road, Block 08513 B, described as Parcel 235 located at North Hill, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

- (a) stamp duties payable are as follows:
 

(i)	under the Stamp Act – 5% of EC\$483,876.00	EC\$24,193.80
(ii)	under the Aliens Land Holding Licence Regulation Act – 5% of EC\$483,876.00	EC\$24,193.80
	<b>TOTAL</b>	<b><u>EC\$48,387.60</u></b>
- (b) 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.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 20/277

**EX MEM 20/131 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION EAST CENTRAL, BLOCK 89218 B, PARCEL 481 CONTAINING 1.00 ACRE**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA,

Financial Specialist, PS, Health, Lands and Physical Planning and Director, Lands and Surveys remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section East Central, Block 89218 B, described as Parcel 481 located at Shoal Bay, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

- (a) stamp duties payable are as follows:
- |      |   |                             |
|------|---|-----------------------------|
| (i)  | under the Stamp Act – 5%<br>of EC\$591,404.00                                     | EC\$29,570.20               |
| (ii) | under the Aliens Land Holding<br>Licence Regulation Act – 5%<br>of EC\$887,106.00 | <u>EC\$44,355.30</u>        |
|      | <b>TOTAL</b>  | <b><u>EC\$73,925.50</u></b> |
- (b) 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.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 20/278

**EX MEM 20/132 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION NORTH, BLOCK 59018 B, PARCEL 50 CONTAINING 0.47 ACRE**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Health, Lands and Physical Planning and Director, Lands and Surveys remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section North, Block 59018 B, described as Parcel 50 located at Shoal Bay, Anguilla for residential purposes with a derelict building thereon, subject to the following:

- (a) stamp duties payable are as follows:
- |      |  |               |
|------|--|---------------|
| (i)  | under the Stamp Act – 5%<br>of EC\$408,606.40  | EC\$20,430.32 |
| (ii) | under the Aliens Land Holding<br>Licence Regulation Act – 6.25%<br>of EC\$408,606.40 | EC\$25,537.90 |

(iii)	refundable deposit of 10% of EC\$408,606.40	<u>EC\$40,860.64</u>
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<b>TOTAL</b>	<b><u>EC\$86,828.86</u></b>
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- (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 six (6) months. Thereafter, forfeiture proceedings for the property will be commenced by 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.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 20/279

**EX MEM 20/133 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION: NORTH, BLOCK 58817 B, DESCRIBED AS PARCELS 98, 99, 100, 101, 103 AND 104 CONTAINING 0.50ac, 0.50ac, 0.50ac, 0.57ac, 0.75ac AND 0.75ac. RESPECTIVELY, A TOTAL OF 3.57 ACRES OF LAND**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Health, Lands and Physical Planning and Director, Lands and Surveys remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section North, Block 58817 B, described as Parcels 98, 99, 100, 101, 103 & 104 located at Brimegin, Anguilla for the development of the golf course and club house for tourism purposes, subject to the following:

- (a) stamp duties payable are as follows:

**PARCEL 98**

(i)	under the Stamp Act – 5% of EC\$188,174.00	EC\$ 9,408.70
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00	<u>EC\$11,760.88</u>

<b>TOTAL</b>	<b><u>EC\$21,169.58</u></b>
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**PARCEL 99**

(i)	under the Stamp Act – 5% of EC\$188,174.00	EC\$ 9,408.70
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00	<u>EC\$11,760.88</u>
	<b>TOTAL</b>	<b><u>EC\$21,169.58</u></b>

**PARCEL 100**

(i)	under the Stamp Act – 5% of EC\$188,174.00	EC\$ 9,408.70
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00	<u>EC\$11,760.88</u>
	<b>TOTAL</b>	<b><u>EC\$21,169.58</u></b>

**PARCEL 101**

(i)	under the Stamp Act – 5% of EC\$214,518.36	EC\$10,725.92
(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$214,518.36	<u>EC\$13,407.40</u>
	<b>TOTAL</b>	<b><u>EC\$24,133.32</u></b>

**PARCEL 103**

(i)	under the Stamp Act – 5% of EC\$577,963.00	EC\$28,898.15
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$1,219,770.75	<u>EC\$60,988.54</u>
	<b>TOTAL</b>	<b><u>EC\$89,886.69</u></b>

**PARCEL 104**

(i)	under the Stamp Act – 5% of EC\$577,963.00	EC\$28,898.15
(ii)	under the Aliens Land Holding	

Regulation Act – 5% of EC\$1,219,770.75	<u>EC\$60,988.54</u>
<b>TOTAL</b>	<b><u>EC\$89,886.69</u></b>
<b>GRAND TOTAL</b>	<b><u>EC\$267,415.44</u></b>

