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MINUTES OF THE 149TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 12TH JULY 2018

- PRESENT: His Excellency the Governor, Mr Timothy Foy, OBE
- The Honourable Victor Banks, Chief Minister and Minister of Finance,
Economic Development, Commerce, Tourism and Information Technology
- The Honourable Deputy Governor, Mr Perin Bradley
- The Honourable Cora Richardson-Hodge, Minister of Home Affairs and Education
- The Honourable Curtis Richardson, Minister of Infrastructure, Communications,
Utilities, Housing, Agriculture, Fisheries and Environment
- The Honourable Attorney General, Mr John McKendrick QC
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mr Cardigan Connor, Hon Parliamentary Secretary
Mrs Evalie Bradley, Ministerial Assistant to the Hon Minister, MHA
Mr Stephen Turnbull, Financial Specialist
Dr Aidan Harrigan, PS, FIN
Mr Foster Rogers, PS, HLPP
Mr Leslie Hodge, DLS
Mrs Sharon Roberts-Hodge, Deputy Planning Officer
Mr Stafford John, Senior Planner
Ms Tina Bryan, Deputy Director, Enforcement & AML/CFT Compliance, Financial
Services Commission (FSC)
- Mr Gerry Halischuk, Director, FSC
Mr Larry Franklin, PS, EDICTIT
Mr Karim Hodge, PS, MICUHAFE
- ABSENT: The Honourable Evans Rogers, Minister of Health and Social Development, Lands
and Physical Planning

EX MIN 18/348 **CONFIRMATION OF THE MINUTES**

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

Council confirmed the Minutes of the 148th Meeting held on Friday 6 July 2018. Council agreed to further defer publication of the minutes of the 146th meeting held on 21 June.

MATTERS ARISING FROM THE MINUTES

EX MIN 18/349 **EX MIN 18/335 EX MEM 18/158 PERMANENT RESIDENCY BY INVESTMENT AGENT FEE & EX MIN 18/322 EX MEM 18/107 PERMANENT RESIDENCY BY INVESTMENT (ECONOMIC RESIDENCY)**

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

Following on from EX MIN 18/335 of 6 July 2018, Council agreed that PS, EDICTIT gives an update on these matters to Ex Co at its next meeting on Thursday 19 July.

Action: PS, EDICTIT; PS, FIN; DEP; HON AG; (Acting); HON DG (Acting)

EX MIN 18/350 **EX MIN 18/338 EX MEM 18/178 CDB HURRICANE RECOVERY SUPPORT LOAN - ANGUILLA**

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

Further to EX MIN 18/338 of 6 July, Council requested the Attorney General's Chambers to vet the refinance loan agreement to be submitted to Ex Co on Thursday 19 July for consideration.

Action: PS, FIN; HON AG (Acting); PS, EDICTIT; PAS, FIN; BD; DM; DEP;
ACC GEN

EX MIN 18/351 **EX MIN 18/340 EX MEM 18/180 BOARD OF GOVERNORS OF THE ALBENA LAKE-HODGE COMPREHENSIVE SCHOOL**

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

With reference to EX MIN 18/340 of 6 July, Council asked the Hon Deputy Governor to follow up on the discussion between the Ministries of Finance and Education and the AG's Chambers to clarify that one of the functions of the Board outlined below is in accordance with the Education Act and Financial Audit Act, and to report to Ex Co on Thursday 19 July:

“to receive, disburse and account for the expenditure of such sums of money as may, from time to time, be voted by the House of Assembly for the operation of the school”.

Action: HON DG (Acting); PS, MHA/ED; CEO; ESP; HON AG (Acting); PS, FIN;
PS, EDICTIT; MINS OF GOV'T

EX MIN 18/352

**EX MIN 18/341 EX MEM 18/181 ANGUILLA PROGRAMME –
PRIORITISATION OF PROJECTS**

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

Further to EX MIN 18/341 of 6 July, Council noted the reviewed position that repair work to the building at the OKPS should take place rather than the demolition work initially agreed.

Council agreed that the revised project list should be re-submitted to Ex Co on Thursday 19 July for further consideration.

Action: PS, MICUHAFE; PS, MHA/ED; PS, HLPP; COS, GO; MINS OF GOV'T

EX MIN 18/353

EX MIN 18/344 BLOWING POINT PORT DEVELOPMENT

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

Following on from EX MIN 18/344 of 6 July, the Hon Minister of Infrastructure informed Council that the ongoing demolition work was being undertaken by the AASPA Board.

The Hon Chief Minister indicated that the meeting with the Blowing Point Redevelopment Committee (AASPA and MICUH) and other stakeholders relating to the Blowing Point Port project was productive.

Action: PS, MICUHAFE; MINS OF GOV'T

EX MIN 18/354

EX MIN 18/345 HURRICANE SHELTER – LIFE IMPACT CENTRE

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

With reference to EX MIN 18/345 of 6 July, the Hon Deputy Governor indicated that PS, MICUHAFE and team would be in contact with the Pastor Lucien MacDonna this week to discuss the readiness of the Life Impact Centre building at Long Bay as a hurricane shelter.

