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MINUTES OF THE 56TH MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 19th AUGUST 2021 AT 9.00 AM

- PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
The Honourable Deputy Governor, Mr Perin Bradley
The Honourable Premier and Minister for Finance and Health,
Dr Ellis Webster
The Honourable Minister for Social Development, Cultural Affairs,
Youth Affairs, Gender Affairs, Education and Library Services,
Ms Dee-Ann Kentish-Rogers
The Honourable Minister for Home Affairs, Immigration, Labour,
Human Rights, Constitutional Affairs, Information and Broadcasting,
Lands and Physical Planning, Mr Kenneth Hodge
The Honourable Minister for Infrastructure, Communications,
Utilities, Housing and Tourism, Mr Haydn Hughes
The Honourable Minister for Economic Development, Commerce,
Information Technology, Environment and Natural Resources,
Mr Kyle Hodge
The Honourable Attorney General, Mr Dwight Horsford
Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: Hon Parliamentary Secretary for Economic Development,
Mrs Quincia Gumbs-Marie
Hon Special Ministerial Assistant to the Hon Minister for Social
Development/Education, Mr Merrick Richardson
- ABSENT: Financial Specialist, Mr Stephen Turnbull

EX MIN 21/264

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary for Economic Development and Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education remained.

Council confirmed the Minutes of the 55th Meeting of Executive Council held on Wednesday 11th August, 2021.

MATTERS ARISING FROM THE MINUTES

Further to Ex Min 21/252 the Hon Deputy Governor has met with the Permanent Secretaries to ensure that they are sighted on the MTEFP and the requirements to ensure its timely implementation. One issue in the area of Social Development was highlighted. The Government shall review the priority capital expenditure projects.

In relation to Ex Min 21/253, concerning the Bill for the Licensing of Businesses the Hon Attorney General indicated that the review is ongoing and should be completed by next week.

EX MIN 21/265

COVID-19 & ASTRAZENECA/OXFORD VACCINE UPDATE

Hon Parliamentary Secretary for Economic Development and Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education remained. The following persons joined the meeting: -

PS, Health, Mr Foster Rogers
Chief Medical Officer, Dr Aisha Andrewin

Epidemiology***Global overview***

According to the WHO's most current epidemiological report of August 17, the global number of new cases has continued to increase over the last two months, with over 4.4 million cases reported in the past week (August 9 -15, 2021). This increasing trend is largely attributed to increases in the Western Pacific region and the region of the Americas, which reported 14% and 8% increases respectively. The cumulative number of cases reported globally is now over 206 million and the cumulative number of deaths is almost

4.4 million. All regions, except the Western Pacific and the Eastern Mediterranean regions, reported a stable or declining number of deaths this week, as compared to the previous week. The regions with the highest weekly incidence rates of cases and deaths per 100 000 population remain the same as last week. The region of the Americas and the European region reported the highest weekly incidence of cases (147.4 and 121.6 new cases per 100 000 population, respectively) and deaths (2.0 and 1.1 new deaths per 100 000 population, respectively). The US is the country with the highest number of reported cases in the past week - 883 996 new cases, which represents a 9% increase and the Islamic Republic of Iran also had a 9% increase with 269 975 new cases.

The position with respect to the Delta variant remains the same.

Caribbean Region

The Caribbean continues to see an increase in case numbers - the total number of confirmed cases is 1,382,915 in 35 countries/territories (including the 26 CARPHA Member States). The new total represents a 4% increase in the number of confirmed cases. As at August 16, 2021 there were 17,048 deaths recorded in the Caribbean region, which continues to experience cluster outbreaks, through to community transmission of the virus, with increasing hospitalizations and deaths.

Anguilla

As at August 18, Anguilla has recorded a total of 157 confirmed cases, with 135 recoveries and 22 active cases. The following is a summary of the emerging pattern:

- Currently there are three workplace clusters accounting for 15 of the cases. All three settings are indoor, closed, poorly ventilated and relatively small. Two of the clusters occurred at a hotel resort and a bank, involving specific departments within the organizations. The third occurred at a small, poorly ventilated bar, where the source of infection has been traced to a returning resident from Sint Maarten, while the source of the other two clusters remains unknown.

