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MINUTES OF THE 205TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 3RD OCTOBER 2019
AT 9:00 AM

PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE

The Honourable Premier and Minister of Finance, Economic Development,
Commerce, Tourism and Information Technology, Mr Victor Banks

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Minister of Health and Social Development, Lands and Physical
Planning, Mr Evans Rogers

The Honourable Minister of Home Affairs and Education, Mrs Cora Richardson-
Hodge

The Honourable Minister of Infrastructure, Communications, Utilities, Housing,
Agriculture, Fisheries and Environment, Mr Curtis Richardson

The Honourable Attorney General, Mr Dwight Horsford

Clerk to Executive Council, Mrs Jewelle Fleming, MBE

IN ATTENDANCE: Ministerial Assistant to the Hon Minister, MHA, Mrs Evalie Bradley
Financial Specialist, Mr Stephen Turnbull
PS, HLPP, (acting), Mrs Keisha Gumbs-Bibby
Chief Medical Officer, Dr Aisha Andrewin
Legislative Drafting Consultant to CARICOM, Mr Kurt De Freitas, QC
DLS, Mr Leslie Hodge

EX MIN 19/461 **CONFIRMATION OF THE MINUTES**

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council confirmed the Minutes of the 204th Meeting held on Friday 27 September 2019.

MATTERS ARISING FROM THE MINUTES

EX MIN 19/463 **PRIORITIZATION OF ANGUILLA PROGRAMME PROJECTS**

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Further to EX MIN 19/454 of 27 September, Council:

- (i) noted the Governor's letter to the Premier and ministers of 3 September setting out the financial position of the Anguilla Programme;
- (ii) agreed the prioritization of projects as set out in the Governor's letter recognizing that this meant some projects would need to be put on hold until such time as additional funding could be secured;
- (iii) agreed that as and when additional funding became available priority would be decided at that time in relation to the following deferred projects:

Education

- (i) Valley Primary School (VPS) – construction of the administration block
- (ii) Phases 2 and 3 of ALHCS redevelopment

Health

- (i) HAA information technology programme
- (ii) HAA solar energy programme

Council is to be kept informed of progress of projects and financing.

Action: PS, MHA/ED; PS, FIN; PS, EDICTIT; BD; APM; CPO; MINS OF GOV'T

EX MIN 19/464

EX MEM 19/187 CLAIM NO. AXAHCV2018/0046 – SOF 82 ANGUILLA HOLDINGS LLC v. THE EXECUTIVE COUNCIL (GOVERNMENT OF ANGUILLA)

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Further to EX MIN 19/458 of 27 September, Council confirmed that the date for the hearing between SOF 82 Anguilla Holdings LLC and the Executive Council should be Thursday 31 October.

Action: HON AG; H E; PS, EDICTIT; PS, HLPP; DLS; MINS OF GOV'T

EX MIN 19/465

ROAD ACQUISITIONS

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Following on from EX MIN 19/459 of 27 September, Council noted that the Hon Deputy Governor had written to the PS, MICUHAFE and that the Chief Engineer at the DICUHAFE had been assigned to deal with this matter.

Action: HON DG; PS, MICUHAFE; CHIEF ENG; PS, HLPP; DLS

EX MIN 19/467

BREXIT UPDATE

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council noted the Brexit update. H E The Governor assured Council that the UKG would continue to keep all matters under review in the interests of Anguilla and he would keep Council fully apprised of developments as they affect Anguilla.

Action: H E; EXCO MEMBERS

EX MIN 19/468

EX MEM 19/227 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT - SYLVAIN MICHEL MIROCHNIKOFF - REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL A302 CONTAINING 774 SQ. FT.

Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP (acting) and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Sylvain Michel Mirochnikoff. to hold on a freehold basis a luxury condominium unit of approximately 774 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd. a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL A302, subject to the following:

- (a) payment of the following stamp duties:
- | | | |
|------|---|------------------------------|
| (i) | under the Stamp Act – 5%
of EC\$1,832,462.61 | EC\$91,623.13 |
| (ii) | under the Aliens Land Holding
Regulation Act – 3%
of EC\$1,832,462.61 | <u>EC\$54,973.88</u> |
| | TOTAL | <u>EC\$146,597.01</u> |
- (b) Four Seasons Anguilla Ltd standard conditions apply; and
- (c) Regulations to be issued for exemption.

