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MINUTES OF THE 147TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 28TH JUNE 2018

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

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

The Honourable Deputy Governor, Mr Perin Bradley

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

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

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

The Honourable Attorney General, Mr John McKendrick QC

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Mr Cardigan Connor, Hon Parliamentary Secretary
Mr Stephen Turnbull, Financial Specialist
Dr Aidan Harrigan, PS, FIN
Mr Leslie Hodge, DLS
Ms Twyla Bradshaw-Richardson, Director, Chronic Diseases Unit
Mr Kiel Connor, Comptroller, Inland Revenue
Mr Karim Hodge, PS, MICUHAFE
Mr Jabari Harrigan, Operation Manager, AASPA
Mr Kendell Richardson, Quality Assurance Manager, AASPA
Mr Carlisle Lake, Leading Firefighter
Mr Shondell Hodge, Chief Fire Officer (Acting)
Mr Claudel Romney, Managing Partner, BDO
Mr Jerrick Evangelista, Senior Manager, Audit and Advisory Services, BDO

EX MIN 18/319 **CONFIRMATION OF THE MINUTES**

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

Council confirmed the Minutes of the 146th Meeting held on Thursday 21 June 2018. Council agreed to defer publication of minutes for one week.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/320

EX MIN 18/306 EX MEM 18/157 CRIMINAL JUSTICE REFORM

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

Council:

- (i) noted that that the meeting with the Bar Association had taken place on Wednesday 27 June at 3:00 pm;
- (ii) agreed that the amended draft Bill should be posted on the GoA's website;
- (iii) agreed that a public meeting be scheduled for Wednesday 11 July at 6:00 pm (H E The Governor, Deputy Governor and GoA Ministers had been invited to join and would do so); and
- (iv) agreed that officials aim to get the Bill prepared for presentation to the next scheduled meeting of the House of Assembly.

Action: HON AG; HON DG; CL, HOA; MINS OF GOV'T

EX MIN 18/321

EX MIN 18/307 EX MEM 18/158 PERMANENT RESIDENCY BY INVESTMENT AGENT FEE

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

Following on from EX MIN 18/307 of 21 June, Council asked the Hon Deputy Governor to follow up on this matter.

Action: HON DG; HON AG; PS, FIN; DEP

EX MIN 18/322

EX MIN 18/308 EX MEM 18/107 PERMANENT RESIDENCY BY INVESTMENT (ECONOMIC RESIDENCY)

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

Following on from EX MIN 18/308 of 21 June, Council asked the Hon Deputy Governor to follow up on this matter.

Action: HON DG; HON AG; PS, FIN; DEP

EX MIN 18/323

EX MIN 18/312 EX MEM 18/163 AMENDMENTS TO INSURANCE ACT AND INSURANCE REGULATIONS

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

With reference to EX MIN 18/312 of 21 June, Council suggested that further amendments be made to the Insurance Act and submitted to Executive Council for consideration.

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

EX MIN 18/324

UPDATE ON ANGLEC SHARE SALE

Hon Parliamentary Secretary, PS, FIN and Financial Specialist remained in attendance. The following persons joined:

Mr Karim Hodge, PS, MICUHAFE
 Mr Claudel Romney, Managing Partner, BDO
 Mr Jerrick Evangelista, Senior Manager, Audit and Advisory Services, BDO

Council:

- (i) noted from officials that because of the need to complete a cost of service study the Anglec share sale will take a least four (4) months if not longer to complete;
- (ii) requested PS, FIN to present possible contingency plans to address the possibility that Anglec share sale took longer than expected and that revenues did not eventuate before late 2018;
- (iii) was willing to consider engaging any additional assistance needed to speed up the process; and
- (iv) agreed that the GoA as the principal shareholder should speak to Anglec to encourage them to progress the matter quickly.

