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**MINUTES OF THE 181st MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 25th APRIL 2024 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 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
- Acting Attorney General, Ms. Erica Edwards
- Clerk to Executive Council, Ms. Dumisa Webster
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr. Merrick Richardson
- Financial Advisor, Mr. Evarist Mwesigye
- Head of Governor's Office, Mr. Orlando Ames-Lewis
- ABSENT: The Honourable Attorney General, Mr. Dwight Horsford
- The Honourable Minister for Sustainability, Innovation and Environment, Mrs. Quincia Gumbs-Marie

EX MIN 24/098

CONFIRMATION OF THE MINUTES

Hon. Parliamentary Secretary, Financial Adviser and Head of Governor's Office remained.

Council confirmed the Minutes of the 180th Meeting of Executive Council held on Thursday 18th April 2024.

EX MIN 24/099

Ex Memo 24/72 Appeal of Land Development Control Committee (LDCC) Decision by Roshima Parker RE Refusal of Permission to Park and Operate a Mobile Food Van on Parcel 225 of Block 48814B at The Valley

Hon. Parliamentary Secretary, Financial Adviser and The Head of the Governor's Office remained.

The following persons joined the meeting:

Dr. Aidan Harrigan, Permanent Secretary, Ministry of Home Affairs and Lands

Mr. Vincent Proctor, Principal Planning Officer

Ms. Silvia Erni, Senior Planner (Development)

Mr. Julian Hughes, Senior GIS Officer

Ms. Roshima Parker, Appellant

In considering the appeal, Council considered and noted:

1) The Refusal Notice Issued by LDCC dated 5th October 2023

2) The Appeal Letter from appellant, Roshima Parker

3) The Memorandum from the Secretary of LDCC to PS, Lands dated 25th March 2024; and

4) The Appeals Checklist

H.E. The Governor welcomed Ms. Roshima Parks to Executive Council and invited her to address the LDCC's reasons for refusing planning permission. Ms. Parks reiterated sentiments expressed in her appeal letter. Mr. Vincent Proctor briefed Council of their refusal of permission to the appellant to park a Mobile Food Van at The Valley, Anguilla.

The Governor thanked the Appellant, The Permanent Secretary, Lands, Senior Planner, and GIS Officer for attending. Following their departure, Council carefully considered all the relevant documents and information presented, having heard all the representations, and recognizing the Government's policy.

Council upheld the appeal by Roshima Parker.

ACTION: PS, HA; DLS; HON, AG; PPO; SGO; HON, MIN HA

EX MIN 24/100

EX MEMO 24/053 Draft Integration of Registry into Financial Services Commission (Miscellaneous Amendments) Act, 2024.

Hon. Parliamentary Secretary, Financial Adviser, Head of the Governor's Office remained.

PAS Finance, Ms. Marisa Harding-Hodge and Ms Tina Bryan, Financial Services Commission joined the meeting.

The Honourable Premier and PAS Finance briefed Council. Ex Min. 24/087 notes the approval of the draft Integration of Registry into Financial Services Commission (Miscellaneous Amendments) Act, 2024 to be forwarded to the Attorney General Chambers for submission to the House of Assembly for enactment, dated 18th April 2024. However, since then, a need to address monies held by the Registry has been identified.

The Commercial Registry currently holds monies for services not yet rendered. The Commercial Registry Electronic System (CRES) facilitates transactions, which are usually payments in advance to facilitate future CRES filings, via credit/debit card. As a result the Commercial Registry currently holds monies for services not yet rendered and these monies are considered liabilities for the

Registry. Additionally, there are funds held by the Commercial Registry on behalf of registered agents who used ACORN, the system preceding CRES. These funds pertain to agents who have surrendered their licenses. Upon integration, a report will be obtained to determine the exact amount the Commercial Registry holds on behalf of the registered agents. Approval of Committee stage amendments to provide for the transfer of funds collected by the Registry for services not yet rendered to managers/registered agents is, therefore, needed and requested.

Council approved the Committee stage amendments to provide for the transfer of funds collected by the Registry for services not yet rendered to company managers/registered agents.

ACTION: PS, FIN; PAS FIN; HON. PREM; HON AG.

EX MIN 24/101

EX MEMO 24/067 Appointment and Re-appointment of Procurement Board Members and the Procurement Board Secretary

Hon. Parliamentary Secretary, Financial Adviser, Head of the Governor's Office remained.

