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MINUTES OF THE 37TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 11TH FEBRUARY 2016

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism, Lands & Physical Planning
- The Honourable Deputy Governor, Mr Stanley Reid
- The Honourable Evans Rogers, Minister of Health and Social Development
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture and Fisheries and Information Technology
- The Honourable Attorney General, Mr Rupert Jones
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Hon Cardigan Connor, Parliamentary Secretary
Mr Foster Rogers, PS, EDICTLP
Mr Leslie Hodge, DLS
Ms Marisa Harding-Hodge, TIO
- ABSENT: The Honourable Cora Richardson-Hodge, Minister of Home Affairs, Immigration,
Labour, Environment, Human Rights, Gender Affairs, Constitutional Affairs and
Information and Broadcasting

EX MIN 16/82 **CONFIRMATION OF THE MINUTES**

Hon Cardigan Connor, Parliamentary Secretary joined the Meeting.

Council confirmed the Minutes of the 36th Meeting held on Thursday 4th February 2016 and the Minutes of a Special Meeting held on Tuesday 9th February 2016.

MATTERS ARISING FROM THE MINUTES

EX MIN 16/84

EX MEM 16/23 REVISED PRIORITY TRAINING AREAS – 2016

Parliamentary Secretary remained in attendance.

Further to EX MIN 16/48 of 28th January 2016, Council:-

- (i) agreed that the paper should be further deferred;

[note on publication: (ii) – (iv) redacted on publication to protect personal financial information];

Action: HON DG; PS, PA; PS, FIN; PS, EDICTLP; BD; TRNG OFF; ACC GEN

EX MIN 16/85

EX MEM 16/47 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – FRANCESCO FACCHINI – REGISTRATION SECTION: WEST END; BLOCK: 17810 B; PARCEL 201/SL F203

Parliamentary Secretary remained in attendance. Messrs Foster Rogers, PS, EDICTLP, Leslie Hodge, DLS and Ms Marisa Harding-Hodge, TIO joined the Meeting.

Council agreed that an Aliens Land Holding Licence should be issued to Francesco Facchini to hold on a freehold basis a luxury condominium unit of approximately 494 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd. a Condominium development at Viceroy, Anguilla described as Registration Section West End, Block 17810 B, Parcel 201/SL F203, subject to the payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$1,197,593.10	EC\$59,879.66
(ii)	under the Aliens Land Holding Regulation Act – 12.5% of EC\$1,197,593.10	Exempted
	TOTAL	EC\$59,879.66

Council further agreed that Regulations should be issued for the exemption.

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

Action: PS, EDICTLP; PS, FIN; DLS

EX MIN 16/86

EX MEM 16/48 THIRD AMENDMENT TO THE MOU BETWEEN THE GOVERNMENT OF ANGUILLA AND SOF-VII-HOTEL II ANGUILLA HOLDINGS LLC

Parliamentary Secretary remained in attendance. PS, EDICTLP, DLS and TIO remained for discussion.

Council approved the recommendations from the TIC in relation to the third amendment to the MoU between the Government of Anguilla and SOF-VII-HOTEL II ANGUILLA HOLDINGS LLC as set out in the attached Corporate Report.

Action: PS, EDICTLP; DLS; TIO; PS, FIN

EX MIN 16/87

EX MEM 16/49 DRAFT MOU BETWEEN THE GOVERNMENT OF ANGUILLA AND BANYAN LLC

Parliamentary Secretary remained in attendance. PS, EDICTLP, DLS and TIO remained for discussion.

Council considered the draft MoU between the Government of Anguilla and Banyan LLC and agreed that:-

- (i) no references to the lease should be included within the Memorandum of Understanding and that this position should be maintained;
- (ii) the concessionary rate applied to the Aliens Land Holding Licence fee should be in keeping with the concessions offered to similar projects, which is a rate of 4%;
- (iii) the waiver of customs duties should be restricted to developer owned inventory and should correspond to the period of construction as proposed in the developer's phase scheduling; and
- (iv) the developer should be advised that it is not feasible for the GoA to commit to the construction of any road access at this time.

