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MINUTES OF THE 83rd MEETING OF THE TWELFTH ANGUILLA EXECUTIVE COUNCIL HELD ON THURSDAY 31st MARCH 2022 AT 9.00 AM

PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam

The Honourable Premier and Minister for Finance and Health,

Dr Ellis Webster

Acting Deputy Governor, Mr Karim Hodge

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

Acting Attorney General, Ms Dawne Richardson

Clerk to Executive Council, Mrs Angela Hughes

IN ATTENDANCE: Financial Specialist, Mr Stephen Turnbull

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

ABSENT: The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Attorney General, Mr Dwight Horsford

EX MIN 22/104 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 82nd Meeting of Executive Council held on Thursday 24th March, 2022.

MATTERS ARISING FROM THE MINUTES

EX MIN 22/106 COVID-19 UPDATE

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

PS, Health, Mr Foster Rogers CMO, Dr Aisha Andrewin Health Planner, Ms Rochelle Rogers

Epidemiology

Global overview

Between the end of January and early March 2022, there was a decreasing trend in the number of new COVID-19 cases, which was followed by a period of two consecutive weeks where case numbers increased.

During the week of March 21 - 27 2022, the number of new cases declined again, with a 14% decrease as compared to the previous week. During the same period, the number of new weekly deaths increased by 43%, and this is likely driven by changes in the definition of COVID-19 deaths in some countries in the Region of the Americas (Chile and the United States of America) and by the retrospective adjustments reported from India in the South-East Asia Region. Across the six WHO regions, over 10 million new cases and over 45,000 new deaths were reported. All regions reported a decreasing trend in the number of new weekly cases and four regions reported a decreasing trend in new weekly deaths. As of

March 27, 2022, over 479 million confirmed cases and over 6 million deaths have been reported globally.

The trends reported should be interpreted with caution as several countries are progressively changing their COVID-19 testing strategies, resulting in lower testing rates and consequently lower numbers of cases are being detected. Despite a generalized decline in the rate of SARS-CoV-2 testing observed across the six WHO regions, the number of new weekly cases increased again in early to mid-March, indicating that the virus is currently circulating at very high levels.

Update on the Emergence of Variant of Concern Omicron (B.1.1.529)

The current global epidemiology of SARS-CoV-2 is characterized by the global dominance of the Omicron variant. Among the 382,789 sequences uploaded to GISAID with specimens collected in the last 30 days, 381,824 (99.7%) were Omicron and 175 (0.1%) were Delta.

Caribbean Region

Since the previous report on March 21, 2022, an additional 21,580 cases of COVID-19 were confirmed in 33 countries within the Caribbean, bringing the regions total confirmed cases to 3,327,781 in 35 countries/territories (including the 26 CARPHA Member States). The new total represents a 0.7% increase in the number of confirmed cases. There were 32,983 deaths recorded in the Caribbean Region as of March 28, 2022.

Anguilla

As of March 30, 2022, the total number of confirmed cases since the beginning of the pandemic in early 2020 is 2704 with 2682 recoveries, 9 deaths and 13 active cases. Two adult males aged 71 and 81 (1 unvaccinated and 1 vaccinated) are currently admitted to the Isolation Unit.

Vaccination Deployment Update

Vaccine Uptake

As of March 30, 2022, 10,584 first doses and 9,709 second doses have been administered. In an estimated population of 15,500 total persons, this would represent 68% of the population having received the first dose and 63% of the population having received two doses. In addition, this reflects 78% of the total eligible population (13,560) having received one dose and 72% having received two doses.

The breakdown by age of persons having received a first dose is as follows:

- 288 persons age 5 11
- 535 persons age 12 17
- 3072 persons age 18 34
- 2911 persons age 35 49
- 2485 persons age 50 64
- 1312 persons age 65+

The occupational breakdown of first doses is as follows:

- 355 Healthcare workers
- 546 Civil and Border Protection
- 1834 Hospitality
- 1105 Retired
- 6678 Others

Distribution (Pfizer)

As of March 30, 4047 doses of Pfizer have been administered, this includes 1023 first doses, 461 second doses and 2563 booster doses. This includes 288 first doses for children aged 5-11 years old and 535 first doses for 12 - 17 year olds, which represents roughly 41% of the estimated 12-17 year old population.

The focus this week is on completing the second doses for children aged 5 to 11 years old and this will include visits to schools. First doses will also be available at any school sessions.

