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MINUTES OF THE 153rd MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 21st SEPTEMBER 2023 AT 9.00 AM

PRESENT: Her Excellency the Governor, Ms. Julia Crouch
The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster
Deputy Governor, Mr Perin Bradley
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 Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Ms Dee-Ann Kentish-Rogers
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
Acting Honourable Attorney General, Ms. Serena Connor
Acting Clerk to Executive Council, Ms Jennyville Smith

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
The Head of the Governor's Office, Mr Orlando Ames-Lewis

ABSENT: The Honourable Attorney General, Mr Dwight Horsford

EX MIN 23/286 **CONFIRMATION OF THE MINUTES**
Parliamentary Secretary and The Head of the Governor's Office remained.

Council confirmed the Minutes of the 152nd Meeting of Executive Council held on Thursday 14th September 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/287

EX MEMO 23/230 Amendment to the Financial Administration and Audit Act

Parliamentary Secretary and The Head of the Governor's Office remained.

The following persons joined the meeting:
Acting PS Finance, Ms Marisa Harding-Hodge
Budget Officer, Ms Rochelle Bryan
Finance Officer, Ms. Rukeya Jeffers

The Hon Minister for Finance and the Acting PS Finance briefed Council. The effective management of public funds is a cornerstone of good governance and fiscal responsibility. To ensure transparency, accountability, and efficiency in the use of public funds, it is imperative to amend the existing public financial management legislation, specifically the Financial Administration and Audit Act.

Particularly there is a need for improved accountability standards for accounting officers, as well as improved oversight of state-owned enterprises through financial reporting and performance monitoring.

Council:

- (a) Instructs the Attorney General's Chambers to commence drafting amendments to the Financial Administration and Audit Act; and
- (b) Asks the Deputy Governor in parallel to prepare a policy for ExCo's consideration, setting out a process by which Permanent Secretaries can raise concerns about contentious policies. Such policy to be developed in consultation with Permanent Secretaries.

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

EX MIN 23/288

EX MEMO 23/231 2023 STATUTORY BODY BUDGETS – Water Corporation of Anguilla

Parliamentary Secretary and The Head of the Governor's Office remained.

The following persons joined the meeting:

Acting PS Finance, Ms Marisa Harding-Hodge
WCA Chair, Ms Glenneva Hodge,
Finance Manager, Ms. Jennifer Crawford
Acting CEO, Ms. Lorna Richardson

The Hon Minister for Finance and the Chair of the Water Cooperation Board briefed Council. Section 64 of the Financial Administration and Audit Act requires Government Agencies to submit estimates of expenditure and revenue to the Minister with oversight and also to the Minister of Finance for approval. In accordance with Section 64(4), the estimates of recurrent and capital expenditure must not be altered without the approval of the Minister of Finance. The budgets of the statutory bodies will be submitted to Council for approval with onward submission for tabling at the House of Assembly.

Council:

- 1) Noted the concerns as to the significant year-to-year increase in utilities, and given that the cost is borne by the WCA and not the contractor, and that, there are no measures in place to improve efficiency and reduce costs;
- 2) Noted the depreciation charges of EC\$1.0M do not appear to be based on a calculated sum but rather a round sum figure; therefore, the actual figure could be significantly different;
- 3) Noted WCA's indication that Accounts Receivables are unreliable and they are unable to provide an accurate reflection of the same. There is no allowance for an increase to a provision for Bad Debt;
- 4) Noted the Finance Manager's indication that the Board is not actively involved in the oversight and management of the budget;
- 5) Noted that the WCA continues to incur significant debt despite subvention provided by the Government. The current subvention of EC\$9.4M appears to be insufficient to cover obligations for the remainder of the year;
- 6) Approved the 2023 Budget of the WCA; and

- 7) Instructs that forward estimates should be prepared and submitted to the Ministry of Finance.

Action: PS, FIN; PAS, FIN; PS, MICUHT; HON, PREM;
HON, MIN MICUHT

EX MIN 23/289

EX MEMO 23/232 Enactment of the Work Permit Regulations, 2023

Parliamentary Secretary and The Head of the Governor's Office remained.

The following persons joined the meeting:

Acting PS Finance, Ms Marisa Harding-Hodge

PS Home Affairs, Dr. Aiden Harrigan

CPC, Ms. Dawne Richardson

Labour Commissioner, Mrs. Jo-Anne Hodge

The Hon Minister for Home Affairs and PS Home Affairs briefed Council. Amending the Labour (Relations) Act 2018 is part of the Labour Reforms envisaged. In January of 2018, the Labour (Relations) Act was passed but the regulations could not be prepared in time to accompany the Act. Therefore, as a transitional measure to cover the gap in the law, the Act saved the Work Permit Regulations R.R.A. C105-1 which were made under the repealed Control of Employment Act. These Work Permit Regulations, 2023 represent the proper Regulations needed to enforce work permit processes in keeping with the Act.

