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MINUTES OF THE 160TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 22ND 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 and 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 Sports and Education, Library Services, Sports, Youth and Culture

The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr James Wood QC

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Professor Delroy Loudon, President, Anguilla Community College
Mrs Dawn Reid, Education Services Planner/Acting PS, ELSYC
Mr Larry Franklin, PS, MICUH
Mr Perin Bradley, TIO
Dr Bonnie Richardson-Lake, PS, HSD

EX MIN 13/544 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of the 159th Meeting held on Thursday 15th August 2013 and of a Special Meeting held on Monday 12th August 2013.

MATTERS ARISING FROM THE MINUTES

EX MIN 13/546 **EX MIN 13/535 EX MEM 13/246 REVISION OF ALLOWANCES FOR LITERACY, NUMERACY AND SEN CO-ORDINATORS**

Further to EX MIN 13/535 of 15th August 2013, Council confirmed, following the advice from the AG's Chambers that the new rate of EC\$250.00 per month for Literary Co-ordinators at small schools would be made retroactive effective 1st January 2011.

Action: PS, ELSYC; AG; PS, FIN; PS, EDICT; ACC GEN

EX MIN 13/547

EX MIN 13/537 EX MEM 13/248 MINISTRY OF SOCIAL DEVELOPMENT'S GIFTS AND CONTRIBUTIONS POLICY

With reference to EX MIN 13/537 of 15th August 2013, Council agreed that the last paragraph should be amended to read:-

Council noted that the responsibility for accepting gifts lay with the Hon Minister of Finance. Council agreed that the Hon Minister of Finance could delegate responsibility to all Permanent Secretaries.

Action: PS, ELSYC

EX MIN 13/549

EX MEM 13/237 BLOWING POINT MEGA YACHT MARINA MOU REASSIGNMENT

Mr Perin Bradley, TIO joined the Meeting.

Council agreed that this matter would be deferred.

Action: PS, EDICT; TIO

EX MIN 13/550

EX MEM 13/253 APPOINTMENT OF EXTERNAL AUDITOR AND CHIEF AUDITOR

Council agreed to the appointment of the External Auditor and Chief Auditor from the Wales Audit Office.

Action: PS, FIN; PS, EDICT; PAS, FIN; ACC GEN; AG

EX MIN 13/551

EX MEM 13/254 AMENDED FOOD HYGIENE REGULATION

Dr Bonnie Richardson-Lake, PS, HSD joined the Meeting.

Council approved the amended Food Hygiene Regulation.

Action: PS, HSD; AG

EX MIN 13/552

EX MEM 13/257 ANGUILLA'S ACTION PLAN TO PREVENT THE MISUSE OF COMPANIES AND LEGAL ARRANGEMENTS

TIO remained for discussion.

Council agreed that, as a demonstration of its commitment to meet all relevant international standards, the GoA would take the following actions:-

- 1) conduct, and share the findings of, a national assessment of money laundering and terrorist financing risks by 2014, coordinating action by the public and private sector to assess risks, apply resources and mitigate those risks;
- 2) public consultation on the issue of corporate transparency with a focus on

bearer shares and the ability of competent authorities to access information on beneficial ownership, including whether this information should be available in a central registry and whether this information should be publically available;

- 3) co-operate fully with an assessment by the OECD Global Forum on Transparency and Exchange of Information for tax purposes of Anguilla's compliance with all relevant international standards and would make any changes necessary, based on the recommendations of the OECD Global Forum on Tax and Transparency;
- 4) take the necessary actions to fill any gaps in satisfying the requirements of the revised FATF recommendations 24 (legal persons) and 25 (legal arrangements);
- 5) further strengthen the current supervisory and inspection regime to ensure that beneficial ownership information was being maintained and properly tested in a manner that would assure timely availability to competent authorities; this would be on an ongoing basis;
- 6) ensure that companies and trustees obtain and hold adequate, current and accurate information on their beneficial ownership and that the relevant competent authorities would have access to information on said entities to ensure effective mechanisms to share this information with other jurisdictions, in line with bilateral agreements;
- 7) financial institutions and designated non-financial businesses and professions, including trust and company service providers, should be subject to effective money laundering and counter terrorist financing obligations to identify and verify the beneficial ownership of their customers. Anguilla would ensure effective supervision of these obligations;
- 8) join the pilot of multilateral automatic exchange of tax information announced recently by a number of EU Member States;
- 9) continue to negotiate and enter into international tax co-operation agreements or instruments under the entrustment of the United Kingdom, where appropriate, including: tax information exchange agreements; inter-governmental agreements to support the exchange of tax information; and
- 10) continue to actively engage with HMG to promote regulation that would promote fair competition and growth, and would ensure the stability of the financial system, and protect the public without unnecessarily burdening businesses.

Council agreed that there would be a further update on progress against the action plan in three months, during November.