Council:

- noted that the implementation of the Exit Strategy on April 1, 2022 was a momentous occasion given the unprecedented situation and the continued hard work of the health team, during the pandemic. Council thanked the health team for their work and the Attorney General's Chambers were commended for the support rendered;
- agreed that the health team shall work with the Ministry of EDCITENR and the Commissioner of Police to consider recommendations in relation to relaxing certain measures to widen the existing scope of fishing, in the waters of Anguilla;
- approved the Ministry's recommendation that minors under the age of five should be exempted from obtaining pre-arrival tests to enter Anguilla;
- approved the two tables, prepared by the Ministry, detailing the entry requirements for residents and visitors from April 1, 2022, for public dissemination;
- 5) noted the existing COVID-19 related Regulations which expire on 31 March 2022 and that the extension of same to 31 May 2022 was agreed by Council in Ex Min 22/99; and
- 6) approved the following draft Rules and Regulation, subject to amendment of the Rules, to indicate that they must be read in conjunction with the Regulations and also to clarify section 3 of the Rules, including the phrasing and use of sub-headings:
 - a) Public Health (Quarantine) (Covid-19) (Amendment)(No. 4) Regulation; and
 - b) Quarantine (COVID-19) (Arriving Passengers Health Clearance) (No. 4) Rules.

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

Action: PS, HLTH; PS, FIN; PS, EDCITENR; BD; ACC, GEN; HON, DG; HON, AG; MINS OF GOV'T

EX MIN 22/107 EX MEMO 22/71 FINANCIAL STOCKTAKE AS AT FEBRUARY 28

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

The following persons joined the meeting:

PS Finance, Mrs Kathleen Rogers PAS Finance, Ms Marisa Harding-Hodge Debt Officer, Ms Rochelle Bryan

Council:

- 1) thanked the team for work well done;
- 2) noted the report on the financial position as at February 28, 2022 from the PAS Finance;
- 3) the overall fiscal position:
 - Overall financial position including debt amortization shows a surplus of EC\$22.18 million at the end of February;
 - Recurrent revenue was EC\$57.44 million this is EC\$13.01 million more than the original forecast, which is a positive variance of 29.30%. Overall impact on recurrent revenue for the major revenue heads are:
 - Property Tax positive EC\$1.1 million
 - Universal Social Levy positive EC\$0.54 million
 - Taxes on Goods and Services positive EC\$1.9 million
 - Excise Taxes negative EC\$0.08 million
 - o Taxes on Specific Services positive EC\$7.51 million
 - Taxes on International Trade positive EC\$0.81 million
 - Sale of Goods and Services positive EC\$1.67 million

- Recurrent expenditure was EC\$30.35 million which is EC\$0.40 million under estimate and expenditure is on target. Expenditure was under for all heads expect for goods and services, which was above the estimate and it is anticipated that for quarter 2 this will normalize;
- Annual capital expenditure is budgeted at EC\$2 million and at the end of February 2022 actual capital expenditure totalled EC\$142,400.14 and capital revenue is EC\$0. The expenditure is related to the 2022 Census;
- The Resort Residence Annual Levy was not budgeted for in quarter 1 and thus there was a large positive variance that is driving a large proportion of the Property Tax positive variance;
- Noted the revenue performance 2022 estimate, against actual and the 2021 actual, observing the changes in revenue performance as a result of changes in taxation;
- The third tranche of the Policy Based Loan is due in 2022 but the present aim is not to take out this loan;
- Central Government Debt inclusive of short term credit facilities moved from EC\$427.92 million at the end of 2021 to EC\$423.14 million at the end of February 2022. The reduction in debt is attributable to debt amortization payments of EC\$4.77 million and exchange rate fluctuations of EC\$0.01 million. The position is the same as at the end of January 2022 as no amortization payments were planned. A payment of EC\$4 million is planned for March; and
- The Sinking Fund balance at the end of February 2022 is EC\$2K.

Action: PS, FIN; PS, EDCITENR; BD; ACC, GEN; HON, DG;
MINS OF GOV'T

EX MIN 22/108

EX MEMO 22/72 2022 STATUTORY BODY BUDGETS - ANGUILLA COMMUNITY COLLEGE

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. The following persons joined the meeting:

ACC Accounting Officer, Ms Pamela Gumbs ACC President, Dr Williams PS, Social Development, Dr Bonnie Richardson-Lake

Council considered this matter in Ex Min 22/46. The budgets of the statutory bodies will be submitted to Council for approval with onward submission for tabling at the House of Assembly.

