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MINUTES OF THE 145th MEETING OF THE TWELFTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 20th JULY 2023 AT 9.00 AM

- PRESENT: Acting Governor, Mr Paul Candler
- The Honourable Premier and Minister for Finance, Economic Development & Investment and Health, Dr Ellis Webster
- Acting Deputy Governor, Mr Karim Hodge
- 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 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 Deputy Governor, Mr Perin Bradley
- The Honourable Minister for Infrastructure, Communications, Utilities, Housing and Tourism, Mr Haydn Hughes

EX MIN 23/235

CONFIRMATION OF THE MINUTES

Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 144th Meeting of Executive Council held on Thursday 13th July, 2023.

The Head of the Governor's Office, Mr Orlando Ames-Lewis joined the meeting.

MATTERS ARISING FROM THE MINUTES

Noted that it is necessary for Executive Council to consider the MTEFP and Supplementary Appropriation shortly, however, the papers are still being worked up. Given the substantive nature of the submission, it may be necessary to delay consideration of the matters to a date when a full discussion, which the subject matter merits can take place. This shall remain under review.

EX MIN 23/236

EX MEMO 23/189 DRAFT TERMS OF REFERENCE FOR SUPPORT FOR THE ANGUILLA POPULATION AND HOUSING (AP&H) CENSUS 2022

Parliamentary Secretary and Financial Specialist remained. PS, EDMSIE, Mrs Chanelle Petty-Barrett joined the meeting.

The Hon Minister for SIE and PS, EDMSIE briefed Council. In Ex Min 23/31 Executive Council agreed that "*the appointment of a private company should be explored to collect the AP&H Census 2022 data and a private company should be engaged to analyse the data.*" Further, in Ex Min 23/60 Executive Council agreed that "*action should be taken forward to engage an external management company to complete the AP&H Census 2022.*"

The draft Terms of Reference for completion of the AP&H Census 2022 were presented to Executive Council at the end of April 2023 and further revisions were requested by Executive Council as per Ex Min 23/115. In Ex Min 23/230 follow up was requested.

Council:

- 1) noted that in so far as it is possible, it is preferable that the papers submitted to Council are fully endorsed by the Minister. Noted the Ministers indication that the recommendation made in the paper for CARTAC to review the TOR should not be taken forward;
- 2) noted that the key issue for determination is whether the AP&H Census 2022 will be best advanced by using additional resources from within the Anguilla Public Service (APS) or taking forward the external consultancy, for which the TOR of reference would need to be endorsed and budgetary provision included in the Supplementary Appropriation. The 30 names of civil servants to work on the AP&H Census 2022 have not been submitted by the deadline. The analysis of the impact on work delivery within the APS if resources are diverted is still being carried out, regrettably that information is not available today for a determination to be made;
- 3) noted the financial implications and costing calculations. The estimated cost of the external assistance is US\$299,354.90 or EC\$804,725. The costs do not include office set up, secretarial support and administrative expenses. It is anticipated that some costs will be met from the capital budget allocation for the Census, there is EC\$656,336 remaining. A Supplementary Appropriation may therefore be required later in the year, if a decision is made to take the consultancy forward;
- 4) reviewed the scope of work and deliverables in the draft Terms of Reference, for completion of the Anguilla Housing and Population Census 2022 and the estimated budget. Council deferred a decision until July 27, when clear information on the effects of re-deploying human resources shall be available; and
- 5) instructed the Attorney General's Chambers to advise on whether the terms of the proposed consultancy align or conflict with the legal mandate of the Anguilla Statistics

Department and the role of the Department in light of the consultancy.

Action: PS EDMSIE; CHF, STAT; HON MIN SIE; HON, AG;
HON, DG

EX MIN 23/237

EX MEMO 23/190 APPOINTMENT OF MEMBERS TO THE BOARD OF THE WATER CORPORATION OF ANGUILLA (WCA)

Parliamentary Secretary and Financial Specialist remained.

