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MINUTES OF THE 214TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 23RD OCTOBER 2014

PRESENT: Her Excellency the Governor, Ms Christina Scott

The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration and Minister of Social Development and Health

The Honourable Deputy Governor, Mr Stanley Reid

The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing

The Honourable Attorney General, Mr Rupert Jones

Mrs Jewelle Fleming, Clerk to Executive Council

IN ATTENDANCE: Hon Haydn Hughes, Parliamentary Secretary
Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance
Dr Bonnie Richardson-Lake, PS, HSD
Dr Aisha Andrewin, Chief Medical Officer
Mr Perin Bradley, Compliance Manager
Mr Larry Franklin, PS, MICUH
Mr Ensor Gumbs, PAS, MHA/LANDS

ABSENT: The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister
of Education, Library Services, Sports, Youth and Culture

EX MIN 14/667 **CONFIRMATION OF THE MINUTES**

Council confirmed the Minutes of a Special Meeting held on Monday 13th October
2014 and the Minutes of the 213th Meeting held on Friday 17th October 2014.

MATTERS ARISING FROM THE MINUTES

EX MIN 14/668 None

EX MIN 14/669 **EX MEM 14/389 EBOLA PREPAREDNESS**

Hon Haydn Hughes, Parliamentary Secretary, Mr Patrick Hanley, Personal Assistant to the Hon CM/Finance, Dr Bonnie Richardson-Lake, PS, HSD and Dr Aisha Andrewin, Chief Medical Officer joined the Meeting.

Council:-

- (i) noted that although according to the Caribbean Public Health Agency (CARPHA) the risk of Ebola Virus Disease to the Caribbean was low;
- (ii) agreed to deny:-
 - (a) entry to Anguilla to any nationals of Liberia, Sierra Leone and Guinea as well as any traveller who has travelled to these countries in the last 21 days until further notice; and
 - (b) work permits to any nationals from Liberia, Sierra Leone and Guinea until further notice.

Council stated that the decision to deny entry to Anguilla as indicated above was done mainly as a social measure to mitigate concerns of the general public; that the true solution to the Ebola threat is stopping the outbreak in the countries with widespread, intense transmission and emphasised the importance of continuing to strengthen capacity in Anguilla to deal with Public Health threats in accordance with the International Health Regulations.

Action: PS, HSD; CMO; HON MIN, HEALTH

EX MIN 14/670

EX MEM 14/390 RE-APPOINTMENT OF PAROLE BOARD MEMBERS

Parliamentary Secretary, PA to the Hon CM/Finance and PS, HSD remained for discussion.

Council approved:-

- (i) the re-appointment of Mr. Ronald Scipio, Mrs. Rhonda Connor, Rev. Egbert Dunstan Richardson and Mr. Hubert M. Hughes to the Parole Board;
- (ii) the appointment of Mr. Seymour Hodge as a member of the Parole Board representing a member of the community; and
- (iii) the appointment of Mr Derek as an alternate member of the Board.

Council agreed that the persons should serve on the Parole Board for a two-year term effective October 2014.

Action: PS, HSD; SOP; COP

EX MIN 14/671

EX MEM 14/391 ANTI-MONEY LAUNDERING AND TERRORIST FINANCING (AMENDMENT) REGULATIONS, 2014

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion.

Council approved the draft Anti-Money Laundering and Terrorist Financing (Amendment) Regulations 2014 for signature and publication in the Gazette.

HE the Governor signed the Regulations on 23rd October 2014 for gazetting.

Action: AG; CPC; DIR, FSC

EX MIN 14/672

EX MEM 14/392 APPLICATION FOR DUTY EXEMPTION ON THE COMPONENTS OF A GREENHOUSE BY LORNA D. KENTISH

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion.

Council agreed that duty exemption should be granted to Tanglewood Organic Farms (c/o Mrs Lorna Rogers) on items to be used for the establishment of a greenhouse on their farming property. Council noted that Tanglewood Organic Farms produces local organic fruits and vegetables which are widely circulated on the island.

Council additionally agreed that the 5% administrative charge should be applied.

The estimated duty loss to the GoA is EC\$15,427.32.

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

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 14/673

EX MEM 14/393 ON IMPLEMENTING AGREEMENTS UNDER THE GLOBAL STANDARD ON AUTOMATIC EXCHANGE OF INFORMATION TO IMPROVE INTERNATIONAL TAX COMPLIANCE

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion. Mr Perin Bradley, Compliance Manager joined the Meeting.

Council:-

- (i) noted that the international community had quickly adopted cross-border co-operation and automatic EOI as minimum expectations in a post-FATCA, anti-evasion environment;
- (ii) reconfirmed Anguilla's commitment to meeting the international Standard by joining the other Early Adopters in signing the Declaration on joining the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information; and
- (iii) noted that the effective date was 29th October 2014.

