



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.35 p.m. – 2.46 p.m.

Gibraltar, Wednesday, 22nd November 2017

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The Gibraltar Parliament

The Parliament met at 2.35 p.m.

[MR PRESIDING MEMBER: Hon. J J Bossano *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Adjournment

Clerk: Meeting of Parliament, Wednesday, 22nd November 2017.
Order of Proceedings: Mr Presiding Member.

5 **Mr Presiding Member:** The Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that this House do now adjourn to Tuesday, 5th December at 3 p.m.

Mr Presiding Member: I now propose a question, which is that this House do now adjourn to Tuesday 5th December.

I now put the question, which is that this House do now adjourn to Tuesday, 5th December at 3.00 p.m. Those in favour? (**Members:** Aye.) Those against? Passed. Do I have a vote? (*Laughter*)

10 **Hon. D A Feetham:** We were expecting a prayer from you! (*Laughter*)

Mr Presiding Member: This House will now adjourn to Tuesday, 5th December at 3 p.m.

The House adjourned at 2.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON: 3.03 p.m. – 6.16 p.m.

Gibraltar, Tuesday, 5th December 2017

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The Gibraltar Parliament

The Parliament met at 3.03 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Tuesday, 5th December 2017.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th October and 6th November 2017.

5

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

10

COMMUNICATIONS FROM THE CHAIR

Clerk: (iii) Communications from the Chair.

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Mr Speaker: Hon. Members, yesterday the Hon. Roy Clinton formally signified to me his intention to step down as Leader of the Opposition.

In a parliamentary democracy such as ours it is the long-established convention that the post of Leader of the Opposition is held by that elected Member of the Opposition who commands majority support from his elected colleagues sitting on the Opposition benches.

20

I have also been formally notified in writing that the elected Members of the GSD decided yesterday morning that the Hon. Elliott Phillips should, as from today, discharge the duties of the post of Leader of the Opposition. Accordingly, I now formally recognise him and congratulate him as such. Consequentially, this Parliament will also now recognise the hon. Member as the Leader of the Opposition.

25

Hon. E J Phillips: Mr Speaker, thank you very much for that acknowledgement of the role of Leader of the Opposition.

30

Of course, I should comment from the start that the GSD has had a democratic vote insofar as the leadership of the party is concerned and returned Mr Azopardi with 65% of its members and 60% of a combined vote between the executive and the membership. Therefore, our view is and will currently be from now on that Mr Azopardi will lead the GSD. However, I understand

what Mr Speaker has said in relation to convention, practice and everything else that concerns the role of Leader of the Opposition in this House.

35 What I would say is this, though, Mr Speaker. I have no concern as to who addresses me as what; what I want to do is get on with the job that I have been asked to do and hopefully do it as well as I can and to the best of my abilities.

Mr Speaker: The Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is my pleasure to get up to congratulate the Hon. Mr Phillips for being recognised as Leader of the Opposition, therefore as Leader of the GSD in this House, and to thank Mr Clinton for the way that he discharged his obligations as Leader of the Opposition in the short time that he did so. I think we enjoyed a combative on-stage and convivial off-stage relationship, which I hope I will also be able to emulate with
45 Mr Phillips. Mr Speaker, Bob Peliza had one, Joshua Hassan had four, you had one, Joe Bossano had two, Peter Caruana had two and I have got four, three in just one year – Leaders of the Opposition, that is. It is a pleasure to see that we are going to have now the opportunity to cross political swords.

50 What we are referred to in the context of this Parliament is important in the context of our parliamentary democracy. We have a system of laws which requires us to refer to each other by a particular way. Hon. Members are the first to grab Standing Orders when they think that we are imputing their motive or otherwise breaching the rules. We will not do so. We will recognise the Hon. Mr Phillips as the Leader of the Opposition in this Parliament and outside it, insofar as parliamentary precedence requires.

PAPERS TO BE LAID

55 **Clerk:** (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2017.

60 **Mr Speaker:** Ordered to lie.

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

INFRASTRUCTURE AND PLANNING

Q697/2017

**Pedestrian experience –
Measures to make safe and pleasurable**

Clerk: We commence with Question 697. The Hon. T N Hammond.

65 **Mr Speaker:** I am glad to see he made it! *(Laughter)*

Hon. T N Hammond: Oh, barely caught my breath! Thank you, Mr Speaker.

What measures have been introduced since January 2016, and I quote, ‘to make the pedestrian experience a safe and pleasurable one’?

70 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, there have been numerous pedestrian enhancements since January 2016.

75 Four new zebra crossings have been installed in several areas throughout Gibraltar, namely on Rosia Road by Bayview Terraces, Europa Road by Shorthorn Farm Estate, Europort Avenue at the entrance to the hospital, and by Midtown Coach and Car Park on Reclamation Road.

In addition to these zebra crossings we have also installed a much needed light-controlled crossing by Ocean Views facility on Europa Road to facilitate the users and visitors of the centre alike.

80 Following on from the highly successful countdown timers situated at the traffic-light crossing at the Line Wall Road junction by City Hall, we announced in July this year the installation of two new countdown timers to the light-controlled crossings in the area of Waterport Road, one by the eastern side of the Water Gardens complex and the other at Queensway junction with Waterport roundabout. Further enhancements to existing light-
85 controlled crossings are planned to be rolled out at other crossings throughout Gibraltar.

With regard to improving pedestrian safety and encouraging walking, several schemes have been rolled out, which include the following: a new pavement along Governor’s Street and the beautification and pedestrianisation of Wellington Front.

90 Main Street and Irish Town delivery times and restrictions have also been implemented successfully to limit the amount of vehicles entering and conflicting with the main pedestrian zone. In addition to this, three new commercial loading and unloading zones have been created at Fish Market Road, John Mackintosh Square and Main Street South. These loading and unloading commercial zones have effectively and positively segregated commercial vehicles from the main pedestrian thoroughfare, thus making Main Street and Irish Town a safer
95 environment for the general public to enjoy.

New pedestrian walking sign improvements have recently been installed by Waterport Road from the Waterport roundabout to the Cruise Terminal. These improvements form part of the sustainable travel initiatives to promote walking and accessibility around Gibraltar, which builds on already installed signage by the area by Midtown Car Park and city centre directional signage
100 by Waterport Road, Reclamation Road and by Corral Road. Walking time signs will also, in due course, be implemented at key locations showing approximate route times, which will aim to enhance and encourage walking and at the same time highlighting distances to key destinations to pedestrians who are unfamiliar with the surrounding areas.

105 **Hon. T N Hammond:** Mr Speaker, the Minister has certainly read out an extensive list of, when you add them up, relatively minor things in terms of improving the pedestrian experience.

My experience in general, walking around Gibraltar – Main Street excepted, because it is a pedestrianised area – is that obviously the majority of Gibraltar is not pedestrianised and therefore it is noisy, with often polluted walks; pavements are usually uneven and difficult to
110 navigate also, particularly in the area of the Frontier, around Queensway, Rosia Road – in fact many of the areas where otherwise it would and should be a rather pleasant experience to walk, and the conditions at present do not encourage people to walk.

Does Government have a programme in place to improve pavement surfaces to make them more easy to navigate? And are there any plans to pedestrianise other areas in order again to
115 enhance that pedestrian experience?

Hon. P J Balban: Mr Speaker, it very much depends on which side of the House you are on, because in my mind there have been vast amounts of improvements in terms of pedestrian safety and comfort. Obviously, the hon. Member will look at things from the other side and try to find where the potholes are and where the nooks and crannies are; that is part of the game we play here. But I think no one can deny the fact that vast improvements have been made and the Government continues, as recently happened with Governor's Street – an area where there has traditionally never been a pavement, an area where you would walk out of a business, walk out of an establishment and find yourself right on the road ... In certain places around Gibraltar it is impossible to make small narrow roads safer in that respect, but every effort and opportunity possible is taken to make the pedestrian experience safer. We also look very carefully at areas where there are vehicles constantly obstructing. For example, the obstruction to pedestrian access on pavements: when cars are parked on pavements we make sure that these cars are removed, or fined, or taken care of in that respect. As part of general highways maintenance, Highways is constantly looking at improvements, especially when it comes to accessibility. We look at drop curbs we look at the studded surfaces before you get to zebra crossings to ensure that people with disabilities are also able to enjoy the public footpath.

As part of the Sustainable Traffic and Transport Plan, clearly we want to encourage people to walk, we want people to adopt that form of transport, so to speak, in preference to the motorised vehicle, and every effort will be made to make the experience better – as we have seen as well in Main Street, where the filling of the tiles in Main Street has also made that a much better and more comfortable thing to do for people, especially persons wearing high heels, and that is something which has been mostly carried out. I think there is a small area remaining, but it is another important improvement.

As part of the Traffic Plan, as the initial question did specify, the next stage is actually quantifying distances so people are aware that the town centre is only a mere five-minute walk and it is probably going to take you a lot longer to find parking, if that is what you are inclined to do.

Hon. T N Hammond: Mr Speaker, I would just like to point out that I do not actually go out looking for pot holes; they tend to find me – because there are so many of them – if I just happen to stumble into them.

You did raise Main Street, Minister, and you mentioned the cobbles being filled in. Has that project been completed? My understanding is that there are still areas of Main Street which have not been finished.

Hon. P J Balban: Mr Speaker, that project in fact should be close to completion now. A vast area has already been carried out. It has been done over two financial years. I have mentioned the project and I am pretty sure it is almost ready. I think there is a little bit of work left to do, but in the main it is almost ready. Obviously, if it is not ready, then it is very close to it.

Q698/2017
Vehicle MOTs –
Emissions testing

Clerk: Question 698. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, having conducted a small survey with approximately 20 respondents, 90% of them indicated that their vehicles did not undergo emissions testing during their MOT. Can the Minister say why testing is not being conducted, despite this being a legal

requirement, and how he reconciles this failure with Government's commitment to improving air quality?

165 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, in order to answer this question accurately it would be useful to see how the survey was conducted and how the questions were defined – for example, the class, type and propulsion of vehicles and the dates
170 on which those vehicles were tested at the Vehicle Test Centre. This is because, under our legislation, certain vehicles – for example, vehicles registered or put into service before 1st January 1980 – are exempted from the Opacity tests, or it may have been the case that a vehicle emission analyser may have had to be sent to Madrid to undergo major repairs or calibration due to the fact that calibrating the equipment is a requirement for emission testing.
175 Therefore, without approximate dates it is difficult to give you an accurate answer.

Notwithstanding, if it were the case that the gas analysers were out of action, as specified in our legislation, when this equipment is out of service vehicle testers undertake visual inspection tests in order to ascertain if vehicles have leaks which could affect emission measurements.

180 **Hon. T N Hammond:** Mr Speaker, surely just a visual analysis would not actually give you any indication as to whether the catalytic converter is working, whether what level of emissions, whether there is a tolerable level of emission; it is just quite impossible to tell in that respect.

I can tell the Minister that my own two vehicles were a motorbike – a moped 125 – and a saloon car. Both underwent MOT tests this year, neither was tested, and that seems to be the
185 general response when people are asked: that vehicles are not tested.

I understand if the equipment is not serviceable it would be unfortunate that there is not any kind of proper way of measuring and that vehicles may get through the net that way, but certainly it would appear to me that it would not account for the volume of vehicles which are not undergoing proper emissions testing.

190 Of course, this is a very important matter because it does directly affect the quality of the air we breathe, particularly as pedestrians if we are walking around alongside a highway and we are breathing those fumes, so it is very important that vehicles are tested. Therefore, I would ask the Minister to look at the way things are done in that respect to see how tests are conducted, to understand how frequently these emissions-testing machines are unserviceable, if that is the
195 case, and certainly for the legislation to be applied to ensure that our air quality is as good as it can be with respect to emissions from vehicles.

Hon. P J Balban: Mr Speaker, a survey of 20 vehicles – of which two were the hon. Gentleman's himself, as he seems to have alluded to there – is not a very big sample. It is very
200 unfair to say that the tests have not been happening for a long period of time.

I think we agree that air quality is paramount to us and obviously to increase the benefits to those people who do decide to walk.

The catalytic converters ... as I said, because I do not have an exact date I cannot really say whether it was as a result of a piece of equipment that had been down or otherwise. In fact,
205 recently there was a situation whereby the test equipment was down because of our proximity to salt water and sand at the actual MOT venue. The wind blows – it is always a very windy environment – it gets into the system and they need to be serviced more regularly than expected. So that can happen, there can be a period of that and I think there was a period where perhaps both of the items were down. But again, do we stop MOTs? Do we put a halt on
210 everything? The best thing that can be done under the circumstances is to carry out a visual inspection and, as the hon. Member has rightly said, they will be caught up in the next one, but there is little more that can be done in that respect.

Mr Speaker: Next question.

215

Hon. E J Phillips: Mr Speaker, just one question in relation to that. It is an issue that has been raised directly with me by a number of young people who have not clearly taken part in this survey that my hon. Friend has conducted. What I would say is, given the fact that the Government is committed to the environment and certainly Dr Cortes has said to us on a number of occasions ... made submissions in relation to improving air quality – and I entirely agree with the Government's position with improving air quality – should we not encourage those that are working in the relevant Department to ensure that this legal requirement is conducted? Because the information that I receive from young members of the public who are interested in the environment, interested in air quality and improving it, is that they should be given that reassurance that the Government is doing everything it can to improve the air quality of our community.

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Hon. P J Balban: Indeed, Mr Speaker, everything that can be done is done. The only issue is, as I said, because I do not have the dates in particular I do not know whether this 18 or 20-person survey ... whether these are the ones that you have captured as well within your membership, or not.

230

But if there is a moment in time when the equipment that is used is down – and it has to be serviced in Madrid and it is sent away regularly ... If the machine has broken down and there are none available of the two I think we have in our possession, then obviously for that short period of time while servicing or repairs happen there is little we can do. I am actually looking with the Department at the possibility of purchasing a third unit to be sure, but again you could have a situation ... Where do you draw the line? It is a bad environment, a lot of sea water, as I have said, a lot of sand and a lot of wind. They are very sensitive pieces of equipment. Particles get into the system and make the system fail, and once they fail, obviously they do not provide accurate results and they need to be serviced and they need to be repaired.

235

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So I think it has been an unfortunate event that has happened because again this is not a complaint that has been happening or coming to us for a very long period of time; it has just been for a short period. As I said, I cannot specifically say without a time range whether it was to do with that.

Q699/2017

No idling signs –

Progress; introduction of legislation

245

Clerk: Question 699. The Hon. T.N. Hammond.

Hon. T N Hammond: Mr Speaker, has Government made any progress regarding the placement of no idling signs in key areas around Gibraltar, and does it envisage introducing legislation accordingly?

250

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, yes, no idling signs have been installed before approaching the runway in both northern and southern approaches.

255

There are no imminent plans for introducing legislation at present, but this option is still a possibility.

Q700/2017
Government vehicle fleet –
Expression of interest re leasing

Clerk: Question 700. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 101/2017 and Question 237/2017, can
260 the Government advise if it has made a decision in respect of the one expression of interest
received for the leasing of its vehicle fleet; and if so, what are the financial terms agreed?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the answer remains
265 as set out to Question 101/2017.

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could indicate to the House
270 whether, given that the tender, I believe, was in December 2016, whether the Government now
has abandoned the idea of leasing its vehicle fleet, seeing as we are now obviously in December
2017.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman and I have exchanged
275 views in respect of this on a number of occasions. In fact, I seem to recall that when the tender
came out the hon. Gentleman said something about the Government obviously being desperate
to sell every asset it had to raise money, including its vehicle fleet. Well, if nothing else, the delay
shows that he was wrong about that, but the Government is considering the best possible
options for the taxpayer. Making that determination is not an easy one because it is a fairly large
fleet that we have, so it is not that we have abandoned the idea but it is not something that can
280 move very quickly and it is not something that the Government needs to see move very quickly,
but it is an idea that is being analysed in great detail.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his intervention.

If I may ask him: what is the main consideration? Obviously value for money for the taxpayer
285 must be at the top of the list, but is there anything in particular in respect of the original tender
that is causing the Government to consider it for over a year now? Or a year, let's say.

Hon. Chief Minister: And what a year it has been, Mr Speaker! Not just three Leaders of the
290 Opposition in one year, but also I worked out, once I was sitting down, that there are now more
Members of the GSD in this Parliament who have been Leader of the Opposition than those who
have not been. So, Mr Reyes and Mr Hammond, there are still two years to have a crack at the
whip, so to speak!

That aside, the issue is value for money. Making the assessment is not easy, because we have
295 such a disparate fleet that whilst in respect of some vehicles in the fleet the leasing option may
be a good one, when you start to get into the types of vehicles that we have it is not always clear
that when you bring the whole fleet together the maths stack up on the basis of this being
better value for money. Therefore, that is an exercise that has to be done in very great detail.

To give the hon. Gentleman some idea of the issues, if you are dealing with a vehicle like a
300 vehicle for conveying VIPs, that tends to have quite a long shelf life, it tends to be easy to look
after that vehicle, and so changing that vehicle every three years, which is the sort of thing that
a fleet option gives you, does not necessarily deliver the best value for money, depending on
how that lease is structured and what you pay for the lease of that vehicle. When you are
dealing with a refuse vehicle, then the turnover there might be slightly different but the vehicle
is also a more expensive vehicle to procure. You can extend the shelf life of that vehicle with

305 very able mechanics, and the Government has very able mechanical abilities at its disposal either
 in house or bought in. So, doing the exercise of what we expect a vehicle to give us in terms of
 shelf life and the replacement of that vehicle, which then needs to work for whoever is
 310 extending the fleet deal to us – they need to have something which is not just a wreck at the end
 of it, they need to be able to realise the value of that vehicle as well – is not an easy exercise,
 and that is what is taking time to determine. We could simply say, ‘This is too difficult, we’ll stop
 trying to do the exercise,’ but if the final conclusion of the exercise is that it is better value for
 money for the taxpayer, then we should not turn our backs on such an exercise simply because it
 is potentially harder to reach the conclusion that we might have wished or wanted that to be the
 case.

315 He can rest assured that there is no urgency in needing to hock the Government’s fleet of
 vehicles – as he might have, in a moment of madness, tweeted a year ago. The exercise is an
 ongoing one. It may be that it comes to a conclusion which sees no further action taken or it
 may mean that it comes to a conclusion that sees us act on the proposals put to us.

Q701/2017
Fixed Penalty Notices –
Updated schedule

Clerk: Question 701. The Hon. L F Llamas.

320

Hon. L F Llamas: Mr Speaker, further to Question 450/2017, can the Government provide an
 updated schedule, together with (a) the number of FPNs paid, (b) the number of FPNs pending
 payment, and (c) the number of FPNs cancelled, together with the reasons why?

325

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information
 requested by the hon. Member is detailed in the schedule that I will now hand over.

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No FPNs are cancelled as the speeding offences, as captured by the static speed cameras, are
 vetted by the RGP before they go to the next stage in the procedure, which is the issuing of NIPs
 (Notice of Intended Prosecution). The RGP will filter out all foreign-registered vehicles,
 emergency service vehicles and front-facing motorbikes. They will also remove from the system
 offenders caught speeding over 100 kph, as they will go to them directly and arrest them for
 dangerous driving.