Council:

- 1) noted that with respect to Executive Council Memorandums concerning Board appointments, the CV's for all proposed persons should be submitted for review, even if the proposed member has acted before;
- 2) noted that the Memorandums should detail how the proposed persons skills and experience align with the specialist knowledge requirements for Board membership. Noted that the Board has not been operating effectively and queried whether the proposed appointees could make a material difference to the outcome. Noted that the ideal skillset comprises strong technical accounting experience in managing corporate finance transactions;
- 3) noted that the intention is to wind up the WCA by the end of 2024, therefore the Board appointments may end before the full term elapses and there is no obligation upon Government for the full term to be fulfilled;
- 4) approved the appointment of the following persons, for the stated periods, to be members of the Board of the WCA, with effect from August 12, 2023 in accordance with Section 5(1) of the Water Corporation of Anguilla Act R.S.A c W4, namely:
 - a) Juan Richardson (re-appointment), Member – 2 years
 - b) Victor Nickeo (re-appointment), Member – 2 years

- c) Sierra Richardson, Member – 2 years
 - d) Jesile Duncan, Member – 2 years
- 5) agreed that Ms Terecia Liburd shall be appointed as the Deputy Chairperson;
 - 6) noted that all members appointed to the Board must complete Governance and Accountability certification and Public Financial Management certification within three (3) months, with a body approved by the MICUH&T, failure to comply will result in removal from the Board; and
 - 7) noted that the WCA must inform the MICUH&T three (3) months in advance of the expiry of any and all WCA Board member's appointments or resignations of the WCA Board.

Action: PS, MICUHT; HON, MIN MICUHT

EX MIN 23/238

EX MEMO 23/191 ACQUISITION OF ROAD OVER PROPERTY SITUATED IN REGISTRATION SECTION EAST CENTRAL, BLOCK 89319 B, PART OF PARCELS 35 AND 37

Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Home Affairs briefed Council. In past the Government of Anguilla (GOA) has undertaken various road developments and improvements throughout the island. These road developments and improvements were necessary to upgrade the existing road works, expand the road network and alleviate some of the traffic congestion on some of the primary or main road networks and to provide access to land-locked lands.

By Executive Council Minute 13/284 Council approved among other things the following:

“Council supported the recommendations from the Ministry that:

- iii. Agreed to exchange 0.29 acre of Crown land, being part of Parcel 253 on Block 48814 B in Registration Section North Central with Terence Webster for the acquisition of 0.29*

acre of land, being part of Parcel 35 and part of Parcel 37 on Block 89319 B in Registration Section East Central;”

In 2017 Memorandums were prepared by the Director of Lands and Surveys for execution. However, upon finalisation it was noted that the area to be acquired was different to the area stated in Executive Council Minute 13/284. Therefore, re-survey was required.

The area which is subject to acquisition is 0.28 acres. Compensation calculations were done and the Department of Lands & Surveys (DLS) determined that a determination as to when the road was paved had to be made.

Compensation has been determined as **US\$82,000.00** by the DLS.

Council:

- 1) noted the proposal that Mr. Terence Wendell Webster, the registered proprietor of property situated in Registration Section East Central, Block 89319 B, described as Parcels 35 & 37 (Part of) be compensated via an exchange of lands for the acquisition of 0.28 of an acre of land, by the Government of Anguilla, in Island Harbour to create a road. Crown land situated in Registration Section North Central, Block 48813 B, described as Parcel 93 (Part of) being 0.28 of an acre, in The Valley (Calvin W. Lake Drive), is proposed for the exchange;
- 2) noted that the Crown land proposed for the exchange is prime commercial land located in The Valley. Said lands are valued at approximately US\$375,000.00 per acre. Therefore, the Ministry indicates in the paper that 0.22 acres of the land in The Valley would be equivalent in size and value to 0.28 acres of the land in Island Harbour, approximately, which is based on the Ministry's calculation of the compensation value being USD\$82,000.00;
- 3) noted that if this matter is not resolved that legal action may be taken against the Government of Anguilla. The Ministry is of the opinion that the negotiated increase of 0.25 acres and the counter-offer by the Claimant of 0.28 acres is marginal and

is prepared to accept the counter-offer of 0.28 acres to resolve this matter, to include all legal claims;

- 4) noted the advice of the Hon Attorney General that the Constitution of Anguilla requires that compensation for the size and value of the property at the time of the acquisition be given by the Government of Anguilla. If an exchange of land of the same size and value is not possible then the Crown is only obligated to pay for what was taken. The Crown is not obligated to pay for usage of the road, the value of the Crown using the road does not accrue to Mr Webster. The only sum payable is the value of the acquisition at the applicable date and interest on this amount;
- 5) noted that it would not be prudent to create a windfall for Mr Webster by proceeding with an exchange of Crown land located in The Valley, which is of equivalent size (0.28 acres), but of higher value than the land in Island Harbour. Mr Webster is seeking an exchange of equivalent square footage as that is what was agreed in Ex Min 13/284, notwithstanding that the value of land in The Valley is higher; and
- 6) did not approve the recommendation and agreed that the exchange of lands shall not be advanced. Agreed that the appropriate way forward in this matter is to provide monetary compensation to Mr Webster for the value of the land acquired only, as at the date of acquisition, plus interest accruing.

