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MINUTES OF THE 109th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 20th OCTOBER 2022 AT 9.00 AM

- PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam
The Honourable Deputy Governor, Mr Perin Bradley
The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services, Ms Dee-Ann Kentish-Rogers
The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting, Lands and Physical Planning, Mr Kenneth Hodge
The Honourable Minister for Infrastructure, Communications, Utilities, Housing and Tourism, and Acting Premier Mr Haydn Hughes
The Honourable Minister for Sustainability, Innovation and Environment, Mrs Quincia Gumbs-Marie
The Honourable Attorney General, Mr Dwight Horsford
Clerk to Executive Council, Mrs Angela Hughes
- IN ATTENDANCE: The Honourable Parliamentary Secretary, Mr Merrick Richardson
Financial Specialist, Mr Stephen Turnbull
- ABSENT: The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster

EX MIN 22/332

CONFIRMATION OF THE MINUTES

Hon Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 108th Meeting of Executive Council held on Thursday 13th October, 2022.

MATTERS ARISING FROM THE MINUTES

EX MIN 22/333

EX MEMO 22/241 SPECIAL ECONOMIC ZONES (AMENDMENT) REGULATIONS, 2022

Hon Parliamentary Secretary and Financial Specialist remained.

The Acting Premier briefed Council. The Special Economic Zone Act 2020 provides that a company shall not carry on a special economic zone business within a special economic zone unless the company holds a valid SEZ Trade Certificate for that purpose under the Act.

Section 36(f) of the Act further provides that Council may after consultation with the Authority, make regulations to determine the form of SEZ Trade Certificates to be issued under the Act.

The Trade Certificate will allow the named SEZ companies and prospective companies to begin operations. It is anticipated that these companies will transition into the physical SEZ location once developed. While there are no financial implications associated with approval of the secondary legislation, the Trade Certificate will be issued at the prescribed annual fee, thus creating a revenue stream for the Government.

Council:

- 1) noted that if the certificate is being requested at this time, the target date for commencement of operations has not been met. Chord Group may be in breach of the MOU as they have likely not met the company registration volume requirements;
- 2) noted that consideration should be given to alternative providers of Special Economic Zones to drive growth in this sector; and

- 3) approved the Special Economic Zones (Amendment) Regulations, 2022 to allow for Trade Certificates to be issued.

Action: PS, EDMISE; HON, PREM

EX MIN 22/334

EX MEMO 22/242 THE ESTABLISHMENT OF A DRUG ADVISORY COUNCIL

Hon Parliamentary Secretary and Financial Specialist remained.

In Ex Min 20/466 Council approved a policy on the Decriminalisation of Cannabis for public consultation. Since that time the Ministry of Social Development & Education has engaged the public in a series of consultations, via, radio programmes, press conferences and town hall meetings which were live streamed on Facebook. The public was also consulted on the proposed policy and draft Regulations.

To further guide and support the implementation of the proposed policy and Regulations, it is recommended that a Drug Advisory Council be established. Section 37 of the Drug (Prevention and Misuse) Act states that the Governor may constitute an Advisory Council on the misuse of drugs. The Act further provides for the function of this Council, defined as a statutory body with public duties, in relation to regulating and monitoring drugs and controlled substances. As such, the Drug Advisory Council has an important role in advising national policy and regulatory responses to drug use issues. In keeping with the Act, the Drug Advisory Council will be comprised of at least five persons with expertise in:

- Social Problems connected with the misuse of drugs
- Practice of Medicine
- Practice of Pharmacy
- Practice of Dentistry
- Practice of Law

It is proposed that positions on the Advisory Council be advertised locally and regionally. In accordance with section 37(2) of the Act, the Drug Advisory Council will be charged with:

- Making recommendations and developing strategies for restricting the availability of drugs or supervising the arrangements for their supply.
- Formulating and developing drug prevention and rehabilitation policies and programmes.

