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MINUTES OF THE 214TH MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON WEDNESDAY 18TH DECEMBER 2019
AT 9:00 AM

PRESENT: His Excellency The Governor (acting), Mr Perin Bradley

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

The Honourable Deputy Governor (acting), Dr Bonnie Richardson-Lake

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, Economic Development, Investment & Commerce, Mr Larry Franklin
Chief Project Officer, Mrs Anthea Ipinson-Connor
Trade and Investment Officer, Mr Khari Goddard
Compliance Manager, Ms Marisa Harding-Hodge
PS, Infrastructure, Communications and Utilities, Mr Karim Hodge
Director, Disaster Management, Mr Calvin Samuel
Coordinator, Environment Pollution Control and Prevention, Mr Dallen Connor
Tourism Planner, Ms Gina Brooks

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

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

EX MIN 19/564 **CONFIRMATION OF THE MINUTES**

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

Council confirmed the Minutes of the 209th Meeting held on 7 November 2019 concerning the Land Development Control Committee (LDCC) submission to Executive Council of SOF 82 Anguilla Holdings, LLC Planning Appeal Ref#:18/0184 and the Minutes of the 213th Meeting held on Thursday 12 December 2019.

MATTERS ARISING FROM THE MINUTES

EX MIN 19/565

LAND DEVELOPMENT CONTROL COMMITTEE (LDCC) SUBMISSION TO EXECUTIVE COUNCIL OF SOF 82 ANGUILLA HOLDINGS, LLC PLANNING APPEAL REF#: 18/0184

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

Following on from EX MIN 19/551 of 12 December, Council noted that the formal letter had been sent to Mr Roy Shanholtz of SOF 82 Anguilla Holdings, LLC on 16 December informing him of Executive Council's decision on the planning appeal.

Action: PS, HLPP; HE (acting); HON AG; MINS OF GOV'T

EX MIN 19/566

EX MEM 19/266 APPOINTMENT OF A NEW MEMBER TO THE BOARD OF THE ANGUILLA TOURIST BOARD

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

Council:

- (i) noted that a member of the Board of the Anguilla Tourist Board has resigned effective 24 October 2019; and
- (ii) noted the intention of the Hon Minister for Tourism to appoint Mrs Ena Boasman-Hodge as a member of the Board of the Anguilla Tourist Board in accordance with section 5 (1)(b) of the Anguilla Tourist Board Act with effect from 10 December 2019 and ending 10 December 2021.

Action: PS, EDICTIT; PS, FIN; TP; PARL SEC; MINS OF GOV'T

EX MIN 19/567

EX MEM 19/267 AMENDMENT TO INTERNATIONAL BUSINESS COMPANIES (IBC) ACT AND LIMITED LIABILITY COMPANIES (LLC) ACT

Hon Parliamentary Secretary, Ministerial Assistant to the Hon Minister, MHA and Financial Specialist remained. Compliance Manager, Ms Marisa Harding-Hodge joined.

Council:

- (i) approved the International Business Companies (Amendment) No. 2 Act, 2019 and the Limited Liability Company (Amendment) No. 2 Act, 2019; and

- (ii) agreed that the Acts be tabled at the next meeting of the House of Assembly for consideration.

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

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

EX MIN 19/568

EX MEM 19/268 TO CONSIDER AND APPROVE THE CONCESSIONS TO BE GRANTED TO THE DEVELOPER AND TENANTS OF THE SPECIAL ECONOMIC ZONE

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

PS, Economic Development, Investment & Commerce, Mr Larry Franklin
Chief Project Officer, Mrs Anthea Ipinson-Connor
Trade and Investment Officer, Mr Khari Goddard

Council:

- (i) considered the proposed concessions to be granted to the developer and tenants of the Special Economic Zone outlined in the Chord Group/Anguilla Special Economic Zone Project Corporate Report; and
- (ii) agreed as follows:

ANALYSIS OF KEY TERMS PROPOSED/CONCESSIONS REQUESTED

(1) **Zone Employment**

A Zone Employment Certificate means work permits issued in respect of businesses of a type set out in Schedule 5 of the Definitive Agreement, located within the Anguilla Special Economic Zone FT.

Council agreed a flat fee of US\$500 per Zone Employment Certificate.

(2) **Social Security contributions and Interim Stabilization Levy payments**

The Developer has requested exemption from Social Security contributions and Interim Stabilization Levy payments for non-Anguillian employees in the SEZ.

Council agreed that there be no exemption on Social Security and that everyone should pay ISL (6% (3+3)) to be consistent with other businesses.

(3) **No indirect taxes aimed only at the SEZ**

Council agreed.

(4) **Exclusivity Fee**

Council agreed US\$500.00. Noted that a new definition of ‘exclusivity fee’ is needed so that it is not attached to the exclusivity period.

(5) **Applicable Stamp Duty and Aliens Land Holding fees**

Council agreed that as far as legislation provides, such fees should be consistent with what is offered to hotel resort projects. Noted that provisions should be included to ensure that this only applies to the zone and not the purchase of land outside of the zone.

(6) **Customs duties**

Council:

- (i) agreed that clarity is needed on what is defined as an ‘asset’ and ‘consumable’ as it relates to consumables. These should be itemized. Paper and other stationary objects should be bought locally to promote the local economy.
- (ii) agreed exemption from custom duties (apart from administrative fees) for construction materials.
- (iii) agreed that there was no guarantee that exemptions or concessions would be continued under the incoming General Sales Tax regime and would have to wait until the GST regime take effect.

