

THIS DOCUMENT IS THE PROPERTY  
OF THE GOVERNMENT OF ANGUILLA

Copy No.

**MINUTES OF THE 124<sup>th</sup> MEETING OF THE TWELFTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 16<sup>th</sup> FEBRUARY 2023 AT 9.00 AM**

PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam  
The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster  
The Honourable Deputy Governor, Mr Perin Bradley  
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 Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie  
The Honourable Attorney General, Mr Dwight Horsford  
Clerk to Executive Council, Mrs Angela Hughes

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson  
Financial Specialist, Mr Stephen Turnbull

EX MIN 23/38

**CONFIRMATION OF THE MINUTES**

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 123<sup>rd</sup> Meeting of Executive Council held on Thursday 9<sup>th</sup> February, 2023 and the Round Robin decision taken on Monday 13<sup>th</sup> February, 2023.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 23/40

**EX MEMO 23/27 CONTROL OF TOBACCO BILL UPDATE**

Parliamentary Secretary and Financial Specialist remained. PS Health (Ag), Ms Rochelle Rogers, CMO, Dr Aisha Andrewin and Director - Chronic Disease Unit, Mrs Twyla Richardson-Bradshaw joined the meeting.

The Director - Chronic Disease Unit briefed Council. The salient points from the paper are as follows. All forms of tobacco are harmful, and there is no safe level of exposure to tobacco.

Tobacco use not only adversely affects health, but has a negative impact on economic growth, educational achievement, social development and gender equity.

According to the WHO, non-communicable diseases (NCDs) kill 41 million people each year, equivalent to 74% of all deaths globally and accounting for 82% of premature (under 70 years of age) deaths in developing countries.

Of the four modifiable behaviours that increase the risk of NCDs, which are tobacco use and exposure, physical inactivity, unhealthy diet and the harmful use of alcohol; tobacco is associated with the most deaths from the cardiovascular diseases (heart attack, stroke, hypertension) and cancers.

As per Ex Min 19/471, of October 3, 2019, Council reviewed the draft bill for the Control of Tobacco Act, 2019 and Control of Tobacco Regulations. Council:

- (1) acknowledged the importance of the legislation;
- (2) agreed that additional work was necessary between the Attorney General's Chambers and the Legislative Drafting

Consultant to CARICOM, Mr Kurt De Freitas, QC to address the concerns raised;

- (3) agreed that public consultations should take place;
- (4) advised the Hon Minister, HSD to review administrative issues to ensure that there is a cadre of trained officers to administer the work properly.

The Attorney General's Chambers and the Ministry did address the concerns made. However, there was a hiatus in advancing the Bill due to the response to the COVID-19 pandemic. The Ministry is now engaged to revitalise this work and has received direction from Chambers that the draft Bill meets the criteria for first reading in the House of Assembly.

The draft Bill introduces the registration of establishments that trade in tobacco, provides for standards on package labelling to include health warnings, prohibits the sale of tobacco to minors and prohibits the smoking of tobacco in public spaces. Further, an enforcement framework is included.

Council:

- 1) noted that surveys undertaken revealed that second hand smoke is the key concern in Anguilla and it is just as dangerous as first hand smoke;
- 2) noted the details in the paper, and that understanding tobacco as a major risk factor in NCDs prevention and control and implementation of tobacco control legislation, are key to accelerating progress. Which in turn supports risk factor reduction measures, to address the overall NCD burden. Revenue can be generated from licensing fees and possible fines for violations. It also aids Anguilla in compliance with the Sustainable Developmental Goals;
- 3) noted that Regulations will be implemented to ensure that only appropriate places are duly licensed for smoking inside;
- 4) approved in principle, the Bill for the Control of Tobacco, subject to amendment, by the Attorney General's Chambers, to address the following areas of concern:
  - a) review the appropriate regulatory authority, to undertake the responsibilities provided for in the Bill as drafted;