- The health team are observing increasing reports where there is no history of travel and no known source of infection.
- There have been several instances where the cases have continued to report to work although symptomatic.
- The majority of cases are fully vaccinated.
- Cases are either asymptomatic or reporting mild symptoms and there have been no hospitalizations. Symptoms include headaches, scratchy throat, cough and muscle aches. Persons are clearing infection more quickly.
- We continue to see fully vaccinated persons testing positive upon arrival or on departure testing. These persons have mainly been visitors from the US, specifically, Florida, New York and Texas.
- Two bicyclists returned from the Dominican Republic on August 16, 2021 and also tested positive upon arrival.

More than 253 persons have been screened thus far. Genomic sequencing results are pending for nine samples. There are 113 persons currently in quarantine.

Vaccination Deployment Update

The position remains the same as at August 10, as there are no vaccinations on island to administer.

Vaccine Stock

St. Kitts and Nevis donated 20 doses as a cancer patient was required to be fully vaccinated, in order to travel and be admitted to hospital for urgent management.

Council:

- 1) thanked the Health team for the continued hard work and the efforts made to protect Anguilla;
- 2) noted that with this outbreak large increases in case numbers are not being observed, as they were during the

outbreak in April. Noted that three (3) more cases were identified on the evening of August 18 and more recoveries are expected. Two (2) of the local cases were unvaccinated persons and the rest are fully vaccinated persons. We are experiencing some clusters through to community spread and PAHO is likely to review Anguilla's status shortly. The vaccines appear to be working, there are no hospitalisations and we are in a fair position;

- 3) noted that the requirement to wear masks indoors is currently part of the Covid-19 Health Regulations and this must be enforced – breach of this is an offence and subject to a fine of EC\$2,500 per violation. Critical stakeholders will be engaged to remind them of the requirement to enforce mask use in high-risk indoor settings e.g. churches, bars, restaurants and poorly ventilated, air-conditioned, enclosed entertainment venues;
- 4) agreed to engage ALL employers, including the Public Service, to insist that sick and symptomatic employees stay away from work and ensure that this position is actively enforced;
- 5) agreed that further to the reintroduction of the 4-day quarantine for fully vaccinated returning residents (10 days for unvaccinated minors); additional measures should be introduced for scenarios which pose similar risks. This will further strengthen entry protocols, enhance ability to manage the risks of Covid-19 and protect Anguillians, accordingly:

Council agreed that all visitors staying in accommodation other than hotels & certified villas, should be required to quarantine and accepted the recommendations of the Ministry of Health, so that from August 23, the following additional measures will be in place for all those arriving as visitors and business visitors:

- Vaccinated visitors staying within the community/within Anguillian households will be required to quarantine for four (4) days and will be tested out of quarantine;

- Long-stay vaccinated visitors (seven days or more) who intend to stay in the community in personal residences shall quarantine for four (4) days. The risk posed is similar to that with returning residents. These persons are not tested for onward travel within 5 - 6 days of arrival and the Ministry loses an important surveillance tool and may miss positive cases during the periods of early infectivity; and
 - Fully vaccinated technicians and short-term critical business visitors will be required to quarantine for four (4) days, or operate in a Ministry of Health approved “work bubble” until cleared.
- 6) reviewed the ‘Table of steps towards the Exit Strategy’ last updated and published on May 6, 2021. Again based on the epidemiological situation, Council agreed the following amendments to the Exit Strategy:
- From 1 September (Phase 2) the quarantine period for unvaccinated residents will remain at 10 days as it is for Phase 1, and will not be reduced to 7 days as previously indicated. This again is a reflection of the less than optimum level of vaccination and the highly infectious Delta variant; and
 - From 1 October (Phase 3) all arrivals will need to continue to apply through the portal for entry into Anguilla and will be expected to comply with the health measures in place;
- 7) noted that as the portal application process will be extended beyond October 1 wider communications should indicate this position. Accordingly, preparations should be made to maintain the portal of entry beyond October 2021. Consideration has to be given to potentially streamlining the portal and possibly outsourcing the management. This may be necessary if the pandemic continues for longer than expected, due to highly infectious variants, however, there is a cost implication in doing so. An analysis of the cost implications for managing the portal is to be undertaken by the Ministry of Finance and Ministry of Health, and the information shall be presented for Council’s consideration. Presently public servants manage the portal but this has implications for their primary roles. The portal has to be