335

Answer to Question 701/2017

Record Vehicles Caught Speeding													
2017	Goods	57- 59.99	60- 69.99	70- 79.99	80- 89.99	90- 99.99	100- 109. 99	110- 119.99	120- 129.99	130- 1000	Paid	To be Paid	Issued
May	60	103	124	24	3	nil	nil	nil	nil	nil	3	35	38
June	81	176	207	26	12	2	2	nil	nil	nil	52	145	197
July	357	567	814	163	64	10	8	4	nil	2	142	206	348
August	220	406	546	98	41	13	2	1	2	1	201	101	302
September	32	60	111	26	7	nil	nil	nil	nil	nil	123	49	172
October	124	153	189	30	9	4	nil	nil	nil	nil	205	91	296
November	21	61	68	9	nil	nil	nil	nil	nil	n1	87	7	94
December													

Q702/2017
Vehicle towing's –
Updated details

Clerk: Question 702. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Question 589/2017, can the Government provide an updated schedule including (a) location vehicle was towed away from, (b) date and time the vehicle was towed away, and (c) whether the parking restrictions were in respect of cleaning campaigns or other?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is detailed in the schedule that I will now hand over.

Answer to Question 702/2017

May-16

Date	Time	Location	Reason for Tow	Table Group
02/05/2016	1030hrs	Ocean Village	Parking Rescriptions 1400 Onwards	Parking Restrictions

Jul-16

Date	Time	Location	Reason for Tow	Table Group
31/07/2016	1517hrs	Castle Road	Vehicle causing an obstruction	Obstruction

Sep-16

Date	Time	Location	Reason for Tow	Table Group
27/09/2016	2315hrs	Customs Outfield	Customs request	Customs request

Oct-16

Date	Time	Location	Reason for Tow	Table Group
10/10/2016	2310hrs	Customs Field	Customs request	Customs request
13/10/2016	1130hrs	Naval Hospital Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
15/10/2016	2250hrs	Sundail Petroil	Broken down vehicle & losing oil	Obstruction
17/10/2016	2230hrs	Reclamation Road	Vehicle parked in a Keep Clear area	Parking Restrictions
23/10/2016	0839hrs	Bayside Road	Customs request	Cleaning Campaign
24/10/2016	2030hrs	Devil's Tower Road	Vehicle parked in a Bus Stop	Parking Restrictions

Nov-16

Date	Time	Location	Reason for Tow	Table Group
02/11/2016	1030hrs	Ocean Village	Vehicle parked outside demarcated area	Parking Restrictions
03/11/2016	0005hrs	Bayside Road	Customs request	Customs request
07/11/2016	2100hrs	Coaling Island	Vehicle parked outside demarcated area	Obstruction
10/11/2016	1045hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/11/2016	0701hrs	Linewall Road	Other RGP sign	Portable Sign (None Cleaning)
13/11/2016	0705hrs	Linewall Road	Other RGP sign	Portable Sign (None Cleaning)
13/11/2016	0032hrs	Reclamation Road	Other RGP sign	Portable Sign (None Cleaning)
13/11/2016	0247hrs	Linewall Road	Other RGP sign	Portable Sign (None Cleaning)
27/11/2016	2245hrs	Customs Outfield	Customs request	Customs request

Jan-17

Date	Time	Location	Reason for Tow	Table Group
07/01/2017	1435hrs	Coaling Island	No P&D Ticket	Pay and Display
15/01/2017	1015hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
22/01/2017	0300hrs	Landport Ditch Car Park	P&D expired ticket	Pay and Display
22/01/2017	0340hrs	Fish Market Road	Vehicle causing an obstruction	Obstruction
25/01/2017	0815hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
25/01/2017	0815hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
25/01/2017	2200hrs	Town Range	Vehicle exceeding max 14 days	Exceeding max stay
31/01/2017	0945hrs	Cumberland Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign

Feb-17

Date	Time	Location	Reason for Tow	Table Group
09/02/2017	2300hrs	Western Beach	Other RGP sign	Portable Sign (None Cleaning)
18/02/2017	0935hrs	Europort Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/02/2017	2345hrs	Linewall Road	Vehicle parked outside demarcated area	Parking Restrictions
24/02/2017	2310hrs	Harbour Views Road	Customs request	Customs request
24/02/2017	1030hrs	Harbour Views Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
28/02/2017	0030hrs	Harbour Views Road	Vehicle parked in Cars Only parking bay	Obstruction

Mar-17

Date	Time	Location	Reason for Tow	Table Group
08/03/2017	0010hrs	Linewall Road	Contravention to sign	Portable Sign (None Cleaning)
08/03/2017	0000hrs	Linewall Road	Vehicle causing an obstruction	Obstruction
09/03/2017	1015hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/03/2017	0020hrs	Western Beach	Contravention to sign	Portable Sign (None Cleaning)
17/03/2017	0115hrs	Glacis Estate	No Permit	No permit
24/03/2017	1600hrs	Ragged Staff Car Park	P&D expired ticket	Pay and Display
24/03/2017	1746hrs	Waterport Wharf	P&D expired ticket	Pay and Display

GIBRALTAR PARLIAMENT, TUESDAY, 5th DECEMBER 2017

10/05/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/05/2017	1355hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/05/2017	1654hrs	Romney Huts Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1655hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1738hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
11/05/2017	1753hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
11/05/2017	1629hrs	Romney Huts Car Park	P&D ticket not displayed	Pay and Display
11/05/2017	1026hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1028hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1014hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1008hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1023hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1035hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1030hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1032hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/05/2017	1305hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
13/05/2017	0950hrs	Ragged Staff Car Park	Expiry of P&D ticket	Pay and Display
14/05/2017	1030hrs	Airport Terminal	P&D ticket not displayed	Pay and Display
15/05/2017	1545hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
15/05/2017	1345hrs	Ragged Staff Car Park	P&D ticket not displayed	Pay and Display
16/05/2017	1702hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
16/05/2017	1535hrs	Mons Calpe Road	Vehicle causing an obstruction	Obstruction
17/05/2017	0900hrs	Bayside Road	No permit	No permit
17/05/2017	1635hrs	Bayside Road	No permit	No permit
17/05/2017	1015hrs	Cumberland Road	Vehicle parked outside demarcated area	Obstruction
17/05/2017	1330hrs	Grand Parade	Contrary of a sign	Portable Sign (None Cleaning)
17/05/2017	1310hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/05/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/05/2017	1350hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/05/2017	1033hrs	Landport Ditch Car Park	Other RGP Sign	Portable Sign (None Cleaning)
17/05/2017	1820hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
17/05/2017	1200hrs	North Mole Road	Vehicle causing an obstruction	Obstruction
17/05/2017	1611hrs	Romney Huts Car Park	Expiry of P&D ticket	Pay and Display
17/05/2017	1453hrs	Sir Herbert Miles Road	No permit	No permit
18/05/2017	1302hrs	Airport Terminal	P&D ticket expired	Pay and Display
18/05/2017	1016hrs	Harbour Views Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/05/2017	0945hrs	Harbour Views Road	Other	Portable Sign (None Cleaning)
18/05/2017	0935hrs	Harbour Views Road	Contrary of a sign	Portable Sign (None Cleaning)
18/05/2017	1515hrs	Landport Ditch Car Park	Obstructing the flow of traffic	Obstruction
18/05/2017	1245hrs	Rodger's Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/05/2017	0804hrs	Amar's Bakery- Linewall Road	Parked in a No Parking Zone	Obstruction
20/05/2017	1045hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
21/05/2017	0908hrs	Glacis Road	Obstructing the flow of traffic	Obstruction
21/05/2017	1324hrs	Waterport Road	Vehicle parked on yellow lines	Obstruction
24/05/2017	1625hrs	Landport Ditch Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
24/05/2017	1750hrs	Ragged Staff Car Park	Parked outside demarcated area	Obstruction
24/05/2017	1239hrs	Western Beach Car Park	Vehicle causing an obstruction	Obstruction
24/05/2017	1330hrs	Western Beach Car Park	Vehicle causing an obstruction	Obstruction
25/05/2017	1148hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
25/05/2017	0845hrs	Romney Huts Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
26/05/2017	0940hrs	Bishop Caruana Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
26/05/2017	1551hrs	Bishop Caruana Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
27/05/2017	1203hrs	Bayside Road	Parked in a pedestrian crossing	Obstruction
27/05/2017	1147hrs	Watergardens	P&D ticket expired	Pay and Display
27/05/2017	1552hrs	Waterport Wharf	Vehicle causing an obstruction	Obstruction
28/05/2017	1445hrs	Bayside Road	P&D ticket expired	Pay and Display
28/05/2017	1500hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	1146hrs	Airport Terminal	Parked outside demarcated area	Obstruction
29/05/2017	1240hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	0946hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	1314hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	1028hrs	Halifax Road	Vehicle causing an obstruction	Obstruction
29/05/2017	1703hrs	Linewall Road	Vehicle parked on yellow lines	Parking Restrictions
29/05/2017	1554hrs	Rosia Road	Other RGP Sign	Parking Restrictions
31/05/2017	0945hrs	Cumberland Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
31/05/2017	1752hrs	Landport Ditch	Expiry of P&D ticket	Pay and Display
31/05/2017	2230hrs	Landport Ditch Car Park	RGP Request	RGP request
31/05/2017	2300hrs	Landport Ditch Car Park	RGP Request	RGP request

Jun-17

Date	Time	Location	Reason for Tow	Table Group
01/06/2017	1310hrs	Cemetery Road	Exceeding Max Stay	Exceeding max stay
01/06/2017	1515hrs	Coaling Island	Other RGP sign	Parking Restrictions
01/06/2017	0920hrs	Ocean Village	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
02/06/2017	0903hrs	Landport Ditch	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
03/06/2017	1315hrs	Bayside Road	Parked on Pedestrian Crossing	Obstruction
03/06/2017	0930hrs	Fish Market Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
03/06/2017	1302hrs	Grand Parade	No Permit	No Permit
05/06/2017	1257hrs	Glacis Estate	No Permit	No permit
06/06/2017	1708hrs	Both Worlds	Parked in Permit Only area	No permit
06/06/2017	1630hrs	Europort Road	Exceeding Max Stay	Exceeding max stay
06/06/2017	1540hrs	North Mole Road	Blocking Flow of Traffic	Obstruction
06/06/2017	1759hrs	Ragged Staff Wharf	Expiry of P&D	Pay and Display
07/06/2017	1122hrs	Jews Gate/ Engineer's Road	Blocking Flow of Traffic	Obstruction
07/06/2017	1448hrs	Linewall Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
07/06/2017	0045hrs	MOT Centre Devil's Tower	Customs	Customs request
07/06/2017	1140hrs	Romney Huts	Expiry of P&D	Pay and Display
08/06/2017	1646hrs	Bishop Caruana Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1750hrs	Bishop Caruana Road	Other RGP sign	Portable Sign (None Cleaning)
08/06/2017	1020hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1054hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1207hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1245hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/06/2017	2130hrs	Devil's Tower Road (Coville)	Customs	Customs request
10/06/2017	1139hrs	Landport Ditch	Expiry of P&D	Pay and Display
10/06/2017	1029hrs	Prince Edward's Road	Aqua Gib	Works
10/06/2017	1029hrs	Prince Edward's Road	Aqua Gib	Works
13/06/2017	0945hrs	Gardiner's Road	Parked on Yellow Line	Obstruction
14/06/2017	1029hrs	North Mole Road	Blocking Flow of Traffic	Obstruction
14/06/2017	1248hrs	Watergardens	Other RGP Sign	Portable Sign (None Cleaning)
15/06/2017	0832hrs	Fish Market Road	Other RGP sign (towed on the following day)	Portable Sign (None Cleaning)
19/06/2017	1733hrs	Ragged Staff Car Park	Expiry of P&D	Pay and Display
21/06/2017	1438hrs	Grand Parade	Blocking Flow of Traffic	Obstruction
21/06/2017	1500hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
25/06/2017	1500hrs	Bayside Road	Parking restrictions	Parking Restrictions
25/06/2017	0900hrs	Queensway	Parked on Yellow Line	Obstruction
26/06/2017	1426hrs	Harbour Views Road	Parked on Yellow Line	Obstruction
28/06/2017	1030hrs	Queensway	Other Sign	Parking Restrictions
29/06/2017	1615hrs	Landport Ditch	Expiry of P&D	Pay and Display

Jul-17

Date	Time	Location	Reason for Tow	Table Group
05/07/2017	1235hrs	Landport Ditch	Obstructing the flow of traffic	Obstruction
05/07/2017	0850hrs	Landport Ditch	P&D ticket not displayed	Pay and Display
06/07/2017	1020hrs	Corral Road	Vehicle parked in PSV area	Parking Restrictions
06/07/2017	1600hrs	Town Range	Vehicle parked on yellow lines	Parking Restrictions
07/07/2017	1554hrs	Landport Ditch	Obstructing another vehicle	Obstruction
07/07/2017	0920hrs	Reclamation Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/07/2017	2300hrs	Western Beach	Other	Portable Sign (None Cleaning)
10/07/2017	0020hrs	Western Beach	Other	Portable Sign (None Cleaning)
12/07/2017	0845hrs	Customs Frontier	Customs request	Customs request
12/07/2017	1635hrs	Fish Market Road	Other RGP sign	Portable Sign (None Cleaning)
12/07/2017	1337hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/07/2017	1322hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/07/2017	1220hrs	Montagu Curtain	Other RGP sign	Portable Sign (None Cleaning)
13/07/2017	0705hrs	Linewall Road	Contrary to sign	Portable Sign (None Cleaning)
13/07/2017	0032hrs	Reclamation Road	Other RGP sign	Portable Sign (None Cleaning)
13/07/2017	1435hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1220hrs	Western Beach Car Park	Other RGP sign	Portable Sign (None Cleaning)
13/07/2017	1435hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1435hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1144hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1000hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1415hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/07/2017	1014hrs	Glacis Estate	Contrary to sign	Portable Sign (None Cleaning)
18/07/2017	1430hrs	Grand Parade	No permit	No permit
19/07/2017	1550hrs	Coaling Island	Obstructing another vehicle	Obstruction
19/07/2017	1315hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/07/2017	1450hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/07/2017	1345hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/07/2017	1530hrs	Harbour Views Road	Contrary to sign	Portable Sign (None Cleaning)
25/07/2017	1646hrs	Europort Avenue	Vehicle parked on yellow lines	Parking Restrictions
26/07/2017	1614hrs	Ragged Staff Car Park	Parked in a non demarcated Zone	Obstruction
27/07/2017	1200hrs	Emerson's Place	Vehicle causing obstruction	Obstruction
27/07/2017	0900hrs	Mid Harbours	Obstructing the flow of traffic	Obstruction
28/07/2017	1530hrs	North Mole Road	Vehicle causing obstruction	Obstruction

Aug-17

Date	Time	Location	Reason for Tow	Table Group
02/08/2017	1123hrs	Grand Parade	No Permit	No Permit
07/08/2017	1250hrs	Harbour Views Road	Obstructing outside Morrisons Supermarket	Obstruction
07/08/2017	1700hrs	Sir Herbert Miles Road	No Permit	No Permit
08/08/2017	1525hrs	Grand Parade	No Permit	No Permit
08/08/2017	1523hrs	Ragged Staff Car Park	Other	Portable Sign (None Cleaning)
08/08/2017	1315hrs	Zocca Flank	Vehicle parked on yellow lines	Parking Restrictions
09/08/2017	0940hrs	Cemetery Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/08/2017	1140hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/08/2017	1400hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/08/2017	1420hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/08/2017	0850hrs	Mid Harbours Estate	Gibelec parking restrictions	Works
10/08/2017	1155hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/08/2017	1235hrs	Bayside Road	Parked on Yellow Lines	Obstruction
14/08/2017	2135hrs	Devil's Tower Road	Requested by Customs	Customs request
15/08/2017	1600hrs	Med Rowing Club	No Permit	No Permit
16/08/2017	1156hrs	Coaling Island	Coaling Island to be cleared	Fair Clearance - Coaling Island
16/08/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/08/2017	1320hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/08/2017	1050hrs	Harbour Views	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/08/2017	1150hrs	Coaling Island	(DVLD) Area cleared for Fair (HMGOG)	(DVLD)
18/08/2017	1100hrs	Glacis Estate	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
21/08/2017	1600hrs	Grand Parade	No Permit	No Permit
21/08/2017	1315hrs	Ragged Staff Car Park	Expired P&D ticket	Pay and Display
21/08/2017	1645hrs	Sir Herbert Miles Road	No Permit	No Permit
22/08/2017	1620hrs	Grand Parade	No Permit	No Permit
22/08/2017	1730hrs	Grand Parade	No Permit	No Permit
23/08/2017	0900hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1003hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1200hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1202hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1637hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1428hrs	Emerson's Place	Obstructing a vehicle	Obstruction
23/08/2017	1220hrs	Sir Herbert Miles Road	Parked on yellow lines	Obstruction
25/08/2017	1020hrs	Europa Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
29/08/2017	1643hrs	Grand Parade	No Permit	No Permit
30/08/2017	1220hrs	Grand Parade	No permit	No permit
30/08/2017	1320hrs	Grand Parade	No Permit	No Permit
30/08/2017	1434hrs	Grand Parade	No Permit	No permit
30/08/2017	1555hrs	Grand Parade	No Permit	No Permit
30/08/2017	1630hrs	Grand Parade	No Permit	No Permit

Sep-17

Date	Time	Location	Reason for Tow	Table Group
04/09/2017	1259hrs	Air Terminal Car Park	No P&D ticket displayed	Pay and Display
01/09/2017	1010hrs	Bayside Road	Parked in Department of Education teacher's bay	Obstruction
09/09/2017	2030hrs	Bayside Road	Parking Restrictions	Parking Restrictions
15/09/2017	1300hrs	Bayside Road	Parked on yellow lines	Obstruction
28/09/2017	1033hrs	Bayside Road	P&D ticket not displayed	Pay and Display
23/09/2017	0940hrs	Eastern Beach Road	Parking Restrictions at MOT Center	Parking Restrictions
10/09/2017	1320hrs	Glacis Estate	No permit	No permit
04/09/2017	1648hrs	Grand Parade	No permit	No permit
12/09/2017	1640hrs	Grand Parade	No permit	No permit
26/09/2017	1620hrs	Grand Parade	Residential parking	No Permit
28/09/2017	1549hrs	Grand Parade	No permit	No permit
18/09/2017	1126hrs	Harbour Views Road	Parking from 5pm- 8am	Parking Restrictions
26/09/2017	1110hrs	Landport Ditch	Double Parked	Obstruction
22/09/2017	1340hrs	MOT Car Park	(DVLD) Expired MOT	(DVLD)
06/09/2017	0916hrs	Queensway	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
06/09/2017	1118hrs	Queensway	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
05/09/2017	0931hrs	Rosia Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/09/2017	1125hrs	Rosia Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
04/09/2017	1226hrs	Sir Herbert Miles Road/ Cat	No permit	No permit
06/09/2017	1518hrs	Sir Herbert Miles Road/ Cat	No permit	No permit
01/09/2017	0910hrs	South Barrack Road	Vehicle involved in car accident- requested by RGP	RGP request
14/09/2017	1008hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
14/09/2017	1100hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
14/09/2017	1143hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
07/09/2017	1600hrs	Windmill Hill Road	Parked in a no parking zone	Obstruction

