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**MINUTES OF THE 231ST MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 7TH MAY 2020
AT 9:00 AM**

PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE

The Honourable Premier and Minister of Finance, Economic Development,
Commerce, Tourism and Information Technology, Mr Victor Banks

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Minister of Health and Social Development, Lands and Physical
Planning, Mr Evans Rogers

The Honourable Minister of Home Affairs and Education, Mrs Cora Richardson-
Hodge

The Honourable Minister of Infrastructure, Communications, Utilities, Housing,
Agriculture, Fisheries and Environment, Mr Curtis Richardson

The Honourable Attorney General, Mr Dwight Horsford

Clerk to Executive Council, Mrs Jewelle Fleming, MBE

IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor
Ministerial Assistant to the Hon Minister, MHA, Mrs Evalie Bradley
Financial Specialist, Mr Stephen Turnbull
PS, Economic Development, Investment & Commerce, Mr Larry Franklin
Trade and Investment Officer, Mr Khari Goddard
Deputy Director, Anguilla Financial Services Commission, Ms Simone Martin
Comptroller, Inland Revenue, Mr Kiel Connor

EX MIN 20/212

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and
Financial Specialist remained.

Council deferred confirmation of the Minutes of the 230th Meeting of Executive
Council held on Thursday 30 April 2020 and the Minutes of a Special Meeting held
on Monday 4 May 2020.

EX MIN 20/213

EX MEM 20/104 LEGISLATION TO PROVIDE FOR MANDATORY HEALTH LEAVE DUE TO COVID-19 AND SIMILAR PANDEMICS

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Further to EX MIN 20/206 of 4 May, Council:

- (i) approved the following legislation:
 - (a) Benefits (Amendment) Regulations, 2020; and
 - (b) Labour (Relations) (Amendment) Act (No. 2), 2020
- (ii) agreed that the legislation should be tabled at the next meeting of the House of Assembly to be held on Thursday 7 May for consideration.

Action: PS, MHA/LAB; HON AG; PC; CL, HOA; MINS OF GOV'T

EX MIN 20/214

SUPPLEMENTARY APPROPRIATION BILL

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Further to EX MIN 20/208 of 4 May, Executive Council:

- i. approved the proposed supplementary budget to reallocate expenditure to meet agreed COVID-19 costs as circulated by the Permanent Secretary Finance on 7 May 2020 that adjusts the 2020 recurrent expenditure budget ceilings to:

PROGRAM	MINISTRY	
001R	HE THE GOVERNOR	\$29,796,981
350R	MINISTRY OF HOME AFFAIRS, LABOUR, IMMIGRATION, INFORMATION AND BROADCASTING AND EDUCATION	\$38,120,173
450R	MINISTRY OF FINANCE, ECONOMIC DEVELOPMENT INVESTMENT, COMMERCE, TOURISM AND INFORMATION TECHNOLOGY	\$102,632,441
550R	MINISTRY OF SOCIAL DEVELOPMENT	\$44,614,338
650R	MINISTRY OF INFRASTRUCTURE, COMMUNICATIONS, UTILITIES AND HOUSING, AGRICULTURE, FISHERIES, AND ENVIRONMENT	\$26,309,742
TOTAL RECURRENT EXPENDITURE		\$241,473,676

- ii. noted the memo from the Permanent Secretary Finance on the same;

- iii. authorised the Attorney General Chambers to work with the Ministry of Finance to draft a Bill for Supplementary Appropriation (2020) Act, 2020 for submission to the House of Assembly; and
- iv. agreed that the Bill for the Supplementary Appropriation (2020) Act, 2020 should be presented to the House of Assembly on 7 May 2020.

