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MINUTES OF THE 165th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 14th DECEMBER 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
- 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 Infrastructure, Communications, Utilities, Housing and Tourism, Mr Haydn Hughes
- Minister Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie
- The Honourable Attorney General, Mr Dwight Horsford
- 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 Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr Kenneth Hodge
- EX MIN 23/372** **CONFIRMATION OF THE MINUTES**
Hon Parliamentary Secretary and Head of the Governor's Office remained

Council confirmed the Minutes of the 164th Meeting of Executive Council held on Thursday 7th December 2023 and Special Meeting held on Monday 11th December 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/373

**EX MEMO 23/300 Application for Duty and Tax Exemption By
Community Services Ministry of The Jireh Tabernacle
Seventh-Day Adventist Church**

Hon Parliamentary Secretary and Head of the Governor's Office remained

Council:

- 1) agreed that duty and tax exemptions should be granted to the Jireh Tabernacle SDA Church on the importation of a 6 Burner Commercial Liquid Propane Range with Oven, to be used in their community outreach food distributions/initiatives;
- 2) noted that the 2022 updated List of Conditional Duty Exemptions, under the Integrated Customs Tariff Regulations, contains the goods that may be exempted from duty when such goods are imported by persons, enterprises or organisations in the circumstances, or for the purposes specified in the List. This provides for a full waiver of duty and tax (including GST). No administrative costs are applied to goods under the conditional exemptions; and
- 3) noted that specific provision is made in the Integrated Customs Tariff (Amendment) (No.2) Regulations, for Charitable Organisations that are registered with the Anguilla Financial Services Commission to import articles for use solely in support of the activities of the organisation with the approval of Executive Council; and
- 4) noted that the estimated duty and tax loss to the Government is EC\$1,083.08.

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

Action: PS, FIN; PAS, FIN; COC; HON, PREM

EX MIN 23/374

EX MEMO 23/301 Non-Anguillians to operate business activities that are on the reserved list

Hon Parliamentary Secretary and Head of the Governor's Office remained

Over the period 2018 – September 2023, there has been an increase in business activity in the construction and car rental industries. As of 30 November 2023, there were 116 Building Contractors and 24 Car Rental services registered in Anguilla. This indicates that these industries are saturated and there are insufficient quality providers to meet the needs of the market

The Government recognised the importance of the two sectors for entrepreneurship, innovation and small business development in Anguilla for Anguillians. The Ministry of Finance and Health sought to offer protection for the sectors by including them in the Licensing of Business (Reserved Industries) Order, 2023 made under section 19 of the Licensing of Businesses Act 2021. However, Executive Council can consider applications by non-Anguillians for businesses listed on the reserved list as outlined in Section 20 of the said Act.

The Commerce Unit has received applications for business licenses for industries on the reserved list from:

- (a) Zenith Car Rental to operate the business activity of a Car Rental; and
- (b) Kelly Construction (Anguilla) Limited to operate the business activity Building Contractor.

Council

1. Noted the applications from Zenith Car Rental and Kelly Construction (Anguilla) Limited;
2. Approved the Ministerial Order for the granting of business licenses to operate in a field of business otherwise reserved for Anguillians under the Act for:
 - (a) Zenith Car Rental to operate a Car Rental; and
 - (b) Kelly Construction (Anguilla) Limited to operate as a Building Contractor

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

Action: PS, EDMSIE; HON, PREM

EX MIN 23/375

EX MEMO 23/302 Waiver of duty and tax on temporary imports associated with the Bassheads Car Club hosting its Annual Car Show

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

The Hon Premier briefed Council. The Bassheads Car Club is hosting its Annual Car Show on the 16th December 2023, at the Coronation Park. The car show is a community event and is also the culmination of the time and effort invested by various car clubs from Anguilla and St Maarten.

Council

1. Approved that the Basshead Car Club Car Show should be exempted from the 1% customs surcharge on the temporary importation of vehicles to participate in a car show to be held on 16th December 2023 on the following terms. It was in the public interest to allow the surcharge given the benefit to the community from the Show:

i. Persons must fall within the proposed classes of persons and items to be imported tax-free will be restricted as follows:

VEHICLE OWNERS Vehicles for use in Bassheads Car Show

ii. The period for clearing imports is limited until 16th December 2023. All temporary imports should be re-exported by 22nd December 2023.

