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**MINUTES OF THE 18<sup>TH</sup> MEETING OF THE TWELFTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 12<sup>th</sup> NOVEMBER 2020 AT 9.00AM**

- PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE
- The Honourable Premier and Minister for Finance 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 Minister for Economic Development, Commerce,  
Information Technology, Environment and Natural Resources,  
Mr Kyle Hodge
- The Honourable Attorney General, Mr Dwight Horsford
- Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: Hon Parliamentary Secretary for Economic Development,  
Mrs Quincia Gumbs-Marie  
Hon Special Ministerial Assistant to the Hon Minister for Social  
Development/Education, Mr Merrick Richardson  
Financial Specialist, Mr Stephen Turnbull

EX MIN 20/455

**CONFIRMATION OF THE MINUTES**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council confirmed the Minutes of the 17<sup>th</sup> Meeting of Executive Council held on Thursday 5<sup>th</sup> November 2020.

**MATTERS ARISING FROM THE MINUTES**

Council noted that:

- 1) the Comptroller of Inland Revenue continues to work on the report on the reform of the Interim Stabilization Levy and will provide financial information to the Hon Minister for Finance;
- 2) in relation to the appointment of a Supply Officer the Attorney General's Chambers has provided a clear direction, accordingly the Hon Deputy Governor will work to appoint a Supply Officer promptly. It is essential that Council is able to receive a report on the work of the Supply Officer;
- 3) the Statutory Bodies continue to submit quarterly reports and the work is progressing well, although some inconsistencies must be addressed. There is a standard template to be used for the preparation of 2021 quarterly financial reports and onwards;
- 4) a dedicated team of four persons are processing applications of returning residents made via the portal; and
- 5) as it relates to the arrival fees collected under the Quarantine Act which should be directly credited to the Consolidated Fund. Amendments to the Regulations may be required to facilitate hotels remitting the arrival fees to the Government of Anguilla on behalf of guests. The Hon AG will take this forward.

EX MIN 20/456

**EX MEM 20/219 REFUSAL TO GRANT WORK PERMITS**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council:

- 1) thanked the Ministry for the paper;
- 2) noted section 164 of the Labour (Relations) Act 2018 containing the principles governing work permits;
- 3) noted that in keeping with section 165(3) of the Labour (Relations) Act 2018, the Hon Minister of Home Affairs & Labour consulted with Executive Council before refusing to grant work permits; and
- 4) considered and endorsed the proposal by the Hon Minister that the following work permit applications be **refused**, on the basis that after investigation by the Labour Commissioner there are suitably qualified Anguillians to fill the positions: -
  - a) Estate Manager
  - b) Waitress
  - c) Bartender
  - d) Security Officer
  - e) Shelf stocker/Purchasing Clerk/Store Manager

Action: LAB COM; PS, HA; HON, MIN HA; HON, AG; CIR; CIO;  
BD; ACC GEN; MINS OF GOV'T

EX MIN 20/457

**EX MEM 20/221 APPROVAL OF THE PUBLIC UTILITIES COMMISSION (PUC) 2021 BUDGET AND WORK PLAN**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted:

- 1) the Public Utilities Commission (Anguilla) 2021 Operating Budget (\$EC); and
- 2) the Public Utilities Commission (PUC) Work Programme for 2021 pursuant to the Public Utilities Commission Act, R.S.A. C. P175 Section 17(1)(b).

Following discussion Council approved the Public Utilities Commission (PUC) Operating Budget and Work Programme for 2021 pursuant to the Public Utilities Commission Act, R.S.A. C. P175 Section 17(1)(b).

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

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 20/458

**EX MEM 20/222 EXECUTIVE COUNCIL APPROVAL TO AMEND EX MIN 20/400 – PAGE 5 RELEVANT SECTION**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted the Ministry's request to amend EX MIN 20/400 given the provisions of Part 3 Section 16 of the Anguilla Air and Sea Ports Authority Act R.S.A C. A57 and the clear intention that AASPA must not undertake any activities for which it does not have the requisite resources.

Following discussion Council:

- 1) agreed that EX MIN 20/400 in relation to AASPA should be amended to read as follows: -

“i. AASPA – the Hon Minister MICUH&T shall engage with the Chairman of the Board to:

- a) ensure the Board approves and implements as a matter of urgency the actions identified to reduce contingent liabilities;
- b) direct the AASPA Board to cease all activity related to arrangements that may be interpreted as Public Private Partnerships (PPPs) and Novel Financing Arrangements linked in any way to development of all ports including CJLIA, unless the conditions of sections 24 and 25 of Schedule 1 of the Fiscal Responsibility Act are met;
- c) the Government of Anguilla considers that AASPA can:
  - (a) only take actions to advance the development of ports for which it has the financial resources to fund itself; and
  - (b) given the long-term financial implications of major redevelopments the Government of Anguilla will lead on these matters if there is a need to enter into PPPs or novel financing arrangements;
- d) the AASPA Board must immediately write to all parties with whom it had consultancy contractual arrangements. This includes parties which the consultant contractors engaged with on behalf of AASPA or the Government of Anguilla to inform them that:
  - (i) the contractual relationship with the consultant contractor has ended;
  - (ii) the consultant contractor no longer acts on behalf of either AASPA or the Government of Anguilla;
  - (iii) neither AASPA nor the Government of Anguilla will be pursuing activity originating from those relationships; and
  - (iv) if the same or similar activities are progressed

in the future this will be through a new independent and open tender process;

- e) the Hon Attorney General will opine on the best way to proceed as it relates to the KCI Consultancy contract success fee”; and
- 2) instructed the Attorney General’s Chambers to draft a template letter for i). d). above to ensure that AASPA is acting within the appropriate legal parameters given the situation.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 20/459

**EX MEM 20/223 INFORMATION NOTE FOR EXECUTIVE COUNCIL REGARDING ACTIONS ARISING FROM EX MIN 20/400 - WCA**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted the update of the Ministry and the actions taken to advance the directives outlined in EX MIN 20/400 regarding the Water Corporation of Anguilla, particularly as it relates to improving financial sustainability.

