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MINUTES OF A SPECIAL MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON TUESDAY 27TH AUGUST 2013

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration, Minister of Social Development and Health
- The Honourable Deputy Governor, Mr Stanley Reid
- 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 Acting Attorney General, Mr Ivor Greene
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Perin Bradley, Compliance Manager
Mr Kenrick Richardson, Comptroller of Customs
- ABSENT: The Honourable Attorney General, Mr James Wood QC

EX MIN 13/566 **EX MEM 13/267 APPLICATION FOR DUTY EXEMPTION FOR**
CUISINART RESORT AND SPA

Mr Perin Bradley, Compliance Manager joined the Meeting. Mr Kenrick Richardson, CoC joined later.

Council agreed that the Comptroller of Customs should submit to Executive Council on Thursday 29th August a revised list with items that should be duty paid for further consideration. Council also requested that in future, Customs should provide separate tables showing which items are recommended to be duty paid, and which should be duty exempt.

Action: PS, FIN; PS, EDICT; COM MAN; FO

EX MIN 13/567 **FOUNTAIN BEACH RESIDENCES LTD. AKA ZEMI BEACH**

Compliance Manager remained for discussion.

Council agreed that this matter would be discussed at the Meeting of Executive Council on Thursday 29th August 2013.

Action: PS, EDICT; COM MAN; PS, MHA/LANDS

EX MIN 13/568 **HARRIGAN'S TOWN PLAZA HOTEL**

Compliance Manager remained for discussion.

Council noted the requests from the Developers and agreed the recommendations from the TIC as set out below:-

Analysis of Concession Requested

i. Customs Duties

- (a) The developers have requested that the Government agrees to waive custom duties on the importation of any and all construction materials, furniture, fittings and equipment which the Developers or the Operators, acting reasonably, satisfy the Government (which also must act reasonably and promptly) to be necessary for the construction and operation of the Project, 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.

RECOMMENDATION

Government has a well-established precedent for granting this concession. The TIC recommends that this request should be granted in this case as well.

- (b) The developers have requested that the Government agrees to waive custom duties on the importation of any and all construction materials, furniture, fittings and equipment which the Developers or the Operators, acting reasonably, satisfy the Government that they are reasonably necessary for the periodic (every five years) major refurbishment of the hotel and or replacement of the existing furniture and furnishings, as per the standards of the Best Western Hotel chain, for a period ending twenty (20) years from the date hereof, provided that such exemption shall not be granted more than six times over the period of 20 years, 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.

RECOMMENDATION

Government has a well-established precedent for granting this concession; the TIC recommends that this request should be granted.

ii. Road Access and Parking

In the first instance, the developers seek confirmation that the Government will agree to, when it deems fit and at its discretion, develop a public paved road with proper drainage facilities, by utilizing the right of way running east to west between Parcels 249 and 128. Additionally, the developers seek Government assistance in acquiring additional parking in the surrounding area to facilitate Phase II of the Project.

RECOMMENDATION

Road development is a matter solely for the Government of Anguilla; as such, this matter is not appropriate for inclusion in an MOU. With regard to acquiring additional parcels, the term “Government assistance” is too vague. We recommend this clause Part II(e)(iii) should be struck from the MOU. In the event that the developers do pursue the acquisition of additional parcels, this request should be considered as per the normal Department of Lands and Surveys protocols. Additionally, the clause in Part IV(5) and (6) should be removed from the MOU.

Council would be kept informed on the discussions regarding the MoU.

Action: PS, EDICT; COM MAN; PS, FIN; PS, MHA/LANDS