The Honourable Premier briefed Council. The Public Procurement and Contract Administration (Amendment) Act 2016 stipulates under Section 12 that "a Procurement Board is established" and that said Board "shall consist of 7 members appointed by Executive Council". Each Procurement Board member shall serve "for a term not exceeding 3 years" with the exception of the Principal Assistant Secretary who shall be an ex officio member and Chairperson of the Board.

Section 12 (2) states the manner in which the Board members shall be appointed and Section 12 (3) notes that Board members shall be eligible for re-appointment. The procurement Board is currently comprised of Ms. Marisa Harding-Hodge, Mrs. Monifa Brooks-Gumbs, Ms. Keischa Brooks, Mr. Dallen Connor. Mrs. Marcia Richardson, Mr. Clive Smith and Mr. Gerard Gumbs.

Mr. Dallen Connor, Mrs. Monifa Brooks-Gumbs and Mr. Clive Smith were re-appointed to the Procurement Board for a one year period on 5th March 2023 and as such their term would have expired on 4th April 2024. The appointment of persons for a one year term was

intended to provide a smooth transition by allowing time for new appointees to be sufficiently prepared for their roles. However, this shorter duration did not provide adequate time for a comprehensive onboarding and training process. Therefore, it is recommended that the current members, including those who have served a full term as at 4th April 2024, be reappointed. The Principal Assistant Secretary, Ms. Marissa Harding-Hodge served as the Chair of the Procurement Board, a position that does not require an appointment by Executive council but is instead automatically filled by a substantive holder or an acting appointee of this position.

Council considered and directed:

1) The reappointment of the following persons as members of the Procurement Board for a second term:

1. Kiescha Brooks (Deputy Chairperson)
2. Marcia Richardson
3. Gerard Gumbs

2) The reappointment of the following persons as members of the Procurement Board for an additional 2 year period at the end of which they will have served two full terms:

1. Mr. Dallen Connor
2. Mrs. Monifa Brooks-Gumbs
3. Mr. Clive Smith

3) The authorization of publication of the individual appointed members to the Procurement Board in the Gazette.

Council authorized the issue of the action sheets before confirmation of the minutes.

ACTION: PS, FIN; PAS FIN; HON PREM.

EX MIN 24/102

EX MEMO 24/068 Revised Analysis of Maximum Sale Price on Gasoline for Delta Petroleum (Axa) Ltd, Sol St. Lucia (Anguilla) Ltd. and Anguilla Gases Ltd.

Hon. Parliamentary Secretary, Financial Adviser, Head of the Governor's Office remained.

Pursuant to the Distribution and Price of Goods Act, R.S.A. c. D30 Distribution and Price of Goods (Maximum Gasoline Price Order) Regulations, 2022, the Minister responsible for Trade and Industry signed the Order providing the maximum price at which gasoline may be sold. The maximum prices, EC \$17.79 per imperial gallon for Sol St. Lucia (Anguilla) Ltd. EC\$16.91 per imperial gallon for Delta Petroleum (Anguilla) Ltd., EC \$15.12 per imperial gallon for Anguilla Gases Ltd. (regular) and EC \$16.86 per imperial gallon for Anguilla Gases Ltd. (premium) from 2 April 2024 to present.

Routine analysis of current fuel import data resulted in a re-evaluation of the cost information for Sol St. Lucia (Anguilla) Ltd. Delta Petroleum (Anguilla) Ltd. and Anguilla Gases Ltd. to ensure that the price ceiling imposed proves to be reasonable for both the consumers and fuel providers alike.

Following this re-evaluation of the price ceiling, the ideal selling prices for gasoline are currently EC\$17.79, EC\$17.73, EC\$16.25 and EC\$16.98 for Sol St. Lucia (Anguilla) Ltd., Delta Petroleum (Anguilla) Ltd., Anguilla Gases Ltd (regular) and Anguilla Gases Ltd (premium) respectively.

Council:

- 1) Considered and approved the imposition of maximum price orders on the sale of gasoline, starting 2^{9th} April 2024 to:
 - EC17.73 per imperial gallon for Delta Petroleum (Anguilla) Ltd.,
 - EC\$16.25 per imperial gallon for Anguilla Gases Ltd. (regular); and
 - EC\$16.98 per imperial gallon for Anguilla Gases Ltd. (premium)

- 2) Considered and approved the dissemination of the proposed price order to the fuel suppliers and allow them the opportunity to provide further information prior to the Order taking effect.