Council deferred a substantive decision on the matter until completion of the 2021 budget, so that rate increases could be considered in conjunction with the proposed budget.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 20/460

**EX MEM 20/224 INFORMATION NOTE FOR EXECUTIVE COUNCIL REGARDING ACTIONS ARISING FROM EX MIN 20/400 - AASPA**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council noted the update of the Ministry and the actions taken to advance the directives outlined in EX MIN 20/400 regarding the Anguilla Air and Sea Ports Authority.

Council deferred a substantive decision on the matter until completion of the 2021 budget, so that rate increases could be considered in conjunction with the budget.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 20/461

**EX MEM 20/225 INFORMATION NOTE FOR EXECUTIVE COUNCIL REGARDING ACTIONS ARISING FROM EX MIN 20/400 - ATB**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for Tourism briefed Council on the work done to date to make significant savings on tourism marketing contracts via non-renewal, cancellation or renegotiation. The Hon Minister noted that some contracts will not be renewed when they reach the end date. The work done will also encourage greater efficiency in the marketing of tourism in the future.

Council:

- 1) thanked the Ministry for the work well done;
- 2) noted the update of the Ministry and the actions taken in order to advance the directives outlined in EX MIN 20/400 regarding the Anguilla Tourist Board; and
- 3) noted the letters to international representatives and also the revised fees schedule illustrating the savings to be made.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 20/462

**EX MEM 20/226 ESTABLISHMENT OF CAPITAL DEVELOPMENT FUND**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for EDCITENR briefed Council on the establishment of the Capital Development Fund (CDF) as referenced in the Fiscal Responsibility Act and Anguilla Economic Residence Act. The policy guides how the CDF is to be administered, the CDF is separate to the Consolidated Fund and the purpose of the CDF is to establish funding for capital investment projects. The use of the funds requires the consent of the Honourable Premier and the Honourable Attorney General.

Following discussion Council:

- 1) approved the Capital Development Fund Policy; and
- 2) instructed the Attorney General's Chambers to draft the Regulations for the establishment and administration of the Capital Development Fund.

Action: PS, EDCITENR; HON, MIN EDCITENR

EX MIN 20/463

**EX MEM 20/227 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 STRATA LOT SL L101 BEING 3099 SQ. FT.**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Ministry indicates that the Strata Lot number transferred to the purchaser was incorrect, as it does not match the resort's unit number under the contract. The Strata Lot number needs to be amended. This requires a rectification of the title of each of the affected parcels wherein SL L101 must revert to the developer and SL M101 must be recorded in the name of the purchaser.



Council agreed to the rectification and issuance of an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium unit of approximately 3,100 sq. ft. forming part of the 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 M101 subject to the following:

- 1) payment of Registration Fees:  
under the Registered Land Act EC\$200.00

**TOTAL** **EC\$200.00**

- 2) the Strata Lot situated in Registration Section West End, Block 17810 B, described as Parcel 201 SL L101 presently registered to the purchaser shall revert to the developer.

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

EX MIN 20/464

**EX MEM 20/228 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST CENTRAL, BLOCK 28309 B, PARCEL 21 CONTAINING 1.00 ACRE**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Ministry indicates that an Aliens Land Holding Licence was granted to the purchaser and as an Anguilla Limited Liability Company it is prohibited from owning property. In order to regularize the position, the company has been converted to an Ordinary Anguilla Company and the position at the Department of Lands & Surveys needs to be regularized via a change of name and address.

Council agreed to the rectification and re-issuance of an Aliens Land Holding Licence to hold, on a freehold basis, land situated in Registration Section West Central, Block 28309 B, described as

Parcel 21, being 1.00 acre located in Cul-de-Sac subject to the following:

- 1) payment of Registration Fees:  
under the Registered Land Act EC\$200.00

**TOTAL** **EC\$200.00**

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

EX MIN 20/465

**EX MEM 20/229 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17910 B, PARCEL 277 STRATA LOT SL C/1A BEING 901 SQ. FT.**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium unit of approximately 901 sq. ft. forming part of Parkstone Incorporated, a Condominium development at Tranquility Beach Anguilla. The property described as Registration Section West End, Block 17910 B, Parcel 277 SL C/1A, subject to the following:

- 1) Stamp duties payable as follows:
 

under the Stamp Act – 5%	
of EC\$1,129,044.00	EC\$56,939.71
under the Aliens Land Holding Regulation Act – 2%	
of EC\$1,138,794.00	<b><u>EC\$22,775.88</u></b>
<b>TOTAL</b>	<b><u>EC\$79,715.59</u></b>

- 2) Regulations to be issued for exemption; and
- 3) that the Ministry of Lands will write separately to the

Applicants who are also the owners of lands situate in Registration Section East End, Block 99418 B, described as Parcel 140, notifying them that their refundable deposit will be forfeited and that they should enter into a Supplementary Agreement for three (3) years.

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

EX MIN 20/466

**EX MEM 20/230 POLICY ON THE DECRIMINALIZATION OF CANNABIS**

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Minister for Social Development briefed Council on the first stage policy for the decriminalization of cannabis. Following discussion Council:

- 1) thanked the Ministry for the well prepared paper; and
- 2) approved the Decriminalization of Cannabis Policy for public consultation.

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

Action: PS, SD; HON, MIN SD

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