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MINUTES OF THE 69th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 9th DECEMBER 2021 AT 9.00 AM

- PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
- The Honourable Premier and Minister for Finance and Health,
Dr Ellis Webster
- The Hon 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 Economic Development, Commerce,
Information Technology, Environment and Natural Resources,
Mr Kyle Hodge
- The Hon Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: Financial Specialist, Mr Stephen Turnbull
Hon Special Ministerial Assistant to the Hon Minister for Social
Development/Education, Mr Merrick Richardson
- ABSENT: Hon Parliamentary Secretary for Economic Development,
Mrs Quincia Gumbs-Marie
The Honourable Minister for Infrastructure, Communications,
Utilities, Housing and Tourism, Mr Haydn Hughes

EX MIN 21/394

CONFIRMATION OF THE MINUTES

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council confirmed the Minutes of the 68th Meeting of Executive Council held on Thursday 2nd December, 2021 and the Special Meeting held on Tuesday 7th December, 2021.

MATTERS ARISING FROM THE MINUTES

EX MIN 21/395

COVID-19 UPDATE

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. The following persons joined:

PS Health, Mr Foster Rogers
Health Planner, Ms Rochelle Rogers

Epidemiology***Global overview***

According to the WHO's most current epidemiological report of December 7, the global number of new cases plateaued compared to the previous week, with just over 4 million cases reported for the period November 29 – December 5, 2021. This is largely attributed to a significant increase in new cases in the African Region and Region of the Americas and significant decreases in the South East Asia and Western Pacific Regions. The number of deaths increased (10%) as compared to the previous week, with just over 52,500 new deaths.

The regions with the highest weekly incidence rates of cases and deaths per 100,000 population are the regions of the Americas and Europe. The US is the country with the highest number of reported cases in the last week, there were 752,394 new cases, which is a 30% increase. As of December 7, there were over 265 million confirmed cases and over 5.2 million deaths have been recorded since the start of the pandemic.

Update on the Emergence of Variant of Concern – Omicron (B.1.1.529)

Over 57 countries across all WHO regions have now reported the variant. According to WHO the earliest laboratory confirmed identification of this variant occurred in a sample taken on November 9th in South Africa.

The WHO notes that case incidences in South Africa continue to rise (111%). Further, test positivity rates have increased from 1.6% in early November to 22.4% in early December. Large case increases are also being observed in neighbouring countries as well. Caution should be taken when interpreting the data concerning increasing case numbers as the public announcement of Omicron and enhanced surveillance may also play a role.

Data on determining the transmissibility of the variant is still outstanding, the European CDC is predicting that Omicron will become the dominant strain in Europe by January 2022. Though the impact on severe disease and death is not yet known, an increase in the number of infections will likely correspond to an increase in new hospitalizations.

In general, more data is required to understand the impact of Omicron.

Caribbean Region

The total number of confirmed cases is 2,180,055 in 35 countries/territories (including the 26 CARPHA Member States) and more than 459,353 in CARICOM Member States. The new total represents a 0.6% increase since the report on November 29. Some Member States continue to experience increasing positive case numbers. Cluster outbreaks through to community transmission of the virus, with increasing hospitalizations and deaths continues.

Anguilla

As of December 8, 2021, the total number of confirmed cases since the beginning of the pandemic in early 2020 is 1505 with 1418 recoveries, 4 deaths and 87 active cases. Among the active cases,

three are imported. Two persons are currently admitted to the Isolation Unit. The two admitted unvaccinated male patients are 62 and 69 years old.

Vaccination Deployment Update

Distribution

Since Monday 8th November, 1541 doses have been administered representing:

- 526 first doses
- 3 second doses
- 1012 boosters

The breakdown by age for Pfizer first doses is as follows:

- 403 persons age 12-17
- 62 persons age 18 - 34
- 43 persons age 35 - 49
- 13 persons age 50 - 64
- 7 persons age 65+

Vaccination distribution is conducted on scheduled days at both polyclinics. The Western Polyclinic will begin distributing vaccines this Friday via an appointment system.

Vaccine Uptake

As of December 8, 10,085 persons had received their first dose representing 80% of the initial target population figure of 12,600 persons (or 84% of the revised eligible estimate). Thus far, 9,223 persons (73% of target) have received their second dose and 1012 boosters have been administered. In a population estimate of 15,500 total persons, this would represent 65% of the population having received the first dose and 59% of the population having received two doses. The breakdown of first doses by age is as follows:

- 403 persons age 12 - 17
- 3018 persons age 18 - 34

- 2881 persons age 35 - 49
- 2477 persons age 50 - 64
- 1314 persons age 65+

The occupational breakdown of first doses is as follows:

- 354 Healthcare
- 545 Civil and Border Protection
- 1820 Hospitality
- 1099 Retired
- 6295 Others

COVID-19 Response Measures

The Ministry is continuing to monitor the emergence of Omicron and if any changes to the current control measures are recommended they will advise.

