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MINUTES OF THE 209TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 11TH SEPTEMBER 2014

PRESENT: His Excellency the Acting Governor, Mr Stanley Reid

The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration and Minister of Social Development and Health

The Honourable Acting Deputy Governor, Mr Larry Franklin

The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister
of Education, Library Services, Sports, Youth and Culture

The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Dr Aidan Harrigan, PS, FIN
Mr Foster Rogers, PS, EDICT
Ms Ludiane Leveret-Richardson, Chief Procurement Officer
Mr Ambrell Richardson, Director of Health Protection
Hon Haydn Hughes, Parliamentary Secretary
Ms Marisa Harding-Hodge, TIO

ABSENT: Her Excellency the Governor, Ms Christina Scott

EX MIN 14/565 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 208th Meeting held on Thursday 4th
September 2014.

EX MIN 14/568

EX MEM 14/316 OVERDRAFT FACILITY 2014-2015

PS, FIN and PS, EDICT remained for discussion.

Council agreed that:-

- (i) an overdraft facility of twenty million Eastern Caribbean Dollars (EC\$20,000,000.00) be maintained at the Caribbean Commercial Bank (Anguilla) Ltd at an interest rate of 6.75 per cent, effective 1 October 2014 to 30 September 2015;
- (ii) a continuing guarantee be provided by the Government of Anguilla (GoA) to the Caribbean Commercial Bank (Anguilla) Ltd;
- (iii) the operating accounts relationships established with the original approval of the facility be maintained by the GoA at Caribbean Commercial Bank (Anguilla) Ltd; and
- (iv) the attached draft overdraft resolution be submitted to the House of Assembly at its next sitting to give effect to the renewal of the overdraft facility.

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

Action: PS, FIN; PS, EDICT; AG; PAS, FIN; BD; DM; ACC GEN

EX MIN 14/569

EX MEM 14/317 ESTABLISHING A TASKFORCE TO EXAMINE THE FEASIBILITY OF AN ECONOMIC RESIDENCY PROGRAMME FOR ANGUILLA

PS, FIN and PS, EDICT remained for discussion.

Council agreed that the following persons should be contacted to ascertain, before the next scheduled meeting of Executive Council, their willingness and availability to sit on the Taskforce to examine the feasibility of an economic residency programme for Anguilla:-

Ms. Jean Dyer
 Ms. Palmavon Webster
 Ms. Marisa Harding-Hodge
 Ms. Laureen Bryan
 Mr. Claudel Romney
 Mr. Patrick Hanley
 Mr. Victor Banks
 Mr. Sutcliffe Hodge
 Mr. Carlyle Rogers
 Dr. Lowell Hughes
 Ms. Dawne Richardson
 Mr Mitchell Lake

Mr Quincy Gumbs

Council further agreed that, following the acceptance from persons to constitute the taskforce, Executive Council will decide who would be the Chairman (not from a political party) and Secretary of the Taskforce.

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

Action: PS, EDICT; PS, FIN; PAS, FIN; ACC GEN; BD

EX MIN 14/570

EX MEM 14/318 APPLICATION BY ABC SUPPLIES LTD FOR WRITE OFF OF PROPERTY TAX

PS, FIN and PS, EDICT remained for discussion.

Council agreed that this request could not be accommodated under the Financial Administration and Audit Act.

Action: PS, FIN; PS, EDICT; AG; DLS

EX MIN 14/571

EX MEM 14/319 SUPPLEMENTARY AGREEMENT #3 TO THE MOU BETWEEN SOF VII HOTEL II ANGUILLA HOLDINGS LLC AND THE GOVERNMENT OF ANGUILLA

PS, FIN and PS, EDICT remained for discussion. Hon Haydn Hughes, Parliamentary Secretary and Ms Marisa Harding-Hodge, TIO joined the Meeting.

Council considered the third amendment between SOF VII Hotel II ANGUILLA Holdings LLC and the Government of Anguilla and supported the recommendations as follows:-

- A. To remove reference to right of sale in amendment as the 2010 MOU already recognises right of sale.
- B. That at this stage it would not be prudent to enter into any agreement as it relates to stamp duty under the stamp act without further information and input/valuation from DLS.
- C. That the rates for stamp duty applicable under the ALHRA be based on size of investment and are as follows:-

| Category | Property Value (X) in \$XCD (millions) | \$USD equiv.(millions) | Stamp Duty under ALHRA % |
|----------|--|------------------------|--------------------------|
| A | x>670 | >250 | 0.970 |
| B | 590<x≤670 | 220-250 | 1.780 |
| C | 536<x≤590 | 200-220 | 2.463 |
| D | 482.4<x≤536 | 180-200 | 3.292 |
| E | 428.8<x≤482.4 | 160-180 | 4.328 |
| F | 375.2x≤428.8 | 140-160 | 5.660 |
| | | | |

- D. That the reference to corporate taxes be removed from the amendment.
- E. To waive customs duties on the importation for any green technology components which the Owner, acting reasonably, satisfies the Government to be reasonably required for the project.
- F. That the clause relating to back 'water charges' be struck from the amendment as it falls under the dominion of the Water Corporation.
- G. That the Government will assign to the developer the right to operate a RO plant and may use existing wells installed by previous developer as well as wells installed by current owner since September, 2011. In relation to water extracted from the existing wells as of the date in the current owner's transfer title of September 22, 2011 the owner shall pay applicable fees outlined below:-

| | Sea Water | Brackish Water |
|------------------|-----------|----------------|
| License Charges: | US\$0.095 | US\$0.185 |
| Usage Charges: | US\$0.28 | US\$0.465 |