Council:

1. Noted that the power to collect a training levy was accidentally repealed in 2018 leaving no legal basis for the levy that has been collected since that date. Agreed that Amendments to the Labour (Relations) Act should be drafted as a matter of urgency to retrospectively address this issue.
2. Noted that amendments to the schedules of the Regulations have been without legal basis. Agreed that an amendment to the Labour (Relations) Act should be drafted as a matter of urgency to retrospectively address this issue.
3. Noted that the power conferred on the Minister to make amendments to the schedule was a power "in council" i.e. with ExCo's approval.

4. Approved the recommendations and proposed Work Permit Regulations to be enacted as part of the Labour Relations Act 2018;
5. Approved that child-care/baby-sitter be added to the list of zero-rated – no fees list;
6. Approved that the work permit fees for doctors be reduced to \$2000.00;
7. Instructs the Ministry of Home Affairs to provide a financial analysis specific to the proposed fee changes for 2024 to the Ministry of Finance; and
8. Instructs the Attorney General Chambers to make the necessary amendments to the Labour Relations Act, 2018 to offer work permits for up to five (5) years to professionals at the Minister's discretion.

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

Action: PS, HA; LAB, COMM; CIO; HON, MIN HA; HON, AG; CPC

EX MIN 23/290

Ex Memo 23/233 Application for issue of Licence under The Aliens Land Holding Regulation Act – Matthew Blake Mcrae – Registration Section West End, Block 18011 B, Parcel 45 SI 3b Being 564 Sq. Ft.

Parliamentary Secretary and The Head of the Governor's Office remained.

Council agreed to issue an Aliens Land Holding Licence to Matthew Blake McRae to hold a condominium unit on property described as Registration Section: West End, Block 18011 B, Parcel 45 SL 3B, containing 564 sq. ft. located at Meads Bay, Anguilla for Tourism purposes subject to the payment of the following Stamp Duties:

- | | | |
|------|--|----------------|
| (i) | under the Stamp Act – 5%
of EC\$2,016,150.00 | EC\$100,807.50 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5% | |

of EC\$2,016,150.00

EC\$100,807.50

TOTAL

EC\$201,615.00

- (a) Carimar Beach Club Limited should be the exclusive renting agent for the unit.
- (b) The Licensee is required to enter into an agreement with Carimar Beach Club Limited for the management and use of the unit for at least forty-four (44) weeks in each calendar year.
- (c) The Licensee shall have the right to reside in the unit for a maximum of eight (8) weeks in each calendar year without being liable for the payment of accommodation tax. However, if the applicants wish to live in their unit for a period longer than eight (8) weeks, then they should be required to pay the accommodation tax.
- (d) The Licensee 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 the 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 thereunder.

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

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

EX MIN 23/291

Ex Memo 23/234 Refusal to Grant Work Permits

Parliamentary Secretary and The Head of the Governor's Office remained.

The Hon Minister for Home Affairs briefed Council. Section 165(3) of the Labour (Relations) Act 2018, requires the Minister for Home Affairs & Labour to consult with Executive Council before refusing to grant work permits. Council noted the reasons for the Minister's proposed work permit refusals as follows:

In relation to Heidy Del Balle Semeco Gallardo pursuant to section 171(1)(a) of the Labour (Relations) Act, the employer has not

demonstrated a genuine need to engage the services of the prospective worker.

In relation to Shanei Sherlee Scale pursuant to section 171(1)(a) of the Labour (Relations) Act, the employer has not demonstrated a genuine need to engage the services of the prospective worker.

In relation to Amarilis Virginia Sosa Mota pursuant to section 171(1)(a) of the Labour (Relations) Act, the employer has not demonstrated a genuine need to engage the services of the prospective worker.

Council:

- 1) thanked the Ministry for the paper;
- 2) noted section 164 of the Labour (Relations) Act 2018 containing the principles governing work permits;
- 3) noted that in keeping with section 165(3) of the Labour (Relations) Act 2018, the Hon Minister for Home Affairs & Labour consulted with Executive Council before refusing to grant work permits; and
- 4) considered and endorsed the proposal by the Hon Minister that the following persons be **refused** work permits on the basis of the foregoing information:
 - a) Heidy Del Balle Semeco Gallardo
 - b) Shanei Sherlee Scale; and
 - c) Amarilis Virginai Sosa Mota

Action: PS, HA; LAB, COMM; CIO; HON, MIN HA
