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MINUTES OF THE 142nd MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 29th JUNE 2023 AT 9.00 AM

PRESENT: Acting Governor, Mr Paul Candler

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 Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr Kenneth Hodge

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 Attorney General, Ms Erica Edwards

Clerk to Executive Council, Mrs Angela Hughes

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson

Financial Specialist, Mr Stephen Turnbull

ABSENT: The Honourable Attorney General, Mr Dwight Horsford

EX MIN 23/208

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 141st Meeting of Executive Council held on Wednesday 21st June, 2023 and the Minutes of a decision made by Round Robin on Monday 26th June, 2023.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/209

EX MEMO 23/90 APPEAL BY CARRIE WEBSTER – REFUSAL TO GRANT PERMISSION FOR AN AMENDMENT TO A DUPLEX AT ISLAND HARBOUR (BLOCK 89418B PARCEL 146)

Parliamentary Secretary and Financial Specialist remained.

The following persons joined:

PS, Home Affairs, Dr Aidan Harrigan
 Director of Physical Planning, Mr Vincent Proctor
 Director of Lands & Surveys, Mr Leslie Hodge
 Appellant, Ms Carrie Webster

In considering the appeal, Council considered and noted:

- 1) the application for planning permission dated September 23, 2020 together with site plan;
- 2) the Land Development Control Committee (LDCC) Decision Notice dated October 1, 2020 granting planning permission to construct a Duplex at Island Harbour, Anguilla, located on Block 89418B, Parcel 146;
- 3) a letter from the agent Rajid Lake to the Secretary of the LDCC requesting an amendment to the application, dated June 17, 2021;
- 4) a letter from the Secretary of the LDCC to the applicant dated July 13, 2021, indicating that a decision was deferred;

- 5) the LDCC Decision Notice dated July 21, 2021 refusing an application from Ms Webster for permission for an amendment to a Duplex at Island Harbour, Anguilla, located on Block 89418B, Parcel 146; and
- 6) the Memorandum from the Secretary of the LDCC to the PS, Lands dated November 8, 2022.

The Acting Governor welcomed Ms Carrie Webster to Council and invited her to address the LDCC's reasons for refusing planning permission. In addition to the information presented in the written appeal the appellant stated as follows:

- 1) the appellant accepts that she built the house in breach of planning permission, as it is situated on a different location on the site than was provided for by the planning approval granted. This was done to avoid the expense of excavating rocky areas of the property in order to build;
- 2) she apologised for the infringements as she was not aware of the legal requirements for building, she believed that locating the house within her boundaries would be sufficient to comply with the law. The other older house which is distanced 5 feet from the new house being built is also owned by her and she intends to demolish the older house after the new property is completed; and
- 3) that land was taken away from her lot, in order to create a road and she indicated that this was done by the Government. There was no transaction and she cannot recall the exact date that this occurred. The area of land that was taken measures approximately 50 feet, east to west and 15 feet, north to south.

The Acting Governor thanked Ms Webster, the PS Home Affairs, Director of Lands & Surveys and the Director of Physical Planning for attending. Following their departure Council carefully considered all the relevant documents and information presented, having heard all the representations, and recognising Government's policy, agreed to overturn the decision of the LDCC and allow the appeal.

Council:

- 1) noted that this matter was previously deferred in order to accommodate a site visit. It was noted that the applicants property boundary markers are located on the opposite side of a road on the south side of the property, which is heavily used; and
- 2) noted that there are long term strategic issues around legislation, policy and funding to consider to give effect to greater enforcement.

The Hon Premier recused himself, as he is related to Ms Webster and took no part in the deliberations or decision.

Action: PS, HA; DLS; HON, AG; PPO; DIR, ENV; DHP; PEHO;
HON, MIN HA

EX MIN 23/210

EX MEMO 23/167 DRAFT DIGITAL ASSETS BUSINESS REGULATIONS

Parliamentary Secretary and Financial Specialist remained. The Director of the FSC, Ms Tina Bryan and Deputy Director of the FSC – Supervision, Ms Charonay Carty joined the meeting.