Council:

- noted that in light of Ex Min 22/46 the ACC has reviewed the course offerings and made adjustments to the budget and the deficit has increased;
- 2) noted that the ACC's anticipated revenue for 2022 is EC\$4.7 million, which represents a 7% decrease compared to the unaudited actual revenue for 2021. This decline is linked to a projected decrease in tuition revenue by 44% over the 2021 actual revenue. Noted the ACC's indication that persons are presently not prioritizing expenditure for education and revenues were not being realised even before Council requested a revised budget;
- noted that the ACC's expenditure budget for 2022 is EC\$3.58 million, which represents a 4% increase in expenditure over the unaudited actual for 2021;
- noted operational costs are budgeted to increase to EC\$1.17 million, that represents an increase of approximately 8% above the 2021 actuals;
- 5) noted that as the interest rate is variable, the ACC has now projected that for the 2022 fiscal year, debt service is estimated as EC\$1,026,680.69, with an interest rate of 3.80%;

- noted that the ACC subvention remains the primary source of revenue for the ACC at 90% of budgeted revenues for the 2022 draft budget;
- 7) the ACC has reported cash balances of EC\$343.7K as at 31 December 2021, the loan was not fully drawn down in 2021 where as it will be by June 2022. The ACC has reported that these balances can accommodate the deficit budget of EC\$136K; and
- 8) noted that a balanced budget is needed and the vulnerabilities of the ACC have to be understood. Noted that expenditure had to be managed in order to reduce the deficit. Agreed that the Ministries of Finance and Social Development shall identify potential expenditure savings and prepare a balanced budget for submission to Council.

Action: PS, FIN; PAS, FIN; PS, SD; HON, PREM; HON, MIN SD

EX MIN 22/109

EX MEMO 22/73 ANGUILLA POPULATION AND HOUSING CENSUS 2022 (AP&H CENSUS 2022) – CENSUS ORDER AND REGULATIONS

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. The Census is due to take place in 2022 as per Ex Min 21/81 and the Census Order and Regulations must be approved in anticipation of conducting the enumeration phase of the AP&H Census 2022. The Census Order outlines the date chosen as the Census Day, details who will be required to supply information and revokes the AP&H Census 2011 Census Order. The Regulations outline the duties of the enumerators and supervisors and provide for other related matters.

In accordance with sections 3 and 5 of the Statistics Act, the Census Order and Regulations 2022 have been prepared by the Attorney General's Chambers, in conjunction with the Anguilla Statistics Department and are presented to Executive Council for approval.

Council:

- 1) agreed that in Schedule 5 of the Order, an amendment should be made to include the name of the person being surveyed. Agreed that the section of the Order pertaining to females aged 13 – 50 (female fertility and neo-natal deaths) shall be reviewed, to ensure that it aligns with United Nations (UN) data requirements. The questions must be proportionate to the requirements and objectives and phrased sensitively, the Order should be amended accordingly. If Anguilla is requesting more data than that which is required by the UN, then the reason for taking this position must be indicated to Council:
- agreed that all data which is required to be collected pursuant to the United Nations requirements should be included in the questionnaire and confirmation that this has been done shall be provided by the Department of Statistics; and
- further agreed that the revised Census Order 2022 and Census Regulations 2022, together with the proposed questionnaire should be presented to Council for consideration.

Action: PS, EDCITENR; HON, MIN EDCITENR

EX MIN 22/110 EX MEMO 22/74 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.

The Hon Minister for Home Affairs briefed Council. Section 165(3) of the Labour (Relations) Act 2018, requires the Minister for Home Affairs & Labour to consult with Executive Council before refusing to grant Work Permits. Council noted the reasons for the Minister's proposed work permit refusals as follows:

In relation to: Julian Mota Jimenez, Johanny Giron Jimenez and Juan Domingo Roiling Duran, pursuant to sections 171(a) and (b) of the Labour (Relations) Act, the employer has not demonstrated a genuine need to engage the services of the prospective workers and

there are Anguillians, their spouses, or persons resident on island who are qualified to fill the positions.

In relation to Kristine Marie Oyen Danks pursuant to section 171(b) of the Labour (Relations) Act, there are Anguillians, their spouses, or persons resident on island who are qualified to fill the position.