Key Performance Indicators (KPIs)

Council agreed as follows:

- construction or redevelopment of a commercial building of 11,000 sq. ft. within end of second quarter 2020;
- construction or redevelopment of one or more commercial building of 50,000 sq. ft. within 3 years;
- fixed asset investment by tenants (equipment) – should be more tangible, and distinguished at each stage of the project;
- revenues raised against target - revenues from tenancy leases;
- actual occupancy – number of employees compared to number of tenancies; and
- direct employment (local) – number of jobs created against the target that remain in existence.

Obligation

Council:

- agreed to annual submission of business and financial plans two months before the end of the year;
- agreed that a quarterly performance report in line with agreed KPIs should be submitted;
- agreed that training is available for locals as a means of providing incentives for local employment. (apprenticeship etc); and
- agreed that a provision should be included to suggest that if KPIs are not met there will be possible consequences e.g. exclusivity revoked.

Action: PS, EDICTIT; PS, FIN; TIO; COM MAN; COC; MINS OF GOV'T

Ministerial Assistant to the Hon Minister, MHA left the meeting.

EX MIN 19/569

EX MEM 19/269 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – MICHAEL JACOB BOLLINGER AND MALLORY ANN BOLLINGER – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 STRATA LOT SL C304 A & C304 B CONTAINING 993 SQ FT & 648 SQ FT RESPECTIVELY

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to Michael Jacob Bollinger and Mallory Ann Bollinger, to hold on a freehold basis two (2) luxury condominium units of approximately 993 sq. ft. and 648 sq. ft. respectively, forming part of Resorts & Residences of Anguilla Home Owners Association Ltd. a condominium development at Four Seasons Anguilla Ltd., situated in Registration Section West End, Block 17810 B, described as Parcel 201 SL C304 A and C304 B, subject to the following:

(a)	payment of the following stamp duties:	
	(i)	
	under the Stamp Act – 5%	
	of EC\$3,911,755.46	EC\$195,587.77
	(ii)	
	under the Aliens Land Holding	
	Regulation Act – 0% of	
	EC\$3,911,755.46	EXEMPTED

	TOTAL	EC\$195,587.77
		=====

- (b) the usual conditions apply; and
- (c) Regulations to be issued for Exemption.

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

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

EX MIN 19/570

EX MEM 19/270 THE PUBLIC UTILITIES COMMISSION (PUC) 2020 BUDGET AND WORK PLAN

Hon Parliamentary Secretary and Financial Specialist remained. PS, Infrastructure, Communications and Utilities, Mr Karim Hodge joined.

Council approved the Public Utilities Commission (PUC) Operating Budget and Work Programme for 2020 pursuant to the Public Utilities Commission Act, R.S.A. c. P175 Section 17(1) (b).

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

Action: PS, MICUHAFE; EX DIR, PUC; HON MIN, MICUHAFE

EX MIN 19/571

EX MEM 19/271 UPDATE ON PROHIBITION OF SINGLE USE PLASTICS IN ANGUILLA

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

Director, Disaster Management, Mr Calvin Samuel
Coordinator, Environment Pollution Control and Prevention, Mr Dallen Connor
Tourism Planner, Ms Gina Brooks

Council:

- (i) noted the presentation;
- (ii) considered the following:
 - (a) phase out dates and promotion of alternatives – agreed 31 December 2019;
 - (b) training of front line agencies and staff – in progress;
 - (c) finalisation and implementation of the regulations and schedules – agreed, subject to description of the various items and categories to be reflected in Section 3(1) part 2 – Exemptions of the Single-Use Plastics (Prohibition) Regulations, 2019;
 - (d) Tariff structure for alternatives – agreed zero duty rating in 2020 for twenty-four (24) months (i.e. 1% Customs Service Fee and 9% for Interim Goods Tax); and

- (e) removal exercises for the remaining single use plastic items - in progress.

Action: PS, MICUHAFE; DIR, ENV; CO-ORD, EPCP; HON AG; PS, HLPP; TP; PS, EDICTIT; PS, FIN; MINS OF GOV'T

EX MIN 19/572

EX MEM 19/272 SEPARATION OF THE JUDICIAL DEPARTMENT

Hon Parliamentary Secretary and Financial Specialist remained.

Council:

- (i) agreed that the Judicial Department should be separated to form two (2) Departments – the High Court and the Magistrate's Court; and
- (ii) approved the new organizational chart for the High Court.

Action: PS, PA; REG, JD; OFF MAN, JD; PS, FIN; PS, EDICTIT; BD; ACC GEN

EX MIN 19/573

EX MEM 19/273 REDUCTION OF THE IGT RATE FOR SPECIFIC COMMODITIES – RE ALCOHOL, LIQUEURS AND RUM

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed in principle to reduce the IGT rate from 9% to 1% on specific commodities for the imports of Alcohol, Liqueurs and Rum, subject to confirmation of the neutrality issue.

Action: PS, FIN; PS, EDICTIT; COC; CIR; BD; ACC GEN; MINS OF GOV'T

ORAL MENTION

EX MIN 19/574

MEETING OF EXECUTIVE COUNCIL

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that there would be no further meetings of Executive Council for the remainder of 2019.

Action: EXCO MEMBERS

EX MIN 19/575

OVERSEAS TRAVEL

Hon Parliamentary Secretary and Financial Specialist remained.

Council noted the following dates of overseas travel:

- 1) Hon Minister of Soc. Development - 17 December 2019 to 6 January 2020 – leave

- 2) Hon Premier - 19 December 2019 to
7 January 2020 – leave

Action: EXCO MEMBERS