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

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

EX MIN 23/239

EX MEMO 23/192 GRANTING OF CROWN LAND LEASE TO MRS. LOURDIS CLARICIA SAMUEL GUERRERO, PROPERTY DESCRIBED AS REGISTRATION SECTION WEST CENTRAL, BLOCK 28210 B, PARCEL 134

Parliamentary Secretary and Financial Specialist remained.

By Application dated August 31, 2022, Mrs L. Claricia Samuel Guerrero applied for permission to lease Crown lands situate in Registration Section West Central, Block 28210B described as Parcel 134 (part of) being 0.25 of an acre of land, for a term of ninety-nine (99) years.

The Land Development Control Committee granted Mrs Samuel Guerrero planning permission for a Warehouse on September 13, 2012 by Application number 12/0079.

Council agreed:

- 1) that land situate in Registration Section West Central, Block 28210 B described as Parcel 134 (Part of) being 0.25 of an acre of land shall be leased to Mrs L. Claricia Samuel Guerrero;
- 2) that Lot 1 on Parcel 134 (Part of) being 0.25 of an acre as delineated on Survey Plan Ref. LS02-23 be leased;
- 3) that the terms of the lease shall be as follows:
 - a) A lease term of ninety-nine (99) years with an option to renew;
 - b) Rent per annum in the amount of US\$1,700.00 (EC\$4,569.94) payable annually in advance;
 - c) At the end of every fifth (5th) year, the rent is to be reviewed increasing by Consumer Price Index (CPI) or two (2%) percent per annum, whichever is greater;
 - d) The property is to be used for a Warehouse;
 - e) Stamp Duty payable is as follows:

- i. Market Value of the property is US\$20,000.00/EC\$53,764.00; and
- ii. Stamp Duty on Lease EC\$3,326.65.

4) that the Department of Lands and Surveys shall draft the lease and the Attorney General's Chambers shall review and finalise the lease for execution by Mrs L. Claricia Samuel Guerrero and the Crown.

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

EX MIN 23/240

EX MEMO 23/193 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – ASCENDANCY ADAMANTINE GP LTD. – 1) REGISTRATION SECTION EAST CENTRAL, BLOCK 89317 B, PARCEL 46, 2) REGISTRATION SECTION EAST END, BLOCK 99416 B, PARCEL 142, 3) REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38611 B, PARCEL 239, 4) REGISTRATION SECTION NORTH, BLOCK 58716 B, PARCEL 54, CONTAINING 0.50 ACRE, 0.20 ACRE, 0.47 ACRE, AND 2.00 ACRES OF LAND RESPECTIVELY

Parliamentary Secretary and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold a charge under Section 4 of the Alien Lands Holding Licence Regulations Act, RSA, CA55 to Ascendancy Adamantine GP Ltd through its Directors Antonio Manuel Davila Barberena, and Genaro Pimentel Loria, subject to:

Payment of the following Stamp Duties:

BLOCK 89317 B, PARCEL 46

Stamp Duty on Charge @ 1% of EC\$ 24,825.53	EC\$ 248.26
Stamp Duty on Charge @ 1% of EC\$ 23,656.16	EC\$ 236.56
Stamp Duty on Charge @ 1% of EC\$ 6,360.28	EC\$ 63.60

BLOCK 99416 B, PARCEL 142

Stamp Duty on Charge
@ 1% of EC\$349,466.00 EC\$ 3,494.66

BLOCK 38611 B, PARCEL 239

Stamp Duty on Charge
@ 1% of EC\$604,845.00 EC\$ 6,048.45

Stamp Duty on Charge
@ 1% of EC\$198,926.80 EC\$ 1,989.27

Stamp Duty on Charge
@ 1% of EC\$1,075,280.00 EC\$10,752.80

BLOCK 58716 B, PARCEL 54

Stamp Duty on Charge
@ 1% of EC\$267,973.22 EC\$ 2,679.73

Stamp Duty on Licence in accordance
with Aliens Land Holding Licence
Regulations Act 14(1)(f) EC\$ 500.00

GRAND TOTAL **EC\$26,013.33**

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