Council:

- 1) thanked the Ministry for the paper;
- 2) noted section 164 of the Labour (Relations) Act 2018 containing the principles governing work permits;
- noted that in keeping with section 165(3) of the Labour (Relations) Act 2018, the Hon Minister for 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 persons be <u>refused</u> work permits on the basis of the foregoing information:
 - a) Julian Mota Jimenez
 - b) Johanny Giron Jimenez
 - c) Juan Domingo Roiling Duran
 - d) Kristine Marie Oyen Danks

Action: PS, HA; LAB COMM; CIO; HON, MIN HA

EX MIN 22/111 EX MEMO 22/75 CHILD JUSTICE REGULATIONS, 2022

Hon Parliamentary Secretary for Economic Development, Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. Chief Probation Officer, Ms Jocelyn Johnson joined the meeting.

The Hon Minister for Social Development and the Permanent Secretary briefed Council. The Child Justice Act, based on the OECS model legislation undertaken by Members States as part of the OECS Family Law Reform, was enacted in Anguilla on July 1, 2021.

The Child Justice Act introduced a child rights focused approach to working with juveniles in conflict with the law. The Act allows Anguilla to depart from punitive justice and move to a restorative justice approach. The Child Justice Regulations are the guidelines that dictate how the provisions of the Child Justice Act are applied.

Council:

- noted that consultation has taken place with relevant stakeholders. The persons who will use the Regulations understand the requirements and the bar and legal practitioners have also been apprised of the approach. Noted that safeguarding issues have been addressed and appropriate resourcing needs have been considered;
- 2) noted that the Regulations are to be used alongside the National Diversion Strategy;
- 3) approved the Child Justice Regulations; and
- 4) instructed the Attorney General's Chambers to review and approve same, and prepare for execution.

Action: PS, SD; HON, MIN SD

EX MIN 22/112

EX MEMO 22/76 STANDING EXEMPTION FROM CUSTOMS DUTY AND EXCISE TAX FOR LICENSED TAXI DRIVERS

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

The Hon Premier briefed Council. With the revised tariff structure and new tax system, the rates applicable to the importation of vehicles has been changed. Currently, the importation of vehicles attracts the following rates:

- Interim Goods Tax (IGT) 9%
- Excise Tax (EXC) 9%
- Customs Service Fee (CSF)1%

Import Custom Duty (ICD)10%

Given the new tax structure, 17.5% ICD is no longer a favourable rate, as the current ICD on vehicles is 10%. Furthermore, IGT, CSF and EXC will be applied in addition to the 17.5% ICD. In November, 2020 in EX MIN 20/469 Council approved updated terms for the concession, given the change in tariffs. There is now a need for further consideration by Council, due to the amended end date for IGT, and to take into account GST going forward. Additionally, it has been proposed that an exception to the one vehicle limitation should be provided so that taxi operators can benefit from concessions on additional vehicles, if they can evidence that they operate a fleet of vehicles.

Council:

- noted that on average three vehicles will be imported under this standing exemption with an estimated revenue loss (EXC and ICD) of EC\$17,400 per vehicle or EC\$52,200 per year. Usually, the vehicles imported have a CIF value ranging between EC\$50,000 to EC\$90,000;
- 2) approved the revision of the Standing Exemption for persons holding a current taxi drivers permit issued under the Licensing of Taxicabs and Taxi Drivers Regulations with the following terms:
 - (i) the waiver of ICD and EXC in full, with IGT/GST and a 5% Customs Administrative Cost to be paid;
 - (ii) this concession is to be granted for vehicles that are no more than 3 years old based on the model year;
 - (iii) this concession is to be granted at intervals of four years, except where the driver can evidence that an additional vehicle is required for a fleet of vehicles; and
 - (iv) this concession is effective from November 2020 in line with the previous approval; and

3) instructed the Ministry of Finance to prepare the required Resolution of the House of Assembly, pursuant to section 77(1) of the Customs Act, R.S.A. c. C 169 and the Excise Tax Act 2019.

Action: PS, FIN; PAS, FIN; COC; HON, PREM

EX MIN 22/113

EX MEMO 22/77 TEMPORARY EXEMPTION FROM CUSTOMS DUTY AND INTERIM GOODS TAX FOR THE IMPORTATION OF POINT OF SALES SYSTEMS

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

The Hon Premier briefed Council. In order to prepare for the implementation of GST, businesses in Anguilla are required to evaluate and review their daily business activities, which includes readying their IT systems to ensure that they are GST enabled, this includes accounting and Point of Sales (POS) IT systems.