- 3) Considered and approved the continuation of price order revisions as new information from the fuel suppliers and pertinent data on fuel import costs is obtained.
- 4) Requested that the Attorney General's Chambers prepare the Orders and Notice of extension of Regulations for the signature of the Minister.

Council approved the issue of the action sheet before confirmation of the minutes.

Action: PS, EDMSIE; HON PREM; HON AG.

EX MIN 24/103

EX MEMO 24/069 Appointment of a Commissioner to the Board of the Public Utilities Commission

Hon. Parliamentary Secretary, Financial Adviser, Head of the Governor's Office remained.

According to section 3(1) of the Public Utilities Commission (Amendment) Act 2014, "the affairs of the Commission shall be managed by a Board consisting of five (5) commissioners." Ex Min 21/213 approved the appointment of Mr. Joseph I Hodge to the Board of the Public Utilities Commission for a term of two years, effective from December 18, 2021. Given that this appointment has now expired, the re-appointment of Mr. Joseph I Hodge as a Commissioner to the Board of the Public Utilities Commission for a term of two years, taking effect from 1st May 2024, is requested.

Council considered and approved:

- 1) The reappointment of Mr. Joseph I Hodge as a commissioner to the Board of the Public Utilities Commission for a term of two years, taking effect from 1 May 2024; and
- 2) That the PUC must inform the Ministry three months prior to the expiration of a Commissioner's term of office.
- 3) That the PUC provide Board Governance and Public Financial Management Training for the appointed Board Members within three months of the Appointment.

ACTION: PS, MICUH&T; HON MIN. MICUH&T

EX MIN 24/104

EX MEMO 24/070 Application for Issue of Licence Under the Aliens Land Holding Regulation Act- Zakaria Z.M Awashra- Registration Section: North Central, Block 48613 B, Parcel 106 Being 1.00 Acre

Hon. Parliamentary Secretary, Financial Adviser, Head of the Governor's Office remained.

The Honourable Minister for Home Affairs briefed Council.

Council approved the granting of an Aliens Land Holding Licence to Zakaria Z.M Awashra to hold on a freehold basis, property situated in Registration Section: North Central, Block 48613 B, described as Parcel 106 being 1.00 Acre land located at Old Ta, 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\$533,769.20	EC\$27,688.46
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$533,769.20	<u>EC\$27,688.46</u>
	TOTAL	<u>EC\$55,376.92</u>

(b) The property must be used for residential purposes.

(c) The Applicant is exempted from Government's Policy restricting Aliens to purchase no more than half an acre of land, on the grounds that the property is a distressed property being sold on auction.

- (d) The Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources in order to rent the said property.

- (e) 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.

ACTION: PS, HA; DLS; HON, MIN HA.

EX MIN 24/105

EX MEMO 24/071 Application for an Exemption from the Payment of Stamp Duty for an Ecclesiastical Institution- Registration Section- North Block 58814B, Parcel 21 (0.2 acre)
Hon. Parliamentary Secretary, Financial Adviser, Head of the Governor's Office remained.

The Honourable Minister for Home Affairs and Lands briefed Council. In a letter written to the Honourable Minister for Home Affairs dated March 3, 2022, the Bethany Gospel Hall Church indicated that the owners of two parcels of land were desirous of transferring the lands to the church for its use and benefit. Subsequently, one parcel was transferred without any exemption, which left one further parcel to be transferred. The land concerned is Registration Section- North Block 58814B, Parcel 21 consisting of 0.2 acre of land. The Bethany Gospel Hall has requested an exemption from the provisions of the Stamp Duty Act that require a payment of Stamp Duty.

The Stamp Act R.S.A c. S55, specifically section 60(d) of the Schedule- 'General Exemptions from all Stamp Duties' provides exemptions for Ecclesiastical Institutions.

Council:

- 1) Considered and approved in accordance with the Stamp Act R.S.A. c. S55, specifically, Section 60(d) of the Schedule –

'General Exemptions from All Stamp Duties', that the Bethany Gospel Hall Church, for the beneficiaries, the Christian Fellowship at Bethany Gospel Hall shall be exempt from the payment of Stamp duty on the transfer of lands situated in Registration Section North, Block 58814B, Parcel 21 (0.2 acre).

- 2) Noted that this results in a revenue loss of EC\$15,793.18 under Section 60(d) of the Stamp Act.

ACTION: PS, HA; PS, FIN; DLS; HON, MIN HA