Oct-17

Date	Time	Location	Reason for Tow	Table Group
05/10/2017	1534hrs	Europort Avenue	Exceeding max time at Timeout school drop off area	Exceeding max stay
10/10/2017	0927hrs	Grand Parade	No permit	No permit
10/10/2017	1417hrs	Landport Ditch	Expired P&D ticket	Pay and Display
11/10/2017	0902hrs	Europort Avenue	Exceeding max time at Timeout school drop off area	Exceeding max stay
11/10/2017	1302hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/10/2017	1303hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/10/2017	1335hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/10/2017	1416hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/10/2017	1700hrs	Europort Avenue	Parked on yellow lines	Obstruction
12/10/2017	1007hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/10/2017	1600hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/10/2017	1007hrs	Glacis Estate	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/10/2017	1640hrs	Landport Ditch	Expired P&D ticket	Pay and Display
16/10/2017	1250hrs	Mount Road	AquaGib works	Works
17/10/2017	0930hrs	Governor's Parade	Obstructing road and exit	Obstruction
17/10/2017	1420hrs	Grand Parade	Resident parking only	No Permit
18/10/2017	1110hrs	Coaling Island	Parked outside area	Obstruction
18/10/2017	1302hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/10/2017	1324hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/10/2017	1344hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/10/2017	1415hrs	Bayside Rd	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/10/2017	1500hrs	Bayside Rd	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/10/2017	1000hrs	Grand Parade	Resident parking only	No Permit
20/10/2017	1430hrs	Line Wall Road	Cleaning Campaign	Cleaning Campaign
21/10/2017	1600hrs	Forbes Quarry	Resident parking only	No Permit
21/10/2017	1320hrs	Grand Parade	No permit	No permit
23/10/2017	1024hrs	Town Range	Parked on yellow lines	Obstruction
31/10/2017	1025hrs	Cumberland Road	Cleaning Campaign	Cleaning Campaign
31/10/2017	1250hrs	Grand Parade	No permit	No Permit
31/10/2017	1610hrs	Landport Ditch	P&D ticket not displayed	Pay and Display

Nov-17

Date	Time	Location	Reason for Tow	Table Group
13/11/2017	1515hrs	Airport Car Park	No P&D ticket displayed	Pay and Display
14/11/2017	1225hrs	Bayside Road	Obstruction	Obstruction
03/11/2017	0930hrs	Cemetery Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
06/11/2017	1540hrs	Coaling Island	Blocking in other vehicles	Obstruction
01/11/2017	0920hrs	Fish Market Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
03/11/2017	1302hrs	Grand Parade	Was not displaying residents permit	No Permit
07/11/2017	1310hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/11/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/11/2017	1320hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/11/2017	1400hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/11/2017	0945hrs	Harbour Views Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/11/2017	1300hrs	JT Airport Compound	Private car park- no pass	Parking Restrictions
13/11/2017	1700hrs	Landport Ditch	Expired P&D ticket	Pay and Display
11/11/2017	1435hrs	Linewall Road	Poppy Day clearance	Poppy Day Clearance
11/11/2017	1700hrs	Linewall Road	Poppy Day clearance	Poppy Day Clearance
01/11/2017	1310hrs	North Mole Road	Exceeding max time at loading bay	Exceeding max stay
01/11/2017	1515hrs	Ocean Village	Parking in Keep Clear area	Parking Restrictions
09/11/2017	1015hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/11/2017	1045hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/11/2017	1315hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign

Q703/2017

**Private parking spaces and garages resulting in loss of public parking spaces –
Technical Services' support or objections**

Clerk: Question 703. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, since December 2011, can the Government provide details of cases where the Technical Services department have supported or objected to regarding the development of private parking and garages being constructed which have resulted in loss of public parking spaces, including (a) the date, (b) the number of public parking lost or potentially lost, (c) the number of private parking/garages applied for, and (d) the reasons why the application was supported or objected to?

360

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

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Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the Technical Services department is a consultee to the Town Planning department on all planning applications received by them.

370

Technical Services comment on matters relating to civil engineering, highways and sewerage infrastructure. They do not, however, maintain a database of the comments that they provide to the Town Planning department, as this is beyond their remit.

Since December 2011 there have been a total of 2,818 planning applications and 89 demolition applications and it would therefore be an extremely laborious task to check through all the applications and comments to identify those instances where the department supported or objected to an application regarding the creation of private parking spaces or garages.

375

Technical Services has discussed the matter with Town Planning, who hold the repository for applications, and they too have confirmed that checking applications for that particular information being requested would require a manual search, which would be laborious and time consuming. Minutes of the DPC meetings, which this Government made public and which are now online, may disclose some such information. The hon. Gentleman has access to those minutes and can review them for himself.

380

Notwithstanding the above, the Technical Services department can confirm that, as a general rule, if the application involves the creation of more car parking spaces within the property/garage than will be removed from the public highway, then the proposal would be supported on the basis that this will produce a net gain of parking – e.g. removal of one car parking on the public highway to create two or more within the property or status quo.

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On a final point, whilst this is Technical Services' position on these matters, it is ultimately the Traffic Commission who have the authority on these matters and they in turn also advise Town Planning on whether particular applications are approved or not.

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Hon. L F Llamas: Mr Speaker, coming back to Question 701, can I ask what the Government is doing with regard to the unpaid FPNs, which seem to be quite a lot in some cases? There are more unpaid than paid, especially –

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Mr Speaker: If we are going to discuss FPNs again, I think it would be useful for the general public who may be watching these proceedings to know that FPNs are Fixed Penalty Notices.

Hon. L F Llamas: Yes, Mr Speaker, you are right; unfortunately, we have become accustomed to calling the abbreviated version of it in this House.

400

Could I ask what the Government is doing with regard to the unpaid Fixed Penalty Notices going back ... from May, June and July in particular, which are quite high months, where the ratio is that there are more unpaid than paid Fixed Penalty Notices?

Hon. P J Balban: Mr Speaker, every effort is made to follow up and get offenders to pay for their FPNs. There are circumstances whereby it is extremely difficult because the addresses for the particular vehicle in question may not be correct and therefore the NIP may arrive at the wrong address because the person has not changed their details, for example, or a sale has occurred and the information is incorrect. There are quite a few occasions whereby we struggle to find the person in question, and that is predominantly, I think, one of the main reasons why fines remain unpaid, but every effort is made to chase up these records and, remember, these, do remain on file.

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Mr Speaker: The Hon. the Leader of the Opposition.

Hon. E J Phillips: Mr Speaker, just a supplementary question in relation to that. It is a good question that the hon. Member makes in relation to unpaid fines because, clearly, if you cannot identify individuals within the system who should be paying these fines, you have an inordinate expense of trying to locate them, for one, and you have hundreds of fines out there unpaid, which are unlikely to be paid because the system clearly has not been updated to include the new addresses of individuals.

415
420 Does the Government consider whether there needs to be a legal requirement imposed on individuals so that they have to update their details with the relevant Department?

Hon. P J Balban: Mr Speaker, as far as I am aware, there is a legal requirement that when a sale takes place the owner should, in terms of the forms provided and the log book, pass on the details to the Department. If that does not happen, then obviously it is another issue, but it is obviously serious because we cannot track these people down. Clearly, it is something which we are looking at as a Department because it is not acceptable, this question of chasing these people in that respect.

425
430 **Hon. E J Phillips:** Just one other supplementary question. I agree, it must be extremely difficult, but we are looking at hundreds of fines here where people should really be paying their dues when they become due insofar as the fines are concerned. It is very difficult if you are just relying on the sale of vehicles in order to update the information, particularly when you cannot locate individuals, and it is likely – and I am sure the Minister would agree – that these fines are likely to be unrecoverable in the future.

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Hon. P J Balban: Mr Speaker, it could be the case where a fine could be unrecoverable. Every effort is made, but it is a legal obligation. When you sell a car on you need to notify the Department and they should keep up-to-date records for this particular reason. But obviously there are quite a few occasions when this is not possible. As I said, the Ministry is looking at ways to improve this, but this is something which has been the case for years and years and we do accept it is something that we have inherited and it is something which has been a fact for many years. But it is a legal obligation. I think people are aware and the forms do state when you pass on a vehicle ... And it does happen. In all fairness, when you sell a car, some of it is that goodwill that goes on. You sign your part of the form and the person is meant to sign their part of the form, and that does not happen. So all that process is being looked at together.

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Hon. E J Phillips: Mr Speaker, I apologise, but just one more. Clearly, the example that my hon. Friend is giving, the Minister, is in relation to when a purchase is sold and bought by individuals, but what happens in the case where one just simply has a vehicle for years and does not sell it but does not update their details? Clearly there is an entire historical backlog of fines that remain unpaid. I appreciate that this may be something that he may have inherited from a previous administration, but clearly, in the context of that situation, surely there must be something that the Government can do to ensure that fines are paid.

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455 **Hon. P J Balban:** Mr Speaker, the whole matter is being addressed, but as the hon. Member
rightly says, it is not just at the point of sale. People do move addresses, people do change
addresses, and at every single MOT, in theory, that should be carried out and there should be a
check of addresses.

460 It is very difficult because it does happen in Gibraltar where people remain at their parents'
address even though they have moved away. There is a lot of that happening, where people
remain at their old address because somebody related to them remains at that address, and that
is a problem. But as I said, the Department is looking at all these issues.

465 Because of FPNs related to speeding, it is something which has come to light even more so in
that respect because this is not a policeman at the end of the gun stopping you and taking down
details, this is an automated system which takes a photograph of the car and then it is up to the
Government or the officials to look and search for the person who committed the offence. As I
said, the Department is looking at this to see how we can, if possible, update the log books,
because it is an issue – and not just what we inherited, it is what the previous administration
inherited themselves. It is something that has been the case for many years, but as a result of
this new system of capturing FPNs automatically through machines, speed cameras, the
470 importance of it is being highlighted even more so.

Mr Speaker: The Hon. Edwin Reyes.

475 **Hon. E J Reyes:** Mr Speaker, if I may – and I know you like us to put things as a question – is
the Minister fully satisfied that the best type of customer service relationship exists?

I have spent the last month having to help a particular constituent who received a Fixed
Penalty Notice issued in his name to the proper address, claiming that there was an offence
committed by registration number such and such, and it was identified as a vehicle of a
particular colour. This constituent came to see me and said, 'The vehicle I own happens to be a
480 motorbike, not a car as stated in this fine,' and the colour obviously is now totally irrelevant and
the location where the parking offence is supposed to have taken place is nowhere near an area
where he frequents.

In trying to help this individual I picked up the phone and rang the office there. I was told in a
very courteous – not rude, but very courteous – manner, 'In order to cancel that, you have got
485 to come here to the office, fill in a form and sign it.' When I relayed that message to the
individual he said, 'I'm not going to take a day's leave to sort out what is an administrative error,
because I have made this attempt to correct it.' So I said, 'Well, look, it's up to you what you do.'
Within a month he got another reminder letter. This time, I went in person and they said, 'Look,
we know you mean well, but you are not the person named here. I am sorry, we cannot deal
490 with you.' So the matter remains pending and unresolved with the individual fearing that he is
going to receive a notice to make an appearance in court for failure to pay a fine, having to take
a day's leave to appear there to then find that the vehicle does not belong to him.

With a little bit of detective work, because Gibraltar is relatively small and we were able to
find out, it now appears that because one has the model of the car and the colour we have
495 found that the registration number is a mistake – made by the officer issuing the parking ticket –
with the letter at the end. This individual was able to do that in his leisure time. Surely those
who are being paid could, somehow or another, go on the computer system and say, 'Have we
made a mistake and put an A instead of a B or a C?' It is all to do with customer relationships
that may or may not help us collectively to solve this problem. I pose that to the Minister.

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Hon. P J Balban: Mr Speaker, I thank the hon. Member for his positive contribution.

As I said, there is a cancellation process and sometimes ... This is the first complaint of that
nature that I have heard, and undoubtedly there may be others but if Notice of Intended
Prosecution is sent to you erroneously, then it should be possible to be able to sort that out
505 without having to go there. But if that fails, there is a process and the risk is that if the

cancellation is not carried out there could be the situation whereby you could receive a letter or summons to go to court for that purpose.

I thank you for your contribution and if it is somebody specifically we can have a chat behind the Speaker's Chair and I will look into the issue for the hon. Gentleman, but I suppose it is something that can happen – I cannot say that it will not.

Mr Speaker: Next question.

Hon. T N Hammond: Mr Speaker, if I may.

Mr Speaker: This is the last supplementary I will accept on this question.

Hon. T N Hammond: Thank you, and the question is not related to any question that has been asked so far.

Mr Speaker, during the Minister's initial answer to Question 701 he referenced the fact that the RGP screen a number of vehicles before sending out the Fixed Penalty Notices. I believe Emergency Services were one of those categories but I think he also said forward-facing motorbikes and I just want a clarification as to as opposed to a backward facing motorbike, or is that the aspect of the motorbike? Just a little bit of clarification. And is it the case, therefore, that motorbikes that are photographed by a speed camera in their forward-facing aspect are not being fined or cannot be fined, or are they taken down a different mechanism?

Hon. P J Balban: Mr Speaker, I think we have had this discussion before in Parliament. There are cameras at the moment ... not all cameras can take pictures in both directions, so what happens is that if a person is caught with a motorbike forward facing there is no number plate in the picture; hence at the moment, depending on the sight, unless the motorbike is going at a horrendously high speed – which I have mentioned before generally is over 100 kph, whereby the Police will then look at it as dangerous driving or careless driving and they will go for the individual in question by other means – they will try to visually recognise the person without having to use the number plate.

There are a few cameras that will not take rear-facing pictures and in fact we have already received equipment to be able to tackle that issue. Remember, when we brought out the speed cameras it was a pilot study, it was something that was needed, something that we had never had in Gibraltar before, and they were placed in different locations trying to maximise the use of these cameras as far as possible. It is not possible to have a camera facing each direction because it would not be viable in that respect. Now we are looking at other methods whereby we can start capturing vehicles from the rear or from the front.

But the screening process does happen where the RGP actually look at the speed camera results, making sure that they are not emergency vehicles, making sure that they are legitimately offenders, they are not persons who cannot be traced or are emergency services attending to a fire emergency, or whatever. That is why there is a screening process.

Mr Speaker: I am going to allow the Hon. Lawrence Llamas to raise a matter arising from the schedule to Question 702.

Hon. L F Llamas: Thank you, Mr Speaker.

Looking at the schedule from Question 702/2017, which relates to the foreign vehicles which have been towed away, the majority of these vehicles have been towed away from cleaning campaigns and pay-and-display parking areas. I wanted to ask the Government if they will review the towing away of vehicles because obviously people have failed to display their ticket in the appropriate place in a public pay-and-display area. It would make sense that if they are

going to have to be fined and clamped, they do not then have to actually go and search for the vehicle because the FPN is going to exceed what the daily rate of that ticket would be.

560 Would the Government consider not having to remove the physical vehicles if they are not actually obstructing anything which can be avoided in terms of not having to tow them away and look at that policy so that the person does not receive a negative impact when they are visiting Gibraltar?

Hon. P J Balban: Mr Speaker, clearly the fine, whatever that may be, will generally be more than the figure that they would have had to pay if they had done it properly and had paid at the pay-and-display machine, regardless of whether it is a ticket in the window for £25, whether it is a clamp which guarantees the same, or whether the vehicle is towed away.

570 If you look at the schedule, there are vehicles that are towed away but for different circumstances, different reasons. If there is a clear obstruction to the highway then it is towed away. If it is obstructing the cleaning campaign as well and the company involved, Master Service, cannot get round and do the cleaning, a decision is taken whether to remove the vehicle or not. It is impossible to clean if the vehicle remains there.

575 Just generally there are a lot of complaints, because there are both sides to the coin: those people who feel that this poor person has come across, a tourist, and they have been punished for illegally parking; and there are others who say, 'Well, if you just place a ticket on the window ... or a clamp on the car you immobilise it, but I cannot use that parking, it remains out of use for me.' That happens a lot as well and you get a lot of pressure from people saying, 'What do I do?' That has happened very often in residential parking schemes, for example, where there is a vehicle which is constantly offending and the residents are saying, 'This car has not got a permit. What's going to happen?' We will place FPNs and we will try to control it to a certain level and not any further, and eventually we need to tow the car away.

580 So it very much depends on the circumstances, but if you look at the schedule provided it is not that any particular area has been targeted more than others. There is a very clear idea that it is happening throughout Gibraltar and not necessarily just areas where you expect tourists to be.

Mr Speaker: Next question.

590 **Hon. T N Hammond:** Mr Speaker –

Mr Speaker: Well, briefly. We have to move on.

Hon. T N Hammond: I understand, but this is on Question 702 rather than ...

595 **Mr Speaker:** Okay.

Hon. T N Hammond: Mr Speaker, it is just to understand whether Government has a particular policy or has implemented a policy or provided guidance to the companies who operate the towing of vehicles, considering that back in May 2016 we appear to have one vehicle towed, in July 2016 one vehicle, and then we come to May 2017 and it is something approximating 100 vehicles towed, and that trend, although it subsides somewhat, continues after that point. Has Government actually given instructions for a ... And this is not a criticism in any way; it is just to understand whether Government has given instructions for more vehicles to be towed away or whether this has just happened organically in some way.

605 **Hon. P J Balban:** Mr Speaker, the company responsible for providing this service operate themselves; they are not told to clamp more, tow away more or whatever.

There are certain key dates, if you look at the chart, where certain things have happened which perhaps have led to an increase in the fines or towing etc., and it could be, for example, when a residential parking scheme comes into effect or when there is an area which is due for
610 cleaning and it is a big area.

So it very much depends on the date in question, but I do recall that around ... For example, if you look at May, there are quite a few that have come from cleaning campaigns. Again, cleaning happens generally once a month. If, for example, an area is being left dirty because cars are constantly parking in the same places or the same cars keep on offending, then obviously there
615 is a need to clear those vehicles up and it could be that they are towed away.

But generally what has been the case with the residential parking scheme is that especially with zone 1 there has been an increase attributed to that, and as we roll out the other residential parking schemes that will happen. There is also generally a period of grace, so we will start off, we launch the scheme, give it grace, and then we have to start acting because
620 otherwise, if we are very lenient, the scheme fails from the start. It does not perform the function we expect it to and that is to the detriment of all residents.

This is obviously a tool that we have. It is the only way that we can actually make a scheme a success – or just turn a blind eye and it will not work. I think it is the company's responsibility to actually ascertain, to look, review and see how they manage this for us.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q704/2017

Sewage treatment plant – Technical specification; awarding of contract

625 **Clerk:** Question 704. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to Questions 449/2015, 8/2016, 332/2016, the Minister's speech during the Appropriation Bill and Question 630/2016, can the Minister provide
630 an update on whether the technical specification for the sewage treatment plant is now understood and when Government might be in a position to award a contract?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

635 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir, discussions have commenced with a preferred bidder, but given the position of the former Leader of the Opposition that we should not comment publicly on contracts until the ink is dry on agreements, it would be inappropriate to say more at this stage.

640 **Mr Speaker:** Next question.

Q705/2017
Urban Renewal Programme –
Update

Clerk: Question 705. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what has happened to the Urban Renewal Programme announced on 13th June 2013?

645

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
650 Mr Speaker, much has already been done in respect of urban renewal in the Upper Town in pursuit of the programme. Hon. Members can see progress for themselves if they care to wander in our magnificent Upper Town, although there is undoubtedly much yet to do.

Hon. Mr L F Llamas: Does the Minister have a schedule of what has been done and what
655 remains to be done?

Hon. Dr J E Cortes: No, sir.

Mr Speaker: Next question.

Q706/2017
Upper Rock –
Entrance fees

660 **Clerk:** Question 706. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, is the Government reviewing the Upper Rock entrance fees? If so, can it reveal what changes will be made?