The Ministry has coordinated with partners to implement the protocols for daytrips for visitors and returning residents, and has developed a Day Pass Certificate for residents day-trips.

Tourism industry partners have requested that the Government consider day passes for visitors to travel to St. Maarten/Martin and St. Barths.

A meeting was held on December 8 with the CMO approval team, DITES and the Supervisor of the Dianne approvals team. The primary recommendation is for a change in the current work flow to permit the continuous processing of applications, implementing a limitation on how far in advance persons can apply, and phasing to a one step process in January.

The paper Ex Memo 2021/247 concerning permission for fishers to fish on the south side of Anguilla was deferred for further consideration.

Council:

- 1) thanked the health team for their continued hard work;

- 2) noted that promotional efforts must continue in order to increase vaccination rates among 12-17 year olds. The material should also provide factual information to debunk any myths circulating about the vaccination. Consideration will be given to an incentive programme;
- 3) noted that the health team has evaluated the risk presented by Omicron and presently no additional measures are recommended, as no enhanced risk is perceived at this time;
- 4) noted the progress being made in developing the one-step approval process;
- 5) approved the Day Pass Certificate for implementation and the regulations shall be amended accordingly;
- 6) approved day passes for visitors to make day-trips to neighbouring islands;
- 7) agreed that rapid tests should not be confiscated from persons arriving into Anguilla. The associated fines for the importation of rapid tests have already been removed by amendment to the regulations; and
- 8) agreed that testing demands are to be profiled taking into account the regular testing requirements, day 4 testing and the USA requirement to obtain a test within 24 hours of arrival. The available resources within the private medical sector to assist with the testing process should be considered. The Ministry will work up a testing outsource strategy for private doctors, workplaces, schools and within the home.

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

Action: PS, HLTH; PS, FIN; PS, EDCITENR; BD; ACC, GEN;
HON, DG; HON, AG; MINS OF GOV'T

EX MIN 21/397

EX MEM 21/248 UPDATE ON STATUS OF THE CENSUS

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for EDCITENR briefed Council. The AP&H Census 2022 is scheduled for May 2022 and the Anguilla Statistics Department (ASD) has been working on its delivery, the Pilot Census was not completed. A detailed update on the following areas was provided:

- Planning
- Cartography & GIS
- Preparation for census fieldwork
- Preparation for data processing
- Pilot Census
- Publicity, motivation and sensitization
- Enumeration
- Presentation of preliminary results
- Analysis and report writing
- Publication and dissemination

Council:

- 1) noted the update and the related concerns which include, the physical facility, the timely release of funds, operational challenges, COVID-19 implications, human resources, an insufficient number of trained and qualified field officers and stakeholder commitment;
- 2) noted that the Ministry of Finance has been engaged on the financial needs of the ASD and the review is ongoing;
- 3) agreed that Council should make any determination as it relates to the health requirements for enumerators, including any possible requirement to be vaccinated; and
- 4) agreed that the ASD shall submit the Census questionnaire to Council for review before it is made public and Council shall determine whether a question on vaccination status shall be included. The data on vaccination is important as it allows informed healthcare decisions to be made.

Action: PS, EDCITENR; HON, MIN EDCITENR

EX MIN 21/398

EX MEM 21/244 APPROVAL OF THE BILL FOR THE UNIVERSAL SOCIAL LEVY, 2021

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Interim Stabilisation Levy (I.S.L) Act came into effect on April 1, 2011 and has been legislated/renewed on an annual basis since 2014. It was introduced as a fiscal measure to address challenges following the 2008/09 crisis.

It is a 3% levy on the total remuneration (save for service charge) of all employees earning over EC\$2,000.00 per month. The employer is required to match the levy of 3% of the employee's remuneration or payment, not exceeding EC\$12,000.00 of an employee's salary per month.

Council:

- 1) noted that telephone and travel allowances are exempted as they are reimbursements for business related expenditure;
- 2) agreed to the replacement of the Interim Stabilization Levy Act with the proposed Bill in order to transition the ISL into a permanent tax measure;
- 3) approved the Bill for a Universal Social Levy, 2021; and
- 4) instructed the Attorney General's Chambers to prepare the Bill for tabling at the next session of the House of Assembly.