The Deputy Director of the FSC briefed Council. Anguilla's 4th Round Mutual Evaluation Process is ongoing in June 2023. The on-site review encompasses an overview of Anguilla's technical compliance with the 40 FATF Recommendations, as well as assessing the level of effectiveness of Anguilla's AML/CFT framework in relation to the 11 Immediate Outcomes as outlined by the new FATF Methodology. Recommendation 15 concerns New Technologies.

The FATF Recommendations require that virtual/digital assets service providers are registered or licensed prudentially and subject to an AML/CFT regulatory and supervisory framework. The jurisdiction is expected to have legislation in place to regulate digital/virtual asset service providers.

The proposed new legislation the Digital Assets Business Act (the "Act") will allow the Commission to regulate digital assets service providers for prudential purposes whilst the AML/CFT supervisory framework is covered by the Proceeds of Crime Act and subsidiary legislation to include the Anti-Money Laundering and Terrorist Financing Regulations and Code.

Council:

- 1) noted that the Regulations were published for consultation on June 21, 2023 and to date no comments have been made. In relation to the Act comments were provided, they were taken into consideration and amendments to the Act were made;
- 2) noted that the Regulations contain contents which is intended to support the application, including, an application form, details of additional requirements, fees and paid up capital requirements; and
- 3) approved in principle, the draft Digital Assets Business Regulations for implementation on enactment of the Digital Assets Business Act, on the basis that if the Act is passed in the House of Assembly there are no substantial changes to it. If substantial changes are made to the legislation that affects the Regulations then further Executive Council approval must be obtained.

Action: SCC (Cr); HON, AG

EX MIN 23/211

EX MEMO 23/168 DRAFT ANTI-MONEY LAUNDERING AND TERRORIST FINANCING REGULATIONS AND ANTI-MONEY LAUNDERING AND TERRORIST FINANCING REGULATIONS CODE

Parliamentary Secretary and Financial Specialist remained.

The Director of the FSC briefed Council. This matter is related to Anguilla's 4th Round Mutual Evaluation Process. The draft amendments proposed to the AML/CFT Regulations and Code will ensure compliance with FATF Recommendation 15. Particular mention is made in relation to 15.9 of the Methodology which indicates that virtual asset transfers incorporate the elements of the FATF Recommendation 16, which is the travel rule.

An amendment to Schedule 1 of the Anti-Money Laundering and Terrorist Financing Regulations is included so that the Digital Assets

Business Act is listed as an Act requiring a regulatory license. Also, an amendment to the Financial Services Enactments Regulations will allow the Digital Assets Business Act to be listed as a financial services enactment.

Other amendments to the AML/CFT Regulations include the following:

- Definitions of virtual asset and virtual asset service provider
- Reference to occasional transaction
- Clarification when there is suspicion of money laundering or terrorist financing
- Clarifying information is needed when relying on an introducer or intermediary
- Insertion of provisions on policies and procedures as it relates to branches and subsidiaries

The amendments to the AML/CFT Code refer to the identification of ML and TF risks arising from new or developing technologies.

Council:

- 1) noted that the draft AML/CFT Regulations and AML/CFT Code were published for consultation on June 16, 2023. Comments were received from the industry and there was a virtual consultation period on June 22, 2023. Noted that the FSC has plans to address the feedback given. Noted that the travel rule requires institutions that send and receive funds to maintain data on the parties involved in the transaction. However, the block chain industry is based on a certain level of anonymity being achieved;
- 2) noted that making the industry more vibrant would be a positive development and there should be a focus on the development of products and services. Noted that a greater understanding of the work taken forward by the FSC could potentially be achieved, if there was more explanation of the rationale for why certain matters are identified as suitable and relevant to be advanced; and
- 3) approved in principle, the proposed amendments to the Anti-Money Laundering and Terrorist Financing Regulations and Anti-Money Laundering and Terrorist Financing Regulations Code, on the basis that if the Act is passed in the House of Assembly there are no substantial changes to it. If substantial

changes are made to the legislation that affects the Regulations then further Executive Council approval must be obtained.