Council noted that the Alwyn Allison Richardson Primary School was earmarked as a long term hurricane shelter but would not be ready for this hurricane season hence the

reason for looking at the Life Impart Centre building. The possibility of the Ebenezer Methodist Church at The Valley being used as a shelter was also raised.

Action: HON DG (Acting); PS, MICUHAFE; MINS OF GOV'T

EX MIN 18/355

EX MEM 18/183 BEACH RECYCLING/BEACH NOURISHMENT AND/OR BEACH RE-PROFILING POLICY

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance. The following persons joined:

Mr Foster Rogers, PS, HLPP
 Mr Leslie Hodge, DLS
 Mrs Sharon Roberts-Hodge, Deputy Planning Officer
 Mr Stafford John, Senior Planner

Council:

- (i) endorsed the Beach Recycling/Beach Nourishment and/or Beach Re-profiling Policy;
- (ii) agreed that in clause 7.2 of the Policy, the Department of Environment should be included; and
- (iii) agreed that the Policy be sent to the AG's Chambers for final vetting.

PS, HLPP thanked the team, in particular, the Senior Planner who has been the influential person in this matter.

Action: PS, HLPP; DLS; SP; PS, MICUHAFE; CHIEF ENG; DIR, ENV

EX MIN 18/356

EX MEM 18/184 CASTALIA STRATEGIC ADVISORS LEGAL AND REGULATORY ADVISORY FOR ELECTRICITY IN ANGUILLA, REPORT FOR PHASE ONE AND PROPOSAL FOR PHASE TWO

Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance. The following persons joined:

Dr Aidan Harrigan, PS, FIN
 Mr Larry Franklin, PS, EDICTIT
 Mr Karim Hodge, PS, MICUHAFE

Council:

- (i) subject to point (iv) below agreed to an amount of US\$300,000.00 plus expenses for the Castalia Strategic Advisors original proposal relating to phase two of the work required for the Anglec Shareholding sale, which includes:
 - a) scope of works and outputs for phase two;
 - b) work plan for phase two;

- c) proposed Castalia team for phase two; and
 - d) budget and invoicing schedules for phase two
- (ii) agreed that clarity be sought on the total expenses to be paid; and
 - (iii) noted that payments would be made according to schedule

The issue of financing was discussed and the possibility of obtaining a CDB grant to fund this work, if necessary. Council noted that if the grant does not materialise, PS, FIN would be requested to identify funds from within the current allocations providing this was in accordance with the Finance Administration and Audit Act and such did not create any additional liabilities.

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

Action: PS, MICUHAFE; PS, FIN; PS, EDICTIT; PAS, FIN; DEP; BD; MINS OF GOV'T

EX MIN 18/357

EX MEM 18/185 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – REGISTRATION SECTION SOUTH EAST, BLOCK 79113 B, PARCELS 203 & 204; CONTAINING 0.27 & 0.31 ACRE RESPECTIVELY

Ministerial Assistant to the Hon Minister, MHA, PS, HLPP, DLS and Financial Specialist remained in attendance.

Council agreed that an Aliens Land Holding Licence should be issued in total on a freehold basis, two parcels of land containing 0.27 and 0.31 of an acre respectively, (totalling 0.58 of an acre), situated in Registration Section South East, Block 79113 B, described as Parcels 203 with dwelling house, and Parcel 204 being a vacant adjacent lot located at Long Path, for residential purposes, subject to the following:

(a)	Parcel 203	
(i)	under the Stamp Act – 5% of EC\$1,786,228.25	EC\$ 89,311.41
(ii)	Parcel 203 under the Aliens Land Holding Regulation Act – 5% of EC\$1,786,228.25	EC\$ 89,311.41
	TOTAL	EC\$178,622.82

Parcel 204

(iii)	under the Stamp Act – 5% of EC\$268,820.00	EC\$ 13,441.00
(iv)	Parcel 204 under the Aliens Land Holding Regulation Act – 6.25% of EC\$268,820.00	EC\$ 16,801.25
	TOTAL	EC\$ 30,242.25
	GRAND TOTAL	EC\$208,865.07

- (b) Parcels 203 and 204 should be amalgamated within three (3) months of registration.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 18/358

EX MEM 18/186 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION EAST END, BLOCK 99415 B, PARCEL 394, CONTAINING 0.75 OF AN ACRE

Ministerial Assistant to the Hon Minister, MHA, PS, HLPP, DLS and Financial Specialist remained in attendance.

Council agreed that an Aliens Land Holding Licence should be issued to hold property situate in Registration Section East End, Block 99415 B, described as Parcel 394 containing 0.75 acre located at Sea Feathers, Anguilla for residential purposes with a dwelling house thereon, subject to the following:

- (a) payment of the following stamp duties:
- | | | |
|------|---|-----------------------|
| (i) | under the Stamp Act – 5%
of EC\$1,008,075.00 | EC\$50,403.75 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5%
of EC\$1,008,075.00 | EC\$50,403.75 |
| | TOTAL | EC\$100,807.50 |
- (b) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent his dwelling house without first notifying the Ministry of Lands.