Council further agreed that the Tourism Investment Committee (TIC) should:-

- (i) inform the leasehold owners FPL/PLO of the outstanding lease payments in the amount of EC\$342,000.00;
- (ii) inform the leasehold owners FPL/PLO that the granting of a new lease would be subject to the payment of outstanding lease rents at Inland Revenue Department; and
- (iii) consider the comments in the DLS report on the draft MoU and lease.

Action: PS, EDICTLP; DLS; TIO; PS, FIN

EX MIN 16/88

**EX MEM 16/50 REQUEST FOR EXTENSION OF TIME TO BUILD –
ALIENS LAND HOLDING LICENCE – GOBLINS RETREATS LLC
(REGISTRATION SECTION: WEST END; BLOCK 18011 B; PARCEL 88;
CONTAINING 1.63 ACRES**

Parliamentary Secretary remained in attendance. PS, EDICTLP and DLS remained for discussion.

The Hon Minister of Infrastructure declared an interest and absented himself from the Meeting.

Council:-

- (i) agreed to grant an extension of time of twenty-four (24) months (i.e. until 17th November 2017) to Goblins Retreats LLC, subject to the following conditions:-
 - a) Goblins Retreats LLC was required to begin and complete construction of the development within the said twenty-four (24) months from the date of execution of the Agreement;
 - b) Goblins Retreats LLC was not required to pay a refundable deposit in the sum of **EC\$129,033.60/US\$48,000.00** but was required to pay **EC\$15,000.00/US\$5,579.94** (non-refundable) for failure to complete the project in accordance with the stipulated conditions set out in the Aliens Land Holding Licence granted on November 15, 2012;
 - c) after said twenty-four (24) months, a penalty fee of EC\$3,500.00 for each calendar month or part thereof that the project remains uncompleted, shall be applied; and
 - d) on breach of any condition in the Licence and/or this Agreement to hold land and/or failure to complete project within stipulated timeframe, the estate and interest of the alien in the land held under the authority of the licence shall be liable to be forfeited to the Crown without further notice.

Action: PS, EDICTLP; DLS; TIO; PS, FIN

EX MIN 16/89

**EX MEM 16/51 NAME CHANGES IN THE PUBLIC HEALTH ACT AND
REGULATIONS**

Parliamentary Secretary remained in attendance.

Council:-

- (i) approved the proposed amendments to the Public Health Act and Regulations; and

- (ii) instructed the Attorney General's Chambers to draft the necessary amendments in collaboration with the Ministry of Social Development.

Action: PS, HSD; HON AG; HON MIN, HSD

EX MIN 16/90

EX MEM 16/52 APPLICATION FOR DUTY EXEMPTION FOR KROWN CONSTRUCTION SHARING

Parliamentary Secretary remained in attendance.

Council agreed that the paper should be deferred so that more detailed information could be sought.

Action: PS, FIN; PAS, FIN; FO

EX MIN 16/91

EX MEM 16/53 FILLING OF POST OF COMPTROLLER, INLAND REVENUE

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that the post of Comptroller, Inland Revenue would become vacant on 1st July 2016 and that it was prudent to begin the recruitment process early to ensure a smooth transition; and
- (ii) agreed that the post of Comptroller, Inland Revenue should be filled.

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

Action: CIR; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/92

EX MEM 16/54 FILLING OF VACANT POSITION – PERMANENT SECRETARY

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that the Permanent Secretary in the Ministry of Home Affairs was retiring from the Anguilla Public Service on 26th October 2016;
- (ii) noted that the PS, MHA would proceed on pre-retirement leave in mid-August 2016;
- (iii) further noted that the views of the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given; and
- (iv) agreed that the post of Permanent Secretary should be filled when it becomes vacant.

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

Action: PS, MHA; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/93

EX MEM 16/55 FILLING OF TWO VACANT POSITIONS OF INSPECTOR IN THE ROYAL ANGUILLA POLICE FORCE (RAPF)

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that one of the positions of Inspector had become vacant when the Detective Inspector in the Financial Investigation Unit resigned in 2015, and that the other position had been vacant for the past three (3) years;
- (ii) noted that the views of the Permanent Secretaries had been sought in relation to the filling of the posts and a favourable response given;
- (iii) additionally noted that the 2015 Budget made provision for the positions to be filled and therefore the filling of the positions should have no further implications for the 2016 Budget; and
- (iv) agreed that the two vacant posts of Inspector in the RAPF should be filled in accordance with the established procedures of the RAPF.