effective in high season, for July there were 6287 arrivals and the team is comprised of 15 persons. Hoteliers may assist with sign-posting the requirements for guests and providing guidance around testing requirements;

- 8) noted the Ministry's recommendation that Phase 3 should be deferred to January 2022 in the first instance. Phase 3 of the Exit Strategy indicates that on October 1, 2021 only a vaccination card will be necessary for visitors to enter, without applying to come to Anguilla or testing upon arrival. This has to be revisited in light of the new evidence of break through infections coupled with the less than optimal level of vaccination in Anguilla;
- 9) noted that consideration has to be given to opening schools safely, especially in circumstances where there are unvaccinated teachers; and to regulations to address the protection of school age children, including arrangements with respect to unvaccinated teachers as it pertains to, hygiene, distancing and mask wearing;
- 10) noted that the Delta variant affects unvaccinated persons much more than vaccinated individuals. Therefore, unvaccinated minors are particularly vulnerable. The Ministry recommends that the Government reconsider vaccinations as a necessity for persons like teachers who work with vulnerable groups, or a weekly testing regime for those who cannot or will not be vaccinated. Noted that other regions have begun to adopt sectoral vaccination; and
- 11) agreed to reintroduce entry fees for visitors and fully vaccinated returning residents to support the COVID-19 testing arrangements and cover costs, especially for the arrival and clearance tests at the end of quarantine. It is possible that the other quarantine fees for unvaccinated returning residents will remain the same. The Ministry will review the fees and prepare a detailed fee schedule for Council's review next week, after which the entry fees may be determined. Consideration should be given as to whether hoteliers can collect entry fees and remit them to Government on behalf of guests. Testing kits are currently free, but this position can change and reserves should be built to cover any future testing costs.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HLTH; PS, FIN; PS, EDCITENR; BD; ACC, GEN;
HON, DG; HON, AG; MINS OF GOV'T

EX MIN 21/266

EX MEM 21/154 NATIONAL DIVERSION STRATEGY

Hon Parliamentary Secretary for Economic Development and Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education remained.

The ***National Diversion Strategy for Anguilla*** is intended to pave the way for a more structured and considered approach to the way that diversion is administered. It is designed to offer meaningful guidance to all of the stakeholders working within the juvenile system; including probation officers, social workers, police and judicial officers. It is designed to be a user-friendly document that embodies proposed frameworks for diversion, important forms and other relevant tools considered necessary to support the effective implementation of diversion.

The objectives of the Diversion Strategy are as follows:

- 1) To reduce the number of children who are exposed to the formal criminal justice system and its potentially harmful implications;
- 2) To provide alternative approaches to holding children accountable for the offences they commit, whilst directing them towards community based rehabilitative interventions;
- 3) To bring together the policies, protocols and general guidelines that should apply to diversion in one accessible document; and
- 4) To facilitate a more systematic and consistent approach to diversion implementation.

Council:

- 1) noted that steps have been taken to address any potential misuse of the diversion strategy;
- 2) noted that two legal practitioners have responded to the request to tender for services. The Department of Probation will conduct training with the selected lawyers, being mindful that an adversarial environment is not desirable in the context of diversion;
- 3) noted that the diversion strategy is progressive and necessary, however, the resources required to implement it should not be underestimated. The skills and responsibilities may not fall squarely within existing job roles and responsibilities. A resourcing plan is required and there has to be proper management of expectations and what can reasonably be achieved. Further training is likely to be required and children will need to be provided with wrap around care, which also addresses their general wellbeing and any mental health requirements. Cross-agency and departmental coordination and resourcing commitment to the process is necessary. All relevant agencies across the criminal justice system, health and education will need to be involved in developing the requirements for the practical implementation of the strategy;
- 4) noted that the Ministry of Social Development will share further supporting documentation; and
- 5) approved the National Diversion Strategy.

