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**MINUTES OF THE 163<sup>rd</sup> MEETING OF THE TWELFTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 30<sup>th</sup> NOVEMBER 2023 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 and Acting Minister Sustainability, Innovation and Environment, Mr Haydn Hughes

Acting Attorney General, Ms. Dawne Richardson

Acting Clerk to Executive Council, Ms Jennyville Smith

IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson

The Head of the Governor's Office, Mr Orlando Ames-Lewis

ABSENT: Minister Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie

The Honourable Attorney General, Mr Dwight Horsford

**EX MIN 23/351**

**CONFIRMATION OF THE MINUTES**

The Honourable Parliamentary Secretary and Head of the Governor's Office remained.

Council confirmed the Minutes of the 162<sup>nd</sup> Meeting of Executive Council held on Thursday 23<sup>rd</sup> November 2023.

### **MATTERS ARISING FROM THE MINUTES**

**EX MIN 23/352**

**EX MEMO 23/282 Amendment to Public Service Concession Contract between the Government of Anguilla and The Consortium**

Parliamentary Secretary and Head of the Governor's Office remained.

The Honourable Minister for Finance, Health, Economic Development, Investment and Commerce briefed Council. In 2018 the Government of Anguilla entered into a Public Service Concession Contract with Anguilla Agency Consortium Ltd ("the Consortium") the two shareholders of which are Latitude Consultancy Limited, Arton Group GmbH. The contract is scheduled to end in June 2029. The contract provided, in short, that the Consortium would bear the financial and operational responsibility of establishing the Select Anguilla Agency and that in exchange the Government would pay the Consortium 20% of fees (including stamp duty on land transfers) collected from persons applying for the residence by investment and tax residency programmes.

An amendment to the said Contract is proposed to ensure greater certainty regarding the circumstances under which the payments to the Consortium are due and payable. The amendment also enables the Government of Anguilla to appropriately budget for the payments to the Consortium.

Council approved the amendments to the Public Service Concession Contract between the Government of Anguilla and the Anguilla Agency Consortium Ltd.

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

Action: PS, EDMSIE; HON, PREMIER

**EX MEMO 23/283 UK Strategy for the Overseas Territories Joint Declaration Statement**

Parliamentary Secretary and Head of the Governor's Office remained.

The Honourable Premier briefed Council. During the Joint Ministerial Council meeting held in London, UK in May 2023, the Minister responsible for the Overseas Territories at that time, Minister Lord Goldsmith directed the Foreign, Commonwealth and Development Office to lead on a new cross-government strategy for the Overseas Territories working in close partnership with the Overseas Territories.

At the Joint Ministerial Council meeting held in London, UK on November 14-15, 2023, the Joint Declaration was reviewed, deliberated on and agreed upon by all the Overseas Territories represented. It was also agreed that the Joint Declaration would be formally agreed by Cabinets and Executive Councils of the Overseas Territories. This Joint Declaration would be signed by all the Overseas Territories and the UK, following which a formal approved version would be circulated.

The key components of the Joint Declaration: A Modern Partnership For A Stronger British Family are as follows:

- (i) Stronger Global Family
- (ii) Empowering Territory Governments
- (iii) Mutual Expectations and Responsibilities
- (iv) Sustainable Development
- (v) Excellence in Public Service
- (vi) Implementation and Oversight.

Council:

1. Noted the Joint Declaration of Governments of the United Kingdom and British Overseas Territories: A Modern Partnership for a Stronger British Family.
2. Approved the signing of the Joint Declaration by the Premier.

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

Action: PS, FIN; HON, PREMIER

**EX MIN 23/354**

**EX MEMO 23/284 Appeal of Land Development Control Committee (LDCC) Decision by Randolph Mercurius re Refusal of Permission to Construct a Chicken Farm at North Side, Block 58816B, Parcel 588**

Parliamentary Secretary and Head of the Governor's Office remained.

PS, Home Affairs, Dr Aidan Harrigan  
Acting Principal Planning Officer, Mrs Sharon Roberts-Hodge  
Director of Lands & Surveys, Mr Leslie Hodge  
Senior GIS Officer, Ms. Silvia Erni  
Appellant, Mr Randolph Mercurius  
Appellant Agent, Mr. Clint Lake

In considering the appeal, Council considered and noted:

- 1) the Application Appeals Checklist;
- 2) the Memorandum from the Secretary of the LDCC to the PS, Lands dated 19<sup>th</sup> July 2023.
- 3) Mr Mercurius' letter of appeal, addressed to the Executive Council via the PS of Lands dated 5<sup>th</sup> March 2023; and

H.E. the Governor welcomed Mr Randolph Mercurius and his agent to Council and invited him 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. That the establishment of his chicken farm was merely a response to the Ministry of Sustainability, Innovation & the Environment's drive and promotion of backyard chicken farms;
2. He has since discontinued his operations of the backyard farms; and
3. That he would be willing to relocate and develop the farm should the Government have any property available for lease.

The Governor thanked Mr. Mercurius, his agent, the PS Home Affairs, the Director of Lands & Surveys, the Acting Principal Planning Officer and the Senior GIS Officer for attending. Following their departure Council carefully considered all the relevant

documents and information presented, having heard all the representations, and recognising the Government's policy. No final decision was taken.

Action: PS, HA; DLS; HON, AG; Acting PPO; SGO; HON, MIN HA

**EX MIN 23/355**

**EX MEMO 23/285 Approval of and content of the Commencement Notice for the Vehicles and Road Traffic (Amendment) Act, 2012 and Vehicles and Road Traffic (Amendment) Regulations, 2023**

Parliamentary Secretary and Head of the Governor's Office remained.

EX MIN 23/167 refers to the approval of the Vehicles and Road Traffic (Amendment) Regulations, 2023 and Commencement Notice bringing Sections 2(A), 3 and 6 of The Vehicle and Road Traffic (Amendment) Act 2012 into force.

Council

1. approved the content of the draft Commencement Notice to bring into force the enabling provisions for the Vehicles and Road Traffic (Amendment) Act, 2012.
2. instructed the Attorney General's Chambers to finalize the Commencement Notice, for execution, and the enactment of same, by notice to be published in the Gazette.
3. instructed the Attorney General's Chamber to finalise for execution the Regulations for the Vehicles and Road Traffic (Amendment) Regulations, 2023, to come into effect on 1<sup>st</sup> January 2024.

Action: PS, MICUHT; HON, AG; HON, MICUHT

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