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MINUTES OF THE 146th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 27th JULY 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 Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- ABSENT: The Honourable Minister for Sustainability, Innovation and
 Environment, Mrs Quincia Gumbs-Marie
- The Honourable Parliamentary Secretary, Mr Merrick Richardson
- Financial Specialist, Mr Stephen Turnbull

EX MIN 23/241

CONFIRMATION OF THE MINUTES

Parliamentary Secretary remained.

Council confirmed the Minutes of the 145th Meeting of Executive Council held on Thursday 20th July, 2023.

Noted that it was the last Executive Council Meeting for the Clerk to Executive Council, who shall move to a new position in the Anguilla Public Service. Executive Council Members expressed their gratitude for the stellar service provided during her tenure as Clerk and wished her well in her new endeavours.

MATTERS ARISING FROM THE MINUTES

EX MIN 23/242

EX MEMO 23/194 THE ADOPTION OF A POSITION ON PUBLIC POLICY AND A NOTE ANNOUNCING THE RELEASE OF A STATEMENT REGARDING THE SUSPENSION OF EXCHANGES AND TAX INFORMATION SHARING BETWEEN RUSSIA AND BELARUS

The Hon Premier briefed Council. On February 24, 2022, Russia began a full-scale invasion of Ukraine, following a long-standing conflict.

The United Kingdom announced on March 17, 2023, that it will suspend the exchange and sharing of tax information with Russia and Belarus, the United Kingdom will not supply the regime with information that could lead to an increased tax benefit or yield for Russia. This is one of several steps being used within the UK tax system to support Ukraine. In line with this, the UK government has requested that Overseas Territories support Ukraine in the same manner.

Anguilla has exchange relationships with Russia through a multilateral agreement, there are approximately 120 jurisdictions that are parties to the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information. In order to comply with the UK Government's request to support Ukraine in the same manner, Section 5b of the Tax Information Exchange (International Cooperation) Act, stipulates the criteria for declining a request based on public policy. It states that "The Permanent Secretary may decline a request for information where disclosure of

the information would be contrary to public policy or national security.”

Council:

- 1) approved the adoption of a public policy position to suspend exchanges and tax information sharing between Anguilla and Russia and Anguilla and Belarus;
- 2) instructed the MOF to publish the draft public policy statement from the Hon Premier to confirm the suspension of all exchanges with Russia and Belarus; and
- 3) noted that the Ministry of Finance – International Tax Cooperation Unit will now suspend all exchanges with Russia and Belarus as per Section 5b of the Tax Information Exchange Act, 2016 and the approved policy decision.

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

EX MIN 23/243

EX MEMO 23/195 ACQUISITION OF LANDS BY GOVERNMENT FOR ROAD IMPROVEMENTS FOR QEA

The Hon Minister for Home Affairs briefed Council. This paper is presented in order to consider and resolve outstanding road acquisition matters. In 1993 Mr. Cecil Niles of CAN Engineering Ltd wrote to the Permanent Secretary concerning the re-establishment of boundaries which were destroyed during the construction of the Stoney Ground Main Road through to the Webster Park junction.

Mr. Niles indicated that the survey showed the private lands affected during the construction of the road (namely Parcels 66, 82 - 84, 111, 114 & 115 on Block 58915 B in Registration Section North). This road was developed to create and widen the existing road.

The Department of Lands and Surveys completed boundary surveys to determine the lands affected by the road improvement, which are as delineated on Survey Plan LS 04-14. The valuation team on September 17, 2014 assessed the market value of the land taken for the road construction project.

