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**MINUTES OF THE 203<sup>RD</sup> MEETING OF THE ELEVENTH ANGUILLA**  
**EXECUTIVE COUNCIL HELD ON THURSDAY 19<sup>TH</sup> SEPTEMBER 2019**  
**AT 9:00 AM**

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

The Honourable Premier 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 Home Affairs and Education, Mrs Cora Richardson-  
Hodge

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, MBE

IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor  
Ministerial Assistant to the Hon Minister, MHA, Mrs Evalie Bradley  
Financial Specialist, Mr Stephen Turnbull  
PS, FIN, Dr Aidan Harrigan  
Director, Economic Planning, Mrs Shantelle Richardson  
Labour Commissioner, Mrs Jo-Anne Hodge  
PS, HLPP, Mr Foster Rogers  
PS, MICUHAFE, Mr Karim Hodge  
DLS, Mr Leslie Hodge

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

EX MIN 19/436 **CONFIRMATION OF THE MINUTES**

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

Council confirmed the Minutes of the 202<sup>nd</sup> Meeting held on Thursday 12 September  
2019.

**MATTERS ARISING FROM THE MINUTES**

EX MIN 19/439

**EX MEM 19/215 OVERDRAFT FACILITY 2019-2020**

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

Council agreed that:

- (i) an overdraft facility of twenty million Eastern Caribbean Dollars (EC\$20,000,000.00) be maintained at the National Commercial Bank of Anguilla Ltd at an interest rate of 5.75 per cent, effective 1 October 2019 to 30 September 2020;
- (ii) a continuing guarantee and promissory note be provided by the Government of Anguilla (GoA) to National Commercial Bank of Anguilla Ltd; and
- (iii) the attached draft overdraft resolution be submitted to the House of Assembly at its next sitting to give effect to the renewal of the overdraft facility.

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

Action: PS, FIN; PS, EDICTIT; PAS, FIN; BD; DEP; DM; CL, HOA; ACC GEN;  
MINS OF GOV'T

EX MIN 19/440

**EX MEM 19/216 TERMINATION OF THE EXTENSION OF THE CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS GOVERNMENT FOR THE AVOIDANCE OF DOUBLE TAXATION WITH RESPECT TO TAXES ON INCOME (LONDON, 30 SEPTEMBER 1954, THE "CONVENTION") TO ANGUILLA**

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

Council considered and agreed that the UKG should provide written notice of termination of the Convention in relation to Anguilla to the Embassy of Switzerland on behalf of Anguilla.

Action: PS, FIN; PS, EDICTIT; PAS, FIN; BD; DEP; CIR; COM MAN; ACC GEN;  
MINS OF GOV'T

EX MIN 19/441

**EX MEM 19/217 2018 – 2020 MEDIUM TERM ECONOMIC AND FISCAL PLAN (MTEFP) – ESTIMATES UPDATE**

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

PS FIN, Dr Aidan Harrigan  
Director, Economic Planning, Mrs Shantelle Richardson

Council:

- (i) considered and approved the updated forward and long-term estimates (2020 – 2030) as follows:

	Projected outturn 2019	Budget 2020	Forward 2021	Estimates 2022
<b>Recurrent Revenue</b>	230.83	225.58	220.21	218.02
<b>Recurrent Expenditure</b>	220.22	214.57	212.42	213.94
<b>Recurrent Balance</b>	10.61	11.01	7.79	4.08
<b>Capital Revenue</b>	15.27	33.38	10.00	10.00
<b>Capital Expenditure</b>	15.49	9.40	10.00	10.00
<b>Capital Balance</b>	-0.22	23.98	0.00	0.00
<b>Overall Balance (before amortisation)</b>	10.39	34.99	7.79	4.08
<b>Debt Amortisation</b>	28.51	32.04	33.00	35.64
<b>Financing Gap</b>	-18.12	2.96	-25.21	-31.56
<b>Financing- CDB, Sinking fund</b>	18.12		25.21	19.80
<b>Unfunded Balances</b>				-11.76

- (ii) approved submission of estimates to the UKG under a covering letter from the Premier.