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

Action: PS, HLPP; DLS; PS, FIN

EX MIN 18/359

EX MEM 18/187 AMENDMENTS TO INSURANCE REGULATIONS

Ministerial Assistant to the Hon Minister, MHA, PS, FIN; PS, EDICTIT and Financial Specialist remained in attendance. The following persons joined:

Mr Cardigan Connor, Hon Parliamentary Secretary

Ms Tina Bryan, Deputy Director, Enforcement & AML/CFT Compliance, Financial Services Commission (FSC)

Mr Gerry Halischuk, Director, FSC

Further to EX MIN 18/337 of 6 July, Council approved the proposed amendment to the Insurance Regulations, R.R.A. I16-1, including the Schedules noting that they met the requirements of the FSC and the AG's Chambers.

Action: PS, FIN; HON AG (Acting); DIR, FSC; PS, EDICTIT; PAS, FIN; BD;
DEP; ACC GEN

EX MIN 18/360

EX MEM 18/188 AMENDMENTS TO FINANCIAL SERVICES ENACTMENTS REGULATIONS AND ANTI-MONEY LAUNDERING AND TERRORIST FINANCING REGULATIONS; AND THE DRAFT ANGUILLA UTILITY TOKEN OFFERING REGULATIONS

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, PS, FIN; PS, EDICTIT, Financial Specialist, Director, FSC and Deputy Director, FSC remained in attendance.

Council approved:

- (i) amendments to the Financial Services Enactments Regulations, R.R.A. F28-1;
- (ii) amendments to the Anti-Money Laundering and Terrorist Financing Regulations, R.R.A. P98-1; and
- (iii) the draft Anguilla Utility Token Offering Regulations.

Council noted the position of the Eastern Caribbean Central Bank and the Eastern Caribbean Securities Regulatory Commission on Fintech development, innovation and supervision.

Action: PS, FIN; HON AG (Acting); DIR, FSC; PS, EDICTIT; PAS, FIN; BD;
DEP; ACC GEN

ORAL MENTION

EX MIN 18/361

LEGISLATIVE PRIORITY

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, and Financial Specialist remained in attendance.

The Hon Deputy Governor pointed out that there was a number of rising issues requiring legislation and he wanted to be sure that these matters are presented to the House of Assembly in a predictable and systematic manner. He added that the most significant of these is the legislation needed to support the commitment in the MTEFP.

The DG went on to say that the Permanent Secretaries are compiling the GoA's Work plan, which would include any legislative requirements. These would be incorporated into the calendar for Ex Co's consideration.

Action: HON DG; HON AG (Acting); MINS OF GOV'T

EX MIN 18/362

UPDATE ON PREPARATIONS FOR THE HURRICANE SEASON AND REVIEW ON HURRICANE SHELTERS

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained in attendance.

Council requested that the Director, Disaster Management should be invited to Ex Co on Thursday 19 July to update on preparations for the hurricane season, and a review of the current status of hurricane shelters.

Action: DDM; HON DG (Acting)

EX MIN 18/363

REQUEST FOR RELEASE OF PRODUCT AT THE CUSTOMS DEPARTMENT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, PS, HLPP and Financial Specialist remained in attendance.

Council considered a request for the release of Cannabis Oil which is being retained at the Customs Department, and urgently required for medicinal purposes. Council noted the circumstances surrounding this case and agreed that, in this specific case, the Hon Attorney General be requested to authorise the Comptroller of Customs to release the product. Council further noted that no prosecution would be sought in this instance.

Council asked the PS, HLPP to bring a paper to the next Ex Co meeting to make an amendment to the appropriate Regulations to allow for the lawful importation of cannabis derived medication.

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

Action: PS, HLPP; HON AG (Acting); COC

EX MIN 18/364

FSC LEGISLATION

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, PS, EDICTIT, Financial Specialist, Director, FSC and Deputy Director, FSC remained in attendance.

Council noted that there were some outstanding pieces of FSC legislation to be finalised. PS, EDICTIT pointed out that he had been in discussion with the private sector on finalising a priority list, which would be submitted to Ex Co to be incorporated in the legislative priority list for consideration.

Action: PS, EDICTIT; DIR, FSC; PS, FIN; PAS, FIN; DEP; BD

EX MIN 18/365

OVERSEAS TRAVEL AND LEAVE

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, and Financial Specialist remained in attendance.

Council was informed of the following dates of overseas travel and leave:

- 1) Hon Chief Minister - Thursday 12 – Monday 16 July 2018
- 2) Hon Min Infrastructure - Thursday 12 – Wednesday 18 July 2018
- Miami and New York
- 3) Hon Deputy Governor - Monday 16 – Friday 20 July 2018
- leave

Council noted that PS, HLPP would be the Acting Deputy Governor.

Action: EXCO MEMBERS