Action: SCC (Cr); HON, AG

EX MIN 23/212

EX MEMO 23/169 GRANT OF A LEASE OF CROWN LAND, PROPERTY DESCRIBED AS REGISTRATION SECTION CAULS POND, BLOCK 69114 B, PARCEL 164 (PART OF)

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Home Affairs briefed Council. The Department of Lands and Surveys consulted the Inland Revenue Department (IRD) to check the status of Mr Bryson's lease payments and on December 1, 2022, it was confirmed that there are no arrears.

By Executive Council Minute 21/273 Council overturned the LDCC's refusal to grant planning permission to operate a bar and grill, to Mr Bryson and Mrs Marressa Richardson. Permission was to be granted upon reasonable conditions being met. Mr Bryson and Mrs Janet Morancie received planning approval to erect a bar and grill on May 11, 2022 from the Land Development Control Committee.

By lease application dated May 18, 2022, Mr Bryson and Mrs Morancie submitted a request to lease Crown lands, on subject property for a term of 10 years.

Council approved the following:

- 1) that land situated in Registration Section Cauls Pond, Block 69114 B described as Parcel 164 (Part of) being 0.25 of an acre, identified as Lot 1 and delineated on Survey Plan LS26-10, shall be leased to James Bryson and Janet Morancie;
- 2) the term of the lease shall be as follows:
 - a. Lease term of ten (10) years with an option to renew;
 - b. Commencement date June 1, 2023;

- c. Rent per annum in the amount of US\$2,400.00 (EC\$6,451.68) for the first year to be payable in advance increasing by Consumer Price Index (CPI) or two (2%) percent, whichever is greater;
- 3) that the property be used for a Bar and Grill only as approved by the Land Development Control Committee, as per application number 22/0058;
 - 4) Stamp Duty payable is as follows:
 - a. Market Value of the property is US\$25,000.00; and
 - b. Stamp Duty on Lease is EC\$336.03.
 - 5) instructed the Department of Lands and Surveys to draft the lease and instructed the Attorney General's Chambers to finalise the lease for execution by James Bryson, Janet Morancie and the Crown.

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

EX MIN 23/213

EX MEMO 23/170 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – JEFFREY BLANE VANDERPOOL AND BONNIE SUSAN VANDERPOOL – REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38812 B, PARCEL 26 BEING 0.75 OF AN ACRE

Parliamentary Secretary and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to Jeffrey Blane Vanderpool and Bonnie Susan Vanderpool to hold on a freehold basis, property situated in Registration Section South Central, Block 38812 B, described as Parcel 26 being 0.75 of an acre located at Corito, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

(a) payment of the following Stamp Duties:

- (i) under the Stamp Act – 5%
of EC\$1,052,430.30 EC\$52,621.52
- (ii) under the Aliens Land Holding

Regulation Act – 5% of EC\$1,052,430.30	<u>EC\$52,621.52</u>
TOTAL	<u>EC\$105,243.04</u>

- (b) the property must be used for residential purposes;
- (c) the Applicants are exempted from Government's Policy restricting Aliens to the purchase of no more than half an acre of land, on the grounds that the property is alienated;
- (d) the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development; and
- (e) the Licensee shall fully comply with the laws of Anguilla from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour Relations Act 2018 and 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.

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

EX MIN 23/214

EX MEMO 23/171 APPROVAL OF A BILL FOR THE PUBLIC SERVICE SALARIES (TEMPORARY) REDUCTION (AMENDMENT) ACT, 2023

Parliamentary Secretary and Financial Specialist remained.

The Hon Premier briefed Council. In June 2023, in Ex Min 23/191 Executive Council approved the reinstatement of salaries in a phased manner commencing with the removal of the second round of cuts. The proposed Bill gives effect to this decision.

Council approved the Bill for the Public Service Salaries (Temporary) Reduction (Amendment) Act, 2023 and instructed the Attorney General's Chambers to table same for consideration at the next session of the House of Assembly.

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

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