665 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, yes, it is. Details will be provided in due course.

Q707/2017
Dance and performing arts courses –
Grants awarded

670 **Clerk:** Question 707. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Education provide details in respect of all grants awarded during this current financial year, other than mandatory grants, to any students in respect of dance or performing arts courses, indicating if these courses being followed will be

675 in the United Kingdom or elsewhere, as well as indicating the qualification expected to be
attained upon successful completion of said courses?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and
Education.

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, all of our students undertaking a dance or performing arts course this financial year
have been awarded mandatory grants.

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Hon. E J Reyes: Mr Speaker, may I clarify – mandatory grants being restricted to those who
have completed A-level or A-level equivalent type of education?

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Hon. Dr J E Cortes: Mr Speaker, mandatory grants in the normal manner of mandatory grants
as opposed to the discretionary awards, which are for those who maybe come into a course
later on or have not quite got the grades. That is the difference, as the hon. Member is well
aware.

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Hon. E J Reyes: Therefore, Mr Speaker, can I ... perhaps the wording in my question because I
have asked in respect of grants awarded ... It could have been that a grant has been awarded but
a course has not yet commenced. Is the Minister in his answer covering that? Or maybe because
of the way I have put ... the answer ... I am giving him the benefit of the doubt, sir.

700

Hon. Dr J E Cortes: Mr Speaker, the team in the Department of Education have looked at
students currently undergoing dance or performing arts courses and have checked against those
who are actually undergoing it now whether they are mandatory, and the answer is that all of
them are. Therefore, the ones that are not, the answer is zero, which is the answer that I have
given.

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If there is any specific course or any specific student the hon. Member is referring to, perhaps
he could ask me separately and I will be very happy to look into any particular case, but this is
the information that has been extracted from our database.

710

Hon. E J Reyes: Mr Speaker, if I take your leave, perhaps it may be better and save
parliamentary time if the Hon. Minister and I meet behind the Speaker's Chair later and then we
can follow it up if required.

Mr Speaker: Indeed, because I seriously consider that the question as framed has been
answered.

Q708/2017
School classes –
Number of pupils

Clerk: Question 708. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of the number of
pupils in each class during each school year since September 2012 as prepared by the
Department of Education in preparation for the commencement of each academic year, stating
(a) the year the class relates to, (b) the school the class belongs to, (c) the number of children

720 with special needs, (d) the number of learning support assistants, (e) the number of teachers, and (f) any other staff allocated to each class?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

725 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, questions (a) to (d) were answered by me in reply to Question 612/2017 as overall figures per school.

As I have explained previously, allocations can change on a daily basis and so numbers per class cannot be provided overall. This applies similarly to (e) and (f), in fact possibly more so.

730 **Hon. L F Llamas:** Mr Speaker, we always seem to stumble on this question. I find it hard to believe that the Department of Education would not have prepared a certain figure for each class and the number of pupils who would be attending each class. I understand that things could fluctuate but I am asking for class figures in order to know what the statistics are in all schools and an overall figure will simply not suffice.

Is the hon. Member able to answer this question, albeit following this session by e-mail as he has done on other occasions?

740 **Hon. Dr J E Cortes:** Mr Speaker, the hon. Member has asked very similar questions repeatedly over the last few sessions, always with a slight difference in wording. I have asked him –

745 **Mr Speaker:** That is why it gets by the Speaker, otherwise it would not. It is because there is a difference and it is not quite the same question that I am allowing it, but I can recognise the problems that the Minister has in trying to provide the information to the questions.

750 **Hon. Dr J E Cortes:** Mr Speaker, I was not at all questioning that they had got through because, as I said before in my answer, there are subtle differences in the questions. But I fail to see what the hon. Member is getting to. If he were to sit with me and tell me, 'This is my concern and this is why I am asking,' then perhaps I would be able to assist.

755 We get asked for huge quantities of information on a regular basis, all very similar, when I have explained that the classrooms themselves have to be flexible and particularly when we get to learning support assistance and special educational needs when, as I have explained before, some children are assessed and they move on to the SEN group and then perhaps issues are resolved and they move back. It is very difficult to give this information.

760 If there is a specific problem that the hon. Member wants to catch me out on, ask me point blank and I will try and assist him in catching me out, but it is very difficult to get the information together in this way time after time.

Hon. L F Llamas: Mr Speaker, I am not trying to catch the Hon. Minister out on anything other than to get the information which I think is relevant. *(Interjection by Hon. Dr J E Cortes)* Well, it is relevant concerns with which parents come to me about class sizes. *(Interjection by Hon. Dr J E Cortes)* Well, Mr Speaker, all I want to do is to get statistics in order to just allay those fears and just lay out what the statistics are, and I do not think I am asking for any information which is too difficult to compile when the Department would have compiled this information in preparation for each academic year.

770 Obviously, I do have to tweak the questions in order to get them through, because I am not getting the answers I want – and it is not the answer that I want the Minister to give me; I just want the answer of what the statistics are.

Mr Speaker: If the hon. Member is not getting the answer that he wants here in Parliament, I would suggest to him that he accept the invitation of the Minister, go and see the Minister and try to thrash the matter out, and then come back to Parliament if necessary.
775 Next question.

Q709-717/2017

**New and refurbished schools –
Timeline and impact of works on students; completion dates;
consultation with experts; impact on traffic and transport;
populating of co-ed schools; proposals for Bayside and St Martins sites**

Clerk: Question 709. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what construction works will be carried out beside schools whilst in use and the estimated timeline of the same?
780

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
785 Mr Speaker, I will answer this question together with Questions 710 to 717.

Clerk: Question 710. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government reveal what changes will current pupils be expected to adapt to from September 2017 until the new/refurbished schools are delivered?
790

Clerk: Question 711. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government reveal the estimated timeline for delivering each new or refurbished school?
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Clerk: Question 712. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government consulted with experts outside of Gibraltar on the new schools?
800

Clerk: Question 713. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government undertaken a traffic and transport impact assessment for the proposed new schools?
805

Clerk: Question 714. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how will the Government conduct the populating of the two co-educational schools?
810

Clerk: Question 715. The Hon. Ms M D Hassan Nahon.

815 **Hon. Ms M D Hassan Nahon:** Can Government give details of the proposed future for the Bayside and St Martin's Schools sites once these have been vacated?

Clerk: Question 716. The Hon. Ms M D Hassan Nahon.

820 **Hon. Ms M D Hassan Nahon:** Will the existing schools that will be undergoing refurbishment be worked on while pupils are present in the schools?

Clerk: Question 717. The Hon. Ms M D Hassan Nahon.

825 **Hon. Ms M D Hassan Nahon:** Following last week's – or actually a couple of weeks ago now, given the parliamentary postponing – attendance by the Chief Minister and Minister for Education at the general meeting held with teachers, can Government confirm whether teachers are happy with the proposed new schools as well as with the plans for the schools that will be undergoing refurbishment?

830 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

835 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, construction of Notre Dame will be carried out next to the current Notre Dame, after which St Anne's will be built next to the new Notre Dame. Construction will be carried out in a timely manner with as minimum disruption as possible and plans are in place to achieve this. This will be done by September 2018 and 2019 respectively.

Current pupils are just as important as those entering the system in 2019 and therefore their educational journey will not be compromised or affected in any way.

840 In answer to Question 711, Notre Dame School, 8.45 a.m., Monday, 3rd September 2018; the remainder 8.45 a.m., Monday, 2nd September 2019.

In answer to Question 712, yes, it has.

In answer to Question 713, the Government is, of course, undertaking this.

845 In answer to Question 714, details of the options of how this is to be achieved are given in the published Co-Education Report.

In answer to Question 715, expressions of interest have been invited for these sites.

There will be occasions – in relation to Question 716 – when this is inevitable, although we clearly will keep disruption to a minimum and ensure in particular that teaching and examinations are not affected and that absolute safety is ensured.

850 In answer to Question 717, our guiding principle has to be whether the proposed changes will improve the education of future generations of children who will go on to become the citizens of tomorrow. We have carried out a wide consultation exercise, and every indication is that teachers and the general public at large are happy overall. With any major change process there will always be diverging opinions and I, of course, respect these.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

860 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may interject on Question 713 as a supplementary: considering the transport impact assessment, wouldn't it have been more practical to have undertaken this assessment before designs were put out, because at this point whatever result comes out is pretty limited anyway, considering that the schools are going ahead, so even if we get a very negative report how can we change things anyway at this point?

865 **Hon. Dr J E Cortes:** Mr Speaker, we are in a stage when we can still make changes to the actual layout, particularly in those that are being designed now beyond the concept stage. Obviously, we are limited to the sites we have available in Gibraltar and there will be a certain amount of adaptation, but I am confident that if any major problems are identified we will be able to address these in the best manner possible.

870 **Hon. L F Llamas:** Mr Speaker, following up on Question 713, from my understanding the parking underground at co-ed schools, for example, is going to be sold off. Will the Government be increasing public transport links to that area?

875 **Hon. Dr J E Cortes:** Mr Speaker, this is one of the matters that will be assessed in time for the opening of the new school in September 2019.

880 **Hon. L F Llamas:** Given, for example, Mr Speaker, that we will now have two co-educational schools where 2,000 pupils will be in one location and then we are going to have St Anne's and Notre Dame both together in the new location, this is going to come with its own impact in terms of transport and access. Is this not something that the Government has already taken into account?

885 **Hon. Dr J E Cortes:** Sorry, Mr Speaker, is what something that the Government has already taken into account?

Hon. L F Llamas: The access to these new schools.

890 **Hon. Dr J E Cortes:** Yes, Mr Speaker, it is taken into account. We are now refining as to how we can ensure that there is only minimum adverse effect, if any at all.

895 **Hon. L F Llamas:** Mr Speaker, in relation to Question 712, I did not catch whether the Government has consulted with experts. However, the Education Minister has stated that schools that cater for over 2,000 pupils are undesirable and therefore I would like the Government to explain how they have concluded that two co-educational schools within the same campus is any better and of more benefit to the students.

Hon. Dr J E Cortes: Mr Speaker, because they are two schools and not one.

900 **Hon. L F Llamas:** Is there a model that the Government has based this idea on, or is it a concept that this Government has come up with?

905 **Hon. Dr J E Cortes:** Mr Speaker, we have two comprehensive schools at the moment. The Government committed to that, as opposed to the party that the hon. Member stood with, who wanted to convert into one, and we are being consistent because that is our policy and that had the wide support of the teaching profession at the time.

Hon. E J Reyes: Mr Speaker, a point of order, sir.

910 **Mr Speaker:** Yes.

915 **Hon. E J Reyes:** The Minister has referred that the party on this side obviously referring to the GSD, wanted to merge them into one I disagree with that completely, Mr Speaker. I think if we leave that out then the Minister, the hon. Member, can continue answering the question, but to bring us into it with a fact, or with what is alleged as a fact, which I would then need to refute is just wasting parliamentary time.

Mr Speaker: As I understand it, the Minister is referring to the policy that was promulgated by the GSD – is that the correct position, or isn't it?

Hon. Dr J E Cortes: That is what I said.

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Hon. E J Phillips: Mr Speaker, the policy that was announced during the last General Election was clear. The GSD was not a proponent of a mega-school, the language that was used by the Government. In respect of our policy it is quite clear what we decided we wanted to do and that was to create an option for co-education, and of course we would have consulted with those stakeholders in relation to education. There was never the inkling of one mega-school; that is completely wrong. There was a TV debate that I had with the Hon. Neil Costa in relation to that very issue and it was language that was used by the GSLP to denigrate the policy of the GSD in relation to the principle of co-education. This party had put forward the policy and it is the Government on the other side that has sought to copy the idea of co-education completely. Therefore, we commend them, of course, for taking on board our ideas on co-education, of constituting a committee to advise the Government in relation to co-education, but of course we commend them for bringing forward a GSD policy.

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Mr Speaker: Which we are not going to debate. The GSD policy is not going to be debated. We have a number of questions seeking information. Information is being provided by the Government. I am not allowing a debate on the education policy either of the Government or of the Opposition at this stage.

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If you want to have a debate, by all means put down a motion for the next meeting of the House. Perhaps it will be a very salutary thing to do, given the announcements which the Government has made. I invite you to do that.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I think it is absolutely right that we should not have a debate on GSD policy because, first of all, we are dealing with an individual who is no longer in the GSD, although he stood with the GSD and the issues that were being put to him were the things that were in the GSD manifesto.

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I think actually we are debating PDP policy, because I think the first to propose co-education were the PDP. I recognise that there is, in effect, what one newspaper this morning has called a takeover of the GSD by the PDP, so I would be delighted to pursue the issue there.

But let's be very clear, Mr Speaker: in our manifesto, the manifesto which people selected at the last election by a ratio of two to one, there was a commitment to look at co-education in the way that we have done.

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And so, Mr Speaker, the only issue that really falls to be considered is whether or not – and this is the issue, I think, being explored by Mr Llamas and which I wish to give him comfort on from here, as the Hon. Minister has done – whether we are looking at a mega-school or whether we are looking at two schools. The policy that he defended at the General Election was to have one comprehensive. You cannot have anything other than co-education, Mr Speaker, if you only have one comprehensive, whatever consultation you may do, unless you have one comprehensive with classes just of boys and classes just of girls, and I think also including the college. We are not going down the route of one institution; we are going down the route of two institutions, two separate institutions.

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Whether hon. Members want to get into a tug of war with the building and say, 'Right, if those two buildings are 500 metres apart, then I'm satisfied it's two schools; if they're half a mile apart, they are definitely two schools; if they're 450 metres apart, then I'm going to call it one school even if it is two schools.' I put it to the hon. Gentleman that that is what they are going to get into if they start looking at the geography of this issue. You have two institutions here. They are close to each other and they share one area, which is the library, and there is a simple reason for that in terms of the resources of this community: do you put cash into building two

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970 libraries? Let's just say, for the purposes of this argument, you put £100,000 into building the
libraries and you then put £200,000 into acquiring books for each of the libraries; or do you put
one set of building costs in and have double the resources available to purchase books for the
975 boys and girls who are going to be in the institutions? That is what we have been consulting on,
that is what we have been working on and that is what we think produces the best result; and it
is a better result than a mega-school, which – the hon. Gentleman is absolutely right – is not
what they said they would do at the last election. It is what we said they said they would do at
the last election because we just had to look at the plans to see that the proposal that they were
980 making created the sort of school that had been roundly rejected in the United Kingdom by the
teaching profession as being bad for the pupil and being bad for the teachers. That is what we
are not going to do, Mr Speaker.

980 **Mr Speaker:** Next question.

Hon. E J Phillips: One question in relation to ... I am grateful to the Chief Minister for
explaining his position in relation to GSD policy, but it is evident from the numbers of questions
that have been asked by the opposite sides of this side of the House, Mr Speaker ... it is quite
985 clear that there is a genuine interest from parents and members of the community as to the
detail of the Government's ambitious – in their own words – programme to deliver education for
our community for the next 30, 40, 50 years for our community.

My question to the Minister is this: is he willing to explain more of the detail as to their
programme on rolling out new schools for our community? It is quite clear from questions that
990 have been asked in this House, that not enough answers have been given by the Government in
relation to schools.

Hon. Dr J E Cortes: Mr Speaker, of course the details will be given. The details are being
shared already. I have held meetings with teachers, I have held meetings with parents; the
995 Director of Education has had meetings with both. More meetings are scheduled. Some of the
matters are currently under discussion; some of the more intricate designs of the
comprehensive schools are currently being worked through in working groups of teachers. So of
course the details will be made available and anybody who wants them, all they have to do is
ask.

1000 I have answered the questions here. Every question that has been asked has been answered.
They may not like the answer or agree with what I am saying but we are hiding absolutely
nothing at all.

Hon. E J Reyes: Mr Speaker, sir, arising from the Chief Minister's explanations, he said – I
1005 hope I deduced it correctly – the only shared facility would be that of the library. Can the Chief
Minister or the Minister then reconcile why teachers of secondary schools are being told as
recently as this week that, for example, for the teaching of a hairdressing type of course the
students will only be set up in one school and the students have to commute? Is that not the
same as sharing the facility?

1010 **Hon. Chief Minister:** Mr Speaker, a point of order. Crossing the patio has never been
described seriously as commuting in the English language.

Hon. E J Reyes: Sorry, Mr Speaker, then I amend that word as being that of taking a walk
1015 across a brief area.

Hon. Dr J E Cortes: Mr Speaker, we are currently involved in designing the precise allocation
of space in the two new comprehensive schools, and we are currently involved at the same time
in developing new vocational courses. Therefore, we have to consider in the two schools, where

1020 we do not believe there will be enough take between all the boys and girls to, for example, have two hairdressing facilities, which of the schools will host that, and then the other school will host possibly something completely different.

Hon. Chief Minister: As is the case today.

1025 **Hon. Dr J E Cortes:** Exactly, as is the case today when there is a sixth form consortium. It only means that if we start vocational courses at the equivalent of GCSE we may have to have the consortium working further down for specific things which we should not, in a space the size of Gibraltar, provide two of, and the fact that the schools are different but close together means it is easier for students of the two schools, where there are two separate uniforms, to not commute but walk across the patio in order to make use of those facilities. It makes –

Hon. Chief Minister: Which is what happens today.

1035 **Hon. Dr J E Cortes:** Exactly, instead of going further. So, Mr Speaker, it makes absolute sense and it is being developed in conjunction with the teachers.

Hon. Chief Minister: And that was through consultation.

1040 **Hon. R M Clinton:** Mr Speaker, the Chief Minister has referred to efficient use of cash and effective economies of scale, and the Minister has just referred to efficient use of resources. Can I ask the Minister whether his Department has undertaken any kind of economic impact analysis as to allocation of resources and indeed the funding of the schools? And does he have at this moment in time any indication of what the cost of building these schools would be to share with us; or if he were not willing to share that with us today, would he be willing to share that with us if I tabled a specific question?

1050 **Hon. Dr J E Cortes:** Mr Speaker, I am asked by the current Leader – I will not say ‘temporary’, the *current* Leader of the Opposition – as to whether I am going to provide information, and the former Leader of the Opposition obviously did not hear information that has already been stated in the past. We have said that, because there is going to be a tender process, we are not in a position and we are not willing to put across in the public domain our estimated costs of the school.

1055 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister.

May I ask him just one supplementary on this? In his estimation, is it the Government’s expectation that the costs of construction less the sale of the existing land would effectively be cost neutral to the Government, or will there be a net cost to the Government – or you just do not know?

1060 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman seems to want to make everyone the Minister for Finance except the Minister for Finance and he is asking questions of the Minister for Education, who is very good at finance, what the issues of the financing of the schools are. The answer to the question in relation to the financing of the schools remains as I set out in my answer to him in the last Parliament. But, Mr Speaker, that calculation that he wants us to do I do not think is a wise one for him to invite us to do if we are both keen to ensure that we get the best possible value for the taxpayer when it comes to the competitive process for the building of these schools that I have told him we are going to embark on.

1070 **Mr Speaker:** The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I would like to ask if the Government will be engaging in a formal consultation with teachers and parents in the coming months before the details are finalised.

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Hon. Dr J E Cortes: Mr Speaker, I am not sure in relation to what – obviously not co-education; that is done and dusted.

Mr Speaker: Before the plans are finalised.