Action: PS, FIN; PS, EDICT; ACC GEN

EX MIN 13/553

**EX MEM 13/258 APPLICATION FOR LEASE OF CROWN LAND –
ANGUILLA ELECTRICITY COMPANY LTD. (ANGLEC) – PART OF
PROPERTY DESCRIBED AS REGISTRATION SECTION SOUTH
CENTRAL, BLOCK 38812 B, PARCEL 131, SAID PART CONTAINING 5
ACRES**

Council agreed, subject to full planning permission being granted to the Anguilla Electricity Company Ltd. (ANGLEC), that a lease would be granted to ANGLEC on the following terms and conditions:-

- (i) the description of the property being leased would be described as five (5) acres of land being part of property described as Registration Section South Central, Block 38812 B, Parcel 131 as outlined in Proposed Subdivision Plan Ref LS21-10;
- (ii) the use of the premises would be for a Solar Energy Farm at Corito and specifically to advance its 1MW solar project to allow renewable energy sources in its electricity generating capacity by erecting solar panels, switching modules and inverter modules;
- (iii) the term of the lease would be for ninety-nine (99) years commencing 1st July 2013;
- (iv) an option to renew for ninety-nine (99) years;
- (v) stamp duty payable in the sum of EC\$33,266.48 calculated on an open market value of US\$250,000.00/EC\$672,050.000; and
- (vi) rent payable for the first five (5) years in the sum of US\$5,000.00/ EC\$13,441.00 annually and thereafter increasing by five percent (5%) annually for the next five (5) years with rent review every five (5) years (upward only).

Action: PS, MHA/LANDS; DLS; PS, FIN; PS, EDICT; ACC GEN

EX MIN 13/554

**EX MEM 13/259 APPLICATION FOR ISSUE OF LICENCE UNDER THE
ALIENS LAND HOLDING REGULATIONS ACT – GRANDS VIN DE
FRANCE LIMITED (REGISTRATION SECTION: WEST CENTRAL;
BLOCK: 28312 B; PARCEL 137, CONTAINING 0.49 ACRE)**

Council agreed to issue an Aliens Land Holding Licence to Grands Vin De France Limited to hold property described as Registration Section West Central, Block 28312 B, Parcel 137 containing 0.49 acre of vacant land, on a freehold basis located at Lower South Hill to construct and operate a Wine Shop, subject to the payment of the following fees:-

- i) stamp duty on licence @ 12.5% of
EC\$309,143.00 = EC\$38,642.8

ii)	stamp duty on transfer @ 5% of EC\$309,143.00	=	EC\$15,457.15
iii)	refundable deposit of 10% of EC\$309,143.00	=	EC\$30,914.30
	TOTAL	=	EC\$85,014.32

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 13/555

EX MEM 13/260 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT FOR LEASE – DELTA PETROLEUM (ANGUILLA) LTD. (REGISTRATION SECTION: SOUTH CENTRAL; BLOCK: 38812 B; PARCEL 87, CONTAINING 3.11 ACRES)

Council agreed to issue an Aliens Land Holding Licence to Delta Petroleum (Anguilla) Ltd., to hold 3.11 acres of land described as Parcel 87 situate in Registration Section South Central, Block 38812 B, on a leasehold basis for a period of ten (10) years commencing 1st July 2013, subject to the payment of the following fees:-

i)	stamp duty on licence @ 5% of EC\$1,500,000.00	=	EC\$75,000.00
ii)	stamp duty on lease @ 0.05% of EC\$1,500,000.00 for 10 years	=	EC\$ 7,500.00
	TOTAL	=	EC\$82,500.00

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 13/556

EX MEM 13/261 APPLICATION FOR RENEWING LEASE - DELTA PETROLEUM (ANGUILLA) LTD. OVER CROWN PROPERTY DESCRIBED AS REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38812 B, PARCEL 87, CONTAINING 3.11 ACRES OF LAND

Council agreed that, subject to receiving the lease payment for the six-month gap between July to December 2011, that a new lease should be granted between the GoA and Delta Petroleum (Anguilla) Ltd. under the following terms:-

- (i) the description of the property would be Registration Section South Central, Block 38812 B, Parcel 87, containing 3.11 acres;
- (ii) the use by Delta Petroleum (Anguilla) Ltd. as was contained in the previous Lease which was for a bulk storage facility for petroleum products including unleaded and propane gas;
- (iii) the term would be for ten (10) years, commencing on the 1st July 2013;
- (iv) an option to renew;

- (v) stamp duty payable in the sum of EC\$7,500.00 calculated on an open market value of US\$557,994.20/EC\$1,500,000.00;
- (vi) rent payable for the first year shall be the sum of US\$5,579.94/ EC\$15,000.00 thereafter increasing by five percent (5%) annually for the next four (4) years with rent review for the remaining five (5) years (upward only); and
- (vii) subject to the grant of an Aliens Land Holding Licence pursuant to the Aliens Land Holding Licence Regulations Act.