- b) at sections 24 and 25 the references to Governor should be amended to Governor in Council;
  - c) as it relates to Schedule 1, consider describing public places generally rather than with a specific list, especially as it relates to 9 – beaches and 19 – bars and restaurants. Broadly, smoking is to be prohibited in indoor areas, but permitted in outdoor open areas;
  - d) as it relates to sections 12 – 17, these sections shall be amended, as certain powers are given to authorised officers who are not police officers and these powers need to be reviewed for proportionality; and
- 5) instructed the Attorney General’s Chambers to prepare the Bill for the Control of Tobacco for further consideration by Council and then onward for submission to the House of Assembly.

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

EX MIN 23/43

**EX MEMO 23/30 SPECIAL ECONOMIC ZONES (AMENDMENT) REGULATIONS, 2023**

Parliamentary Secretary and Financial Specialist remained.

Trade and Investment Officer, Mr Khari Goddard briefed Council. Pursuant to section 11 of the Special Economic Zone Act 2020 (SEZ Act), a non-Anguillian shall not work in a special economic zone in Anguilla unless that person has a valid SEZ Employment Certificate approved by the Minister of Labour. A SEZ Employment Certificate, shall be granted for a period of up to five years, it shall entitle the holder to reside in Anguilla and to work for a special economic zone company. Where applicable, the spouse and dependent children are also allowed to reside in Anguilla.

In accordance with section 36(c) of the SEZ Act, in an effort to identify and determine processes for providing the benefits accruing to the Developers and Companies of the SEZ; the Authority proposes issuing SEZ employment IDs in addition to employment certificates. The proposal is for these to be used for identification purposes by

non-Anguillian employees and their dependants. To note, it is not proposed that the ID card be mandatory.

The SEZ Employment Certificate and ID will complement each other and provide non-Anguillian employees with an ID card, which details the holder's right to reside in Anguilla and to work for a special economic zone company as per the SEZ Act. When necessary, holders of the card are to provide proof of a valid stamp in their passport and may also provide the Employment Certificate and ID card.

Council:

- 1) noted that this is a new concept, to create an ID card for SEZ employees and their dependents. The rationale is to create an amenity for SEZ companies and to generate revenue. Noted that as passports are stamped there is no specific need for a Government issued ID card for a private entity and the ID should not be conflated with a travel document. Also employees and dependents should not be conflated;
- 2) noted that a SEZ Employment Certificate is enabled under statute. The ID card is enabled by the Regulations, as the principle statute allows Regulations to be made to create ID within a SEZ, which can only apply to an employee;
- 3) noted whilst the proposition in principle was agreed, further work was required to provide clear definition on the status of the ID card, including that it is not a travel document and further that it can only be issued to and apply to the employees. Dependents must use the stamp in their passports; and
- 4) noted Special Economic Zones (Amendment) Regulations, 2023, subject to amendment, would need to be reviewed by the Attorney General's Chambers to ensure consistency, following the work at 3 above being completed.

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

EX MIN 23/44

**EX MEMO 23/31 AMENDMENTS TO THE CHILD JUSTICE ACT**

Parliamentary Secretary and Financial Specialist remained. Chief Probation Officer, Ms Jocelyn Johnson joined the meeting.

The Hon Minister for Social Development and Chief Probation Officer briefed Council.

The Child Justice Act was enacted into law on July 1, 2021. The diversion of juvenile offenders away from the formal Court processes once charged is one of the aims of the Act. Supporting the Act is the Anguilla National Diversion Strategy, which was approved by Council on August 19, 2021.