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Hon. Dr J E Cortes: The teachers are currently involved in developing and designing the content of the school, the detail, the allocation, and so the answer to that is yes; and I have already reached out to those schools which have a parents association in order to give an opportunity to discuss it with them.

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Hon. L F Llamas: Mr Speaker, I think this will be the final supplementary.

Did the Government consider providing secondary education at schools in other locations in Gibraltar – for example, in the north and the south?

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Hon. Dr J E Cortes: Yes, Mr Speaker.

Hon. L F Llamas: Would it be possible to know what other locations the Government did consider?

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Hon. Chief Minister: Mr Speaker, I have said publicly on a number of occasions and I will say again that one of the hardest things to deal with in politics in Gibraltar is the Rubik's Cube of where you put one thing and where you put another. So, when you consider an issue like this you consider *every* potential location, because even if hon. Members might think that there is something on it today, the Government is in a position to move something that may be there today or harry along those that may be there today with inducement or otherwise. So every possible location has been considered and this is the location that has been considered, for a number of reasons, to be the most appropriate.

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We are entirely committed to ensuring that we deliver on our manifesto commitment and the additional opportunities that we have identified; we think this is the right way to do it. The hon. Gentleman is now conducting that consultation exercise. He is taking people's views on board, whether they are teachers or whether they are parents. I do not know how many times we can say it, Mr Speaker, but if the hon. Gentleman simply wants to give us an opportunity to just reaffirm that, the Government is entirely committed to that process of consultation which we have indicated we are embarked on.

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Hon. E J Phillips: Just one question in relation to Question 712 in relation to the experts the Government has consulted, or taken opinions from, in relation to the new schools. Can the Government confirm who and what type of experts they are?

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Hon. Dr J E Cortes: This is in the form of visits to highly regarded schools in the UK and discussions with the education authorities in that part of the UK. Both a part of my Department's team and some teachers have attended meetings in the UK at those schools, which includes a – *(Interjection by Hon. Chief Minister)* Oh, yes, thank you, a very relevant point that had escaped me for a moment. Apart from the fact that the team has visited schools in the UK, the design models are based on the latest Department for Education modelling of school construction and design in the UK. So we have actually used the latest UK Department for Education types of modelling and we have been in touch with people in the Department for Education who design

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schools. So we have done both the general guidelines for design and also visited actual schools to learn from their experiences there.

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HOUSING AND EQUALITY

Q718/2017

Government rental homes – Urgent decanting of tenants

Clerk: Question 718. The Hon. E J Reyes.

1130 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer provided to Question 179/2017, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

1135 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

1140 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, since the answer to Question 179/2017, six tenants have required urgent decanting from their homes as a result of fires, substantial water ingress and major works. One was decanted in March, one in April, one in August and three in September. Except for one household, all tenants have returned to their flats in June, September and October.

1145 **Hon. E J Reyes:** And the one who has not returned, Mr Speaker, is the one who left the house in which month, so at least it gives an indication of how long that person has had to be away from their home?

Hon. Miss S J Sacramento: The remaining one, Mr Speaker, was decanted on the last day of September and is due to return imminently – hopefully this week.

1150 **Mr Speaker:** Next question.

Q719/2017

Government rental homes – Eviction of squatters

Clerk: Question 719. The Hon. E J Reyes.

1155 **Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 180/2017, providing a breakdown showing the number of homes involved and to whom payments were made?

Clerk: Answer, the Hon. the Minister for Housing and Equality.

1160 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, Triay & Triay have been paid a total of £1,045 in relation to evictions from two properties.

Mr Speaker: Next question.

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Q720/2017
Government rental homes –
Expenditure re contracts for making suitable for reallocation

Clerk: Question 720. The Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Housing provide details of all expenditure incurred since the answers to Question 181/2017 and Question W74/2017 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type or nature of repair works or cleaning services undertaken?

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Clerk: Answer, the Hon. the Minister for Housing and Equality.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, details are as follows: Keyway, £17,227 for two properties; Accoria Services Co Ltd, £7,140 for one property; A&K General Services Builders, £35,933 for two properties; GJBS, £89,945 for 23 properties; Elite, £29,554 for two properties; Strait Overseas, £9,809 for one property; Ace Plumbing, £7,400 for one property; 501 Construction, £18,805 for two properties.

The works carried out by these companies were all for general refurbishment works, such as plastering walls, ceilings, taking down walls, painting, replacing floor tiles, doors, plumbing and electrical works.

Q721/2017
Government rental homes –
Number reassigned from returned stock

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Clerk: Question 721. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, further to the answer provided to Question W161/2017, can the Minister for Housing provide details of how many of the 11 rental homes which were in the process of being cleaned and refurbished have now been allocated and/or assigned, inclusive of room composition of said homes, from the stock returned by new tenants who have recently moved into Charles Bruzon House?

Clerk: Answer, the Hon. the Minister for Housing and Equality.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, since the answer to Question 161, a further five flats have been allocated.

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Hon. E J Reyes: Thank you, Mr Speaker.

I know from the previous answer that it was 11 and is now five, but I have asked here inclusive of the room composition of said homes. Looking at the answer I got to Question W161, where the Minister kindly listed all the 66, I have no idea of the room sizes or the composition of the 11 that had to be cleaned. Of those 11, five have been allocated but I have no idea what the size of those homes were, nor of the remaining six what the homes are. Perhaps the Minister

has that information, just to satisfy my ... I need this answer in order to continue my talk with constituents.

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Hon. Miss S J Sacramento: Yes, Mr Speaker, the hon. Gentleman is right: I do not have it in my answer, nor do I have it as a supplementary. I am sorry, but I will provide it to the hon. Gentleman. I apologise, it has not been provided to me.

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Mr Speaker: Next question.

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Hon. E J Reyes: Mr Speaker, may I? You know that the hon. Lady and I quite often are able to exchange information behind the Speaker's Chair. Can we have that undertaking, that as and when she gets the information from her staff she just passes it on to me? If it happens to be during a parliamentary session, so much the better because I think the Speaker then allows it to be tabled. If not, I am as not finicky. It does not require to be finicky – I will even accept it at any other stage, but as soon as humanly possible, given that her staff could be quite close to having that answer.

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Hon. Miss S J Sacramento: Yes, Mr Speaker, I certainly undertake to provide it, though unfortunately I will not be able to do so during the course of this afternoon because the staff have now left. But as soon as I have the information, I will.

Q722/2017

Mons Calpe Mews – Sign-off of remedial works

Clerk: Question 722. The Hon. E J Reyes.

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Hon. E J Reyes: Further to the answer provided to Question W191/2017, can the Government say if and when the Mons Calpe Mews management company or management committee signed off all the remedial works as duly completed to their satisfaction, indicating if the said signing off has been done by the individual blocks or in respect of the construction project as a whole?

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Clerk: Answer, the Hon. the Minister for Housing and Equality.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, as in any construction project, it is the developer who signs off completion works and moneys are retained to ensure that any defects which may appear during the defects liability period are corrected. The management company or committee do not sign off on the works, although they are consulted and meetings arranged, if necessary, if they feel that there are problems that are not being solved.

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Hon. E J Reyes: Thank you, Mr Speaker. So the hon. Lady has at least corrected me in the right direction: it is not the management company who needs to sign it off. Could she indicate who it is that needs to sign it off? And if it is Government or a Government entity, what position are we at?

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Hon. Miss S J Sacramento: Yes, Mr Speaker, of course. Government was the developer in relation to these projects and the contractor has not yet been issued with a making good certificate, so we have retained moneys in case anything arises, as is normal in the process of

1250 construction works, and we will deal with it as and when issues arise. As far as we are, I am satisfied that we do not have anything untoward or undue, but of course we will continue to retain these moneys until we are absolutely satisfied that there are no defects at all.

Hon. E J Reyes: I am grateful for that part of the answer, Mr Speaker.

1255 So that I do not necessarily repeat this again next month, is the Hon. Minister in a position to say, 'I expect it to be in three or six months,' so that I can make a note in my diary of when to pick up the question? I know you, Mr Speaker, even prefer me not to repeat it quite so often, so if the Minister indicates that it should be perhaps within the first quarter of 2018 or the second quarter, I can then flag it up and we will have an official answer for the record upon completion.

1260 **Hon. Miss S J Sacramento:** The issue that we have outstanding, Mr Speaker, relates to water ingress issues that arose last year. These have been rectified, but before we can be satisfied whether they have been rectified properly or not we need to await the rains to pass. So, in terms of a time frame, perhaps the hon. Member can ask me in early summer, once we know that the heavy rains have ceased.

1265 **Mr Speaker:** So, in other words he should put down another question before the summer recess?

1270 **Hon. E J Reyes:** I would like to say that, because the Minister has been extremely honest in the way she has answered that, I am going to interpret 'early summer' as being once winter has been completed. So probably straight after the Easter recess, if we have one, or whatever, could be a good time.

Thank you, Mr Speaker.

Q723/2017

Government rental homes –

Outstanding arrears –

Question withdrawn

Clerk: Question 723. The Hon. E J Reyes.

1275 **Hon. E J Reyes:** Mr Speaker, I have spoken with you, but for the benefit of Parliament this question is withdrawn.

I will be honest: there was an error in the way it has been written, it makes absolutely no sense and I apologise if I have wasted the Minister's time in drafting what would have been a ridiculous question, knowing what both she and I know is a true fact.

1280 I apologise. I hope my maths teacher forgives me as well!

Q724/2017

Government rental homes –

Details of properties allocated since December 2011

Clerk: Question 724. The Hon. L F Llamas.

1285 **Hon. L F Llamas:** Mr Speaker, since December 2011 to date, can the Government provide a schedule with a breakdown of Government rental homes which have been allocated, including (a) the room composition allocated, (b) the date the applicant had originally joined the housing

waiting list, (c) whether the property was handed over as a self-fix or Government furnished, (d) the points the applicant had, and (e) the date the property was allocated?

Clerk: Answer, the Hon. the Minister for Housing and Equality.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, of a total of 1,145 allocations that have taken place since 9th December 2011, 188 have been on a self-repair basis. I am handing over a schedule of the flat composition and dates of applications.

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Mr Speaker, while we wait, I would like to thank the hon. Gentleman in relation to the previous question. I must say that I was somewhat bemused as to what the angle could possibly have been.

Answer to Question 724/2017

Room composition	Allocations
1RKB	68
2RKB	452
3RKB	428
4RKB	172
5RKB	22
6RKB	

Date of application	Allocations
1994	
1995	
1996	
1997	
1998	
1999	11
2000	10
2001	16
2002	23
2003	15
2004	27
2005	35
2006	28
2007	39
2008	40
2009	82
2010	131
2011	216
2012	135
2013	82
2014	95
2015	65
2016	49
2017	28

Q725/2017

**Government rental homes –
Applicants on social and medical lists**

Clerk: Question 725. The Hon. L F Llamas.

1300 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule with the breakdown of housing rental applicants who are on the social and medical lists, including (a) the year the application was accepted, (b) the number each individual is on the list, (c) the room composition required, and (d) the number of points as at the end of each calendar year since December 2011?

1305 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are a total of 96 applicants who have a medical category and 31 applicants who have a social category. The breakdown is as follows.

1310 In terms year of application: two in 2011, three in 2012, six in 2013, 16 in 2014, 20 in 2015, 34 in 2016 and 46 in 2017. Their position on the list is fluid and it fluctuates.

In terms of room composition, this relates to 80 1RKB, 15 2RKB, 19 3RKB, 10 4RKB and three 5RKB.

1315 Points are calculated on the anniversary of each applicant's application date and therefore increase yearly. However, no points are allotted for the medical and social categorisation, so they will not have additional points.

1320 **Hon. L F Llamas:** Mr Speaker, going back to Question 724, the question asked for a breakdown with room composition, the date the applicants joined the housing waiting list and so forth. On the schedule provided, unfortunately you cannot marry the allocation with the date the person joined, with the number of points the person has or when the property was allocated. Is this information that the Ministry is able to provide?

1325 **Hon. Miss S J Sacramento:** Mr Speaker, I do not agree with the fact that the question asks for that information to be married. I have looked carefully at the question and at the answer. The question is broken down in categories and the answers have all been provided in the answer.

1330 **Hon. L F Llamas:** Mr Speaker, there is no way that the question has been properly answered. There is no column indicating when the dates of the property were allocated, the number of points the applicants had when they received the property, and there are other elements from this question which have not been answered.

1335 A question like this I believe would require that the components of the question be married so that you can properly analyse the allocation process that the Government has had since December 2011.

Hon. Miss S J Sacramento: Mr Speaker, with the greatest of respect to the hon. Gentleman, I cannot possibly predict what it is that he wants or what he intends to marry, but the question is very clear and the answer is very clearly in answer to the questions as they are broken down.

1340 I am asked, for example, to include the room composition allocated – that is in the first box overleaf; the date the applicant originally joined the housing list – there is a box saying when applicants joined the housing list. Then I am further asked whether the property was handed over as a self-fix – I think he meant self-repair, which is the term that we use – or Government furnished, and that is answered as well. There is a question in relation to the points that is answered; and a date when it was allocated, and that is all answered, Mr Speaker.

1345 The hon. Gentleman needs to understand that the question will be answered in the way that it is asked. If he wants a different answer, then maybe the hon. Gentleman may wish to consider asking it a different way on the next occasion.

Hon. L F Llamas: Mr Speaker, the fact that the question is one question and not five questions I think in itself explains what the answer should be.

1350 With regard to points, there is no way that the Minister has answered that question because there is no way that from the 1,145 allocations it can be analysed the number of points the person had; nor can it be analysed the period that each person has been on the waiting list at the same time.

1355 **Hon. Miss S J Sacramento:** Mr Speaker, in relation to the part on the points, that is not here but that is something that would be such a voluminous exercise to undertake in any event that it would be disproportionate for us to undertake, particularly in the period of time on the resources that are available.

1360 Again I maintain that the questions have been asked in a particular way and the answers have been provided in the way that they have been asked. As I said, the hon. Gentleman may wish to consider asking them a different way on the next occasion if he wants the answer in a particular way. I cannot possibly be in the hon. Gentleman's mind and be guessing what he is trying to get at and the format that he wishes me to answer.

Q726/2017

Purpose-built flats for the elderly – Allocation to non-Government rental tenants

1365 **Clerk:** Question 726. The Hon. L F Llamas.

Hon L F Llamas: Mr Speaker, since December 2011, can the Government provide a schedule of non-Government rental tenants who have been allocated a purpose-built flat for the elderly, such as Albert Risso House, Charles Bruzon House etc., including (a) the reasons why in each case, and (b) whether or not the person was on the Government housing waiting list?

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Clerk: Answer, the Hon. the Minister for Housing and Equality.

1375 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, everyone who is allocated a flat is a housing applicant and allocation of all flats is treated on this basis.

Current records do not provide a breakdown to show the extent of a successful applicant's previous housing situations and the task of looking through every single allocation of an elderly flat going back to 2011 would be unduly onerous on resources.

Q727/2017

Beach View Terraces and Mons Calpe Mews – Information received at time of sale

1380 **Clerk:** Question 727. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule based on the information received as at the time of sale of Beach View Terraces and Mons Calpe Mews,

1385 including (a) family composition of applicant or applicants; (b) room composition purchased and (c) the purchased share?

Clerk: Answer, the Hon. the Minister for Housing and Equality.

1390 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Government does not hold a database of the family composition of purchasers.

The room compositions are as follows. There were 47 one-bedrooms, 312 two-bedrooms, 477 three-bedrooms and 59 four-bedrooms.

Trust deeds are required to be registered and, as such, they are public documents and in the public domain, Mr Speaker.

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Hon. L F Llamas: Mr Speaker, given that the policy of the Government was that priority was given to housing applicants, surely the Government would have the information based on the family composition and the applicants were linked to the application being successful. Is this something that the Government does not have?

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Hon. Miss S J Sacramento: Mr Speaker, I think that the hon. Gentleman has just answered his own question in that applicants were given priority and not the family composition of the purchasers.

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Hon. L F Llamas: Mr Speaker, the Hon. Minister has said that they do not hold this information, but surely the Housing Ministry holds the information of the family composition of its housing applicants and which list they are on. Therefore, they should be able to provide an answer with the flat composition that they purchase in the end. Is this something that the Government seriously does not have?

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Hon. Miss S J Sacramento: No, Mr Speaker, because it is not the Housing Ministry that deals with the sale or the allocation of these flats; it is the Government through Gibraltar Residential Properties Ltd.

1415 The hon. Gentleman does not seem to understand procedure and he is just huffing and puffing and saying 'for goodness' sake'. It may help proceedings if the hon. Gentleman were to inform himself of the procedure, because maybe by doing so he may be in a better position to formulate his questions if he wants to derive the answers he is seeking.

1420 This information is provided to me by Gibraltar Residential Properties Ltd. If Gibraltar Residential Properties Ltd tell me that they do not have this information at their disposition, then that is the answer I have been provided. It may well be that GRP would have to liaise with the Housing Department and go through all 1,000 applicants one by one to look at that, but that, I would say, is an unduly onerous use of resources in the circumstances.

Mr Speaker: The Hon. Roy Clinton.

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Hon. R M Clinton: Thank you, Mr Speaker.

1430 I am not sure I heard the Hon. Minister correctly. Did she indicate that, rather than provide my hon. Friend with the information as to the purchase share, the information was available on the purchase deeds, which would be presumably registered at Land Property Services, but she is not prepared to provide the House with that information directly?

1435 **Hon. Miss S J Sacramento:** Well, Mr Speaker, only because Standing Orders provide for this situation. Where documents are publicly available – and these documents are publicly available on a public register that is available to the public – it is Standing Orders that are giving me this direction and I am merely following Standing Orders, which are the matrix that rule this House.

Q728/2017

**Affordable housing –
Action taken re subletting in contravention of lease**

Clerk: Question 728. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, since December 2011, can the Government provide details regarding affordable properties where subletting has been identified contravening the provisions in the underlease and what action has been taken in each case, including the estate the property belongs to?

Clerk: Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, when subletting is identified in estates where Her Majesty's Government of Gibraltar is or has been the developer, such cases are investigated. In the event that there is a breach of the underlease, appropriate action will be undertaken in accordance with the terms of the underlease.

In some cases, subletting has ceased upon receipt of our notification. In other cases, investigations are ongoing to establish the necessary evidence. There are no instances of illegal subletting where the tenant is the Government, as was the case prior to December 2011.

Hon. L F Llamas: Mr Speaker, can she provide a breakdown of figures on how many follow-ups have been done by let and how many cases are currently being investigated?

Hon. Miss S J Sacramento: No, Mr Speaker, because it did not form the body of the question, nor do I have the information, otherwise I would of course disclose it. From memory, I know it is a handful. In terms of the ones that have been brought to my attention, I would say roughly four. It may be a bit more, it may be a bit less, but no more than four I think have been brought to my attention.

Hon. E J Reyes: Mr Speaker, may I ask the Hon. Minister: I know that in respect of Government rental we did set up an anonymous hotline where members could report and say, 'I think so and so is not actually living in that flat,' and so on. Is there a similar sort of setup? I know we could be opening up a can of worms, but I am asking so that I may guide constituents in the future.