Action: PS, SD; HON, MIN SD

EX MIN 21/267

EX MEM 21/155 APPLICATIONS FOR THE PERMIT OF PERMANENT RESIDENCE

Hon Parliamentary Secretary for Economic Development and Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education remained.

Council:

- 1) agreed that the following persons should be granted the Permit of Permanent Residence in accordance with Section 24 of the Immigration and Passport Act:
 - a) Josseran Davy Watinou-Boundath
 - b) Jennifer Bautista De Leon
 - c) Cathy Ann Monika Moranica Nanton,
 - d) Domingo Cruz De La Cruz
 - e) Jason Horatio Benn
 - f) Arismendy Zapata Rapsant

- 2) further agreed that each applicant must submit a valid Certificate of Good Standing from the Inland Revenue Department, before the Permit of Permanent Residence is issued; and

- 3) noted that granting Permanent Residence did not exempt persons from the provisions of the Labour (Relations) Act, nor did it entitle them to Belonger status until they have been residing in Anguilla for 15 years, or become naturalized British Overseas Territories Citizens in Anguilla. These individuals would become eligible to apply for naturalization after one year of permanent residency.

Action: PS, HA; LAB, COM; CIO; HON, AG; HON, MIN HA

EX MIN 21/268

EX MEM 21/156 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 173 (I.E. VILLA 11) BEING 0.18 ACRES OF LAND

Hon Parliamentary Secretary for Economic Development and Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium Villa being 0.18 of an acre forming part of the Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 173 being Villa 11, subject to the following:

a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$2,785,486.95	EC\$139,274.35
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$2,785,486.95	<u>EXEMPT</u>
	TOTAL	<u>EC\$139,274.35</u>

b) that Strata Lots described as SL C304B and SL L101 situate in Block 17810 B, Parcel 201 in Registration Section West End presently registered to the applicants, must be exchanged with SOF 82 Anguilla Holdings LLC; and

c) Regulations to be issued for Exemption.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 21/269

EX MEM 21/157 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 184 BEING 0.24 ACRES OF LAND

Hon Parliamentary Secretary for Economic Development and Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury villa being 0.24 of an acre of land forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 184 (i.e. Villa 22) subject to the following:

a) Stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$7,135,376.90	EC\$356,768.85
(ii)	under the Aliens Land Holding Regulation Act – 0% of EC\$7,135,376.90	<u>EXEMPT</u>
	TOTAL	<u>EC\$356,768.85</u>

b) Regulations to be issued for Exemption.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 21/270

**EASTERN CARIBBEAN SUPREME COURT JUDICIAL OFFICERS
PENSION ACT ("ACT")**

Hon Parliamentary Secretary for Economic Development and Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education remained.

The Hon Attorney General briefed Council. The OECS determined that the Act was to be passed in all member states and territories. The Act was enacted on May 21, 2019 without a commencement date, and this date is to be determined by Council. Chief Justice Dame Janice Pereira has written to the Hon Attorney General indicating a proposed commencement date of September 1, and if this date is agreed a notice can be published in the Gazette to bring about the commencement of the Act.

Council:

- 1) noted that the Act did not commence in 2019, because the financial implications had not been fully addressed at that time. BVI and Antigua have enacted the legislation;
- 2) noted that the first country which appoints a judge is responsible for the payment of the judges pension. The Ministry of Finance will need to obtain information on how many judges were first appointed to act in Anguilla, and how many are now retired and in receipt of a pension; and
- 3) noted that there are financial forecasting and budget implications and accordingly the Ministry of Finance must prepare a paper on the same, containing the information outlined above at paragraph 2, for review by Council, indicating a suitable commencement date, taking into consideration the financial position of Government.

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