2. Instructs the Attorney General's Chambers to prepare the Regulations under Section 16 of the Financial Administration and Audit Act to exempt such classes of persons and associated items from applicable duty.

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

Action: PS, FIN; PAS, FIN; COC; MIN, FIN; HON, AG

EX MIN 23/376

EX MEMO 23/303 Application For Issue Of Licence Under The Aliens Land Holding Regulation Act – Fountain Beach

Residences Ltd. Registration Section: North, Block 59018 B, Parcel 279 Containing 0.54 of an acre

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

Council agreed to approve the granting of an Aliens Land Holding Licence to Jeffrey Paul Goldstein and Joshua Todd Goldstein Directors of Fountain Beach Residences Ltd., to hold on a freehold basis, property situated in Registration Section North, Block 59018 B, described as Parcel 279 being 0.50 of an acre of vacant land to construct a solar farm for tourism/industrial purposes, subject to the following:

1. Payment of the following Stamp Duties

(i)	under the Stamp Act – 5% of EC\$349,466.00	EC\$17,473.30
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$349,466.00	EC\$13,978.64
(iii)	refundable deposit – 10% of EC\$349,466.00	<u>Waived</u>

TOTAL **EC\$31,451.94**

2. The Licensee be granted an exemption from the refundable deposit, on the grounds that the Solar Farm forms part of the Fountain Beach Residences Ltd. project (i.e. Zemi Beach House, LXR Hotels & Resorts);
3. An application for full Planning Permission is required before any development commences and shall detail all matters relating to the site;
4. With the express condition that the land is to be used for the sole purpose of Solar Farm as approved in Planning Application No. 2023/0307;
5. The Licensee shall fully comply with the terms and conditions as stipulated in the Memoranda of Understanding (MOU) dated 20th June 2020, between Fountain Beach Residences Ltd. and the Government of Anguilla;

6. The Licensee shall, during the period of construction, permit the authorised officers or agents of the Government of Anguilla access to the land to inspect the site and works on-site; and
7. 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 there under.

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

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

EX MIN 23/377

EX MEMO 23/304 Extension of Stamp (Temporary Amendment) Act and Aliens Land Holding Regulations (Temporary Amendment) Act until 31st December 2026

Hon Parliamentary Secretary and Head of the Governor’s Office remained

The Hon. Premier briefed Council. EX MIN 23/321 refers.

Real Estate Market in Anguilla for the period 2021 to October 2023

A general assessment of the incentive program shows signals that the program has attracted attention to the Real Estate market and more persons are seeking to transact. In general, the Ministry feels optimistic that if the program is extended it would have a positive impact on the market.

TRANSACTION	2018	2019	2020	2021	2022	2023
CHARGES	115	97	148	270	265	212
TRANSFERS	357	407	453	551	652	1275
PROPRIETOR BY TRANSMISSION	73	77	354	96	81	
TRANSFERS BY PERSONAL REPRESENTATIVE	87	84	94	198	105	100
Total Overall Number of Transactions	1392	1504	2215	2374	2133	1769
Yr End Total	\$9,153,863.00	\$7,974,500.11	\$7,419,491.55	\$27,332,752.01	\$47,920,981.72	\$11,780,438.47
Yr End ALHL Revenue	\$6,051,218.74	\$5,585,110.57	\$4,123,987.05	\$24,564,216.79	\$46,544,256.33	\$13,995,272.99
ALHL v. Total Revenue as %	66.1%	70%	55.6%	89.9%	97%	84.2%

The reduction in Stamp Duty under both the Stamp Act and ALHL Regulation Act will impact the overall revenue but there is the potential uptick that the increase in activity will surpass this loss and generate more activity in the market. World Bank has published that real estate (including land) accounts for between half and three-quarters of national wealth. Therefore, there is a need to continue to revitalize this sector in the success of the Anguillian economy.