Action: PS, FIN; PS, MICUHAFE; PS, EDICTIT; PAS, FIN; BD; MINS OF GOV'T

EX MIN 18/325

EX MEM 18/168 TOBACCO CONTROL BILL

Hon Parliamentary Secretary and Financial Specialist remained in attendance. Ms Twyla Bradshaw-Richardson, Director, Chronic Diseases Unit joined.

With reference to EX MIN 18/66 of 1 February 2018, Council:

- (i) agreed that legislation for tobacco control should be developed focusing on Articles 8, 11, and 13 of the Framework Convention on Tobacco Control (FCTC) as outlined:
 - a) Article 8: Protection from exposure to tobacco smoke
 - b) Article 11: Packaging and labelling of tobacco products
 - c) Article 13: Tobacco advertising, promotion and sponsorship

- (ii) requested the Director, Chronic Diseases Unit to prepare detailed policy objectives for guidance to Executive Council to authorise drafting instructions to the Attorney General's Chambers to effect the policy; and
- (iii) agreed that public consultation should begin as soon as practicable.

Action: PS, HLPP; DIR, CDU; HON AG; HON MIN, HSD

EX MIN 18/326

EX MEM 18/169 DEDICATION AND TRANSFER OF VARIOUS PROPERTIES FROM REGISTERED PROPRIETORS EVANS HARRIGAN AND OTHERS – TO CROWN AND ANGUILLA NATIONAL TRUST – SUBJECT TO CERTAIN COVENANTS – PROPERTIES DESCRIBED AS REGISTRATION SECTION EAST END, BLOCK 99516 B, PARCELS 66, 68, 108-110, 121, 195, 228, 229 & 231 AND BLOCK 99416 B PARCEL 349

Hon Parliamentary Secretary and Financial Specialist remained in attendance.
Mr Leslie Hodge, DLS joined.

Further to EX MIN 18/243 of 10 May, Council:-

- (i) approved the execution of the Agreements and Transfer Forms to the Crown and Anguilla National Trust for properties situated in Registration Section East End, Block 99516 B, described as Parcels 66, 68, 108-110, 121, 195, 228, 229 & 231 and on Block 99416 B, described as Parcel 349;
- (ii) agreed that Parcels 228 and 231 be designated as Open Spaces;
- (iii) agreed that the Ministry of Infrastructure, Communications, Utilities & Housing, Roads Division should update road stock upon transfer of parcels that would form part of the road stock under the Roads Act R.S.A. c. R65; and
- (iv) agreed that a letter be sent from the Ministry of Lands to Mr. Evans Harrigan to thank him for his generosity and same be published in the Anguillian Newspaper.

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

Action: PS, HLPP; DLS; PS, MICUHAFE; ROADS ENG; MINS OF GOV'T

EX MIN 18/327

EX MEM 18/170 APPEAL AGAINST PLANNING REFUSAL APPLICATION REF#: 18/0068

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

Council:

- (i) noted an appeal against planning permission to construct a Restaurant, Bar and Grill at the Cove Bay on Crown lands described as Block 17909 B, Parcel 28;

- (ii) further noted that the proposed use of this land is contrary to the provisions set out in the MoU between the Government of Anguilla and Belmond Anguilla Owner LLC, which was signed and brought into effect on 25 May 2017;
- (iii) agreed that it was appropriate for the GoA to discuss with Belmond Anguilla Owner LLC an amendment to the MoU to allow this development for a specific period of time between 2 – 5 years; and
- (iv) agreed that a decision be deferred until discussions with the GoA and Belmond Anguilla Owner LLC are concluded.

Action: PS, HLPP; DLS; PPO; MINS OF GOV'T

EX MIN 18/328

EX MEM 18/171 NEGOTIATION FOR ACQUISITION OF LAND THROUGH EXCHANGE OF PROPERTIES SITUATED IN REGISTRATION SECTION WEST CENTRAL, BLOCK 28309 B, PARCEL 169 AND REGISTRATION SECTION SOUTH CENTRAL 38410 B, PARCELS 354 AND 355

Hon Parliamentary Secretary, DLS and Financial Specialist remained in attendance.