Charges per 1,000 gallons after such five (5) year period:-

| | Sea Water | Brackish Water |
|------------------|-----------|----------------|
| License Charges: | US\$0.19 | US\$0.37 |
| Usage Charges: | US\$0.56 | US\$0.93 |

The GOA reserves right to vary above rates in future

- H. The developers be granted for a period of twenty years from effective date of MOU, where the GOA extends more favourable terms to a similar foreign tourism development in Anguilla, and upon application by the Developer, the Government will grant similar concessions to the developer (insofar as applicable). For the avoidance of doubt this part does not apply to local tourism developments. Furthermore, that the developers be granted upon expiration of the aforementioned, a further period of ten (10) years, where the Government extends more favourable terms to a similar foreign tourism development investing less than US\$100,000,000.00, and upon application by the Developer, the Government will grant similar concessions to the developer (insofar as applicable). For the avoidance of doubt this part does not apply to local tourism developments.
- I. That the effective start date of the RRAL for the viceroy project be adjusted from being waived for an initial five years from date of purchase of villas/condominiums to being waived for a five year period from effective date of MOU.

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

Action: PS, EDICT; PS, FIN; TIO; DLS; AG; PS, MHA/LANDS

EX MIN 14/572

EX MEM 14/320 EXEMPTION FROM THE WORK PERMIT REQUIREMENT

Council noted the request from the Eastern Caribbean Central Bank representative for an extension of the consultancy services at the National Bank of Anguilla (NBA) for the period 1st September 2014 to 28th February 2015.

Council agreed that Mr Gary Moving, a national of St. Kitts & Nevis who has been representing the Eastern Caribbean Central Bank in Anguilla as Consultant Accountant should be exempted from the work permit requirement for the extended period, 1st September 2014 to 28th February 2015 in accordance with Section 3 (f) of the Control of Employment Act.

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

Action: PS, IMM; LAB COM; CIO; PS, FIN; PS, EDICT

EX MIN 14/573

EX MEM 14/321 APPEAL AGAINST PLANNING PERMISSION – THELMA RICHARDSON

Following a site visit by Members of Executive Council on Wednesday 20th

August 2014 to the property located at The Valley, Anguilla, Council agreed that the appeal against planning permission from Mrs Thelma Richardson to construct a restaurant at The Valley (Block 58814B, Parcel 68) should be allowed, subject to the following conditions:-

- i. no food products to be prepared on the site;
- ii. no alcoholic beverages to be served on the premises; and
- iii. provisions to be made for a supply of potable water on the premises.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 14/574

EX MEM 14/322 APPEAL AGAINST PLANNING PERMISSION – J. ALEX RICHARDSON

Following a site visit by Members of Executive Council on Wednesday 20th August 2014 to the proposed development located at The Valley, Council agreed that the appeal against planning permission from J. Alex Richardson for permission to lease Lot 4 of Parcel 253, Block 48814B in The Valley to construct an office building should be allowed.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 14/575

EX MEM 14/323 APPEAL AGAINST PLANNING PERMISSION – JEAN & JOYCELYN MOCCOW

Following a site visit by Members of Executive Council on Wednesday 20th August 2014 to the development at Blowing Point, Council was satisfied that in the circumstances, sufficient efforts had been made to address the infringements on the rights-of-way, and that the following actions had been taken:-

- (i) the complete removal of the front steps on the north side of the building; and
- (ii) the abandonment of the septic tank structure encroaching on the right of way at the front of the property.

Council therefore agreed that the appeal against planning permission from Jean & Joycelyn Moccow to construct two dwelling houses at Blowing Point, Anguilla (Block 38410B, Parcel 230) should be allowed.

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

Action: PS, MHA/LANDS; PPO; DLS

EX MIN 14/576

EX MEM 14/324 APPROVAL OF NATIONAL FUNERALS FOR THE LATE LUCAS WILSON AND EVELYN ROPER IN RECOGNITION OF THEIR INVALUABLE CONTRIBUTIONS DURING THE ANGUILLA REVOLUTION

Council approved:-

- (i) the holding of a National Funeral for the late Lucas Wilson in collaboration with the family or representative(s) of the deceased;
- (ii) the holding of a National Funeral for the late Evelyn Roper in collaboration with the family;
- (iii) the publication of official Statements of Condolence from the Government and people of Anguilla on the passing of these revolutionary heroes;
- (iv) flags to be flown at half mast on the day preceding each funeral and until immediately following each of the funerals;
- (v) Police Guards of Honour to be drawn up at the Church(s) and contingents of uniformed officers to bear the bodies in and out of the church and at the graveside. Caskets to be covered with the national flag; and
- (vi) a contribution of EC\$8,000 respectively towards the cost of the funeral expenses for Lucas Wilson and Evelyn Roper.

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

Action: PS, MHA; PAS, MHA

EX MIN 14/577

EX MEM 14/325 FILLING OF THE POST OF REGISTRAR, HIGH COURT

Council noted that the post of Registrar, High Court would expire on 16th January 2015. Council additionally noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given.

Council agreed that the post of Registrar, High Court should be filled.

Action: DG; PS, PA; OFF MAN, JUD; PS, FIN; PS, EDICT; BD

EX MIN 14/578

EX MEM 14/326 APPROVAL OF TSUNAMI PLAN

Council approved the Government of Anguilla draft National Tsunami Plan.

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

Action: DG; DIR, DM; MINS OF GOV'T