Action: PS, MHA/LANDS; DLS; PS, FIN; PS, EDICT; ACC GEN

EX MIN 13/557

EX MEM 13/262 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – RONDA ANN HISTAND REGISTRATION SECTION ROAD; BLOCK 08413 B; PARCEL 96 CONTAINING 0.36 ACRE, 51% SHARE

Council agreed to issue an Aliens Land Holding Licence to Ronda Ann Histand to hold the remaining 51% share in 0.36 acre of land, described as Registration Section Road, Block 08413 B, Parcel 96, on a freehold basis with a dwelling house thereon at a valuation of US\$207,985.00/EC\$559,105.28 for private residential purposes, subject to:-

- a) the applicant Ronda Ann Histand registering the transfer form in her favour for the 49% share in the property described as Registration Section Road, Block 08413 B, Parcel 96; and
- b) the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$559,105.28	EC\$ 27,955.26
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$559,105.28	EC\$ 69,888.16
TOTAL		EC\$97,843.42

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 13/558

EX MEM 13/263 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – WILLIAM ERNEST CULBERTSON & ANGELA MARIA CULBERTSON (REGISTRATION SECTION: CAULS POND; BLOCK: 69014 B; PARCEL 265 CONTAINING 1.02 ACRE)

Council agreed to issue an Aliens Land Holding Licence to William Ernest Culbertson & Angela Maria Culbertson to hold jointly 1.02 acres of vacant land,

on a freehold basis located at Cauls Pond for agricultural purposes, subject to the payment of the following stamp duties:-

(i)	under the Stamp Act – 5% of EC\$215,056.00	EC\$26,882.00
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$215,056.00	EC\$10,752.80
(iii)	refundable deposit of 10% of EC\$215,056.00	EC\$21,505.60
	TOTAL	EC\$59,140.40

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 13/559

**EX MEM 13/264 BILLS FOR PROCEEDS OF CRIME (AMENDMENT)
ACT AND FINANCIAL SERVICES COMMISSION (AMENDMENT) ACT**

Council approved the Bills for the Proceeds of Crime (Amendment) Act, 2013 and the Financial Services Commission (Amendment) Act, 2013 for immediate publication in the Gazette, first reading in the House of Assembly in its next session, and second and third readings as soon as possible thereafter.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: AG; CL, HOA

EX MIN 13/560

**EX MEM 13/265 EXTENSION TO CARIBBEAN CABLE
COMMUNICATIONS (CCC) AGREEMENT AND THE STATE
OF AFFAIRS IN THE BROADCASTING INDUSTRY IN GENERAL**

Council:-

- (i) noted the update on recent developments with Caribbean Cable Communication (CCC);
- (ii) agreed to a six (6) month extension to CCC's current Licence Agreement; and
- (iii) agreed that Executive Council would be updated in three months on the progress of the development of new legislative and regulatory framework for broadcasting/cable sector in Anguilla.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, MICUH; DIR, PU; AG

EX MIN 13/561

EX MEM 13/266 PROPERTY ON BLOWING POINT PORT, SECTION WEST CENTRAL, BLOCK 28409B, PARCEL 39 TO ALLOW TENANTS TO REMAIN UNTIL GOVERNMENT/AASPA READY TO DEVELOP PORT

Council agreed that:-

- (i) the tenants should be allowed to remain in the building on a month to month tenancy when the GoA assumes control of the building; and
- (ii) the details of the agreement between the tenants and the GoA should be drafted by the Attorney General's Chambers on the same terms and conditions as exist with the current vendor.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, EDICT; AG; PS, MHA/LANDS; DLS

ORAL MENTION

EX MIN 13/562

ANGUILLA COMMUNITY COLLEGE (ACC): UPDATE BY PROFESSOR DELROY LOUDEN

Professor Delroy Louden, President, ACC and Mrs Dawn Reid, Education Services Planner/Acting PS, ELSYC joined the Meeting.

Professor Louden updated Council on the activities at the ACC and the programmes and scholarships which are being offered.

Council was impressed with the activities at the College and commended Professor Louden and his team for doing an excellent job given the limited resources available at the ACC.

Council pledged its support to the ACC.

Action: PS, ELSYC

EX MIN 13/563

PROGRESS IN IMPLEMENTING FIRE AND RESCUE SERVICE WELFARE ASSOCIATION REGULATIONS

With reference to EX MIN 13/501 of 25th July 2013, Council noted the update on progress in implementing the Fire and Rescue Service Welfare Association Regulations 2013.

Action: PS, MICUH

EX MIN 13/564

TERMS OF REFERENCE FOR A CONSULTANCY – STRUCTURAL INTEGRITY OF THE ROAD BAY JETTY

Mr Larry Franklin, PS, MICUH joined the Meeting.

Further to EX MIN 13/522 of 1st August 2013, Council:-

- (i) agreed the terms of reference for a consultancy to undertake a structural assessment of the Road Bay jetty; and
- (ii) agreed that an update on progress with the consultancy would be brought to Executive Council by 24th October 2013.

Action: PS, MICUH

EX MIN 13/565

MEETING OF EXECUTIVE COUNCIL

Council agreed that there should be a Special Meeting of Executive Council on Tuesday 27th August at 2pm to consider:-

- a) Fountain Beach Residences Ltd. aka Zemi Beach
- b) Harrigan’s Town Plaza Hotel

Action: PS, EDICT; TIO; PS, MHA/LANDS; PS, FIN; DLS
