

THIS DOCUMENT IS THE PROPERTY
OF THE GOVERNMENT OF ANGUILLA

Copy No:

MINUTES OF THE 181ST MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 21ST MARCH 2019
AT 9:00 AM

PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE

The Honourable Chief Minister and Minister of Finance, Economic Development, Commerce, Tourism and Information Technology, Mr Victor Banks

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Minister of Health and Social Development, Lands and Physical Planning, Mr Evans Rogers

The Honourable Minister of Infrastructure, Communications, Utilities, Housing, Agriculture, Fisheries and Environment, Mr Curtis Richardson

The Honourable Attorney General, Mr Dwight Horsford

Clerk to Executive Council, Mrs Jewelle Fleming

IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor
Financial Specialist, Mr Stephen Turnbull
PS, EDICTIT, Mr Larry Franklin
Compliance Manager, Ms Marisa Harding-Hodge
Trade and Investment Officer, Ms Taitu Goodwin
PS, HLPP (acting), Mr Bren Romney
DLS, Mr Leslie Hodge
CEO, AASPA (acting), Mr Sherman Williams
Chairman, AASPA, Mr Fabian M. Fahie

ABSENT: The Honourable Minister of Home Affairs and Education, Mrs Cora Richardson-Hodge

EX MIN 19/144 **CONFIRMATION OF THE MINUTES**

Hon Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 180th Meeting held on Thursday 14 March 2019 and the Minutes of a Special Meeting held on Friday 15 March 2019.

MATTERS ARISING FROM THE MINUTES

EX MIN 19/145

REMOVAL PLAN FOR DERELICT VEHICLES

Hon Parliamentary Secretary and Financial Specialist remained.

Following on from EX MIN 19/138 of 14 March, H E The Governor reported that prisoners would be working around the island on a regular regime to assist with the clean-up campaign on the island.

Action: PS, HLPP; PS, MICUHAFE; PARL SEC; HON AG; SOP; DHP; PEHO;
MINS OF GOV'T

EX MIN 19/146

LEGISLATIVE PRIORITIES

Hon Parliamentary Secretary and Financial Specialist remained.

The Hon Deputy Governor noted that he had received responses from two ministers regarding the priority areas they wish to see advance. He reminded other ministers to submit their legislative priority areas shortly.

Action: HON DG; HON AG; PERM SECS; MINS OF GOV'T

EX MIN 19/147

EX MEM 19/65 THE INTERNATIONAL TAX COMPLIANCE (CBC REPORTING) REGULATIONS, 2019

Hon Parliamentary Secretary and Financial Specialist remained. The following persons joined:

PS, EDICTIT, Mr Larry Franklin
Compliance Manager, Ms Marisa Harding-Hodge
Trade and Investment Officer, Ms Taitu Goodwin

Council:

- (i) recognised the importance of this procedure;
- (ii) requested the Attorney General's Chambers to review the International Tax Compliance (CBC Reporting) Regulations, 2019 as a matter of priority; and
- (iii) agreed that the Regulations be brought back to Council on Friday 29 March for consideration.

Action: PS, EDICTIT; HON AG; PS, FIN; COM MAN; TIO; BD; CIR;
MINS OF GOV'T

EX MIN 19/148

EX MEM 19/67 TRANSFER OF PROTOCOL FUNCTIONS TO THE CHIEF MINISTER'S OFFICE AND RELATED ISSUES

Hon Parliamentary Secretary and Financial Specialist remained.

Council:

- (i) considered the proposal from the Hon Chief Minister relating to the reassignment of protocol functions;
- (ii) agreed that the subject of protocol and attendant matters, including national funerals should be transferred from the Ministry of Home Affairs to the Ministry of Finance; and
- (iii) agreed that national celebrations and the Honours and Awards Committee should be transferred from the Ministry of Home Affairs to the Ministry of Finance.

