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MINUTES OF THE 114th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 24th NOVEMBER 2022 AT 9.00 AM

- PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
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, and Acting Premier Mr Haydn Hughes
The Honourable Minister for Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie
The Honourable Attorney General, Mr Dwight Horsford
Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
Financial Specialist, Mr Stephen Turnbull
- ABSENT: The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster

EX MIN 22/368

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 113th Meeting of Executive Council held on Thursday 17th November, 2022.

MATTERS ARISING FROM THE MINUTES

Noted that the Census project plan, with a detailed timeline of activities should be presented to Council on December 1.

EX MIN 22/370

EX MEMO 2022/267 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17709 B, PARCELS (IN SCHEDULE) CONTAINING 8.01 ACRES

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section West End, Block 17709 B described as Parcels 68, 69, 70, 71, 72, 73, 74, 75, 129 & 131 on a Freehold basis and Registration Section West End, Block 17709 B described as Parcels 69/1/, 69/2, 69/3, 69/4, 70/1, 70/2, 70/3, 70/4 on a leasehold basis located at Shoal Bay West, West End, Anguilla for tourism purposes, subject to the following:

a) Stamp duties payable are as follows:

Stamp Duty on Block 17709B Parcel 68 – 0.80ac

(i)	Stamp Duty under the Stamp Act 5% of EC\$3,665,360.70	EC\$183,268.04
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$3,665,360.70	<u>EC\$146,614.43</u>
	TOTAL	<u>EC\$329,882.47</u>

Stamp Duty on Block 17709B Parcel 69/1 – 0.04ac

(i)	Stamp Duty under a Lease – 5% of EC\$2,052,440.70	EC\$102,622.04
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$2,077,642.58	EC\$82,097.63
TOTAL		EC\$184,719.67

Stamp Duty on Block 17709B Parcel 69/2 – 0.04ac

(i)	Stamp Duty under a Lease – 5% of EC\$2,590,080.70	EC\$129,504.04
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$2,590,080.70	EC\$103,603.23
TOTAL		EC\$233,107.27

Stamp Duty on Block 17709B Parcel 69/3 – 0.04ac

(i)	Stamp Duty under a Lease – 5% of EC\$1,783,620.70	EC\$89,181.04
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$1,783,620.70	EC\$71,344.83
TOTAL		EC\$160,525.87

Stamp Duty on Block 17709B Parcel 69/4 – 0.04ac

(i)	Stamp Duty under a Lease	
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	– 5% of EC\$1,783,620.70	EC\$89,181.04
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$1,783,620.70	EC\$71,344.83

TOTAL		EC\$160,525.87
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Stamp Duty on Block 17709B Parcel 70/1 – 0.04ac

(i)	Stamp Duty under a Lease – 5% of EC\$1,783,620.70	EC\$89,181.04
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$1,783,620.70	EC\$71,344.83

TOTAL		EC\$160,525.87
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Stamp Duty on Block 17709B Parcel 70/2 – 0.04ac

(i)	Stamp Duty under a Lease – 5% of EC\$2,455,670.70	EC\$122,783.54
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$2,455,670.70	EC\$98,226.83

TOTAL		EC\$221,010.37
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Stamp Duty on Block 17709B Parcel 70/3 – 0.04ac

(i)	Stamp Duty under a Lease – 5% of EC\$2,052,440.70	EC\$102,622.04
(ii)	under the Aliens Land Holding Regulation Act – 4% of EC\$2,052,440.70	EC\$82,097.63

TOTAL	EC\$184,719.67
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Stamp Duty on Block 17709B Parcel 70/4 – 0.04ac

(i) Stamp Duty under a Lease – 5% of EC\$1,783,620.70	EC\$89,181.04
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(ii) under the Aliens Land Holding Regulation Act – 4% of EC\$1,783,620.70	EC\$71,344.83
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TOTAL	EC\$160,525.87
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Stamp Duty on Block 17709B Parcel 71 – 0.60ac

(i) Stamp Duty under the Stamp Act 5% of EC\$3,665,360.70	EC\$183,268.04
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(ii) under the Aliens Land Holding Regulation Act – 4% of EC\$3,665,360.70	<u>EC\$146,614.43</u>
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TOTAL	<u>EC\$329,882.47</u>
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Stamp Duty on Block 17709B Parcel 72 – 0.60ac

(i) Stamp Duty under the Stamp Act 5% of EC\$2,590,080.70	EC\$129,504.04
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(ii) under the Aliens Land Holding Regulation Act – 4% of EC\$2,590,080.70	<u>EC\$103,603.23</u>
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TOTAL	<u>EC\$233,107.27</u>
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Stamp Duty on Block 17709B Parcel 73 – 0.70ac