Action: PS, FIN; PS, EDICTIT; PAS, FIN; BD; DEP; DM; ACC GEN;  
MINS OF GOV'T

EX MIN 19/442

**EX MEM 19/218 GRANT OF PERMIT OF PERMANENT RESIDENCE VIA INVESTMENT**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA, PS, FIN, DEP and Financial Specialist remained.

In EX MIN 19/312 of 5 July 2019, Council agreed that the paper should be deferred for further consultation with the MFEDICTIT.

Council:

- (i) reviewed the application in respect of a Permit of Permanent Residence with an exemption to the normal process in accordance with the provisions of Section 24 (1) of the Immigration and Passport Act and the Permanent Residence Permit (Amendment) Regulations 2019; and
- (ii) advised His Excellency the Governor to grant the Permit of Permanent Residence, subject to the payment of the permit fee and all other requirements being fulfilled.

Action: PS, EDICTIT; DEP; HON AG; PS, FIN; PAS, FIN; COM MAN;  
MINS OF GOV'T

EX MIN 19/443

**EX MEM 19/219 LEASE OF CROWN LAND TO CUTELYN CARTY FOR USE AS AN OFFICE BUILDING AND BOUTIQUE – PROPERTY SITUATED IN REGISTRATION SECTION NORTH, BLOCK 59017 B DESCRIBED AS PARCEL 4**

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

Council agreed that:

- (i) Cutelyn Carty be granted a lease for property situated in Registration Section North, Block 59017 B, described as Parcel 4 being 0.15 of an acre for an office building and boutique on the said parcel;
- (ii) the use of the premises is to establish an Office and Boutique building;
- (iii) the parking lot must be developed to the requirements and standards approved by the Chief Engineer at the Department of Infrastructure in the Ministry of Infrastructure, Communications, Utilities and Housing;
- (iv) the 4” bore in the south western corner that should be properly capped with the guidance of the Water Corporation of Anguilla;
- (v) the term of the lease is a twenty-five (25) year leasehold interest with an option to renew for another twenty-five (25) years;
- (vi) a rent per annum in the amount of US\$1,000.00/EC\$2,688.20 to be payable annually in advance increasing by Consumer Price Index (CPI) or two (2%) percent, whichever is greater. At the end of every fifth (5th) year of the lease the rent is to be reviewed to market rent upward only;
- (vii) stamp duty payable is as follows:
  - (a) market value of the property is US\$12,000.00 (EC\$32,258.40);
  - (b) stamp duty on lease is US\$150.00 (EC\$403.23); and
- (viii) the Department of Lands and Surveys drafts the lease, and the Attorney General’s Chambers finalises the lease for execution by Cutelyn Carty and the Crown.

Action: PS, HLPP; DLS; HON AG; PS, FIN; ACC GEN; PS, MICUHAFE;  
CHIEF ENG; CEO, WCA (acting)

EX MIN 19/444

**EX MEM 19/220 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – ASANTE SANA LTD - REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 STRATA LOT SL B304A AND B304B BEING 993 SQ. FT. AND 648 SQ. FT RESPECTIVELY**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and

Financial Specialist remained. The Hon Minister, MHA/ED declared an interest.

Council agreed to issue an Aliens Land Holding Licence to Asante Sana Ltd to hold on a freehold basis two (2) luxury condominium units forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a luxury condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 Strata Lot SL B304A and B304B being 993 sq. ft. and 648 sq. ft. respectively, subject to the following:

(a) stamp duties payable are as follows:

(i)	under the Stamp Act – 5% of EC\$4,066,977.78	EC\$203,348.89
(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$4,066,977.78	<u>EXEMPT</u>
(iii)	late fee and part payment of Stamp Duty	EC\$13,441.00 Paid by receipt nos. 9101162682 and 9101162684
	<b>TOTAL</b>	<b><u>EC\$203,348.89</u></b>