Action: PS, MHA; PS, FIN; PS, EDICTIT; PS, SD; OTHER PERM SECS;
PAS, MHA; MINS OF GOV'T

EX MIN 19/149

EX MEM 19/68 UPDATE ON THE STATUS OF THE MARKETING AND SECURING INVESTMENT FOR MARINA DEVELOPMENT

Hon Parliamentary Secretary, Financial Specialist, PS, EDICTIT, Compliance Manager and Trade and Investment Officer remained.

Council:

- (i) noted the update on the status of marketing and securing investment for marina development in Anguilla; and
- (ii) agreed in principle to the request for proposal document and the project schedule, subject to a review by the Attorney General's Chambers and procurement authorities.

Action: PS, EDICTIT; PS, FIN; HON AG; COM MAN; TIO; CHIEF PRO OFF;
MINS OF GOV'T

EX MIN 19/150

EX MEM 19/69 NATIONAL QUALIFICATIONS FRAMEWORK FOR ANGUILLA

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that the matter be deferred to the next meeting of Executive Council scheduled for Friday 29 March at 9:00 am.

Action: EXCO MEMBERS; PS, MHA

EX MIN 19/151

EX MEM 19/70 ACQUISITION OF LANDS THROUGH EXCHANGE OF PROPERTIES DESCRIBED AS REGISTRATION SECTION NORTH CENTRAL, BLOCK 48813 B, PARCEL 35 AND 96 (PART OF)

Hon Parliamentary Secretary and Financial Specialist remained. The following persons joined:

PS, HLPP (acting), Mr Bren Romney
DLS, Mr Leslie Hodge

Council agreed that:

- (i) EX MIN 18/19 of 11 January 2018 be rescinded;
- (ii) lands situated in Registration Section West Central, Block 28111 B, described as Parcel 163 being 0.46 of an acre of land and in Registration Section North Central, Block 48813 B, described as Parcel 96 (part of) being 0.55 of an acre be exchanged for lands situate in Registration Section East Central, Block 89217 B, described as Parcels 142 (0.61 of an acre) and 143 (0.62 of an acre) registered to Fredrick Harrigan and Hamlet Harrigan. The exchange of land is for the Welches community to further expand their existing community park and playing field;
- (iii) lands being 0.15 of an acre registered to Atlin Harrigan and Hamlet Harrigan as administrators of the estate of Frederick Harrigan deceased situated in Registration Section North Central, Block 48813 B, described as Parcel 35 (part of) be exchanged with the Crown for 0.15 of an acre of land situated in Registration Section North Central, Block 48813 B, described as Parcel 96 (part of). The said lands are for the future expansion of the Valley road; and
- (iv) Welches community shall have the right to use said property with the approval of the Ministry of Social Development.

Action: PS, HLPP (acting); DLS; PS, SD; PPO; PS, MICUHAFE; MINS OF GOV'T

EX MIN 19/152

EX MEM 19/71 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – FRANCIS PETER SEMINARA – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL K203 CONTAINING 2,335 SQ. FT.

Hon Parliamentary Secretary, Financial Specialist, PS, HLPP (acting) and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Francis Peter Seminara to hold on a freehold basis a luxury condominium unit of approximately 2,335 sq. ft. forming part of 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 K203, subject to the following:

- (a) payment of the following stamp duties:
 - (i) under the Stamp Act – 5%
of EC\$5,322,636.00 EC\$266,131.80
 - (ii) under the Aliens Land Holding
Regulation Act – 3%
of EC\$5,322,636.00 EC\$159,679.08
- TOTAL EC\$425,810.88**

- (b) Regulations to be issued for Exemption.