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| (i) | Stamp Duty under the Stamp Act
5% of EC\$2,590,080.70 | EC\$129,504.04 |
| (ii) | under the Aliens Land Holding
Regulation Act – 4%
of EC\$2,590,080.70 | <u>EC\$103,603.23</u> |

TOTAL	<u>EC\$233,107.27</u>
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Stamp Duty on Block 17709B Parcel 74 – 0.60ac

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|------|---|-----------------------|
| (i) | Stamp Duty under the Stamp Act
5% of EC\$2,590,080.70 | EC\$129,504.04 |
| (ii) | under the Aliens Land Holding
Regulation Act – 4%
of EC\$2,590,080.70 | <u>EC\$103,603.23</u> |

TOTAL	<u>EC\$233,107.27</u>
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Stamp Duty on Block 17709B Parcel 75 – 0.60ac

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|------|---|-----------------------|
| (i) | Stamp Duty under the Stamp Act
5% of EC\$2,590,080.70 | EC\$129,504.04 |
| (ii) | under the Aliens Land Holding
Regulation Act – 4%
of EC\$2,590,080.70 | <u>EC\$103,603.23</u> |

TOTAL	<u>EC\$233,107.27</u>
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Stamp Duty on Block 17709B Parcel 129 – 2ac

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| (i) | Stamp Duty under the Stamp Act
5% of EC\$1,918,030.70 | EC\$95,901.54 |
| (ii) | under the Aliens Land Holding | |

Regulation Act – 4% of EC\$1,918,030.70	<u>EC\$76,721.23</u>
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TOTAL	<u>EC\$172,622.77</u>
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Stamp Duty on Block 17709B Parcel 131 – 0.61ac

(i) Stamp Duty under the Stamp Act 5% of EC\$1,380,390.70	EC\$69,019.54
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(ii) under the Aliens Land Holding Regulation Act – 4% of EC\$1,380,390.70	<u>EC\$55,215.63</u>
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TOTAL	<u>EC\$124,235.17</u>
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GRAND TOTAL	<u>EC\$3,354,712.42</u>
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- b) that the land be used for tourism purposes;
- c) that the leasehold properties be surrendered within three (3) months of the grant of Aliens Land Holding Licence;
- d) that applicant negotiate a MOU with the Government of Anguilla within three (3) months from the grant of the Aliens Land Holding Licence;
- e) that applicant shall furnish the Government with a proposed site plan within twelve (12) months of the Effective Date of the MOU;
- f) the Development shall be not less than four (4) habitable rooms per acre;
- g) that applicant shall provide public parking, in such areas that are acceptable and approved by the Government of Anguilla, for visitors to the beaches of Shoal Bay West, along with public beach access; and
- h) the Licensee shall fully comply with the laws of Anguilla in

force from time to time including the Goods and Services Act, Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour Relations Act 2018 and Work Permit Regulations, the Social Security Act, the Immigration and Passport Regulations and any statutory modification or re-enactment thereof and any rules or regulations made there under.

Council noted that the Valuation Section at the Department of Lands and Surveys undertook an assessment of the properties for purchase, where it was determined that the market value is approximately US\$6,155,000.00, taking into consideration the current land market and depreciation of buildings.

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

EX MIN 22/371

EX MEMO 2022/268 REVISED APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – 1) REGISTRATION SECTION EAST CENTRAL, BLOCK 89317 B, PARCEL 46 (0.50 ACRE), 2) REGISTRATION SECTION EAST END, BLOCK 99416 B, PARCEL 142 (0.20 ACRE), 3) REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38611 B, PARCEL 239 (0.47 ACRE) AND 4) REGISTRATION SECTION NORTH, BLOCK 58716 B, PARCEL 54 (2 ACRES)

Hon Parliamentary Secretary and Financial Specialist remained.

Council noted that this ALHL application if granted, will facilitate the applicant in a business process, to swap the value of loans in the Cayman Islands with loans of equivalent value in Anguilla, with a view to potentially enforcing the rights of the chargor. Due diligence checks have been completed on the applicant.