The Ministry of Lands has reviewed the report and agrees with the findings and recommendation that the program should be extended for a three (3) year period (i.e. until 31st December 2026) under the Aliens Land Holding Licence Regulations Act and Stamp Act.

Council

1. Approved that the Stamp (Temporary Amendment) Act and Aliens Land Holding Regulations (Temporary Amendment) Act be extended for a further three (3) years (i.e. 31st December 2026); and
2. Instructs the Attorney General Chambers to amend both pieces of legislation to be published in the Gazette and tabled for reading at the next sitting of the House of Assembly;

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

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

EX MIN 23/378

EX MEMO 23/305 Renewal of Lease On Crown Land, Property Described As Registration Section South Central, Block 38812 B, Parcel 87/3

Hon Parliamentary Secretary and Head of the Governor's Office remained

EX MIN 23/321 refers.

Council

1. Approved the new rents proposed for the next ten (10) years under the rent review provision of the lease for land situated in Registration Section South Central, Block 38812 B described as

Parcel 87/3, which is leased to Delta Petroleum (Anguilla) Ltd. is as follows:

Proposed Rents		Descr.
YEAR	EC\$	
Year 11	\$ 19,500.00	Rental Increase 2%
Year 12	\$ 19,890.00	
Year 13	\$ 20,287.80	
Year 14	\$ 20,693.56	
Year 15	\$ 21,107.43	
Year 16		Year 5 - Subject to Rent Review
Year 17		
Year 18		
Year 19		
Year 20		

2. Agreed that at the end of the tenth (10th) year of the lease, the rent is to be reviewed to market rent upward only;
3. Agreed the Market Value of the property is US\$676,000.00/EC\$1,817,223.20;
4. Agreed and approved Stamp Duty payable as follows:
 - (i) under the Stamp Act– (Leasehold) 0.05%
of EC\$1,817,223.20 EC\$ 9,086.12
 - (ii) under the Aliens Land Holding Regulation Act – (Leasehold) 5%
of EC\$1,817,223.20 EC\$90,861.16

TOTAL EC\$99,947.28
5. Instructs the Department of Lands and Surveys to inform the Inland Revenue Department of the new rents for the next ten (10) years.

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

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

EX MIN 23/379

EX MEMO 23/306 Application For Issue Of Licence Under The Aliens Land Holding Regulation Act – Nw Anguilla Property Ltd. – Registration Section West End, Block 17910 B, Parcel 133 Being 2.00 Acres

Hon Parliamentary Secretary and Head of the Governor's Office remained

Council agreed to approve the granting of an Aliens Land Holding Licence to Mark Robert Vandavelde, Jacqueline Claire Doak, Justin Mark Howe, Benjamin Robert Cullen, the Directors of NW Anguilla Property Ltd. and Kenneth Bryan Dart, Ultimate Beneficial Owner, to hold on a freehold basis vacant property described as Registration Section West End, Block 17910 B, described as Parcel 133, subject to the following:

1. Stamp duties payable are as follows:

(i) under the Stamp Act – 5% of EC\$8,064,600.00	EC\$403,230.00
(ii) under the Aliens Land Holding Regulation Act – 4% of EC\$8,064,600.00	<u>EC\$322,584.00</u>
TOTAL	<u>EC\$725,814.00</u>

2. That the land be used for tourism purposes;

3. To provide public access to the beach and foreshore and provide public parking accepted and approved by the Government of Anguilla;

4. That NW Anguilla Property Ltd. negotiates and concludes a new MOU with the Government of Anguilla within six (6) months from the grant of this Aliens Land Holding Licence for Four Seasons property and this acquisition. Failure to complete the MOU within the stipulated six (6) months will result in remedial action by the Government of Anguilla under the Aliens Land Holding Licence Act and any other statutes applicable;

5. That stamp duty under the Aliens Land Holding Licence Regulation Act be reduced from 12.5% to 4% on the transfer of properties detailed in the Table below on the basis that it is in the

public interest pursuant to the Financial Administration and Audit Act;

6. That the Government of Anguilla forgo taxes in the amount of EC\$685,491.00 on the grant of the Aliens Land Holding Licence to NW Anguilla Property Ltd. described in the Table below:

Registration Section	Block	Parcel	Assessed Value (EC\$)	ALHLR Act @ 12.5%	ALHLR Act @ 4%	Value of Concession
West End	17910 B	133	\$8,064,600.00	EC\$1,008,075.00	EC\$322,584.00	EC\$685,491.00

7. That the Attorney General’s Chambers prepare and issue regulations under Section 16 of the Finance Administration and Audit Act, R.S.A. c. F27 to remit to NW Anguilla Property Ltd., from the payment of Stamp Duties under the Aliens Land Holding Licence Regulation Act in the amount of **EC\$685,491.00** owed to the Government of Anguilla;
8. 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 Work Permit 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.

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

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

EX MIN 23/381

EX MEMO 23/307 Food Security Project - Resource Distribution

Hon Parliamentary Secretary and Head of the Governor’s Office remained

PS Chanelle Petty-Barrett joined

EX MIN 23/364 refers. The Honourable Minister for EDMSIE and PS EDMSIE briefed Council. In 2022, the Ministry of Sustainability, Innovation and the Environment successfully proposed a three-year

food security project funded from the capital budget, in keeping with the Government's priority of improving food security and offsetting imports.

Due to the small size and scale of agricultural production in particular, many farmers do not have the knowledge and financial means to make a significant capital investment or even access concessionary financing. As such without Government's support and intervention, production is likely to continue on a downward trajectory. Additionally, access to affordable, quality water continues to be a significant constraint for farmers in some areas with the most arable land eg. The Valley Bottom. Unless this constraint is addressed, the success of the other measures being implemented may be undermined.

Given Anguilla's small size, targeted investment can yield meaningful results in the short to medium term. Beginning in 2024 the Ministry will introduce the support measures and establish the necessary monitoring and evaluation framework to review and guide the implementation. The measures include:

- Establishing a best practice model for container farming at the Department of Natural Resources;
- Increasing protected agriculture through the provision of access to greenhouses and shade houses;
- Improving access to good quality water until a long-term solution can be found;
- Increasing services to livestock farmers through investment in a hatchery and abattoir.

Council

- 1 noted the terms and conditions of the draft Agreements for Water Tanks and Shade Houses for Crown Land and Private Land; and
- 2 approved the criteria and proposed terms and conditions for the distribution of water tanks and shade houses to farmers, under the food security project

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

Action: PS, EDMSIE; HON, MIN EDMSIE

Field Inspection Report of the old Road Bay Jetty at Sandy Ground, Anguilla

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

Facilities Manager AASPA, Mr. Shomari Kentish, and Quality Assurance Manager MICUHT, Mr. Kendell Richardson, joined the meeting.

At short notice, given the urgent nature of the matter, and with the Premier's approval a visual inspection report prepared by government engineers was presented by officials from the MICUHT. The old Road Bay Jetty, which is currently still in use, underwent significant remedial works in 2016. A request was made by the Anguilla Air and Sea Ports Authority (AASPA) for a risk assessment to be conducted by the Department of Infrastructure to determine the condition of said repairs, if operations remain safe, and if mitigative action is needed.

Remedial works to the jetty identified included repairs to some piles, pile caps, bent beams, edge beams and slab undersides. The inspection report provided general comments/observations related to the current condition of the jetty underside and specifically the condition of the repaired sections. It recommended closer inspection of the underside west extension of the jetty; immediate mitigative action to the failed pile of the RO-RO jetty to reduce the risk of further damage and prevent the risk of collapse during use, to protect the structure and more importantly human life. The weight of loads had been reduced to no more than 1 – 3 tons at a time.

Council

1. Thanked the officers for the report;
2. Noted the contents and recommendations of the observational Report;
3. Agreed that a Structural Report needs to be conducted; and
4. Agreed that urgent remedial actions should begin on Friday 22nd December, to address the most urgent risks.
5. That pending those repairs gasoline tanks would not be allowed to use the old jetty.

6. Instructs the Minister of MICUHT to submit a paper addressing the long-term decisions and spending.

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

Actions: PS, MICUHT; HON, MIN, MICUHT