Council agreed as follows:

- 1) the following compensation payments are to be made to owners affected by the construction of the Stoney Ground Road:
 - a) David Lake, proprietor of land at Stoney Ground, Registration Section North, Block 58915B, Parcel 83 to be paid in the amount of US\$3,750.00 for the acquisition of 0.03 acre as delineated on survey plan LS 04-14;
 - b) Enid Thompson, proprietor of land at Stoney Ground, Registration Section North, Block 58915B Parcel 82 to be paid in the amount of US\$7,500.00 for the acquisition of 0.06 acre as delineated on survey plan LS 04-14;
 - c) Joseph Rogers, proprietor of land at Stoney Ground, Registration Section, North, Block 58915B Parcel 111 to be paid in the amount of US\$943.06 for the acquisition of 0.01 acre as delineated on survey plan LS 04-14;
 - d) Judith Rogers, proprietor of land at Stoney Ground, Registration Section, North, Block 58915B Parcel 114 to be paid in the amount of US\$2,082.95 for the acquisition of 0.02 acre as delineated on survey plan LS 04-14;
 - e) Tramaine Lake, proprietor of land at Stoney Ground, Registration Section, North, Block 58915B Parcel 115 to be paid in the amount of US\$2,409.84 for the acquisition of 0.02 acre as delineated on survey plan LS 04-14 (See Appendix 1);
- 2) that consultation should take place with the Ministry of Finance and confirmation should be provided that there is financial provision in the Budget for the payments to be made;

- 3) all payments are conditional upon the partitions and transfers being executed by the relevant parties and submitting same to the Department of Lands and Surveys for registration;
- 4) that the Ministry of Infrastructure continue to:
 - a) Communicate with Mr. Kenth Rogers regarding the acquisition of lands. There shall be a cap of US\$4,000.00 to US\$4,500.00 at the upper end for the acquisition cost/compensation value; and
 - b) Locate the next of kin for Mr. Sydney Gumbs regarding formalising the acquisition of land for the Public Road.
- 5) the Ministry of Infrastructure shall review and confirm the portion of the land affected for Parcel 66 and the value; and
- 6) that the Ministry of Infrastructure shall publish a schedule of affected landowners and prepare Gazette notices for the declaration of the property as a Public Road under the Roads Act.

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

EX MIN 23/244

EX MEMO 23/196 UPDATE NO. 2 – APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – FILIPPO MAZZEI – REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38611 B, PARCEL 270 CONTAINING 0.55 OF AN ACRE

Council agreed to issue an Aliens Land Holding Licence to Filippo Mazzei to hold on a freehold basis, property situated in Registration Section South Central, Block 38611 B, described as Parcel 270 being 0.55 of an acre located at South Hill, 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\$1,424,746.00 | EC\$ 71,237.30 |
|-----|---|----------------|

- (ii) under the Aliens Land Holding Regulation Act – 5% of EC\$1,424,746.00 EC\$ 71,237.30

TOTAL **EC\$142,474.60**

- (b) the property must be used for residential purposes;
- (c) the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development; 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 Control of Employment 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 23/245

EX MEMO 23/197 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – JEAN-PIERRE PISONI – REGISTRATION SECTION WEST END, BLOCK 18011 B, PARCEL 218 BEING 1.26 ACRES

Council agreed to issue an Aliens Land Holding Licence to Jean Pierre Pisoni to hold on a freehold basis, vacant property situated in Registration Section West End, Block 18011 B, described as Parcel 218 being 1.26 acres located at Long Bay, Anguilla to construct a Villa for tourism purposes, subject to the following:

(a) Payment of the following Stamp Duties:

- (i) under the Stamp Act – 5% of EC\$1,747,330.00 EC\$ 87,366.50

(ii)	under the Aliens Land Holding Regulation Act – 6.25% of EC\$1,747,330.00	EC\$ 109,208.13
(iii)	refundable deposit – 10% of EC\$1,747,330.00	<u>Waived</u>
	TOTAL	<u>EC\$196,574.63</u>

(b) the property must be used for tourism purposes;

(c) the express condition in the Licence that the development shall be completed within forty-eight (48) months, failing which a penalty of US\$3,500.00 shall apply for each calendar month or part thereof that the project remains uncompleted without reasonable justification for the delay in completion. The said penalty shall continue for a period of 12 months. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla;

(d) the Applicant Company shall be exempted from Government's Policy restricting Aliens to the purchase of no more than half an acre on the grounds that the purchaser is intending to develop a tourism product that may yield financial revenue for the Government through rentals; 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 23/246