I have heard people within the co-ownership estate where I live – they tell me, 'Don't you remember so and so used to live there? The people who are there now do not even look like Gibraltarian belongers.' So there is a reasonable doubt whether that house is being ... because the management company ... If you are a shareholder within one of these co-ownership estates, the management company can disclose to you, as a shareholder, who the particular house belongs to, so we then have the police detective work to be done on is it being sublet or not.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not know whether the hon. Gentleman will recall – I think we were both Members of the House when, as a result of similar anonymous tip-offs resulting from similar identification, we brought to the House similar concerns only to find that a very candid former Minister for Health rightly put his hand up and said, 'Well, now that you mention it, the Government has been subletting those apartments for people of another origin who have come to assist the Health Authority.' The former, former, former, former Leader of the Opposition, Sir Peter Caruana, when he was Chief Minister, agreed in this House that he had just found out about that and that this should not continue.

So there are many circumstances where those things can arise and any information hon. Members have which they might be able to bring to our attention, I would ask them to do so,

1485 not in this forum necessarily but to please alert us to those. If there are breaches of the
underlease, we need to know because these homes are provided at the low cost at which they
are provided not for speculation, not for rental so that people can make a profit other than the
capital value of sale; they are prepared in this way and there has been an agreement, between
1490 both the parties for some time that this should be the case since it was instigated by the
Government led by Joe Bossano, that these homes should be for owner occupation so that we
can house and grow Gibraltarian families, not that people can use these to turn a fair penny
either by realising capital value or rental value. So any information hon. Members have they
should bring to our attention. I do believe that there has been an edict from the day that we
were elected that certainly the Government does not involve itself in renting these properties
now in breach of its own underleases as was the case before.

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Hon. Miss S J Sacramento: Yes, indeed, Mr Speaker, as the Chief Minister points out, that is
exactly why in my substantive answer I said that there had been no instances of this since
December 2011. Having said that, the hon. Gentleman refers to a hotline which may have
existed in the past – I do not know, I do not remember – but in the last six years I think that the
1500 need for a hotline has declined because it has all been overtaken by a phenomenon called social
media, and you will find that in any event if someone finds out about anything untoward going
on in anything you will find a post at some point on Facebook or Twitter or on something, and
when it does not ... I am grateful to the hon. Gentleman that he once came across a post of
some irregularity and he immediately brought it to my attention, and in the same way that he
1505 does, many people who come across this information in public fora do bring it to my attention.
And of course people do also contact the Housing Department in the normal way as well when
they hear of irregularities or perceived irregularities.

So I am quite satisfied that the channels of communication in that respect work. We do of
course follow them up and, where necessary, we do engage with the Police or the Borders and
1510 Coastguard Agency to go and investigate and verify occupants for us.

Mr Speaker: Next question.

Hon. E J Phillips: Just one question in relation to that. Just out of interest, has the
1515 Government conducted analysis when individuals apply, for example, for residency, targeting
effectively the question at those that acquire rentals in Gibraltar possibly from affordable
housing, as to whether there is a joined-up system where the relevant civil status department
would understand this individual is now renting in an affordable house? Is there a joined-up
process by which they can acknowledge and recognise those individuals and therefore enforce
1520 the terms of the underlease and deal with that problem head on?

Hon. Chief Minister: Yes, Mr Speaker, the system is joined up in that respect, so the
addresses are obvious because the Government has been the developer and promoter of those
addresses, and whenever an application comes in from an address which should not house an
1525 individual that collects those characteristics that the hon. Gentleman has referred to, the
individual's ability to reside in that address is questioned.

There are some circumstances where it is acceptable. For example, I can recall an instance,
which the hon. Gentleman will be interested to note, of an individual seeking resident status
from such an address when he had not been in Gibraltar for long enough to avail himself of
1530 residence in that address. It turned out he had arrived in Gibraltar as a child not many years
before, because he had arrived, I think, after the age of 14 but before the age of 18. He had
resided there as a result of a relationship between one of his parents and a local and was now
emerging from that relationship seeking his own status, but he was rightly resident there and
had not in any way been in breach of any underlease as a result. Therefore, it was accepted that
1535 he could be a person to use that address for that purpose. But in most instances the hon.

Gentleman will see from the detail I am giving him this is questioned, we understand what is happening, and if somebody is using that address for purposes of an application when he should not be resident in that address, it is spotted.

1540 The issue the hon. Gentleman refers to, which is one the Government is very alive to, usually arises in the context of private lettings, private dwellings, not in affordable housing estates, so usually in the context of areas which have never been the subject of Government development. Sometimes in the Old Town the hon. Gentleman will have heard the stories, as I have, of 20 or 30 people residing in one address. Those tend to be noted, because as we head towards computerisation it is immediately easier to say, 'Well, hang on a minute, you live in an
1545 apartment where there are two bedrooms and 40 alleged residents, so can you explain to us the miracle of the fishes and how you all feed yourselves each night, let alone sleep?' and that system is throwing up anomalies.

Q729/2017

**Affordable housing projects –
Online application system**

Clerk: Question 729. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, why did the Government not set up an online application system for the affordable housing projects?

Clerk: Answer, the Hon. the Minister for Housing and Equality.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the application phase has not yet commenced and the process is at expressions of interest stage, the questionnaire for which is available online.

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Hon. L F Llamas: Well, Mr Speaker, it is online but you have to download, print and then submit, and from what I have understood from *Viewpoint* there have been over 4,000 expressions of interest. Therefore, my question is: why was this not online as a form which you would have submitted and a database would have been created, rather than have such an onerous task of civil servants or Government employees having to go through each and every application for expression of interest?
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Hon. Miss S J Sacramento: Mr Speaker, the way that the form has been devised requires applicants to complete it in a way that we, as prospective developer, are analysing all these applications. One of the things that can happen, for example, is that people can forget to complete a particular box, whether there is a narrative required or ticking a box.
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This is the way that we have done it, Mr Speaker. We had to, in the interest of expediency as well, issue these forms which are expression of interest forms, which are available online, because we wanted to get them out and, at the time, to have commissioned and had a database in place would have taken us longer.

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It may be something that we consider for the formal application stage, but certainly it is working for us now because of the manner in which the applications have been returned. Some applications have been returned to us in a phased process because we gave quite a long time for applicants to return their applications and it has not been as onerous a process as the hon. Gentleman wants to make it out to be. It has been completely workable.

1580 The deadline has now just recently closed. The database is complete, so the manual entry of
the database has not caused us any delay whatsoever and we are in the process of analysing the
results of that process.

1585 **Hon. L F Llamas:** Then surely, Mr Speaker, if 4,000 applications is not an onerous task,
provided in answer to 1,145 allocations, it should not be that much of an onerous task using the
same benchmark the hon. Lady is using.

1590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman is mixing apples with
pears and trying to see them through the same lens. It is impossible to explain to him again why
these things are different.

If you have a tick box exercise, you can do it on a Google form. So people can be asked to fill
in not a handwritten form and just on a Google form say how many bedrooms do you want etc.
But this is a form that actually requires also an expression of some of the circumstances of
individuals, and that is something that is being collated in the exercise that is being done for the
1595 purposes of producing better affordable developments.

In the context of five days, which is the period in which we are to answer questions, going
through 1,500 different forms to extract the information in the manner in which the hon.
Gentleman has decided this month that he wants it is not something that is a worthwhile use of
Government time that can be deployed in the time available to produce the answer available.

1600 We do not choose what information hon. Members wish to have. If they wish to have it and it
is something that the civil servants can produce in the time available, we provide it to them.
Members on this side of the House do not tell those who are in the Civil Service not to produce
something. We do not tell them to tell us that it is onerous to produce it. They simply say to us,
1605 'Look, it's impossible for me to produce an answer to this question without entirely paralysing
the Department for three months in doing the exercise if we are going to be able to stand by the
accuracy of the information.' That is the reality of the situation.

The hon. Gentleman can continue to ask questions which pile up the requests for statistical
information over an exceedingly long period of time, but we simply will not be able to provide it
unless he prefers that the Government should stop work on everything that it is dealing with at a
1610 political and administrative level in order to answer his questions. I think everybody in this
community would agree, probably himself included, that we should just get on with the job and
not be side-tracked by some of the things that he makes us try to produce for him and which are
statistically almost impossible to provide with accuracy.

1615 **Mr Speaker:** Next question.

Q730/2017
Affordable homes –
Restrictions on resale

Clerk: Question 730. The Hon. L F Llamas.

1620 **Hon. L F Llamas:** Mr Speaker, how will the Government ensure that affordable homes are not
bought by those seeking to make a profit moving forward?

Clerk: Answer, the Hon. the Minister for Housing and Equality.

1625 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Government is considering various measures to prevent those seeking to profit from resale primarily by reviewing the restrictions on resale.

Q731/2017
Charles Bruzon House –
Cars barrier

1630 **Clerk:** Question 731. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government satisfied with how Gibraltar Car Parks is handling the issue of the cars barrier at Charles Bruzon House?

1635 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, initial teething problems with the barrier have been rectified. As far as the Housing Department is aware, no further issues have been reported.

1640 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the barrier has already come down on some vehicles and individuals and on the head of a workman, but the response from Gibraltar Car Parks has been that they are not responsible for any damage, injury or theft. Can the Minister confirm whether this is the case; and if so, does Government make itself responsible for injuries in place of Gibraltar Car Parks?

1645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has not had notice of any person being injured by a barrier or any of the things that the hon. Lady has referred to. We do not answer questions in the hypothetical. If she wants to write to us with the information we will look into it, but if we have not received claims then it is impossible for us to be able to make any assessment.

1650 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not dealing in the hypothetical. These incidents have happened and the question remains: who is responsible for injuries? Can the Government say one way or another? Gibraltar Car Parks is saying that it is not them, so can Government confirm that they are responsible? Somebody has to be responsible.

1655 **Hon. Chief Minister:** Mr Speaker, she may say that she is not dealing in the hypothetical, but we on this side are because what I am saying to her is we have not had notice on this side of the House and after her question those at the relevant Department have not brought to the attention of those on this side of the House any such claims.

If the hon. Lady has notice of when these claims were made we can go back and look at on what basis it is alleged that liability has been denied, but we are genuinely telling her that for us this is hypothetical because it has not happened.

1660 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been in touch ... or rather the tenants association of Charles Bruzon House have been in touch with me because they felt that they were not being listened to. From what I remember, I think (*Interjection*) they have made representations. Excuse me, I would like to explain this, if anybody wants to listen. I think that they have made representations already and they have tried through Gibraltar Car Parks first and they have been told that they are not responsible.

I think that the question still remains, which has not been answered: who is responsible for injury? And why do I have to bring, anyway, a specific case to get an answer for that? Who is responsible for injury? If the Gibraltar Car Parks are saying that they are not responsible for injury, will Government confirm that they are?

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Hon. Chief Minister: No, Mr Speaker, because injuries can arise as a result of many different circumstances, and depending on the circumstances different parties may be responsible for injury or for damage. Those issues are legal issues. Neither the Government nor Car Parks, nor Charles Bruzon House tenants association can get away from that; it is a straightforward legal issue. If you slip on a banana, the person who left the banana skin is the person responsible, but it does not mean that the Government is ultimately responsible.

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So if the hon. Lady is saying that a tenants association has not been listened to on something as serious as injury or damage, I put it to her that I would be aware of this because I would have had at least a letter from the tenants association that may or may not have been copied to her and to the Leader of the Opposition – whoever he or she may be at a particular point in time – to the Hon. Mr Llamas and to the Speaker. I get these letters all the time and I pay attention, whether or not they are copied to the hon. Lady or the Hon. the Leader of the Opposition from time to time, whoever he or she may be etc. *(Laughter)*

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I think there is a developing mutual frustration between the hon. Lady and this side of the House in respect of this question because she thinks something has happened and we are telling her we have not had notice. Can I just say to her, Mr Speaker, that we are happy to look into this with her and to try and address any similar situation she may say has arisen, but we do not have notice of Car Parks denying liability in respect of a tenants association claim for either injury or for damage.

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Mr Speaker: Next question.

Q732/2017

Fire retardants –

Installation in Government estates

Clerk: Question 732. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government confirm whether they have any plans to install fire retardants in Government estates; and if so, by when?

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Clerk: Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, concrete, which is the main component in most modern-day buildings, and most certainly so in Government estates, is inherently a fire-retardant material. This together with other composite materials whose structural abilities are not debilitated quickly by heat and fire constitute the main build in Government estates, thus fire-retardant qualities are integral in this type of build.

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Hon. Ms M D Hassan Nahon: Mr Speaker, on 29th September I issued a press release, just after the Moorish Castle Estate fire in Keightley House, asking about fire retardants. I have been waiting for two months for an answer and I do not think I actually have received an answer.

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In the wake of Grenfell and indeed the Keightley House fire, and in view of all the money and the priority that this Government puts to other important elements of our society, like building new schools and refurbishing them, how is it that placing fire retardants – which are necessary, concrete or no concrete ... alarms and sprinklers are necessary, or will they be happy to tell

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tenants across Government estates that they are not needed or that they should rely on the two dogs who saved them in the last fire?

1720 **Hon. Miss S J Sacramento:** Mr Speaker, two points here. One, a point of order: I answer to this House and I answer to questions in Parliament; I do not answer to press releases, because if I were to be answering every single press release that everybody from the Opposition were to issue, then I would not get any work done. I have my agenda, there are things that I have to do, so I find it completely unacceptable that I should be accused of not having replied to a press release in two months. I do not reply to a press release because I do not want to, Mr Speaker; I will reply to a question in Parliament. That is number one.

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1730 Number two, Mr Speaker: I do not think the hon. Lady understands what a fire retardant is. Therefore, she may be asking me a different question but she has used the wrong language and therefore my answer is in relation to the language that she has asked. I think she wants to ask me a different question; she may want to consider formulating a different question on the next occasion.

1735 I can reassure the public that the Government is taking the issue of fire, fire risks and fire hazards extremely seriously. Immediately upon the disaster at Grenfell Tower, the Chief Minister and I met with key individuals from the Government Departments and we set up a working group that has looked into every single issue of fire in relation to our high-rise buildings and our estates. That has been an in-depth consideration of everything that may be relevant to fire, fire prevention, fire safety and fire awareness, Mr Speaker.

1740 The matter has been dealt with very responsibly, taken very seriously, and I am afraid that the hon. Lady is asking the wrong question.

Hon. E J Phillips: Mr Speaker, just one supplementary question in relation to that point.

1745 Given that the Government has considered every single issue in relation to fire risk and fire retardants in relation to public housing, my question is: is the Government satisfied with the Government's response to this and indeed satisfied with the measures that are in place to reduce and in an attempt to eliminate that risk of fire?

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is satisfied with the Government's response to this.

1750 **Hon. E J Phillips:** Mr Speaker, is the Government satisfied that our housing estates are safe in light of the investigations conducted by the Government themselves and also in relation to the point that my learned and hon. Friend opposite said in relation to looking into every single issue?

1755 **Hon. Chief Minister:** Yes, Mr Speaker, absolutely, in particular in the context of the safety of the housing estates. But arising out of the question where we have been asked in respect of fire retardant aspects of concrete, as all hon. Members will know, concrete is not flammable.

1760 **Hon. Ms M D Hassan Nahon:** So, Mr Speaker, how would the Government answer the victims ... well, not victims in fatalities but those who were affected by the fire in Keightley House who ended up having to thank the two dead dogs who barked their way into their death and alarmed them? Wouldn't they have done better to have some fire alarms over there?

1765 **Hon. Chief Minister:** Mr Speaker, we would answer those who have suffered fire by commiserating with them, by being delighted that there were no injuries, but in the same way as fires occur, unfortunately ... and not everybody has a smoke alarm, but not every Government property is going to be fitted with a smoke alarm by the Government. These are issues of, in fact, sheer intrusion.

1770 I do not know whether the hon. Lady is aware that modern smoke alarms even have the
ability to listen into a property. Technology has developed to such an extent that most smoke
alarms have the ability to communicate. If what the hon. Lady is saying is that every Government
property should be fitted with a smoke alarm, then that is not where she started, and if she is
making that proposal I will put it to her that it is something that not everybody will support and
some will consider it entirely intrusive. But everybody has the right to fit a smoke alarm in their
1775 home if they wish to.

The rules in relation to sprinklers, fire alarms etc. apply to certain buildings of a certain height
and the Government is satisfied that all of its buildings comply with those rules and that if there
are changes to the rules, then we will ensure that our buildings comply with those changes to
the rules. If there are changes in the United Kingdom to the rules, we will have an eye to those
1780 changes to understand whether they are changes which must be applied in Gibraltar as well, and
if necessary we will make available funding to comply with those requirements. I think I already
said to you within the context of my Budget speech that that would be the case, that the hon.
Lady would have funding available if she needed funding for that purpose.

What I am very keen to do is that people should not be put to any unnecessary concern today
1785 because somebody had an accident x months ago and a fire was caused in somebody's home.
What we cannot do is ensure that there are no fires in anybody's homes. We cannot be on top
of everybody's toaster, we cannot be on top of everybody's turkey at Christmas. Unfortunately,
these things happen but we feel genuinely that the mechanisms are in place to deal with such
exigencies when they occur. There may be accidents again in the future, and please God there
1790 will not be any serious injuries or fatalities but there is no mechanism to stop that if that is what
the hon. Lady is pushing us to.

Mr Speaker: Next question.

1795 **Hon. T N Hammond:** Mr Speaker, if I may?

Mr Speaker: Yes.

Hon. T N Hammond: Mr Speaker, I know that the Government, in the very early stages of the
1800 initial concerns after Grenfell, were very quick to conduct analyses and reply to letters, certainly
from me, with respect to concerns about areas such as cladding, and those fears were allayed. I
understand Government was at that stage still only looking at whether any further measures ...
and I know they have undertaken some other measures, like clearing the communal areas as
well, which is something ongoing, controversial though that is in some places.

1805 As part of those exchanges the Government said they might look at the possibility of whether
the fire risk assessments that were being undertaken in the Government-owned estates might
be extended to those estates which were partially Government-owned, obviously the 50-50 the
affordable housing. Has any progress been made in that area and has Government undertaken
that analysis?

1810 **Hon. Miss S J Sacramento:** Mr Speaker, yes, as the hon. Gentleman says, it is indeed true that
this committee has looked at all the aspects, made recommendations such as the clearing of
anything that may cause obstruction in communal areas; and, controversial as it may be, it is the
right thing to do – we are advised by the Fire and Rescue Service that this can cause risk to life
1815 and therefore we follow advice.

The Fire and Rescue Service have been working very closely with the Housing Department,
advising us on several issues. There are some action points that we have as a result of that
committee which we are working on, and one of the major ones is that we are soon to embark
on an awareness campaign on fire prevention.

1820 In relation to moving on to estates that may be co-owned by Government, we have been
liaising with them through the management companies, as is the proper structure to do so,
through our agents, Land Property Services. So, insofar as covering our bases through that
committee, I have to commend the committee for working extremely hard and looking at all the
eventualities and advising us through the process.

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Mr Speaker: Next question.

HEALTH, CARE AND JUSTICE

Q733/2017

**St Bernard's Hospital –
A&E charge nurse posts**

1830 **Clerk:** Question 733. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer provided through supplementary
questions arising from Question 658/2017, can the Minister for Health say on which dates the
three charge nurse posts at St Bernard's A&E department were filled?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as I noted to the hon.
Gentleman in answer to his supplementary question, since the staffing levels in A&E were
increased from one to three charge nurses on 1st April of this year, these posts have been
continuously filled.

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Hon. E J Reyes: Mr Speaker, so that we do not have any unnecessary misunderstanding,
normally those who have dealt with trade union backgrounds and so on – I am sure the Father of
the House would not mind perhaps clearing any misunderstandings we have – when we talk
about a post being filled it is normally understood that that post is now being allocated to
someone on a substantive basis, otherwise the post is just being covered.