- (b) the applicant company must obtain a business licence from the Ministry of Finance in order to rent the said property;
- (c) the construction of the golf course and club house on Parcels 98, 99, 100 and 101 to be completed within thirty-six (36) months. If said development is not completed at the end of thirty-six (36) months, a charge of US\$3,500.00/ EC\$9,408.70 per month being charged for each month the project remains uncompleted for up to a period of twenty-four (24) months. Thereafter, the commencement of forfeiture proceeding, immediately forthwith; and
- (d) that the Ministry of Lands writes to the applicants of Parcels 92, 93, 94, 103 and 104, notifying them that their refundable deposit will be forfeited and that they should enter into a supplementary agreement for the completion of the development.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 20/280

**EX MEM 20/134 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION EAST END, BLOCK 99315 B, PARCEL 177 CONTAINING 0.29 OF AN ACRE**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Health, Lands and Physical Planning and Director, Lands and Surveys remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis, property situate in Registration Section East End, Block 99315 B, described as Parcel 177 containing 1.00 acre located at Sea Feathers, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

- (a) payment of the following stamp duties:
- |  |                              |
|--|------------------------------|
| (i) under the Stamp Act – 5%<br>of EC\$1,276,895.00                              | EC\$63,844.75                |
| (ii) under the Aliens Land Holding<br>Regulation Act – 5%<br>of EC\$1,276,895.00 | EC\$63,844.75                |
| <b>TOTAL</b>   | <b><u>EC\$127,689.50</u></b> |

- (b) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent her dwelling house without first notifying the Ministry of Lands.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 20/281

**EX MEM 20/135 CLAIM BY REGISTERED PROPRIETORS FOR ROAD ACQUISITION OF PROPERTY SITUATED IN REGISTRATION SECTION WEST CENTRAL, BLOCK 28211 B, PARCEL 81 (PART OF)**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Health, Lands and Physical Planning and Director, Lands and Surveys remained.

Council agreed that:

- (i) the registered proprietors of property described in Registration Section West Central, Block 28211 B, Parcel 81 be paid the amount of US\$2,167.00/EC\$5,826.67 for the acquisition of 0.03 of an acre of land as delineated on Survey Plan LS07-18 conditional upon the transfers being executed by the registered proprietors; and
- (ii) the Ministry of Infrastructure, Communications, Utilities and Housing (MICUH) and Department of Lands and Surveys prepare a schedule of lands affected at Rendezvous for road improvement in 1992. Thereafter, the schedule be submitted to Executive Council for consideration and declaration as part of the public road under the Roads Act.

Action: PS, HLPP; DLS; PS, MICUHAFE; ROADS ENG; PS, FIN

EX MIN 20/282

**EX MEM 20/136 UPDATE ON ACCESS ROADS FOR THE NEW ALBENA LAKE-HODGE COMPREHENSIVE SCHOOL (ALHCS)**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Health, Lands and Physical Planning and Director, Lands and Surveys remained.

Following on from EX MIN 19/560 of 12 December 2019, Council:

- (i) noted the following estimates based on the valuations provided:
- (a) Option A – EC\$137,098.20 for land acquisition;
- (b) Option B – EC\$67,205 for land acquisition and EC\$102,986 for road development (for construction access purposes) based on an estimate from the Ministry of Infrastructure; and
- (c) main access road over which Government currently has a right of way – EC\$209,679.60 for land acquisition.



- (ii) appreciates the information provided; and
- (iii) asked that negotiations continue on both options.

Action: PS, MHA/ED; PS, HLPP; DLS; CEO; ESP; PS, MICUHAFE; PS, FIN;  
MINS OF GOV'T

EX MIN 20/283

**EX MEM 20/137 APPOINTMENT OF AN AUDITOR FOR THE PUBLIC UTILITIES COMMISSION FOR THE YEAR ENDED 31 DECEMBER 2019**

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

Council approved the appointment of the firm, BDO LLC to conduct the audit of the Public Utilities Commission's accounts for the year ended 31 December 2019.

Action: PS, MICUHAFE; EX DIR, PUC

EX MIN 20/284

**EX MEM 20/138 APPEAL AGAINST PLANNING REFUSAL APPLICATION REF#: 19/0285**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and PS, Health, Lands and Physical Planning remained. The Hon Minister, MHA declared an interest due to constituency connection and absented herself from the meeting. Financial Specialist absented himself from the meeting because he was not an attendee at the initial discussion on this matter.