The Point of Sales systems, including associated hardware infrastructure, must be ready for complete implementation of all legal regulations, in order to comply with GST requirements for daily business. To support Anguillian businesses in transitioning to efficient IT systems and to support potential GST registrants becoming GST ready, it is proposed to exempt the importation of POS systems hardware from all applicable duty and tax for a temporary period.

Under Section 76 of the Customs Act, the Governor in Council may by regulation exempt goods or classes of goods, subject to any specified conditions. Under Section 6 and 7 of the Interim Goods Tax Act, the Governor may make regulations and vary the rate of IGT.

Council:

1) noted that the anticipated revenue loss based on a total potential CIF value of USD\$120,000 (based on 50 - 100 registrants with POS hardware imports at an average cost of USD\$1200) is between EC\$51,448.17 to EC\$102,896.34;

- approved the exemption from Customs Duty and Interim Goods Tax under the Customs Act and Interim Goods Tax Act on the importation of point of sale terminals, for the period April 1, 2022 to December 31, 2022; and
- instructed the Attorney General's Chambers to prepare the required Regulations for approval under the Customs Act, the Interim Goods Tax Act and the Customs Administrative Costs Act.

Action: PS, FIN; PAS, FIN; COC; HON, PREM

EX MIN 22/115

EX MEMO 22/79 APPLICATION FOR DUTY AND TAX EXEMPTION FOR THE PARISH OF ST. MARY WITH ST. AUGUSTINE AND ST. ANDREW CHURCH

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

Council:

- 1) noted that this matter was first considered and approved in Ex Min 22/93;
- agreed that duty and tax exemptions should be granted to the Parish of St Mary with St Augustine and St Andrew on the importation of a vehicle for church use. Confirmation that the vehicle will be registered in the name of the church is required;
- agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;
- 4) noted that the estimated duty and tax loss to the Government is EC\$18,935.87; and
- 5) instructed the Ministry of Finance to prepare the required Resolution of the House of Assembly, pursuant to section 77(1) of the Customs Act, R.S.A. c. C 169, section 6A of the Interim Goods Tax Act, 2019 and the Excise Tax Act 2019.

Action: PS, FIN; PAS, FIN; COC; HON, PREM

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

Council:

- agreed that duty and tax exemptions should be granted to the Amateur Radio Society on the importation of items for use by a basic amateur radio station. The club promotes amateur radio within the community and facilitates emergency and public service communications;
- 2) agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;
- 3) noted that the estimated duty and tax loss to the Government is EC\$1,833.81; and
- 4) instructed the Ministry of Finance to prepare the required Resolution of the House of Assembly, pursuant to section 77(1) of the Customs Act, R.S.A. c. C 169 and section 6A of the Interim Goods Tax Act, 2019.

Action: PS, FIN; PAS, FIN; COC; HON, PREM

EX MIN 22/117 <u>EX MEMO 22/81 APPLICATION FOR DUTY AND TAX EXEMPTION FOR CHEDDIE RICHARDSON</u>

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

Council:

 agreed that duty and tax exemptions should be granted to Cheddie Richardson on the importation of a Mitsubishi Minicab Miev electric vehicle for personal use;

- agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;
- 3) noted that the estimated duty and tax loss to the Government is EC\$9,512.41; and
- 4) instructed the Ministry of Finance to prepare the required Resolution of the House of Assembly, pursuant to section 77(1) of the Customs Act, R.S.A. c. C 169, section 6A of the Interim Goods Tax Act, 2019 and section 29A of the Excise Tax Act 2019.

Action: PS, FIN; PAS, FIN; COC; HON, PREM

EX MIN 22/118 <u>EX MEMO 22/82 APPLICATION FOR EXEMPTION FROM</u> ENTERTAINMENT TAX - ROYAL PRIESTHOOD OF WOMEN

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

Council:

- 1) noted that in respect of every payment made for admission to an entertainment event a tax of 10% of the amount is levied:
- 2) noted that the grant of the requested tax exemption may result in tax loss of up to EC\$235; and
- 3) approved the application by the Royal Priesthood of Women for an exemption from entertainment tax for the Annual Easter Monday tea party and the remission of the Public Entertainment Tax associated with the sale of tickets to a maximum of EC\$1000 in accordance with section 16 of the Financial Administration and Audit Act. The proceeds of the event shall be devoted to defraying the costs of the event and the costs of gifts and donations for attendees and honorees. The applicant intends to sell 35 tickets at US\$25.

Action: PS, FIN; PAS, FIN; CIR; HON, PREM