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

Action: PS, HLPP (acting); DLS; HON AG; PS, FIN

EX MIN 19/153

EX MEM 19/72 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – PATRICIA KATHLEEN MURRAY AND JAMES NICHOLAS MURRAY – REGISTRATION SECTION WEST CENTRAL, BLOCK 28309 B, PARCEL 80 CONTAINING 0.23 OF AN ACRE WITH A DWELLING HOUSE

Hon Parliamentary Secretary, Financial Specialist, PS, HLPP (acting) and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Patricia Kathleen Murray and James Nicholas Murray, to hold, on a freehold basis, land situated in Registration Section West Central, Block 28309 B, described as Parcel 80, being 0.23 of an acre of land with a dwelling house thereon located in Cul-de-Sac for private residential purposes, subject to:

- (a) payment of the following stamp duties:

| | | |
|------|---|----------------------|
| (i) | under the Stamp Act – 5% of EC\$725,814.00 | EC\$36,290.70 |
| (ii) | under the Aliens Land Holding Regulation Act – 5% of EC\$725,814.00 | EC\$36,290.70 |
| | TOTAL | EC\$72,581.40 |

- (b) with the expressed condition that the land is to be used for residential purposes and that the Licencees must not rent their 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 (acting); DLS; PS, FIN

EX MIN 19/154

EX MEM 19/73 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – HEATHER JANE PARKES AND WAYNE PARKES – REGISTRATION SECTION WEST END, BLOCK 17809 B, PARCEL 157 CONTAINING 0.77 OF AN ACRE

Hon Parliamentary Secretary, Financial Specialist, PS, HLPP (acting) and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Heather Jane Parkes and

Wayne Parkes, to hold, on a freehold basis, vacant property situated in Registration Section West End, Block 17809 B, described as Parcel 157, being 0.77 of an acre of land located in West End for private residential purposes, subject to:

- (a) payment of the following stamp duties:
- | | | |
|-------|--|-----------------------------|
| (i) | under the Stamp Act – 5% of EC\$188,174.00 | EC\$ 9,408.70 |
| (ii) | under the Aliens Land Holding Regulation Act – 6.25% of EC\$188,174.00 | EC\$11,760.88 |
| (iii) | refundable deposit of 10% of EC\$188,174.00 | EC\$18,817.40 |
| | TOTAL | <u>EC\$39,986.98</u> |
- (b) the construction of the dwelling house to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30) months, 50% of the refundable deposit will be forfeited to the Government of Anguilla. The balance 50% will be forfeited if the construction is not completed within a further 6 months. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla for a period of twenty-four (24) months; and
- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencees must not rent their dwelling house without first notifying the Ministry of Lands.

Council noted that the applicants' reason for requesting an exemption to government's policy on restricting aliens to purchase no more than half an acre for residential purposes (0.77 of an acre is requested in this case) is justifiable because it is a distressed property.

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

Action: PS, HLPP (acting); DLS; PS, FIN

EX MIN 19/155

**EX MEM 19/74 RESCINDING EXECUTIVE COUNCIL MINUTE 19/46 -
ALEKSANDER FEUER AND NONA LANE FEUER – REGISTRATION
SECTION WEST END, BLOCK 18011 B, PARCEL 45 SL 4A CONTAINING
564 SQ. FT.**

Hon Parliamentary Secretary, Financial Specialist, PS, HLPP (acting) and DLS remained.

Council:

- (i) agreed that EX MIN 19/46 of 24 January 2019 should be rescinded;

- (ii) agreed to issue an Aliens Land Holding Licence to Aleksander Feuer and Nona Lane Feuer to hold property situate in Registration Section West End, Block 18011 B, Parcel 45 SL 4A containing 564 sq. ft. located at Meads Bay forming part of Carimar Beach Club, subject to:
- (a) payment of the following stamp duties:
- | | | |
|--------------|---|----------------------|
| (i) | under the Stamp Act – 5% of EC\$694,598.19 | EC\$34,729.91 |
| (ii) | under the Aliens Land Holding Regulation Act – 5% of EC\$694,598.19 | EC\$34,729.91 |
| TOTAL | | EC\$69,459.82 |
- (iii) agreed that Carimar Beach Club Limited should be the exclusive renting agent for the unit. The Licencees should be required to enter into an agreement with Carimar Beach Club Limited for the management and use of the unit for at least forty-four (44) weeks in each calendar year;
- (iv) agreed that the Licencees shall have the right to reside in the unit for a maximum of eight (8) weeks in each calendar year without being liable for the payment of accommodation tax. However, if they wish to live in their unit for a period longer than eight (8) weeks, then they should be required to pay the accommodation tax; and
- (v) agreed that the Department of Lands and Surveys undertakes to review the FF&E for condominium development such as Carimar Beach Club Limited, Paragon Holding Limited, Sandy Hill Beach Resort Club Development, Anguilla Aviation Fountain and Paradise Holding Company Ltd.