In operationalising the legislation over the past year and a half, a number of challenges have arisen and it is proposed that they can be addressed by legislative amendments. The report provided on the Implementation of the Child Justice Act highlights some of the key concerns. In summary, the amendments required to address the principal challenges are as follows:

- Schedule 1 offences should be dealt with by the Pre Charge Diversion Strategy. The RAPF is responsible for this and this is not included in the Act.
- Schedule 2 offences should be dealt with by Post Charge Diversion and heard by the Child Justice Board.
- Schedule 3 offences should be dealt with directly by the Court.
- The Community Service Diversion Officer plays a critical role in the Child Justice system. The Act makes no reference to the role this officer plays and should be amended to reflect this important role. Probation Officers should not be acting in this role.
- There are several sections in the legislation where timeframes are unrealistically short. Likewise there are other sections of the legislation where timelines should be stipulated, but are not. The Ministry is proposing that these areas be addressed through amendments, after consultation with stakeholders that will be impacted.
- Additionally, there are a number of prescribed forms that need to be drafted and included as part of the legislation.

Council:

- 1) noted the proposed amendments and that the intention is to be able to deliver the most efficient juvenile justice services in keeping with the required legal framework. The proposed amendments will allow for more efficient operationalisation of the legislation;
- 2) noted the Report on Implementation of the Child Justice Act of January 31, 2023;
- 3) noted that parenting orders are provided for in the Probation Act and can be used to support orders which are given to children, however, they have not been used in past; and
- 4) approved the proposed amendments in principle and instructed the Attorney General's Chambers to work with the Ministry and Department of Social Development to draft the required amendments. The amendments shall be presented to Council for consideration.

Action: PS, SD; HON, AG; HON, MIN SD

EX MIN 23/45

**EX MEMO 23/32 AMENDMENTS TO THE ANGUILLA COMMUNITY COLLEGE (ACC) ACT**

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Social Development briefed Council on the amendments proposed to the ACC Act, to make operations more efficient and to ensure that the ACC is operating within its legal framework.

Council:

- 1) noted the proposed amendments: to the Registrar functions to reduce the scope, the functions of the college to make it permissible to provide education to persons under 16, without the need to obtain board approval and also to the college divisions;

- 2) noted that the proposed amendments do not increase expenditure. The changes to job duties and the restructuring of the academic divisions and Division Heads may result in cost savings. The ACC may then reallocate these savings along with any savings to be realised in streamlining other positions, to potentially fund other positions, after consideration of recruitment needs;
- 3) noted that positions, roles and functions should not be prescribed in legislation as it restricts flexibility and adaptability to respond to business needs, accordingly the proposed changes were not approved; and
- 4) instructed the Attorney General's Chambers to work with the ACC to review the ACC Act and draft amendments. The intention is to create flexibility, accordingly; the Board shall be given responsibility for the appointment of officers and these roles and responsibilities shall not be prescribed by legislation. The amendments to the Act are to be presented for consideration by Council.

Action: PS, SD; HON, AG; HON, MIN SD

EX MIN 23/47

**EX MEMO 23/34 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION EAST END, BLOCK 99315 B, PARCEL 249 BEING 0.55 ACRES OF LAND - ½ SHARE**

Parliamentary Secretary and Financial Specialist remained.

Council noted the history and that two Alien Land Holding Licences have previously been issued in relation to the property and its current owners.

Council agreed to issue an Aliens Land Holding Licence to hold, on a freehold basis, land situated in Registration Section East End, Block 99315 B, described as Parcel 249, being 0.55 acres, holding a 1/2 share of land located in Sea Feathers with a dwelling house thereon, subject to the following:

(a) Stamp Duties payable are as follows:

- (i) under the Stamp Act – 5%



of EC\$604,845.00	EC\$30,242.25
(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$604,845.00	<u>EC\$30,242.25</u>
<b>TOTAL</b>	<b><u>EC\$60,484.50</u></b>

(b) the property is to be used for residential purposes;

(c) the property is to be held as tenants in common;

(d) the Licencees must not rent their dwelling house without first notifying the Ministry of Economic Development & Investment in order to rent the said property; and

(e) the Licensees shall fully comply with the laws of Anguilla in force from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour Relations Act 2018 and Control of Employment Act Regulations, the Social Security Act, the Immigration and Passport Regulations and any statutory modification or re-enactment thereof and any rules or regulations made there under.