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Let me try to explain. If the establishment covers for three nurses, whilst you choose those
who are permanently going to be promoted to that grade and therefore take up that post, we
say the post is being covered, whereas the terminology that a post has been filled means that
three applicants have been successfully chosen through their applications and have been filled.

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Are we in the same language? If not, Mr Speaker, we are never going to clarify this. I
understand and I accept and never doubted that three persons are physically covering that
position, but that is very different to three persons who are actually filling that position. Can we
clarify once and for all, so we do not necessarily lead to any misunderstandings?

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Hon. N F Costa: Yes, Mr Speaker, I think that the difference between the hon. Gentleman and
I is one of terminology. When we talk about posts being filled by the GHA we are talking on
either an acting capacity, on rotation or permanently. I think the hon. Gentleman, when he
approached me after he asked me the supplementary question ... his question was 'Have boards
been held and are these positions being permanently filled?' and when I went back to the GHA
they advised that there have always been charge nurses occupying those posts but that the
adverts were issued in July, the interviews were held on 9th November, there were seven
applicants, and of course three were successful.

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1865

1870 **Hon. E J Reyes:** Yes, great, and, Mr Speaker, taking that following 9th November this year – let's call it the board selection or whatever – three were successful, is the Minister aware, are they now already taking that post? Sometimes one needs a couple of weeks' transition – to vacate your old post you have to hand over to somebody. It is just so that I have an indication if they are already there permanently or about to become ... one would take it that it would be happening shortly.

1875 **Mr Speaker:** But by the same argument that you are making, the posts have been filled on 9th November. Interviews are held and on 9th November appointments are made and the posts are filled.

1880 **Hon. E J Reyes:** Yes, the posts are filled, Mr Speaker. No doubt – I am not disputing that. The posts were filled as from 9th November; I am just asking is the person *in situ*. Have they moved already to A&E?

Hon. N F Costa: Mr Speaker, the successful applicants require approval from the Public Services Commission, so I am not certain whether the successful applicants have already been notified or not. The board, as I said, only took place quite recently, on 9th November.

1885 **Mr Speaker:** What that means is that boards have been held on behalf of the Public Services Commission, recommendations have gone to the Public Services Commission and then the Public Services Commission has to confirm those and then advise the Governor of the appointments.

1890 **Hon. E J Reyes:** And as and when the Public Services Commission advise the Governor it is filled as from then, not as from 9th November?

Hon. N F Costa: But to be clear, Mr Speaker, there have always been three charge nurses in those roles since the increases were announced on 1st April.

1895 **Mr Speaker:** Next question.

Q734-737/2017

Offenders –

**Number and ages of young offenders imprisoned; reoffending rates;
young offenders not imprisoned or fined**

Clerk: Question 734. The Hon. E J Phillips.

1900 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the ages of young offenders who have been sentenced to terms of imprisonment from 15th November 2016 to 15th November 2017, i.e. in the last 12 months?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1905 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 735 to 737.

Clerk: Question 735. The Hon. E J Phillips.

1910 **Hon. E J Phillips:** Can the Government confirm the number of young offenders who have received custodial sentences from 15th November 2016 to 15th November 2017?

Clerk: Question 736. The Hon. E J Phillips.

1915 **Hon. E J Phillips:** Can the Government confirm the re-offending rates of the current prison population by reference to percentage over the last three years?

Clerk: Question 737. The Hon. E J Phillips.

1920 **Hon. E J Phillips:** Can the Government confirm how many young offenders received disposal by the courts other than financial penalties and periods of immediate imprisonment?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1925 **Hon. N F Costa:** Mr Speaker, I can confirm that during the past 12 months two young offenders were sentenced to imprisonment, one aged 13 and the other aged 14.

We are not able to advise of the reoffending rates of the current prison population over the time period required unless the reoffending has led to a prison sentence. In this respect, 21.6% of the current prison population have had previous convictions resulting in prison sentences during the past three years.

1930 I can confirm that seven young offenders' cases were disposed by the courts other than by means of financial penalties and periods of immediate imprisonment.

Hon. E J Phillips: Mr Speaker, with your leave, there is a reference I would like to make to the rehabilitation of offenders question that I put. I know I am not going to get an objection from my hon. and learned Friend in relation to this point but I can link it certainly to the reoffending rates, which I think is an interesting statistic, that 71% of the current population, as I understand the question, have reoffended but have had previous periods of custodial sentences served. I think that is the analysis that the Hon. Minister for Justice gave.

1940 Just linking it to the rehabilitation of offenders and the Government's programme to do that through employment, through work and through opportunity, I asked a question last time round in relation to whether the Government had any intention of amending the rehabilitation of offenders legislation and I just wanted to correct the record in relation to that question because I made the comment that the Minister may have been mistaken in relation to one aspect at the top end. The Minister was very helpful in that period of time. We have had a discussion about it offline, as it were, and the Minister is correct and I am grateful for the clarification that both he and his Department have afforded me in relation to that question. I am grateful.

1950 **Hon. N F Costa:** Mr Speaker, in respect of the answer to Question 736, just to be clear that the hon. Gentleman has understood the answer that I have given him, what I have told him is that I am not in a position to advise him of reoffending rates unless the person who has reoffended is sentenced to a sentence of imprisonment. That is the only data available to us. By that measure, only 21.6% of the current prison population are serving an additional prison sentence over the past three years. That is not to say that there are 70-odd percent of the prison population who have not reoffended. In other words, the only measure that we have is that there are 21% of the current prison population who have had previous convictions resulting in prison sentences. We cannot provide any additional data other than that, but to be of further assistance to him, if you exclude the fine defaulters, there are currently 51 prisoners in custody as at the date that the answer was drafted. Excluding fine defaulters, the number of reoffenders goes from 11 to seven, which is 13.7% of the current prison population. Of these seven, three

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have reoffended once during the last three years in addition to the current sentence. So that is additional granular information for him.

Mr Speaker: Next question.

1965

Q738-739/2017
Substance abuse –
Breakdown of RGP arrests; cases requiring medical care

Clerk: Question 738. The Hon. L F Llamas.

1970 **Hon. L F Llamas:** Mr Speaker, since 2011, can the Government provide a schedule of arrests made by the Royal Gibraltar Police on drug-related offences, detailing (a) whether the arrest was in relation to possession with intent to supply, (b) personal use, (c) age, and (d) type of drug/s involved?

1975 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 739.

1980 **Clerk:** Question 739. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, since December 2011, can the Government provide a schedule of substance abuse related cases requiring medical care from the GHA detailing (a) age, and (b) type of drugs involved?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Hon. N F Costa: Mr Speaker, the information requested is contained in the schedule that I now hand over to the hon. Gentleman.

1990 Please note that the database for the year 1st April 2016 to 31st March 2017 had corrupt files, therefore rendering the information unreadable or, if readable, indecipherable. However, we have been able to extract some information over the time period 1st April to 31st March in a different format to the other tables.

1995 In respect of the answer to Question 739, the GHA is unable to provide the specific statistics for the period December 2011 to May 2015. The information requested from June 2015 to October of this year is contained in the schedule I now hand over to the hon. Gentleman.

Mr Speaker: These schedules are lengthy, so we are going to move on to the next question and if any supplementaries arise we will come back to them.

2000 Please call the next question.

GIBRALTAR PARLIAMENT, TUESDAY, 5th DECEMBER 2017

Answer to Question 738 of 2017

01/12/11 - 22/11/12

Age	Cannabis	Cocaine	Prescription Drugs	Extasy	Ketamine	MDMA	Methadone	Amphetamine
12	1	0	0	0	0	0	0	0
14	3	0	0	0	0	0	0	0
15	8	0	0	1	0	0	0	0
16	12	0	1	0	0	0	0	0
17	33	1	0	2	1	2	1	0
18	34	2	0	1	1	1	0	0
19	35	3	0	1	1	0	0	0
20	40	2	2	0	1	0	0	0
21	25	3	1	1	0	0	2	0
22	11	0	2	0	0	0	0	0
23	11	1	1	1	0	0	0	0
24	17	0	1	0	0	0	0	0
25	11	3	2	0	1	0	0	0
26	15	3	0	1	0	0	0	0
27	7	0	0	0	0	0	0	1
28	8	1	1	0	0	0	0	0
29	10	1	0	1	0	0	0	0
30	2	0	1	0	0	0	0	0
31	3	2	0	0	0	0	0	0
32	7	1	2	0	0	0	0	0
33	7	1	2	0	0	0	0	0
34	4	0	1	0	0	0	0	1
35	2	1	1	0	0	0	0	1
36	1	0	1	0	0	0	0	0
37	6	0	1	0	0	0	0	0
38	1	0	1	0	0	0	0	0
39	2	1	3	0	0	0	0	1
40	1	1	1	0	0	0	0	0
41	1	0	0	0	0	0	0	0
42	5	0	2	0	0	0	0	0
43	1	0	0	0	0	0	0	0
44	1	1	0	0	0	0	0	0
45	2	0	1	0	0	0	1	0
46	2	0	1	1	0	0	0	1
47	4	0	1	0	0	0	0	2
48	0	1	1	0	0	0	0	0
49	0	0	0	0	0	0	0	0
50	0	0	0	0	0	0	0	0
51	1	1	1	0	0	0	0	0
52	0	0	1	0	0	0	0	0
53	0	0	0	0	0	0	0	0
54	2	0	0	0	0	0	0	0
55	1	0	0	0	0	0	0	0
56	0	0	0	0	0	0	0	0
57	0	0	0	0	0	0	0	0
58	0	0	0	0	0	0	0	0
59	1	0	1	0	0	0	0	0
60	0	0	0	0	0	0	0	0
61	0	0	0	0	0	0	0	0
62	0	0	0	0	0	0	0	0
63	1	0	1	0	0	0	0	0
64	0	0	0	0	0	0	0	0
65	0	0	0	0	0	0	0	0
66	1	0	0	0	0	0	0	0
67	0	0	0	0	0	0	0	0
68	0	0	0	0	0	0	0	0
69	0	0	0	0	0	0	0	0

Cont...

Continued Answer to Question 738 of 2017

23/11/12 - 31/03/15

Age	Cannabis	Amphetamine	Precription Drugs	Cocaine	Extacy	Ketamine	MDMA
12	1	0	0	0	0	0	0
13	2	0	0	0	0	0	0
14	2	0	0	0	1	0	0
15	4	0	0	0	0	0	0
16	12	1	0	0	0	0	0
17	33	0	2	0	0	0	0
18	39	2	0	0	1	0	0
19	34	0	2	1	1	1	1
20	24	0	1	2	1	0	1
21	23	0	1	2	1	1	0
22	23	0	1	3	0	0	0
23	18	0	1	1	1	0	0
24	17	0	2	2	1	1	0
25	13	0	1	3	0	2	0
26	20	0	4	3	0	0	0
27	13	0	3	5	0	0	0
28	13	4	2	3	0	0	0
29	7	0	0	1	0	0	0
30	8	0	0	2	0	0	0
31	10	0	3	0	0	0	0
32	15	0	1	2	0	0	0
33	8	1	3	0	1	0	0
34	9	1	3	2	0	0	0
35	9	1	1	2	0	0	0
36	7	2	1	1	0	0	0
37	5	0	3	2	0	0	0
38	5	0	2	3	0	0	0
39	4	1	1	1	0	0	0
40	5	2	1	0	0	0	0
41	8	0	1	0	0	0	0
42	6	0	0	0	0	0	0
43	2	2	1	0	0	0	0
44	1	0	0	0	0	0	0
45	1	2	3	0	0	0	0
46	1	1	0	2	0	0	0
47	0	0	1	0	0	0	0
48	1	2	0	1	0	0	0
49	2	1	0	0	0	0	0
50	6	0	1	0	0	0	0
51	2	0	1	2	0	0	0
52	3	0	0	1	0	0	0
53	2	1	1	0	0	0	0
54	0	1	0	0	0	0	0
55	1	0	0	1	0	0	0
56	1	0	0	0	0	0	0
57	1	0	0	0	0	0	0
58	1	0	0	0	0	0	0
63	0	0	2	0	0	0	0
66	1	0	0	0	0	0	0

Cont...

Continued Answer to Question 738 of 2017

01/04/15 - 31/03/16

Age	Cannabis	Prescription Drugs	Cocaine	Amphetamine	MDMA
12	2	0	0	0	0
13	1	0	0	0	0
14	3	0	0	0	0
15	5	0	0	0	0
16	7	2	1	1	0
17	8	0	0	0	0
18	16	0	2	0	0
19	22	3	0	0	0
20	13	0	0	0	0
21	8	0	0	0	0
22	15	0	1	0	0
23	11	1	1	0	0
24	11	1	0	0	0
25	8	0	1	0	0
26	9	1	2	0	0
27	9	1	0	0	0
28	3	1	0	0	0
29	1	0	0	0	0
30	7	2	0	0	0
31	4	1	0	0	0
32	5	1	1	2	0
33	5	0	2	0	0
34	3	1	1	1	0
35	5	1	3	0	0
36	4	1	0	1	0
37	3	0	2	0	0
38	1	0	0	0	0
39	2	1	2	0	0
40	1	1	0	0	0
41	1	1	0	0	0
42	0	1	0	2	0
43	1	1	0	1	0
44	0	0	0	0	0
45	1	0	0	0	0
46	1	2	0	1	0
47	0	0	0	0	0
48	2	0	0	0	0
49	0	0	0	0	0
50	3	0	1	1	1
51	2	0	0	0	0
52	0	1	1	0	0
53	0	0	0	0	0
54	0	1	0	1	0
55	0	0	0	1	0
56	1	0	1	0	0
57	0	0	1	0	0
58	1	0	0	0	0
59	1	0	0	0	0
60	1	0	0	0	0
61	0	0	0	0	0
62	0	0	0	0	0
63	0	0	0	0	0
64	0	0	0	0	0
65	0	0	0	0	0

Cont...

Continued Answer to Question 738 of 2017

01/04/16 - 31/03/17

	Cannabis	Cocaine	Prescription	MDMA
Possession on Controlled Drug:	255	42	15	1
Possession with Intent To Supply:	10	8	7	1

Age	Persons
12	2
13	1
14	3
15	5
16	10
17	10
18	18
19	24
20	14
21	8
22	23
23	12
24	14
25	12
26	22
27	15
28	3
29	1
30	9
31	7
32	7
33	12
34	4
35	11
36	5
37	7
38	1
39	2
40	1
41	2
42	5
43	5
44	0
45	1
46	2
47	0
48	44
49	0
50	5
51	2
52	2
53	0
54	1
55	1
56	1
57	2
58	1
59	1
60	1

Cont...

Continued Answer to Question 738 of 2017

01/04/17 - 14/11/17

Age	Cannabis	Cocaine	MDMA	Ectasy	Perscription Drugs	Amphetamines
13	1	0	0	0	0	0
15	2	0	0	0	0	0
16	4	0	0	0	0	0
17	9	1	0	0	0	0
18	5	0	0	0	0	0
19	3	0	1	2	0	0
20	7	1	0	0	1	0
21	3	0	0	0	2	0
23	2	0	0	0	0	0
24	2	2	0	0	0	0
25	2	2	0	0	0	0
26	1	3	0	0	0	0
27	4	0	0	0	2	0
28	1	0	0	0	0	0
29	1	2	0	0	1	0
30	0	1	0	0	0	0
31	3	2	0	0	1	0
32	3	2	0	0	0	0
33	3	0	0	0	1	0
34	0	2	0	0	0	0
37	0	1	0	0	0	0
38	2	0	0	0	0	0
39	2	1	0	0	0	0
40	1	0	0	0	0	1
42	1	0	0	1	0	0
43	1	0	0	0	0	0
45	1	0	0	0	0	1
46	0	1	0	0	0	0
47	1	1	0	0	0	0
48	2	0	0	0	0	0
50	1	1	0	0	0	0
53	1	0	0	0	0	0
54	0	0	0	0	0	1
55	1	0	0	0	0	1
56	1	0	0	0	0	0
57	0	1	0	0	0	1

Answer to Question 739 of 2017

AGE	Diagnosis
3	Upper Respiratory Tract Infection, Other Drug/alcohol Disorder (see Fr
16	Alcohol (ethanol) Intoxication, Major Head Injury (gcs<13)
17	Other Mental Health Disorder (see F, Recreational Drug Use
17	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
17	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Head, Bruise/ Contusion/ Abrasion - Face
17	Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite - Face
18	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
18	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion Hand, Bruise/ Contusion/ Abrasion - Abdom, Bruise/ Contusion/ Abrasion Toe
18	Upper Respiratory Tract Infection, Recreational Drug Use
19	Simple Tooth Fracture, Alcohol (ethanol) Intoxication
19	Minor Head Injury (gcs>12), Toxic Effect Of Alcohol
20	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Forearm
20	Infectious Gastroenteritis, Toxic Effect Of Alcohol
20	Gastritis, Alcohol (ethanol) Intoxication
21	Wound: Lac/ Incised/ Bite - Neck, Sprain/ Ligament Injury - Elbow Joi, Sprain/ Ligament Injury - Wrist Joi, Bruise/ Contusion/ Abrasion Hand, Alcohol (ethanol) Intoxication
21	Other Gi System Disorder (see Free , Other Gi System Disorder (see Free , Recreational Drug Use
22	Depression, Alcohol (ethanol) Intoxication
22	Bruise/ Contusion/ Abrasion - Face, Wound: Lac/ Incised/ Bite Knee, Alcohol (ethanol) Intoxication
25	Alcohol (ethanol) Intoxication, Depression
25	Depression, Overdose (see Free Text)
26	Alcohol (ethanol) Intoxication, Anxiety, Other Drug/alcohol Disorder (see Fr
27	Other Drug/alcohol Disorder (see Fr, Other Urinary System Disorder (see
28	Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
28	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
28	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
31	Schizophrenia, Alcohol Dependence Syndrome, Social Problem
31	Gastritis, Alcohol (ethanol) Intoxication, Drug Reaction
31	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
31	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
31	Recreational Drug Use, Bruise/ Contusion/ Abrasion Hand
31	Closed Fracture - Ankle, Other Toxicological Disorder (see F
31	Anxiety, Other Drug/alcohol Disorder (see Fr
31	Minor Head Injury (gcs>12), Hyphaema, Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite - Face
31	Recreational Drug Use, Other Mental Health Disorder (see F, Asthma
34	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
34	Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
35	Alcohol Dependence Syndrome, Pr Bleeding
35	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face
35	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication, Recreational Drug Use
35	Anxiety, Overdose (see Free Text)
35	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
37	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head
37	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Thigh
38	Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
38	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face
38	Gastritis, Other Gi System Disorder (see Free , Dependence On Opioids
39	Anxiety, Alcohol Dependence Syndrome
40	Other Mental Health Disorder (see F, Recreational Drug Use
40	Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
41	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
41	Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite Foot