Further to EX MIN 20/91 of 6 March 2020, Council agreed that the appeal against planning permission to construct a welding facility on Parcel 145 of Block 89216 B located at Chalvilles should be allowed for the following reasons:

- (i) in that general area of Sandy Hill, operations of mixed use have been occurring for many decades;
- (ii) with regard to noise and fumes the Ministry of Physical Planning must place the necessary conditions for operating to limit any disturbance to neighbours; and
- (iii) the Ministry of Physical Planning must put in place conditions for proper storage of metals, materials, supplies and appliances in order to ensure that the area remains aesthetically pleasing to neighbours.

Action: PS, HLPP; DLS; PPO; DIR, ENV; DHP; PEHO

EX MIN 20/285

**EX MEM 20/139 APPEAL AGAINST PLANNING REFUSAL APPLICATION REF#: 19/0138**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and PS, Health, Lands and Physical Planning remained. Financial Specialist absented himself from the meeting because he was not an attendee at the initial discussion on

this matter.

Further to EX MIN 20/87 of 6 March 2020, Council agreed that the appeal against planning permission to construct a second floor to an existing dwelling house on Parcel 72 of Block 38411 B located in South Hill should be allowed for the following reasons:

- (i) the proposed development is a vertical extension and the current setbacks will be maintained with the exception of the setback along the northern boundary which is being affected to accommodate the stairs to the second floor level. For the most part, the development will not provide any more obstruction than what is already on site;
- (ii) at the time of the subdivision parcels of small sizes were allowed;
- (iii) the second floor extension does not cover the entire footprint of the ground floor, since the area above the garage will not be developed, therefore site coverage will not increase from what currently exists; and
- (iv) the main right of way to the west of the property is not properly constructed and is placed closer to the property than it should be, thereby giving the perception that the house is built closer to the road than it actually is.

Action: PS, HLPP; DLS; PPO; DIR, ENV; DHP; PEHO

EX MIN 20/286

**INF 20/02 INFORMATION NOTE:- NATIONAL FUNERAL FOR THE LATE MR JOHN ROOSEVELT ROGERS “BOB ROGERS” IN RECOGNITION OF HIS INVALUABLE CONTRIBUTION TO ANGUILLA DURING THE REVOLUTION**

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

Council noted the passing of Mr John Roosevelt Rogers, a resident of Stoney Ground on Monday 1 June 2020.

Since returning to Anguilla from his travels to seek employment in the UK, Mr Rogers became an active member of that leading group of patriots who spearheaded the Anguilla Revolution, including the father of the nation, the Hon. James Ronald Webster and the Hon. Atlin Noraldo Harrigan. Throughout that part of the struggle even up to his passing, Mr Rogers remains a household name in the political arena. He was never shy in expressing his views on any subject and had a clear vision of what he felt was the best path for Anguilla, and his views were widely sought after. (VF Banks – Anguillian 8 June 2020).

Besides his exploits in activist politics, Mr Rogers was a pioneer in the tourism sector in the area of Taxi & Tour Services from which he launched into the wider world of business, particularly real estate. He had a penchant for excellence and as a result he would always have immaculate vehicles for his taxi operations and quality properties for his real estate business. Through all these endeavours, Bob epitomized that

Anguillian spirit of entrepreneurship that brought much success to him and his family and distinguished him as a mentor for many of his colleagues in the taxi business (VF Banks – Anguillian 8 June 2020).

Mr Rogers was a member of the first peacekeeping committee – 31 May 1967. He was also a former nominated member of the Anguilla House of Assembly 1984-1989.

In keeping with EX MIN 14/612 (vii) and EX MIN 15/535, the Premier's Office has therefore begun the process of making arrangements which will include:

- (i) the holding of a national funeral for the late Mr. John Roosevelt Rogers in collaboration with the family;
- (ii) the publication of an official statement of condolence from the Government and people of Anguilla on the passing of this outstanding revolutionary. As the family has indicated that the funeral is planned for 4 July, the official statement will have to wait until the formation of the next administration;
- (iii) flags to be flown at half-mast on the day preceding the funeral and on the day of the funeral immediately following the funeral ceremony;
- (iv) given his prominent role in the revolution and as a nominated member of the House of Assembly, the family has requested a public viewing of his body at the House of Assembly on 3 July;
- (v) a Police Guard of Honour to be drawn up at the church and a contingent of uniformed officers to bear the body in and out of the church and at the graveside. Casket to be covered with the national flag; and
- (vi) a contribution of EC\$5,000 towards the cost of the funeral expenses and EC\$3,000 towards the other expenses.

Action: PS, EDICTIT; PS, FIN; CL, HOA

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