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

EX MIN 23/48

**COVID-19 UPDATE**

Parliamentary Secretary and Financial Specialist remained.

COVID-19 retains its status as a public health emergency of international concern (PHEIC) and the pandemic has not been declared over.

*Global overview*

As of February 8, globally, nearly 10.5 million new cases and over 90,000 deaths were reported between January 9 and February 5,

2023, a decrease of 89% and 8%, respectively, compared to the previous 28 days.

### *Caribbean Region*

Since the previous CARPHA report on January 10, 2023, an additional 29,966 cases of COVID-19 were confirmed in 25 countries within the Caribbean, bringing the region's total confirmed cases to 4,444,803 in 35 countries/territories (including the 26 CARPHA Member States). The new total represents a 0.7% increase in the number of confirmed cases. There were 36,817 deaths recorded in the Caribbean Region as of February 6, 2023.

### *Anguilla*

As of February 13, Anguilla has confirmed 4,035 cases of COVID-19 of which there have been 4,023 recoveries and 12 deaths. There are currently no active cases and no persons admitted to the Isolation Unit. Eligible samples continue to be sent to CARPHA for sequencing and as with the global picture, it is the Omicron sub-variants that are circulating.

The PAH laboratory has also confirmed the circulation of Influenza A and RSV in addition to COVID-19, among the cases of acute respiratory infections locally.

### **COVID-19 Exit Strategy**

The Ministry of Health notes that the last Ministry led component of the COVID-19 operational response is onsite testing, surveillance and contact tracing. The Ministry has met and discussed the transition of the COVID-19 response to HAA primary health services, similar to other respiratory conditions starting from March 1, 2023. The Ministry recommends transitioning the COVID-19 response for testing and surveillance to primary healthcare centres thus discontinuing the Ministry site, including all remaining COVID-19 response staff on 28 February 2023. This information would be disseminated via press release.

## Council:

- 1) noted the COVID-19 brief;
- 2) noted the update on the COVID-19 Budget:

The Ministry of Health received a 2023 allocated COVID-19 budget of EC\$200,000.00. Thus far, the Ministry has spent EC\$20,818.15 for January 2023, this was for salaries for 5 COVID-19 workers and fuel. The projected expenses for the remainder of the year, with the exception of vaccines as cost estimates have not yet been received, noting the recommendations include:

Item	Estimated Costs (\$EC)
Staff salary for February 2023	\$15,204.42
Fuel	\$300.00
COVID-19 sample deliveries via CARICOM RSS plane	\$5,800.00
Outstanding 2022 payments	\$15,000
COVID-19 testing kits	\$10,900
COVID-19 vaccine database	\$32,600
COVID-19 vaccines	

- 3) noted the recommendations for COVID-19 vaccination boosters and the vaccine stock levels. Noted in addition to the broad COVID-19 recommendations from the WHO and in line with the UK direction, future booster programmes should focus on those at risk of serious outcomes from COVID-19 or at high risk of transmitting the virus to those vulnerable to serious outcomes;
- 4) agreed that details of the number of vaccines required should be obtained as soon as possible, so that any order, if needed, can be processed. Noted that the health team want to confirm the extended shelf life expiry dates. If the shelf life of any vaccine to be ordered is going to be the same as the vaccine stock currently held, then no more will be ordered;
- 5) approved the discontinuation of the COVID-19 Ministry led testing site, as of February 28 , 2023; and

6) reviewed the two remaining COVID-19 Regulations which are due to expire on February 28, 2023 and agreed for the following to be extended until June 30, 2023:

- a) Public Health (Quarantine)(COVID-19) Regulations;  
and
- b) Public Health (Temporary Restrictions)(Step5) Regulations

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

\*\*\*\*\*