- (b) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort. The Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second and Third Amendments to the Memorandum of Understanding, signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC and in particular Part IV Sections 4, 6 and 7 and Part V Sections IV (a) (b) (c) (in keeping with Use Restrictions and Accommodation Tax for Luxury Real Estate Products);
- (c) the Licensee shall place their unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- (d) the Licensee may opt to continue the placement of their unit in the rental programme/pool after this initial period;
- (e) If the unit is **NOT** included in the rental programme/pool, annual levies will be charged at US\$6.50 per square foot per annum. Such levies shall be payable on the first day of January in each year that the levy is due. The annual levies will be subject to increase in accordance with Part IV, Section 5(d) of the Memorandum of Understanding signed between the Government of Anguilla and SOF-VIII-Hotel II Anguilla Holdings, LLC on 17 September 2010 and further agreed in First, Second and Third Amendments to the Memorandum of Understanding;

- (f) additionally, the annual levy payable by the Licensee will be zero for the first five (5) years following the purchase of the unit. Commencing five (5) years after the purchase of the unit, if the unit is included in the rental programme/ pool, annual levies payable by the Licensee will be charged at US\$5.00 per square foot per annum on the covered area of the unit;
- (g) the Licensee shall fully comply with the laws of Anguilla from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Control of Employment Act, 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;
- (h) any breach of any of the conditions of this Licence shall result in all the estate and interest of the Licensee in the land being liable for forfeiture to the Crown; and
- (i) Regulations to be issued for Exemption.

Action: PS, HLPP; DLS; HON AG; PS, FIN

EX MIN 19/445

**EX MIN 19/221 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – LA WANNA MARIE STARKS – REGISTRATION SECTION WEST CENTRAL, BLOCK 28309 B, PARCELS 203 & 204 EACH CONTAINING 0.25 OF AN ACRE**

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

Council agreed to issue an Aliens Land Holding Licence to La Wanna Marie Starks, to hold, on a freehold basis, vacant properties situated in Registration Section West

Central, Block 28309 B, described as Parcels 203 & 204, each containing 0.25 of an acre of vacant land located in Blowing Point 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	<u>EC\$18,817.40</u>
	<b>TOTAL</b>	<b><u>EC\$39,986.98</u></b>
- (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 Licencee must not rent their dwelling house without first notifying the Ministry of Lands.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/446

**EX MEM 19/222 REFUSAL TO GRANT WORK PERMITS**

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. Labour Commissioner, Mrs Jo-Anne Hodge joined.

In keeping with section 165(3) of the Labour (Relations) Act 2018, the Hon Minister for Home Affairs and Labour consulted Executive Council regarding the proposal to refuse the grant of work permits as outlined in the paper. Council considered and supported the proposal by the Hon Minister that fourteen (14) persons be refused work permits on the grounds outlined in the document.

Action: PS, MHA/LAB; LAB COM; CIO; HON MIN, MHA/LAB

EX MIN 19/447

**EX MEM 19/223 RECONSTITUTION OF THE TRANSPORT BOARD MEMBERS; VEHICLES AND ROAD TRAFFIC ACT R.S.A. c. V10**

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

Council supported:

- (i) the initiative by the MICUHAFE for the reconstitution of the members of the defunct Transport Board as stipulated under the existing Act;
- (ii) the appointment of the following persons as members of the reconstituted Transport Board, subject to providing their CVs to the Governor for his approval consistent with the legislation:
- (a) Mr Jameel Rochester, Anguilla Tourist Board
  - (b) Mr Wilmoth Hodge, President of the Anguilla Taxi Association
  - (c) Mr Cledwyn Rogers, Member of the Anguilla Taxi Association

Action: PS, MICUHAFE; HON MIN, MICUHAFE

**ORAL MENTION**

EX MIN 19/448

**LEASES FOR LAND FOR THE ANGUILLA AIR AND SEA PORTS  
AUTHORITY (AASPA)**

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

PS, HLPP, Mr Foster Rogers  
PS, MICUHAFE, Mr Karim Hodge  
DLS, Mr Leslie Hodge

Council:

- (i) encouraged all officials involved to prioritise this matter; and
- (ii) agreed that the Attorney General's Chambers be involved in finalising the leases to enable legislation to be consistent with the stipulated legislation.

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

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