Action: PS, FIN; PS, EDICTIT; HON AG; CL, HOA; OTHER PERM SECS;
 PAS, FIN; BD; DEP; CPO; CIR; COC; CHIEF PROC OFF; ACC GEN;
 MINS OF GOV'T

EX MIN 20/215

EX MEM 20/108 PERMANENT RESIDENCY BY INVESTMENT PROGRAMME

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. The following persons joined:

PS, Economic Development, Investment & Commerce, Mr Larry Franklin
 Trade and Investment Officer, Mr Khari Goddard
 Deputy Director, Anguilla Financial Services Commission, Ms Simone Martin

Council:

- (i) agreed the recommended changes to the Permanent Residency by Investment Programme as outlined:
 - (a) Retroactive Fast Track Phase to be ongoing (without deadline). Persons that meet the established criteria of having made an investment in Anguilla prior to September 2018 valued at US\$750,000 are eligible to apply under this stream; and
 - (b) Retroactive applicant fee amendments:
 - Due diligence fees for retroactive applicants to be increased from US\$500 (each) to main to US\$1000 (each).
- (ii) authorised the amendments to the Permanent Residency Policy and the Permanent Residence Permit (Amendment) Regulations, 2018; and
- (iii) agreed that the legislation be tabled at the next meeting of Executive Council to be held on Thursday 7 April for consideration.

Action: PS, EDICTIT; TIO; PS, FIN; CL, HOA; DEP; BD; PS, MHA/LAB; CIR;
 ACC GEN

EX MIN 20/216

EX MEM 20/109 PERMANENT RESIDENCY BY INVESTMENT PROGRAMME

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Economic Development, Investment & Commerce, Trade and Investment Officer and Deputy Director, Anguilla Financial Services Commission, remained.

Council:

- (i) approved the amendment to the Select Anguilla Agency Act 2019;
- (ii) noted that this amendment will protect Government from any liability associated with the hiring and dismissal of employees;
- (iii) authorised amendments to the Select Anguilla Act 2019; and
- (iv) agreed that the legislation be tabled at the next meeting of Executive Council to be held on Thursday 7 April for consideration.

Action: PS, EDICTIT; TIO; CL, HOA; PS, FIN; DEP; BD; PS, MHA/LAB

EX MIN 20/217

EX MEM 20/110 TO CONSIDER AND APPROVE IN PRINCIPLE THE DEFINITIVE AGREEMENT BETWEEN THE GOVERNMENT OF ANGUILLA AND SANDY GROUND DEVELOPMENT LTD., A SUBSIDIARY COMPANY TO SF INVESTMENTS SWITZERLAND GmbH FOR THE DEVELOPMENT OF THE SANDY GROUND GRAND MARINA AND RESORT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, Economic Development, Investment & Commerce and Trade and Investment Officer remained.

Council:

- (i) approved the Definitive Agreement between the Government of Anguilla and Sandy Ground Development Ltd.;
- (ii) approved the concessions outlined in the Corporate Report between the Government of Anguilla and Sandy Ground Development Ltd. as follows:

ANALYSIS OF KEY TERMS PROPOSED/CONCESSIONS REQUESTED

1. Stamp Duties

Aliens Land Holding Regulation Act (“ALHRA”) License Fees

The Developer requests to pay stamp duty under the Aliens Land Holding Regulation Act a rate of 4% in respect of all property purchased or leased by the Developer as part of the Project. On initial unit sales (by the Developer), stamp duty due and payable under the ALHRA to be 2% provided that the buyer agrees to place the Luxury Real Estate Product into the Hotel Room Rental Programme; in the event the buyer elects not to, the stamp duty due and payable under the ALHRA shall be 4%. Additionally, subsequent re-sale of a Luxury Real Estate Product and all subsequent re-sales thereafter, the stamp duty due and payable to be 2% provided that the Luxury Real Estate Product is placed into the Hotel Room Rental Programme; in the event that the buyer elects not to, the stamp duty due and payable under the ALHRA shall be 8%.

Council supported the Tourism Investment Committee’s (TIC) recommendation that the request be granted.

2. **Bottom Land Lease Rate**

The Developer requests a rate of 5% of the effectively charged berth rates for all transient and short-term berths offered by and within the limits of the Sandy Ground Grand Marina and Resort, subject to review in 10 years from effective date.

Council supported the Tourism Investment Committee's (TIC) recommendation that the request be granted.

3. **Annual Levies assessed on Luxury Real Estate Products**

The Developer requests that if the Luxury Real Estate Product is included in the Hotel Room Rental Programme, the annual levy payable by the owner on the completed Luxury Real Estate Product will be assessed at \$5.00 per square foot per annum. However, if it is not, it will be assessed at \$6.50 per square foot per annum.