- Advising on drug supply control measures and law reform relating to the misuse of drugs.
- Enabling persons affected by the misuse of drugs to obtain proper advice and securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons.
- Promoting co-operation between the various professional and community services which in the opinion of Council have a part to play in dealing with social problems connected with the misuse of drugs.
- Educating the public (and in particular the young) in the dangers of misusing such drugs and giving publicity to those dangers.
- Promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Council is of relevance for the purpose of preventing the misuse of such drugs or dealing with any social problem connected with their misuse.
- Considering any matter relating to drug dependence or the misuse of drugs which may be referred to them and to advise thereon.

Council:

- 1) noted that the Drug Advisory Council will be an objective body to advise and make recommendations regarding policy on the decriminalization of cannabis and to ensure the provision of the necessary regulatory framework to enact any necessary regulations;
- 2) noted that in working towards decriminalisation, the Ministry will be guided by the Drug Advisory Council who will advise on the quantity of cannabis that may be considered a small amount. Furthermore, consideration will have to be given as to how the law treats with the supply of cannabis for recreational use;
- 3) noted the financial implications and that the Advisory Council will need to be remunerated. The MSDE is proposing that members of the Drug Advisory Council be paid EC\$1000 and the Chair EC\$1500, for production of a report, guiding the process for decriminalising small amounts of cannabis. Thereafter, members would be remunerated at a rate of

EC\$300 per meeting and the Chairperson at the rate of EC\$350 per meeting. The MSDE will be able to cover this expenditure from its current budgetary allocation. The MSDE will cover the administrative costs, such as copying, meeting venue charges and office supplies;

- 4) noted the Hon Attorney General's advice dated January 31, 2022. The detailed legal advice indicates how to approach the implementation of the Decriminalisation Policy. The Ministry will continue to work with the Attorney General's Chambers and the Governor's Office to explore the legal implications of the proposed Regulations which will be required to fully implement the policy. The Drug Advisory Council will also be engaged on the legal implications of decriminalising cannabis; and
- 5) approved the recommendation to H.E. the Governor, to establish a Drug Advisory Council and noted the discussion paper (the proposed policy approved for public consultation) which will be submitted to the Drug Advisory Council to inform the decriminalisation of cannabis policy.

Action: PS, SD; HON, MIN SD

EX MIN 22/336

EX MEMO 22/244 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL F203 BEING 494 SQ. FT.

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a strata lot unit being 494 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, described as Parcel 201 SL F203, subject to the following:

- 1) Stamp Duties payable are as follows:

Option A

(i)	under the Stamp Act – 5% of EC\$1,215,012.64	EC\$60,750.63
(ii)	under the Aliens Land Holding Regulation Act – 3% of EC\$1,215,012.64	EC\$36,450.38
TOTAL		<u>EC\$97,201.01</u>

- 2) that pursuant to Memorandum of Understanding (MOU) dated September 17, 2010 between the Government of Anguilla and SOF-VIII-HOTEL II ANGUILLA HOLDINGS, LLC under Part IV. 4(4) of the MOU, it was agreed that on subsequent re-sale of Back Row Villa Units, Bluff Top Villa Units and Condominiums – an ALHL fee of 3% shall apply provided the subsequent buyer agrees to place the unit or condominium into the hotel room rental pool for a minimum of the first two (2) years after purchase. The Aliens Land Holding Licence Regulation Act fee shall therefore be reduced from 12.5% to 3% on the transfer of property situated in **Registration Section West End, Block 17810 B, Parcel 201 SL F203**, on the basis that it is in the public interest pursuant to the Financial Administration and Audit Act;
- 3) that on the grant of the Aliens Land Holding Licence the Government of Anguilla values the concession in the amount of **EC\$115,426.20** as described in the table below:

Registration Section	Block	Parcel	Assessed Value (EC\$)	ALHLR Act @ 12.5%	ALHLR Act @ 3%	Value of Concession
West End	17810 B	201 SL F203	EC\$1,215,012.64	EC\$151,876.58.	EC\$36,450.38	EC\$115,426.20

- 4) that the Attorney General's Chambers prepare and issue regulations under Section 16 of the Finance Administration and Audit Act, R.S.A. c. F27 to remit the payment of Stamp Duties under the Aliens Land Holding Licence Regulation Act

in the amount of **EC\$115,426.20** owed to the Government of Anguilla;