Council agreed to issue an Aliens Land Holding Licence to hold charges pursuant to Section 4 of the Alien Lands Holding Licence Regulations Act, RSA, CA55 subject to:

Payment of the following Stamp Duties:

BLOCK 89317 B, PARCEL 46

Stamp Duty on Charge @ 1% of EC\$ 24,825.53	EC\$ 248.26
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Stamp Duty on Charge @ 1% of EC\$ 23,656.16	EC\$ 236.56
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Stamp Duty on Charge @ 1% of EC\$ 6,360.28	EC\$ 63.60
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BLOCK 99416 B, PARCEL 142

Stamp Duty on Charge @ 1% of EC\$349,466.00	EC\$ 3,494.66
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BLOCK 38611 B, PARCEL 239

Stamp Duty on Charge @ 1% of EC\$198, 926.80	EC\$ 1,989.27
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Stamp Duty on Charge @ 1% of EC\$604,845.00	EC\$ 6,048.45
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Stamp Duty on Charge @ 1% of EC\$1,075,280	EC\$ 10,752.80
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BLOCK 58716 B, PARCEL 54

Stamp Duty on Charge @ 1% of EC\$267,973.22	EC\$ 2,679.73
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Stamp Duty on Licence in accordance with Aliens Land Holding Licence Regulations Act 14(1)(f)	<u>EC\$ 500.00</u>
GRAND TOTAL	<u>EC\$26,013.33</u>

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

EX MIN 22/372

EX MEMO 2022/269 LAND EXCHANGE TO FACILITATE THE CONSTRUCTION OF A TRACK AND FIELD FACILITY

Hon Parliamentary Secretary and Financial Specialist remained.

The Minister for Social Development briefed Council. In Ex/Min 22/294, the Government of Anguilla decided to earmark land for the development of an athletics track and also to identify a parcel of Government land to exchange for the land identified for development. It was also decided that an application would be made to World Athletics (WA) for the development of an athletics track. It was agreed that the Department of Lands & Surveys and the Department of Sports may enter into in principle discussions with the Representatives of an Estate, with a view to establishing a land swap agreement, for land located east of the newly constructed ALHCS. However, discussions have not advanced and no topographical study has been conducted.

The Ministry of Social Development made a public request to the Anguillian community to determine whether anyone was interested in swapping land for the purposes of developing a track and field facility. The Receiver's office reached out to the Ministry of Social Development to indicate that one of the properties in receivership was interested in a swap.

Both the Receiver, the landowners and the Government of Anguilla are agreeable to pursuing a land swap. The Receiver by virtue of his office can make a legal determination in relation to parcels of land under his custody. Further, prior to any formal decisions being taken in relation to advancing this matter or submitting an application to the WA the approval of Executive Council is required.

Council:

- 1) noted that it was unfortunate that this matter had to be considered by Executive Council in order for it to be progressed, as no action was being taken within the Ministry. There is a need for standard procedures to be followed;
- 2) agreed that the directions given by Executive Council in Ex Min 22/294 shall be extended to the parcels identified by the Receiver and in the site plan, namely Parcels 69, 70, 71, 72 and 73;

- 3) agreed that the Department of Lands and Surveys shall value Parcels 69, 70, 71, 72 and 73; and
- 4) authorised the Ministry of Infrastructure to instruct the relevant officers to prioritise the conduct of a topographical study on the proposed site identified.

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

Action: PS, SD; PS, MICUHT; DLS; HON, MIN SD;
HON, MIN MICUHT

EX MIN 22/373

**EX MEMO 2022/270 APPLICATION FOR DUTY AND TAX EXEMPTION
BY MOUNT FORTUNE SDA CHURCH**

Hon Parliamentary Secretary and Financial Specialist remained.

Council:

- 1) agreed that duty and tax exemptions should be granted to Mount Fortune SDA Church on the importation of children's toys, games, puzzles, modeling dough, dolls, party bags and jump ropes for Christmas, to be distributed in Island Harbour during the Christmas season;
- 2) noted that the 2022 updated List of Conditional Duty Exemptions, under the Integrated Customs Tariff Regulations, contains the goods that may be exempted from duty when such goods are imported by persons, enterprises or organisations in the circumstances, or for the purposes specified in the List. This provides for a full waiver of duty and tax (including GST). No administrative costs are applied to goods under the conditional exemptions. Noted that the conditional exemption did not automatically apply as the proposed use is beyond the usual remit of the church; and
- 3) noted that the estimated duty and tax loss to the Government is EC\$895.78.

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

EX MIN 22/374

EX MEMO 2022/271 SIGNATURE OF NEW MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN EXPERTISE FRANCE AND THE GOVERNMENT OF ANGUILLA BY HE THE GOVERNOR

Hon Parliamentary Secretary and Financial Specialist remained.

The Hon Deputy Governor briefed Council.

Executive Council agreed on December 8, 2015 to enter into an MOU for the benefit of the Government of Anguilla and it was signed by H.E. the Governor. Training in Anguilla under SEACOP was delivered in 2017 and 2022. A new MOU has been presented for execution by H.E. the Governor on behalf of the Government of Anguilla. This MOU is to enable SEACOP (Seaport Cooperation), through collaboration and cooperation with the Government of Anguilla, to provide support and training to law enforcement officers of Anguilla. A new MOU is required due to a change in the supplier delivering the training and a new requirement for a technical committee to be established and meet every six months, either virtually or in person. Monserrat and BVI are also going through the same process of signing a new MOU.