Action: PS, HLPP; DLS; HON AG; PS, FIN

EX MIN 19/469

EX MEM 19/228 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – TOMMY LLOYD CRUM AND TOMMIE LEE CRUM – REGISTRATION SECTION EAST END, BLOCK 99315 B, PARCEL 33 CONTAINING 1¾ ACRES

Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP (acting) and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Tommy Lloyd Crum and

Tommie Lee Crum to hold property situated in Registration Section East End, Block 99315 B, described as Parcel 33 located at Sea Feathers, Anguilla for residential purposes with a house thereon, subject to the following:

- (a) stamp duties payable are as follows:
- | | | |
|------|---|-----------------------------|
| (i) | under the Stamp Act – 5%
of EC\$537,640.00 | EC\$26,882.00 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5%
of EC\$537,640.00 | <u>EC\$26,882.00</u> |
| | TOTAL | <u>EC\$53,764.00</u> |
- (b) the applicants be granted exemption from Government’s Policy restricting aliens to purchase no more than half an acre of land on the grounds that Parcel 33 is already alienated land which is being sold as a whole is justifiable; and
- (c) with the expressed 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 Lands.

Action: PS, HLPP (acting); DLS; PS, FIN

EX MIN 19/470

EX MEM 19/229 REFUND ON ALIENS LAND HOLDING REGULATION ACT – LITTLE BAY LTD – REGISTRATION SECTION NORTH, BLOCK 58715 B, PARCEL 545 CONTAINING 0.71 OF AN ACRE

Ministerial Assistant to the Hon Minister, MHA, Financial Specialist, PS, HLPP (acting) and DLS remained.

Council supported the recommendation that Little Bay Ltd. be exceptionally allowed a waiver of an additional seven months (7 months) of a total of forty-three (43) months in which the company had twenty-seven (27) months to complete said development. Therefore, the company should be granted a refundable deposit in the amount of EC\$50,839.28 in accordance with their Aliens Land Holding Licence deposit.

Action: PS, HLPP (acting); DLS; PS, FIN

EX MIN 19/471

EX MEM 19/230 TOBACCO LEGISLATION PROGRESS UPDATE

Ministerial Assistant to the Hon Minister, MHA, Financial Specialist and PS, HLPP (acting) remained. The following persons joined:

Chief Medical Officer, Dr Aisha Andrewin
Legislative Drafting Consultant to CARICOM, Mr Kurt De Freitas, QC

Council:

- (i) reviewed the draft bill for the Control of Tobacco Act, 2019 and Control of Tobacco Regulations;

- (ii) acknowledged the importance of the legislation;
- (iii) agreed that additional work was necessary between the Attorney General's Chambers and the Legislative Drafting Consultant to CARICOM, Mr Kurt De Freitas, QC to clear up the concerns raised;
- (iv) agreed that public consultations should take place; and
- (v) advised the Hon Minister, HSD to review administrative issues to ensure that there is a cadre of trained officers to administer the work properly.

Council thanked the officials for the good work on this and looked forward to the final version of the bill being presented to Executive Council for further consideration.

Action: PS, HLPP (acting); CMO; HON AG; HON MIN, HSD

EX MIN 19/472

EX MEM 19/231 CONSIDERATION OF ANGUILLA'S MEMBERSHIP TO THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA (ICCAT)

Council agreed that the matter be deferred to the next meeting of Executive Council on Thursday 10 October.

Action: PS, MICUHAFE; HON MIN, MICUHAFE

EX MIN 19/474

EX MEM 19/233 OVERSIGHT AND REPORTING REQUIREMENTS OF STATUTORY BODIES

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council:

- (i) noted the issue of statutory bodies' non-compliance with legislative reporting requirements;
- (ii) recognized that steps are being undertaken to address the issue as per the requirements of the MTEFP although greater efforts are required to implement the full range of necessary reforms; and
- (iii) required ministers to work closely with permanent secretaries and the boards of relevant statutory bodies to ensure that reporting requirements are met and a report submitted to Executive Council by the next meeting with a timetable as to when the delinquent reports would be presented.

Action: HON DG; PS, PA; PS, FIN; OTHER PERM SECS; BD; CIR; ACC GEN;
MINS OF GOV'T

ORAL MENTION

EX MIN 19/475

INTESTATES ESTATES ACT, R.S.A. c130

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained.

Council noted a number of past individual cases in which Council was asked to consider and decide whether or not to grant a waiver of the Crown's interest in the estates or not to waive, and provide for dependents.

Council requested the Attorney General's Chambers to draft a guide on this matter.

Action: HON AG; PS, HLPP; DLS