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

Action: PS, HLPP (acting); DLS; PS, FIN

EX MIN 19/156

**EX MEM 19/76 ACQUISITION OF REGISTRATION SECTION, ROAD;
BLOCK 08412 B, PARCEL 172, COMPRISING 0.80 OF AN ACRE –
DEVELOPED: PELICAN VILLA AT SANDY GROUND**

Hon Parliamentary Secretary, Financial Specialist, PS, HLPP (acting), DLS, CEO, AASPA (acting) and Chairman, AASPA remained.

Council noted:

- (i) the purchase of property situated in Registration Section Road, Block 08412 B described as Parcel 172 by the Anguilla Social Security Board (ASSB) through its subsidiary Anguilla Social Security Investment and Development Corporation (ASSIDCO) at a price of US\$630,000.00 on behalf of the Government of Anguilla for the Road Bay Port Development Project;

- (ii) the transfer of Parcel 172 to the Crown shortly after it is purchased by the ASSB through ASSIDCO;
- (iii) the exchange with and transfer to the ASSB/ASSIDCO of Crown Land of equivalent value to Parcel 172 simultaneously with the transfer of Parcel 172 to the Crown;
- (iv) the preparation and execution of a Sale and Purchase Agreement by the contracting parties, the ASSB/ASSIDCO, purchaser and Mr. William J. McLaughlin and Mrs. Helen McLaughlin, sellers for the sale and purchase of Parcel 172 for US\$630,000.00;
- (v) the preparation and execution of the necessary supporting documents to the Sale and Purchase Agreement to give effect to the arrangements between the GoA/AASPA and the ASSB/ASSIDCO for the funding and exchange of land to achieve the acquisition of Parcel 172 for the Road Bay Port Development; and
- (vi) the exercise of best efforts and necessary due diligence by the various officials of the GoA, the ASSB/ASSIDCO and the AASPA to achieve the closing of the sale and purchase transaction, followed shortly by the transfer and exchange of land with the GoA/Crown in an efficient and timely manner as possible, cognizant of the target timeline for the implementation of the Road Bay Port Development Project.

Council:

- (i) encouraged the officials to work towards a tripartite agreement;
- (ii) agreed that the Attorney General's Chambers be involved in the agreement process; and
- (iii) commended MICUHAFE and AASPA officials for the progress made on the Road Bay Port Development Project.

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

Action: PS, HLPP (acting); DLS; HON AG; DIR, ASSB; CEO, AASPA (acting);
CHAIR, AASPA; PS, FIN; PS, EDICTIT; MINS OF GOV'T

ORAL MENTION

EX MIN 19/157

APPLICATION FOR DUTY EXEMPTION BY MR CLARANCE FLEMING-ROGERS

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that duty exemption should be granted to Mr Clarence Fleming-Rogers on a special vehicle to be imported from the USVI. Mr Rogers was left paralyzed from the waist down due to a motor vehicle accident some years ago. He was an active sportsman on the island prior to the accident.

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

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

EX MIN 19/158

VISIT TO ANGUILLA BY MESSRS BEN MERRICK, DIRECTOR, OTs IN THE FCO AND GARETH HOLVEY

His Excellency the Governor informed Council that Ben Merrick, Director for Overseas Territories in the FCO would be visiting Anguilla next week (Tuesday 26 – Thursday 28 March).

Ministers of GoA and other officials would be apprised of schedules.

Action: MINS OF GOV'T