- 5) the Licensee shall fully comply with the Memorandum of Understanding dated 17 September 2010 and further agreed in First, Second, Third and Fourth 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);
- 6) the property is to be used for Tourism purposes;
- 7) the Licensee shall rent the unit that forms part of Four Seasons Anguilla Resort;
- 8) the Licensee shall place its unit in the rental programme/pool of the hotel for the first two years on receiving ownership of the property;
- 9) the Licensee may opt to continue the placement of its unit in the rental programme/pool after this initial period;
- 10) 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, Third and Fourth Amendments to the Memorandum of Understanding;
- 11) 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;

- 12) the Licensee shall fully comply with the laws of Anguilla in force from time to time including the Land Development Control Act, the Property Tax Act, the Building Regulations, the Labour Relations Act 2018 and Control of Employment, Work Permit Regulations, 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; and
- 13) 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.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 22/337

EX MEMO 22/229 APPOINTMENT OF DIRECTORS TO THE BOARD OF THE ANGUILLA AIR AND SEA PORTS AUTHORITY (AASPA)

Hon Parliamentary Secretary and Financial Specialist remained.

Council:

- 1) noted that there has not recently been a legally constituted Board and the intention is to appoint persons with financial experience to the Board. The objective is to improve financial viability and consider ways to drive revenue. The Hon Minister for MICUHT outlined the competence of the proposed Board members as follows: Mr Woodley served on the ATB, festivals committee and the AASPA board. He is also a teacher of hospitality, accordingly, he should be cleared to act by the PSIB, a check on the status of this will be made. Ms Baez is an Assistant Financial Controller at Four Seasons, Mr Niles has a longstanding career in banking, working previously for Barclays Bank plc and Scotiabank, he now manages Advance Caribbean Anguilla. Mr Warner is experienced in aviation and worked with American Eagle. Mr Joseph is a former banker and now works in real estate. Mr Thomas has banking experience. Mr Buddle has acted on the

ATB and AASPA boards, he is also a business operator. Mr Romney has experience in aviation. Noted the Ministers confirmation that he is satisfied of the proposed members competence to be Board members;

- 2) approved the removal of Cara Connor (Chairman & Member) from the Board of AASPA under Section 7(2)(e) of the Anguilla Air and Sea Ports Authority Act R.S.A c A57, public interest ("the Act");
- 3) noted Karl Woodley & Warren Buddle are current Board members, with both terms due to end on July, 30, 2023, Mr Woodley, is to be appointed as Deputy Chair and Member;
- 4) approved the appointment of the following persons, to be members of the Board of AASPA, Mr Andrew Niles shall be appointed with effect from September 5, 2022 to September 5, 2025, all other members shall be appointed with effect from September 5, 2022 to September 5, 2024, in accordance with Section 3(1) of the Act, namely:
 - 1) Andrew Niles, Chair & Member
 - 2) Eugenia Thomas, Member
 - 3) Percival Romney, Member
 - 4) Elidad Jacobs Baez, Member
 - 5) Laurent Bute, Member
 - 6) Argen Joseph, Member
 - 7) Brent Warner, Member
- 5) noted that Elidad Baez & Warren Buddle passed the required examination. Laurent Bute, Argen Joseph, Brent Warner & Karl Woodley have not passed the Governance and Accountability certification programme. They are to complete the programme and examination as soon as it is available, with the Anguilla Community College, the University of the Virgin Islands, or an accredited body approved by the Ministry. Board members will be informed in their letter of appointment that they need to pass the exam and the deadline by which they must do so. If any of the Board members aforementioned are not successful in passing the examination this will trigger immediate removal from the Board;
- 6) noted that all members appointed to the Board must complete Governance and Accountability certification and

Public Financial Management certification training within three (3) months, with a body approved by MICUH&T, failure to comply will result in removal from the Board;

- 7) noted that AASPA must inform MICUHAFE three (3) months in advance of the expiry of any and all AASPA Board member's appointments or resignations of the AASPA Board; and
- 8) noted that the Hon Minister for Infrastructure must designate a Government representative to sit on the AASPA Board.

Council authorised the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, MICUHT; HON, MIN MICUHT