EX MEMO 23/198 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – PAUL RAY HARBIN AND DONNA MICHELLE HARBIN – REGISTRATION SECTION EAST END, BLOCK 99419 B, PARCEL 116 BEING 0.50 OF AN ACRE

Council agreed to issue an Aliens Land Holding Licence to Paul Ray Harbin and Donna Michelle Harbin to hold on a freehold basis, property situate in Registration Section East End, Block 99419 B, described as Parcel 116 being 0.50 of an acre located at Captains Ridge, Island Harbour, 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\$2,180,244.45	EC\$109,012.22
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$2,180,244.45	<u>EC\$109,012.22</u>
	TOTAL	<u>EC\$218,024.44</u>

(b) the property must be used for residential purposes;

(c) the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development; 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 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 23/247

EX MEMO 23/199 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – CLOUD COTTAGE LLC – REGISTRATION SECTION ROAD, BLOCK 08513 B, PARCEL 531 BEING 0.48 OF AN ACRE

Council agreed to issue an Aliens Land Holding Licence to Cloud Cottage LLC to hold on a freehold basis, property situate in Registration Section Road, Block 08513 B, described as Parcel 531 being 0.48 of an acre land located at North Hill, Anguilla with a dwelling house for residential purposes, subject to the following:

(a) Payment of the following Stamp Duties

(i)	under the Stamp Act – 5% of EC\$2,903,256.00	EC\$145,162.80
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$2,903,256.00	<u>EC\$145,162.80</u>
	TOTAL	<u>EC\$290,325.60</u>

(b) the property must be used for residential purposes;

(c) the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development; 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 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 23/248

EX MEMO 23/200 ANGUILLA POPULATION AND HOUSING CENSUS, 2022 (AP&H CENSUS 2022) – REDEPLOYMENT OF CIVIL SERVANTS

The Hon Deputy Governor briefed Council. This matter was considered in Ex Min 23/230 and 23/236. The concerns raised by the Department of Statistics noted that attrition and low performance of enumerators continue to be the main challenges facing the enumeration. Additionally, it is unclear whether the services outlined in the Terms of Reference have ever been provided in this way in the region previously. As such, there is a risk that the expenditure incurred in engaging external assistance may not yield the desired outcome.

Under the circumstances, Executive Council is being asked to reconsider the procurement of external consultants in favour of using existing resources within the Anguilla Public Service.

Council:

- 1) noted the benefits of the recommendation and also the financial implications of proceeding with an external consultancy. Incurring expenditure of EC\$700k to proceed with an external consultancy may not be the best use of resources;
- 2) noted the indication that the Permanent Secretaries and Department Heads are committed to making the process work;
- 3) noted the concerns raised by Members of Executive Council, as follows:
 - a) the list of persons identified and the details of the potential impact of the proposed secondment on the APS have not been made clear;
 - b) giving a large degree of flexibility to Permanent Secretaries to determine the identity of and manage the persons to be seconded is unacceptable. At this stage it was anticipated that the persons and Departments affected would have been identified so that work could commence immediately;

- c) noted that resourcing is very important as it would be concerning and unacceptable for Departments to provide human resources for the AP&H Census 2022 at the expense of delivering their primary objectives and mandates; and
 - d) that progress may not be fast enough and the pressing issues may not be resolved;
- 4) the advice from the Attorney General's Chambers, as per Ex Min 23/236, point 5 is awaited; and
- 5) agreed to Option B, the full-time assignment of 30 public officers for the completion of the AP&H Census 2022. At the end of August, 2023 a review of performance as against milestones will be undertaken and accordingly, the milestones shall be presented for consideration at Council on August 3, 2023. Option A should remain as a contingency plan.

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

Action: PS, EDMSIE; CHF, STAT; HON, MIN SIE; PERM, SECS;
HON, DG

EX MIN 23/249

EXECUTIVE COUNCIL MEETING

There will be no Executive Council meeting on August 10, 2023.

Action: CLK, EXCO; PERM SECS