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

EX MIN 21/399

EX MEM 21/249 LEGISLATION TO IMPLEMENT MONEY TRANSMISSION LEVY

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Premier briefed Council. This matter was considered in Ex Min 21/341, where drafting instructions were provided. The legislation provides for the collection of a levy which is included in 2022 revenue projections and is estimated to generate EC\$ 0.8 million.

Council:

- 1) approved the Bill for a Money Transmission Levy, 2021;
- 2) instructed the Attorney General's Chambers to review the Bill for consistency across the provisions and consider whether it is necessary for penalties to be criminalised, especially where the nature of the breach is procedural; and
- 3) instructed the Attorney General's Chambers to prepare the Bill for tabling at the next session of the House of Assembly.

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

EX MIN 21/400

EX MEM 21/250 AND EX/MEM 21/254 APPLICATION FOR DUTY AND TAX EXEMPTION FOR HAMAZ FITNESS

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) noted the cover paper provided;
- 2) agreed that duty and tax exemptions should be granted to Hamaz Fitness on the importation of equipment for a health and fitness centre;
- 3) agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;

- 4) noted that the estimated duty and tax loss to the Government is EC\$19,271.31;
- 5) noted that the Ministry of Finance in collaboration with the Department of Youth and Culture have previously identified EC\$593,795 in expenditure savings from the cancellation of the Anguilla Summer Festival, which had an allocation of EC\$890K; and
- 6) instructed the Ministry of Finance to prepare the required Resolutions of the House of Assembly, pursuant to section 77(1) of the Customs Act, R.S.A. c. C 169 and section 6A of the Interim Goods Tax Act, 2019.

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

EX MIN 21/401

EX MEM 21/251 APPLICATION FOR DUTY AND TAX EXEMPTION FOR IGLESIA DE DIOS DE LA PROFECIA

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) agreed that duty and tax exemptions should be granted to Iglesia De Dios De La Profecia on the importation of a piano for a church;
- 2) agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;
- 3) noted that the estimated duty and tax loss to the Government is EC\$2,735.65;
- 4) noted that the Ministry of Finance in collaboration with the Department of Youth and Culture have previously identified EC\$593,795 in expenditure savings from the cancellation of the Anguilla Summer Festival, which had an allocation of EC\$890K; and
- 5) instructed the Ministry of Finance to prepare the required Resolutions of the House of Assembly, pursuant to section

77(1) of the Customs Act, R.S.A. c. C 169 and section 6A of the Interim Goods Tax Act, 2019.

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

EX MIN 21/402

EX MEM 21/252 APPLICATION FOR DUTY AND TAX EXEMPTION FOR LYON CROSSFIT GYM

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) agreed that duty and tax exemptions should be granted to Lyon CrossFit Gym on the importation of equipment for his health and fitness centre;
- 2) agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;
- 3) noted that the estimated duty and tax loss to the Government is EC\$38,562.65 and this is to be applied from April 20, 2020 to December 31, 2022. A refund of \$6,754.60 is included within the total amount and is to be provided for spin bikes imported in April;
- 4) noted that the Ministry of Finance in collaboration with the Department of Youth and Culture have previously identified EC\$593,795 in expenditure savings from the cancellation of the Anguilla Summer Festival, which had an allocation of EC\$890K; and
- 5) instructed the Ministry of Finance to prepare the required Resolutions of the House of Assembly, pursuant to section 77(1) of the Customs Act, R.S.A. c. C 169 and section 6A of the Interim Goods Tax Act, 2019.

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

EX MIN 21/403

EX MEM 21/253 APPLICATION FOR DUTY EXEMPTION FOR MAHABA BISTRO & WINE LOFT

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) agreed that duty and tax exemptions should be granted to Mahaba Bistro & Wine on the importation of restaurant equipment to outfit a restaurant and wine loft;
- 2) agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;
- 3) noted that the estimated duty and tax loss to the Government is EC\$5,304.82;
- 4) noted that the Ministry of Finance in collaboration with the Department of Youth and Culture have previously identified EC\$593,795 in expenditure savings from the cancellation of the Anguilla Summer Festival, which had an allocation of EC\$890K; and
- 5) instructed the Ministry of Finance to prepare the required Resolutions of the House of Assembly, pursuant to section 77(1) of the Customs Act, R.S.A. c. C 169 and section 6A of the Interim Goods Tax Act, 2019.

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

EX MIN 21/404

EX MEM 21/254 APPLICATION FOR DUTY EXEMPTION SUMMARY PAPER

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) noted the summary paper;

- 2) noted that where a duty and tax refund is to be considered the rationale for this should be stated;
- 3) noted that when considering matters of this nature consideration has to be given to the budget and what relief can affordably be provided;
- 4) agreed that papers of this nature should address the forecasted benefits/revenue streams likely to flow to Government in future, as a direct consequence of providing the relief; and
- 5) agreed that a conditional exemption policy shall be formulated. The policy referred to in tax and duty exemption papers is a draft policy and therefore rather than being a formalized policy it is an established practice.