Council supported the Tourism Investment Committee's (TIC) recommendation that the request be granted.

4. **Other**

The Developer requests a rate of ten percent (10%) of the applicable dockage and utilities fees (excluding fuel sales) and annual maintenance dues, for the provision for the Accommodations Tax Act applied to occupancy of non- public moors, docks and boat slips by foreign registered.

Council supported the Tourism Investment Committee's (TIC) recommendation that the request be granted.

5. **Hospitality Room Rates**

The Developer requests that for a period of ten (10) years from the beginning of operations, the "Hospitality Room Rate Fee " fixed at five percent (5%) of the effectively charged room rates for all hotel, and hospitality related rooms offered by and within the limits of the Sandy Ground Grand Marina and Resort.

Council supported the Tourism Investment Committee's (TIC) recommendation that the request be granted.

6. **Custom Duties**

For a period of 10 years from the effective date, customs duties to be waived on the importation of the construction materials, furniture, furnishings, fixtures, fittings and equipment necessary for the construction and operations. The Developer further requests for a period ending twenty (20) years after the effective date customs duties to be waived on furniture and furnishings which are reasonably necessary for the periodic major refurbishment of the existing furniture and furnishings located in the common areas of the Project and within the Hotel Room Inventory that is retained by the Developer, such exemption shall not be granted more than six times over the specified period.

Council supported the TIC's recommendation that as it relates to customs duties on the importation of construction materials for those portions of the Project which are for resale to third parties, that Government stands firm on the collection of custom duties on such items, and shall be paid at the closing of the sale by the purchaser. Council further supported the TIC's recommendation that the remaining request be granted. Such concessions will be subject to compliance with the procedures set out in the Customs Act, R.S.A. c. 169 and Regulations and the Exemption from Customs Duty Policy.

7. **Provision of Services**

The Developer requests that Government commits to the provision of staff and equipment for the operation of a legal port of entry as part of the project to be offset by fees and taxes to be collected by the Government at the port, subject to the financing and construction of the facility by the Developer.

Council agreed with the TIC's recommendation that this be granted so as to maintain the safety and security of the island.

Action: PS, EDICTIT; TIO; PS, FIN; PAS, FIN; COC; PS, HLPP; DLS;
CEO, AASPA; MINS OF GOV'T

EX MIN 20/219

EX MEM 20/112 PROPERTY TAX LEGISLATION FOR THE 2020 REVENUE PERIOD

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. Comptroller, Inland Revenue, Mr Kiel Connor joined.

Council considered and approved the:

- (i) Property Tax (Rates) Amendment Regulations, 2020 for publication in the gazette and subsequently to be laid in the House of Assembly at its next meeting;
- (ii) Property Tax Deferment Regulations, 2020 for signature and publication in the gazette; and
- (iii) Property Tax (Incentive for Early Payment) Regulations, 2020 for signature and publication in the gazette.

Council authorised the Hon Minister for Finance to sign the Regulations.

Action: PS, FIN; CIR; HON AG; PC; CL, HOA; PS, EDICTIT; PAS, FIN;
ACC GEN

EX MIN 20/220

EX MEM 20/113 INTERIM STABILISATION LEVY – COVID RELIEF

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and Comptroller, Inland Revenue remained.

Council considered and approved the following:

- (i) Interim Stabilisation Levy (Waiver of Obligations) Regulations, 2020; and

- (ii) Financial and Administration Audit (Waiver of Payment of Interim Stabilisation Levy) Regulations, 2020.

Action: PS, FIN; CIR; HON AG; PC; PS, EDICTIT; PAS, FIN; ACC GEN

ORAL MENTION

EX MIN 20/221

APPLICATION FOR DUTY WAIVER ON KEY BOARD

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council agreed that duty exemption be granted for the importation of a Keyboard/Organ.

The total payment for the Keyboard/Organ, including shipping and handling is US\$1,689.94.

Action: PS, FIN; PAS, FIN; COC; FO