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

Action: COM MAN; PS, FIN; PS, EDICT; PAS, FIN; MINS OF GOV'T; DIR,
FSC

EX MIN 14/674

EX MEM 14/394 EXTENSION OF CONSULTANCY – SUSTAINABLE TOURISM MASTERPLAN (STMP) IMPLEMENTATION

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion.

Further to EX MIN 14/662 of 17th October 2014, Council agreed that:-

- (i) the Government of Anguilla should finance the extension of the consultant's contract for a two-year term effective January 2015 – January 2017;
- (ii) the Ministry of Finance should formulate a contract with the consultant for execution; and
- (iii) provisions would be made in the 2015 budget to cover the salary and allowances normally paid to professionals in the public service.

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

Action: PS, EDICT; PS, FIN; PAS, FIN; BD; ACC GEN; PA, CM/FIN

EX MIN 14/676

EX MEM 14/396 PROCEDURE FOR GGI'S APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR A WASTE TO ENERGY PLANT

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion.

Council agreed that the paper be deferred until the Hon Minister of Lands was present.

Action: AG; HON MIN, LANDS

EX MIN 14/677

EX MEM 14/397 MR STANLEY HODGE

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion.

Council agreed that Mr Stanley Hodge should be paid the sum of US\$173,701.92 as compensation for property acquired as part of the Airport Project as well as legal costs of US\$250.00, subject to the Hon Attorney General discussing with the MoFEDICT the availability of funds.

Action: AG; PS, FIN; PS, EDICT; BD; CPO

EX MIN 14/679

EX MEM 14/399 RE-APPOINTMENT OF THREE (3) MEMBERS OF THE BOARD OF THE WATER CORPORATION OF ANGUILLA

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion. Mr Larry Franklin, PS, MICUH joined the Meeting.

Council noted the ongoing criminal investigation against Mr J. Vanier Harrigan.

Council nonetheless agreed that:-

- (i) Mr J. Vanier Harrigan, Mr Didric Webster and Mrs Jacqueline A. Richardson should be re-appointed as members of the Board of the Water Corporation of Anguilla for a period of three years. (Section 5 of the Water Corporation of Anguilla Act R.S.A c, W4);
- (ii) Mr J. Vanier Harrigan, Mr Didric Webster and Mrs Jacqueline A. Richardson be paid the same monthly allowance (EC\$1,100) as other ordinary Board members of the Water Corporation of Anguilla. (Section 8 of the Water Corporation of Anguilla Act R.S, A c. W4); and
- (iii) the allowances for all other Board members would remain as they currently are. (Section 8 of the Water Corporation of Anguilla Act R.S.A c. W4).

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

Action: PS, MICUH; CEO, WCA

EX MIN 14/680

EX MEM 14/400 EX MEM 14/367 TRANSFER OF MRS MICHAL ROMNEY AND MRS SHELECIA BROOKS-JOHNSON TO THE ANGUILLA COMMUNITY COLLEGE

Further to EX MIN 14/633 of 7th October 2014, Council approved the execution of the Transfer of Public Officers to the Anguilla Community College (No. 2) Regulations, 2014.

HE the Governor signed the Regulations on 23rd October 2014 for gazetting.

Action: AG; PS, ELSYC; PS, PA; CEO; CPC; PS, FIN; PS, EDICT

EX MIN 14/681

EX MEM 14/401 APPEAL AGAINST PLANNING PERMISSION - GWEN WEBSTER - GWEN'S REGGAE GRILL

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion.

Council noted that a site visit was made by Members of Executive Council on Wednesday 16th October 2014 to the proposed development at Shoal Bay. Council additionally noted the comments from the Principal Planning Officer regarding the intended use of the surrounding lands for the development of the Fountain Cavern National Park, and for which the land in question had been initially purchased by the Government of Anguilla. In the LDCC's opinion, the development in the position intended would be prejudicial to the Sustainable Tourism Master Plan.

Following the site visit, Council was minded to approve the appeal against planning permission from Ms Gwen Webster to construct a Restaurant & Bar at Shoal Bay, Anguilla (Block 59018B, Parcel 58), subject to:-

- (i) the Lands & Surveys Department demarcating and establishing on the area map, the 12 foot right-of-way to be shown as the registered access to the property; and
- (ii) Mrs Webster being told that she is responsible for the construction of the road as the GoA was not in a financial position to do so.

Action: PS, MHA/LANDS; DLS; PPO

EX MIN 14/682

EX MEM 14/338 ANGUILLA'S REGULATORY ENVIRONMENT FOR THE MARITIME SECTOR

Parliamentary Secretary and PA to the Hon CM/Finance remained for discussion.

Council:-

- (i) approved the proposed amendments to the Merchant Shipping Act and Regulations; and
- (ii) mandated the Attorney General's Chambers to commence the drafting of the legislation to effect the amendments.

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

Action: PS, MICUH; AG

ORAL MENTION

EX MIN 14/683

THE GOVERNMENT OF ANGUILLA – AGR INTERNATIONAL HOLDINGS S.A. CORPORATE REPORT

Parliamentary Secretary, PA to the Hon CM/Finance and Compliance Manager remained for discussion.