The objective of SEACOP V, which commenced in May 2021 for a period of 30 months, is to support beneficiary Governments in the fight against illicit maritime trafficking and associated criminal networks between the Caribbean, South America and West Africa. It is intended to enhance international cooperation in tackling illicit maritime trafficking on the transatlantic route. SEACOP V is committed to supporting the competent authorities of Anguilla.

Council:

- 1) noted that the benefits of signing the MOU include continued support, funding and training by SEACOP V which will continue to reinforce the previous training held in Anguilla that aims to increase the capability of the RAPF and Customs officers; and
- 2) recommends and agrees that H.E. the Governor should execute the new MOU on behalf of the Government of Anguilla.

Action: HON, DG

EX MIN 22/375

COVID-19 UPDATE

Hon Parliamentary Secretary and Financial Specialist remained.

The International Health Regulations (2005) (IHR) Emergency Committee has determined that the ongoing COVID-19 pandemic continues to constitute a Public Health Emergency. This determination was made at the thirteenth meeting regarding the coronavirus 2019 disease (COVID-19) pandemic held on Thursday 13th October.

Globally, the number of new weekly cases increased by 2% during the week of November 7 – 13, 2022 as compared to the previous week, with over 2.3 million new cases reported. WHO also warns that the true number of incident cases is an underestimate due to a decline in testing globally. The number of new weekly deaths decreased by 30% as compared to the previous week, with over 7,400 fatalities reported. As of November 13, 2022, over 632 million confirmed cases and over 6.5 million deaths have been reported globally.

The Omicron Variant of Concern (VOC) continues to dominate and accounted for 99.2% of sequences reported globally in the past 30 days (from October 14 to November 14, 2022). Omicron also continues to mutate with the BA.5 descendent lineages being replaced by recently emerging variants.

In addition to the ongoing COVID-19 threat, the Pan American Health Organization (PAHO) director has also warned that “countries must be vigilant of the “triple threat” of COVID-19, influenza and RSV as holidays approach”. This is based on an increase in COVID-19 infections in the region, seasonal influenza on the rise and a spike in cases of Respiratory Syncytial Virus (RSV).

Caribbean Region

As of November 14, the region’s total confirmed cases is 4,309,474 in 35 countries/territories (including the 26 CARPHA Member States) and 36,037 deaths. The new total represents a 0.18% increase in

the number of confirmed cases and 0.04% increase in deaths between November 8 and 14.

Anguilla

As of November 21, 2022, Anguilla has confirmed 3,920 cases of COVID-19 of which there have been 3,903 recoveries and 12 deaths. There are 5 active cases and no one is currently admitted to the Isolation Unit at this time.

In addition to COVID-19, the Ministry has also confirmed the circulation of RSV locally and increasing cases of acute respiratory infections over the last weeks.

COVID-19 Exit Strategy

The Ministry notes there has been an increase in COVID-19 cases within recent epidemiological weeks including small outbreaks in educational facilities and workplaces. Further, international epidemiological trends are reporting larger increases in COVID-19, flu and RSV cases during the upcoming winter season. With the foregoing, the Ministry supports the continued best public health practices ensuring the ready identification through testing and isolation/quarantine for COVID-19 cases. The Ministry wishes to retain 8 persons from December to February 2023 to manage the anticipated surges during the winter season.

The Ministry is presently awaiting a UKHSA final report on an assessment of the surveillance system of Anguilla conducted during their 1 week mission in early November 2022. In the debriefing meeting, updating the public health regulations for surveillance purposes including permanent retention of certain COVID-19 regulations on identification of notifiable diseases, quarantine and isolation, and reporting requirements was identified as an area to address.

Council:

- 1) noted the Ministry's recommendation that they work with the Attorney General's Chambers to draft permanent regulations

on notifiable diseases and also to consider the other recommendations in the UKHSA report once received;

- 2) noted that the Ministry proposes to retain 8 persons, however, no decision can be made with regard to this at this stage and further information should be provided to Executive Council, particularly, confirmation as to what job roles they will be undertaking, whether these persons are currently employed or not, and if so, in what positions and whether budgetary provisions currently exist for the period sought. The recommendation needs accounting officer sign off and confirmation of budgetary provision from the Ministry of Finance; and
- 3) reviewed the following existing COVID-19 related Regulations which expire on 30 November 2022, and approved extension of the following from 1 December 2022 to 28 February 2023:
 - a) Public Health (Quarantine)(COVID-19) Regulations;
and
 - b) Public Health (Temporary Restrictions)(Step5) Regulations

Action: PS, HLTH; HON, AG; HON, PREM