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

EX MIN 21/405

EX MEM 21/255 EXECUTIVE COUNCIL (EXCO) APPROVAL TO FINALISE ANGUILLA - SABA MARITIME BOUNDARY

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for MICUHT briefed Council. The Ministry responsible for Maritime Affairs wishes to finalise the Maritime Boundary with Saba. This is Anguilla's final outstanding maritime boundary to be agreed with its neighbours, so concluding this swiftly would allow Anguilla certainty in relation to all of its maritime space. Approval by Council will allow Government to formally sign off on the agreed technical boundary.

Council:

- 1) agreed that the revised maritime boundary between Anguilla (UK) and Saba (Netherlands) should be as shown by the green line drawn in Annex 1 and that the Ministry of MICUHT may liaise with the Netherlands to have this formally recognized; and

- 2) agreed that the Ministry responsible for Maritime Affairs is permitted to work with the Foreign Commonwealth and Development Office to formally complete and establish this maritime boundary immediately.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 21/406

EX MEM 21/256 RE-APPOINTMENT OF THE LABOUR TRIBUNAL

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for Home Affairs briefed Council. Executive Council by way of Ex Min 19/399 and Ex Min 19/413 appointed persons to serve on the Labour Tribunal in accordance with the provisions of Sections 147 and 148 of the Labour Relations Act 2018 and set the compensation that they were to receive.

The Labour Tribunal comprised the following persons, who as per the requirements must be barristers or solicitors of the Eastern Caribbean Supreme Court, their appointments expired on August 31, 2021.

Permanent Members

- Mr Kenneth Porter – Chair
- Mr Stanley Reid (Member)
- Ms Patricia Harding (Member)

Council:

- 1) approved the reappointment of Mr Kenneth Porter, Mr Stanley Reid, and Ms Patricia Harding to the Labour Tribunal, with Mr Porter to serve as Chair, for the period September 1, 2021 to August 31, 2023;
- 2) approved the appointment of Ms Merline Barrett, Ms Navine Fleming, Ms Eustella Fontaine and Ms Keri Horsford as alternate members for the Labour Tribunal, for the period September 1, 2021 to August 31, 2023; and

- 3) agreed in principle to remove the monthly stipend payable to all members, subject to confirmation from the Attorney General's Chambers of an appropriate commencement date, given that the proposed appointments are to be retroactive.

Council authorized the issue of the Action Sheet prior to confirmation of the Minutes.

Action: PS, HA; LAB, COMM; HON, MIN HA

EX MIN 21/409

EX MEM 21/259 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION, BLOCK NORTH 58918 B, DESCRIBED AS PARCEL 86 BEING 0.85 ACRE

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section North, Block 58918 B, described as Parcel 86 with a dwelling house thereon located at Shoal Bay, Anguilla for residential/tourism rental purposes, subject to the following:

a) Stamp duties payable are as follows:

(i) under the Stamp Act – 5% of EC\$6,048,450.00	EC\$302,422.50
(ii) under the Aliens Land Holding Licence Regulation Act – 5% of EC\$6,048,450.00	EC\$302,422.50
TOTAL	<u>EC\$604,845.00</u>

b) the property must be used for residential purposes;

c) with the express condition that the land is to be used for residential purposes and that the Licencee must not rent their

dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources of their intention to rent the said property; and

- d) 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, 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 21/410

EX MEM 21/260 MAGISTRATE'S COURT OF PROCEDURE (AMENDMENT) ACT, 2021

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Attorney General briefed Council. Currently, section 57(2) of the Magistrate's Court of Procedure Act provides for preliminary inquiry witness evidence to be signed by the witness and the Magistrate in order form a valid deposition.

The proposed amendment to the Magistrate's Court of Procedure Act intends to address this lacuna, by allowing the Magistrate to take evidence in a preliminary inquiry via video link. The Magistrate shall read over the evidence to the witness appearing via live link and verify the evidence taken. The deposition is deemed valid once the Magistrate re-reads the evidence and signs the deposition. The proposed amendment removes the need for the witness to sign the deposition, when the evidence is given by video link.

Council:

- 1) approved the Bill for the Magistrate's Court Code of Procedure (Amendment) Act, 2021; and
- 2) instructed the Attorney General's Chambers to prepare the Bill for tabling at the next session of the House of Assembly.

Action: HON AG; SCC (Cr)