Council agreed the provisions of the draft AGR MoU as outlined in the table below:-

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| Provisions of the Draft AGR MOU | |
| Part III. 2. a | |
| On initial sales (by the Developer) of a Villa, the Stamp Duty due and payable under the ALHRA will be 4% provided the buyer agrees | Council agreed |

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| <p>to place the Villa into the Hotel Room Rental Programme for a minimum of the first two (2) years after the Villa becomes available for accommodation. In the event that the buyer elects not to place the Villa into the Hotel Room Rental Programme for a minimum of the first two (2) years after the Villa becomes available for accommodation, stamp duty due and payable under the ALHRA shall be 7%.</p> | |
| <p>Part III.2.b.</p> <p>On any subsequent re-sale of a Villa (by a buyer that purchased its Villa from the Developer, and all subsequent re-sales thereafter) the Stamp Duty due and payable under the ALHRA will be 7% provided the buyer agrees to place the Villa into the Hotel Room Rental Programme for a minimum of the first two (2) years after the subsequent buyer purchased the Villa. In the event that the subsequent buyer elects not to place the Villa into the Hotel Room Inventory Programme for a minimum of the first two (2) years after the subsequent buyer purchased the Villa, the Stamp Duty due and payable under the ALHRA shall be levied in full.</p> | <p>Council agreed</p> |
| <p>Part III.2.d.</p> <p>In relation to each phase of the Project, Government agrees, subject to normal regulatory process to grant partial exemption from the payment of stamp duty (ALHL fee) under the ALHLA for a period of five (5) years from the completion of construction of the applicable phase.</p> | <p>Council agreed</p> |
| <p>Part III.2.e.</p> <p>The Parties agree that either Party, may at the expiration of the five (5) year period referred to above, request a review of the partial exemption on the ALHL fees and may come to terms of agreement with regards to any changes proposed by either Party. In the event that no agreement shall be forthcoming at the time of such review, the ALHL and any applicable property tax legislation in effect shall apply and replace the provisions herein regarding ALHL exemptions, provided the legislation is uniformly applied to all similar</p> | <p>Council agreed</p> |

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| developments. | |
| The MOU has made no provision for annual Resort Residence Asset Levy (RRAL). The developer has indicated that until the legislation is passed to accommodate such it should be removed from the MOU. | Council agreed that the RRAL would not be applicable to this MoU. |
| Part IV.1.e. The Government also agrees to reduce the five percent (5%) administrative fee payable in instances where customs duties are waived to two and one half percent (2.5%). | Council agreed |
| Part V.7. The terms and conditions of this MOU, as well as the Government's concessions granted hereunder, as provided in this MOU shall apply to any additional third party contiguous parcels acquired by the Developer within a eight (8) year period after the Effective Date, provided that the acquisition of such third party parcels is demonstrated to the Government to be necessary for the development of the Project. Part V.9.d. The Government agrees, in the event that the Government grants approval for the development of a marina in the sea or Grey Pond, to consider in good faith the establishment of a port of entry at the site and the Government does not hereby make a commitment in the event that a marina is approved to establish such a port of entry. | Council agreed ten (10) years Council agreed |
| Part V. 10.h. (E.I.A.) If the Developer fails to provide the full EIA within twelve (12) months, the Government shall have the option to terminate this MOU without notice and without necessity to provide any further reason for its decision other than that twelve (12) months has elapsed without the full EIA having been provided. The Government will give notice to the Developer within four (4) weeks from the Cut Off Date. | Council agreed |
| Part V.11.d. (Revised Project Proposals) | |

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| <p>If the Developer fails to provide revised project proposals, in accordance with paragraph 11 (a), the Government shall have the option to terminate this MoU without notice and without any necessity to provide any further reason for its decision other than that the four (4) months provided by paragraph 11 (a) has elapsed without the revised project proposals having been provided. The Government shall notify its decision to the Developer within four (4) weeks after the expiration of the four (4) month period of time allowed by paragraph 11 (b).</p> | <p>Council agreed</p> |
| <p>Part VI.12. Developer Covenants</p> <p>To support educational, health, social, cultural, sports, environmental or community development projects as part of its commitment to being a responsible corporate citizen and to agree with the Chief Minister and/or the Minister of Social Development within <u>24 months</u> after the Effective Date of this MOU a framework for the Developer's participation in providing certain financial support of specific projects and the quantum and nature of this support.</p> | <p>Council agreed</p> |

Council noted the additional comments (attached) from the TIC on the RRAL and on financial arrangements and due diligence.

Council authorised the Hon Attorney General and the Compliance Manager to finalise the negotiations with Counsel for AGR.

Action: PS, EDICT; PS, FIN; COM MAN; MINS OF GOV'T; AG; TIO; PS, MHA/LANDS

EX MIN 14/684

MEETING OF EXECUTIVE COUNCIL

Council agreed that the regular Meeting of Executive Council should be held on Tuesday 28th October 2014 at 9:00 am.

Action: EXCO MEMBERS