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

Action: COP; PS, PA; PS, FIN; PS, EDICTLP; BD; ACC GEN

EX MIN 16/94

EX MEM 16/56 PAYMENT OF DEFERRED SALARY – MRS X

[note on publication: name redacted to protect personal health information]

Parliamentary Secretary remained in attendance.

Council agreed that Mrs X, who is employed as a Teacher, should be paid her deferred salary of EC\$52,364.78 to assist her with costs associated with her medical condition.

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

Action: CEO; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 16/95

EX MEM 16/57 FILLING THE POST OF SENIOR ENVIRONMENTAL HEALTH OFFICER DUE TO RETIREMENT

Parliamentary Secretary remained in attendance.

Council:-

- (i) noted that a Senior Environmental Health Officer would be retiring from the Anguilla Public Service effective 12th March 2016;
- (ii) noted that the views of all the Permanent Secretaries had been sought in relation to the filling of the post and a favourable response given;
- (iii) additionally noted that budgetary allocations had been made for the post in the 2016 Budget; and
- (iv) agreed that the post of Senior Environmental Health Officer should be filled.

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

Action: PS, HSD; PS, PA; PS, FIN; PS, EDICTLP; ACC GEN

EX MIN 16/97

EX MEM 16/59 METRO GOLDWYN MAYER (MGM) TELEVISION PRODUCTIONS REQUEST FOR PERMISSION TO FILM ON ANGUILLA

Parliamentary Secretary remained in attendance. PS, EDICTLP and DLS remained for discussion.

Council:-

- (i) agreed that the matter relating to work permits should be deferred to determine what fees should be paid;
- (ii) agreed to a waiver on custom duty for equipment to be exported;
- (iii) agreed that the Marketing Levy should be paid;
- (iv) agreed that Accommodation Tax should be paid; and
- (v) agreed to a waiver of marine park fees.

Council:-

- (i) noted that a VAT waiver was not applicable;
- (ii) noted that the Stabilisation Levy was not applicable for members of the crew and cast because their salaries were not being paid in Anguilla;
- (iii) additionally noted that construction planning and building permit fees were not applicable, as these fees were not required for this development; and
- (iv) agreed that the waiver of Social Security should be decided by the Social Security Board.

Council agreed with the recommendation that:-

- (i) MICUH and the Anguilla Air and Sea Ports Authority will provide assistance with helicopter and drone filming; and
- (ii) subject to acquiring the relevant regulatory approvals, permission be granted for MGM Television/CJ Worldwide Couples Cove to perform drone over flight, subject to locations being identified and submitted to the Chief Surveyor and notification given to the Chief of Police, Anguilla Air & Sea Ports Authority and Airport Manager.

Council did not recommend:-

- (i) waiver of duty on expendables;
- (ii) waiver on duty free concessions on consumables (e.g. food);
- (iii) waiver on embarkation and port security taxes; and
- (iv) waiver of underwater construction fees to be paid to Department of Fisheries and Marine Resources.

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

Action: PS, EDICTLP; PS, FIN; PS, MICUHAFIT; DLS; MINS OF GOV'T

ORAL MENTION

EX MIN 16/98

GENERAL POLICING ISSUES AND OTHER MATTERS OF CONCERN

Parliamentary Secretary remained in attendance.

Council agreed that the Commissioner of Police should attend the Meeting of Executive Council on 3rd March 2016 to brief Members on general policing issues and other matters of concern.

Action: EXCO MEMBERS; COP

EX MIN 16/99

REPAIR OF ROAD BAY JETTY – APPROVAL AND GUARANTEE OF AASPA FINANCING

Council noted a letter dated February 10, 2016 to the Hon Mr Victor Banks (copied to PS, MICUH, PS, Finance, PS, EDICT, CEO, AASPA, Chairman, Road Bay Jetty Improvement Committee and the Finance Manager, AASPA) from the Chairman of the AASPA regarding the repair of the Road Bay Jetty.

Action: MINS OF GOV'T; PS, MICUHAFIT

EX MIN 16/100

OVERSEAS TRAVEL

The Hon Chief Minister/Finance informed Council that he would be off island from 21 February – 2 March 2016 to attend the Fourteenth Meeting of the EU/OCT in Brussels.

Action: EXCO MEMBERS