Council agreed that:

- (i) the PS, Lands and DLS should begin negotiations with owners of property situated in Registration Section West Central, Block 28309 B, described as Parcel 172 for lands to be entered into contract with proprietors of property situated in Registration Section South Central, Block 38410 B, described as Parcels 354 and 355 in exchange for part of Crown land situated in Registration Section West Central, Block 28309 B, described as Parcel 169; and
- (ii) the Ministry of Lands should write to the interested parties of the properties to communicate Government's offer with respect to the exchange of lands; and
- (iii) the matter be returned to Executive Council subsequently for further consideration.

Action: PS, HLPP; DLS

EX MIN 18/329

EX MEM 18/172 APPEAL AGAINST PLANNING REFUSAL APPLICATION REF#: 18/0077

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

Council agreed to allow the appeal against planning permission to construct a Pizza Shop in Blowing Point on Parcel 155 of Block 28310 on the following grounds:

- (i) the development is significantly setback from the main road allowing for proper traffic circulation;

- (ii) the development is surrounded most by family members and their support of the development;
- (iii) the main road is paved and wide enough to accommodate increase in traffic in the area; and
- (iv) the only significant feature downwind of the development is Rendezvous Bay Pond which would not be affected by aroma.

Action: PS, HLPP; DLS; PPO; PEHO; ROADS ENG

EX MIN 18/330

EX MEM 18/173 PROPERTY TAX (DEFERMENT) REGULATIONS, 2018

Hon Parliamentary Secretary, PS, FIN and Financial Specialist remained in attendance. Mr Kiel Connor, CIR joined.

Council approved the draft Property Tax (Deferment) Regulations for signature and publication in the Gazette.

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

Action: CIR; HON AG; CL, HOA; MINS OF GOV'T

EX MIN 18/331

EX MEM 18/174 PROPERTY TAX (INCENTIVES FOR EARLY PAYMENT) REGULATIONS, 2018

Hon Parliamentary Secretary, PS, FIN, CIR and Financial Specialist remained in attendance.

Council approved the Property Tax (Incentives for Early Payment) Regulations, 2018 for signature and publication in the Gazette.

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

Action: CIR; HON AG; CL, HOA; MINS OF GOV'T

EX MIN 18/332

EX MEM 18/175 FUNDING EMERGENCY, URGENT REPAIR AND MAINTENANCE OF THE RESCUE AND FIREFIGHTING SERVICE (RFFS) VEHICLES AT THE CLAYTON J LLOYD INTERNATIONAL AIRPORT

Hon Parliamentary Secretary, PS, FIN, PS, MICUHAFE and Financial Specialist remained in attendance. The following persons joined:

Mr Jabari Harrigan, Operation Manager, AASPA
 Mr Kendell Richardson, Quality Assurance Manager, AASPA
 Mr Carlisle Lake, Leading Firefighter
 Mr Shondell Hodge, Chief Fire Officer (Acting)

Council:

- (i) noted a request for emergency funding, urgent repairs and maintenance of the Rescue and Firefighting Service (RFFS vehicles at the Clayton J Lloyd International Airport CJLIA);
- (ii) agreed that this matter should be considered in the Anguilla Country Programme and be given priority when discussing the prioritisation of projects; and
- (iii) urged the officials to have an immediate discussion with the Chief of Staff, Governor's Office on the process.

HE The Governor commended the officials for their compliance with ASSI's stipulations relating to the CJLIA.

Action: PS, MICUHAFE; PS, FIN; PS, EDICTIT; CFO; HON MIN, MICUHAFE

ORAL MENTION

EX MIN 18/333

MEETING OF EXECUTIVE COUNCIL

Hon Parliamentary Secretary and Financial Specialist remained in attendance.

Council agreed that the regular meeting of Executive Council should be held on Friday 6 July at 9:00 am.

Action: EXCO MEMBERS