Continued Answer to Question 739 of 2017

- 42 Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
43 Bruise/ Contusion/ Abrasion - Head, Bruise/ Contusion/ Abrasion - Thora, Bruise/ Contusion/ Abrasion - Face, Alcohol (ethanol) Intoxication
44 Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face
44 Anxiety, Overdose (see Free Text)
44 Recreational Drug Use, Other Ophthalmic Disorder (see Free
44 Cellulitis, Alcohol (ethanol) Intoxication
45 Lower Respiratory Tract Infection, Side Effect Of Medication, Alcohol (ethanol) Intoxication
45 Alcohol Dependence Syndrome, Gastritis
46 Other Drug/alcohol Disorder (see Fr, Other Mental Health Disorder (see F
46 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
46 Depression, Alcohol (ethanol) Intoxication
46 Paracetamol Overdose, Other Gi System Disorder (see Free
47 Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
47 Anxiety, Alcohol (ethanol) Intoxication
47 Injury Of Liver, Recreational Drug Use
47 Alcohol (ethanol) Intoxication, Closed Fracture - Ankle
47 Depression, Overdose (see Free Text)
47 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Face
48 Postural Hypotension, Toxic Effect Of Alcohol
49 Alcohol Withdrawal Syndrome, Infectious Gastroenteritis
49 Wound: Lac/ Incised/ Bite - Face, Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
49 Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
50 Delirium (acute Confusion), Alcohol (ethanol) Intoxication
50 Hypoglycaemia Without Coma, Allergic Reaction Unspecified, Alcohol (ethanol) Intoxication
50 Upper Respiratory Tract Infection, Recreational Drug Use
52 Alcohol (ethanol) Intoxication, Gastritis, Upper Respiratory Tract Infection
53 Alcohol (ethanol) Intoxication, Muscle Injury - Shoulder
53 Depression, Overdose (see Free Text)
53 Alcohol Dependence Syndrome, Dental Caries, Gingivitis / Gingivostomatitis
53 Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite - Head
53 Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion Back, Chronic Renal Failure
54 Anxiety, Alcohol (ethanol) Intoxication
54 Other Mental Health Disorder (see F, Alcohol (ethanol) Intoxication
54 Alcohol Withdrawal Seizure, Lower Respiratory Tract Infection
55 Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
55 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
56 Minor Head Injury (gcs>12), Bruise/ Contusion/ Abrasion - Face, Bruise/ Contusion/ Abrasion - Head, Alcohol (ethanol) Intoxication
57 Other Drug/alcohol Disorder (see Fr, Atrial Fibrillation & Flutter, Lower Respiratory Tract Infection
57 Overdose (see Free Text), Lower Respiratory Tract Infection
57 Alcohol (ethanol) Intoxication, Epistaxis
57 Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
58 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
58 Injury Of Liver, Human Immunodeficiency Virus Infect, Toxic Effect Of Alcohol
59 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
60 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
60 Grand Mal Epilepsy, Overdose (see Free Text)
60 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
63 Osteoarthritis, Toxic Effect Of Alcohol
63 Dental Abscess, Alcohol Dependence Syndrome
64 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
64 Alcohol (ethanol) Intoxication, Acute Coronary Syndrome (acs)
65 Alcohol Dependence Syndrome, Bruise/ Contusion/ Abrasion - Thora
66 Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F

Continued Answer to Question 739 of 2017

- 67 Hypothermia, Alcohol (ethanol) Intoxication
- 68 Other Nervous System Disorder (see , Toxic Effect Of Alcohol
- 72 Alcohol (ethanol) Intoxication, Hypoglycaemia Without Coma, Wound: Lac/ Incised/ Bite - Face
- 72 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
- 74 Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
- 74 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head
- 75 Vasovagal Syncope, Alcohol (ethanol) Intoxication
- 76 Alcohol (ethanol) Intoxication, Hypertension
- 79 Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
- 85 Lower Respiratory Tract Infection, Overdose (see Free Text)
- 95 Closed Fracture Hip, Other Drug/alcohol Disorder (see Fr, Lower Respiratory Tract Infection

Q740/2017

**Access to justice –
Legal assistance reforms**

Clerk: Question 740. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Is the Minister for Justice confident that the legal assistance reforms he will enact will sufficiently expand access to justice?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I quote:

Although at this stage it is only a proposal for a pilot scheme, my sense is that it strikes the right balance between enhancing access to justice by those of limited means and not imposing an inordinate burden on the taxpayer. It is an exercise in lateral thinking which allows for the introduction of the much needed duty solicitor scheme.

Those are the words of the Hon. the Chief Justice at the opening of the legal year. I agree with his assessment of the proposed reforms. The proposed legal assistance reforms were circulated on 2nd October of this year as a consultation paper attached to Government Press Release 575/2017. This was a joint paper and proposal for a three-year pilot project in terms agreed between the Government and the Bar Council.

2015

As set out in the consultation document, the proposed new statutory architecture would see an increase in the financial eligibility threshold for legal assistance from £5,000 – a sum set in 1990 – to over £14,000, being 50% of the average annual income in Gibraltar. This would, in effect, mean that persons in full-time employment and on the minimum wage would be eligible to receive legal assistance.

2020

The proposed new system also increases the amount of capital and the amount of equity in an applicant's home that the Registrar may disregard when deciding to grant legal assistance.

The reforms also include changes to the scope of legal assistance to ensure that taxpayers' money is not used in respect of cases where there is no strong or compelling public interest in making legal assistance available or where controls of expenditure are being introduced in the interest of the taxpayer by limiting the cost payable in certain cases.

2025

I am meeting with stakeholders on Thursday to progress matters now that the consultation has been completed. I am certain that the changes agreed will sufficiently expand access to justice, especially when combined with the duty solicitor scheme that will be introduced at the same time for criminal matters.

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Mr Speaker, may I conclude by quoting a local Queen's Counsel, who said:

The proposed reforms to legal assistance and introduction of a duty solicitor scheme that form part of this consultation exercise are very far-reaching and significant. The proposed increase of the legal assistance threshold would increase the potential pool of applicants for legal assistance significantly and for the first time give financial assistance to many individuals who need access to the courts or who have been prevented in the past from recourse to the courts for determination of any dispute because they could not afford the cost of litigation. It will significantly improve access to justice. Likewise the introduction of a duty solicitor scheme has been longstanding and will secure advice and representation to persons in custody thus securing a basic fundamental right. The Council looks forward to responses to this consultation exercise.

Those, Mr Speaker, are the words of the then Chairman of the Bar Council, Keith Azopardi QC, on 2nd October 2017.

2035

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for that lengthy answer from the Minister for Justice.

What I am more interested in also is what will be done to correct and repair this perception of injustice which the community is feeling in the wake of a trial like the Marrache trial, which cost in the region of £12 million.

2040

I am aware of the difference between legal aid and legal assistance, but following a trial where millions have been made available just for one case when there are so many other cases of innocent people who are vulnerable and needy, will the Government be raising more public and community awareness about these reforms to make it evident to needy members of the community who might not be so aware and tuned in and need to know that these changes have been implemented?

2045

Hon. N F Costa: Mr Speaker, a few matters arise from the preface to the supplementary. In the first place, as the hon. Lady was quick to recognise, these reforms relate to legal assistance which relates to civil matters and not to criminal matters.

2050

Mr Speaker, whereas I was not the Minister for Justice at the time – at the time it was the Hon. Minister Licudi – if I recall the Cabinet discussion correctly, there was robust advice that said that legal representation *had* to be afforded to the defendants if it were not to result in a miscarriage of justice. Therefore the legal aid had to be provided appropriately to the Marrache brothers for there to be equality of arms, if I recall the advice correctly – and I stand to be corrected if the Hon. Minister wishes.

2055

Mr Speaker: Again, we are not going to have a debate about the Marrache case.

2060

Minister for Tourism, Employment, Commercial Aviation and the Port: (Hon. G H Licudi): Mr Speaker, just to clarify what the hon. Member has said in relation to the advice – and I have given this information to the House before. It is not quite that the advice was that this needed to be done to avoid a miscarriage of justice; this needed to be done to avoid the case being thrown out on an abuse argument with the courts. That was the clear advice we had from Triay Stagnetto Neish and therefore we acted in accordance with that advice.

2065

Hon. N F Costa: Thank you to the Hon. Minister.

Also, Mr Speaker, in respect of and focusing on legal assistance, as I told the House, this is now at the stage where the consultation documentation has been issued and the consultation period concluded.

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I am meeting with the Bar Council on Thursday as a result of representations received by some law firms, especially the smaller law firms, that have some concerns and we are meeting to discuss those concerns. But as I have pointed out by quoting the Hon. the Chief Justice and by quoting the words of the former Bar Council Chairman, we are all agreed that the reforms will in fact usher significant increases in access to justice for civil cases.

2075

2080 In respect of promoting the reforms further, I think that we will certainly be in a position to do so once we are in a position to finalise and agree the final product, which will require changes to our legislation. Certainly at that point a press release will be in order to once again explain how the reforms have been concluded and what the reforms mean in terms of legal assistance eligibility to the general public.

Hon. E J Phillips: Mr Speaker, just in relation to the question that was posed in relation to legal assistance and access to justice, I agree with the Hon. the Minister that these reforms will potentially usher in potentially large swathes of access to justice, which has been long overdue.

2085 In relation to the confusion that is alluded to by my hon. Friend on this side –

Hon. Ms M D Hassan Nahon: I wasn't confused. I have said that I know exactly –

2090 **Hon. E J Phillips:** I am not saying you are confused, but the confusion she alluded to in the public as to whether people get confused between legal assistance and legal aid. Only yesterday, Mr Speaker, there was a comment by a member of the public to me that ... why can't her daughter-in-law get access to justice, why can't she get legal assistance vis-à-vis why the Marraches have been afforded this gold-plated legal aid.

2095 There is a confusion amongst the public and although there is a clear distinction between the two funding arrangements – I think my hon. Friend now understands what I was getting at on that point – it would be helpful if the Minister would consider explaining the difference possibly to the public in relation to the differences between criminal legal aid and civil litigation which is funded by way of legal assistance. I think it is important to help and to assist the public in communicating that. I know that the Government has previously set out communiqués generally to members of the public, but I think it would be helpful because there is this underlying confusion within our community relating to those two points.

2100 And just one question that adds on to his question in relation to the duty solicitor scheme. I too have been in correspondence with members of the Bar in relation to this very point, particularly those that practise in criminal law and how law firms generally, as proposed, those that have five members and above, will be obliged to take part in the duty solicitor scheme. Is the Government considering whether to target those that specialise in criminal law so that they can perfect their practice and actually increase their specialism rather than making an obligation on law firms that may well practise in commercial law – for example, property? My view would be that we should try to ensure that those criminal practitioners within our jurisdiction are able to develop their skills and to create that expertise that we need in our community.

2110 **Hon. N F Costa:** Mr Speaker, in respect of explaining the difference to the public between legal aid and legal assistance, I take the hon. Gentleman's comments on board and it may be that at the conclusion of the reforms and once the legislation is enacted there may be some benefit in having an explanatory note online and also producing leaflets to explain the eligibility of the public once the thresholds have been changed.

In respect of the question that he asks me as to the duty solicitor scheme, I refer the hon. Gentleman to page 5 of the consultation document and I will read from it:

A protocol to be introduced by the Registrar and thereafter adopted by the LSRA, once established, to enable the introduction of a compulsory duty solicitor scheme on the basis of a roster of law firms. All firms with more than four practitioners must take part. Firms of one to four practitioners can opt in.

2120 **Hon. E J Phillips:** I am grateful for the answer to the question, but it also builds in to ... Many lawyers and all of us in this room who have practised at the Bar have given of our time pro bono many times, I am sure across both sides of this House, in relation to the work we do for the public wearing our other hats. But I wonder whether the Government is going to encourage alternative forms of funding within our jurisdiction to also alleviate the public purse from

2125 possible pressures from these changes in legal assistance, because quite clearly there is a risk
that many applicants will come forward to access that justice and create a bigger burden on the
public purse. Is the Government considering other alternative forms of funding for litigation
generally?

2130 **Hon. N F Costa:** No, Mr Speaker, we are not actively considering it at the present moment,
because before we announced the consultation paper my Ministry in particular did a lot of work
on what would be the estimated amount that the Government would pay once the reforms
kicked in. As the consultation paper makes clear, we introduced scaled fees, and the hon.
Gentleman may know what I am talking about when I say that it is a known fact that one
2135 particular area of the law has incurred, in the view of the General Bar, a disproportionate
amount of public funds relating to simple cases, and therefore in the consultation paper we
make the point that for matrimonial cases where there are no children we are limiting the
amount and capping the amount lawyers can claim. But those are not the only categories in
which we are capping and limiting the amounts. There are other categories and I refer the hon.
Gentleman to pages 2 and 3 of the consultation paper where we introduce a schedule of fees –
2140 divorce proceedings where there are no children, probate and administration disputes – so that
we strike the balance between those cases which are simple and which only require limited
correspondence and perhaps one or two appearances in court, and other cases where you
cannot, with the best will and intention in the world, be able to estimate until you get to know
the facts of the case, how much a case is going to cost.

2145 So, having crunched those numbers and created new categories of cases which are scaled
fees, we think ... and without being in the Hon. the Chief Justice's mind, I suspect that is what he
meant when he said that in his sense there is a right balance between enhancing access to
justice by those of limited means and not imposing an inordinate burden on the taxpayer in an
exercise of lateral thinking. I think he may have been referring to that new category of cases,
2150 where we have introduced scaled fees to keep a cap on costs, which we know from experience
and on hard cash analyses have perhaps produced a disproportionate amount of taxpayers'
money previously in such cases.

2155 **Hon. E J Phillips:** In relation to the recent example of a single mother who was unable to
access the system effectively and achieve access to justice so that she could fund her case, one
of the criteria, I believe, is that the equity in the former matrimonial home is a key indicator for
refusing access to justice and for refusing funding. It is a difficult one, I appreciate, because you
may well have a mother living in a fairly valuable property when she is unfortunately estranged
from her husband and therefore really cannot access the system because she does not have the
2160 means. I appreciate that it is a difficult subject, but quite clearly if someone on one hand has
equity in their property but actually has to access a lawyer, who may be charging fairly large
rates to conduct her matrimonial affairs not only in relation to the division of assets but also in
relation to access arrangements with her children ... I am wondering whether the Government is
working through those. I have seen the boundaries in the document that the Government has
2165 issued but it is obviously live to that point and the eligibility requirements for those where they
have equity in the former matrimonial home.

2170 **Hon. N F Costa:** Mr Speaker, I think this is the third supplementary that I have been asked by
the hon. Gentleman. I called him before to congratulate him on having become the Leader of
the Opposition in Parliament, so I do not want to show him up by telling him once again to refer
to the document which actually on the first page sets out the expanded limits which are
disregarded for the purposes of being eligible. If he were to consider the very first page of the
document, he will see that, without commenting on a particular case – because neither he nor I
will have the full facts before us to know whether or not that particular mother would be eligible
2175 under the proposed reforms ... my instinct on having read, as he would have, the report in the

2180 *Gibraltar Chronicle* is that it is more likely than not that she would be caught by the reforms that we are proposing. But I make the point quickly that I am not commenting on that particular case because every case has to be determined on its facts and there may be many other reasons why a particular applicant, notwithstanding that she now fits in the new proposed thresholds, may fall foul because of other reasons. But from the little that I read on the report in the *Chronicle* it would appear that, given the amount of capital that we are excluding for the purposes of allowing eligibility to legal assistance, that particular case would have been caught by the existing rules.

2185 **Mr Speaker:** Next question.

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q741/2017

LNG bunkering –

Ship-to-ship operations in vicinity of Gibraltar

Clerk: Question 741. The Hon. T N Hammond.

2190 **Hon. T N Hammond:** Mr Speaker, has any ship-to-ship LNG bunkering taken place in the vicinity of Gibraltar since December 2016?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2195 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the question talks about the vicinity of Gibraltar and I am of course assuming that the hon. Member is referring to British Gibraltar Territorial Waters rather than anything else outside that which might be considered the vicinity of Gibraltar.

I can confirm that no ship-to-ship LNG bunkering operations have taken place in British Gibraltar Territorial Waters since December 2016.

2200

Hon. T N Hammond: Mr Speaker, is there any particular reason for that? Is it just demand – there has been no demand? We were certainly led to believe before the last election that there would be significant demand for this. I seem to recall Ministers bobbing up and down on boats and telling us all how this was the future, but then clearly there has not been a significant uptake from that response.

2205

Hon. G H Licudi: Mr Speaker, we have to distinguish between ship-to-ship operations and ... The question talks of ship-to-ship LNG bunkering. We have to distinguish between STS transfers, or ship-to-ship transfers, and bunkering operations; they are two very distinct things. STS transfers are essentially cargo transfers between two ships; those are distinct from bunker supply operations.

2210

LNG STS operations have happened. There have been transfers of cargoes involving LNG and there have been two operations that have occurred in March 2015 and June 2016.

2215

With regard to LNG bunkering, the Government has already announced that it is working with Shell in relation to developing the market following, in particular, the International Maritime Organisation's decision to reduce marine fuel sulphur emissions globally to 0.5% or less as from 1st January 2020. So that is something that we are working on and we are also

working on regulations, changes to the legislation. The legislation currently refers to bunkering generally, bunkering rules. We have to provide specific rules in relation to LNG bunkering.

2220 No STS LNG operations have taken place in BGTW as from December 2016. There have been two STS operations but not bunkering operations. There have been no LNG bunkering operations at all in British Gibraltar Territorial Waters.

2225 **Hon. T N Hammond:** Mr Speaker – because I am not an expert in this field, I will admit, in terms of the semantics and the abbreviations used – can I just confirm that what the Minister is saying is that LNG has not been transferred from one ship to another ship; other bunkering or other transfer of cargo activities may have taken place between LNG fuelled ships, but not actually LNG moving from one ship to the other?

2230 **Hon. G H Licudi:** Mr Speaker, the information I have is that LNG STS ship-to-ship operations have taken place on two of them and that although the hon. Member's question about transfer of cargo and not transfer of LNG puts a little bit of doubt in my mind, I have absolutely no doubt that this involved the transfer of LNG from one ship to the other. That is very different to bunkering, which is the supply of fuel, whether it is through LNG or other types of marine fuel.

2235 We do not have a base in Gibraltar. We do not have anybody in Gibraltar currently offering LNG bunkering. We have other types of bunkering which carries on in Gibraltar, but we do not have a base with tanks or a mother ship involving LNG for LNG bunkering. That will come and that is a market that is being developed; that is the future and that will happen. But cargo transfers involving LNG vessels have happened on two occasions.

2240

Mr Speaker: Next question.

Q742-743/2017

Monarch Airlines routes to UK – Possible uptake by other airlines

Clerk: Question 742. The Hon. T N Hammond.

2245 **Hon. T N Hammond:** Mr Speaker, is Government in talks with any airlines regarding the possible uptake of the routes to the UK lost with the demise of Monarch; and if so, when does Government envisage a new carrier commencing operations?

2250 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 743/2017.

2255 **Clerk:** Question 743. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, following the collapse of Monarch Airlines, has the Government made any inroads with other airlines to increase our flight links with the UK?

2260 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2265 **Hon. G H Licudi:** Mr Speaker, since Monday, 2nd October the Government has been in contact with both existing airline operators to Gibraltar and other operators from not only the four airports that Monarch Airlines used to service but also other airports. The Government has also been in contact with the airports affected and also alternative UK departure airports. The Government has made a business case to all of these airlines and exchanged information with airports with the aim of recovering these links to Gibraltar left vacant.

2270 As hon. Members will know from two press releases that we have issued recently, on 27th November we announced that SuperBreak was conducting a series of charters next summer over a four-week period, twice a week from Belfast International Airport, Humberside, Exeter, Bournemouth, Durham Tees Valley and East Midlands Airport. That clearly is significant in a number of ways. It fills a little bit of a gap. It certainly does not go as long a way as we would like to in filling the gap left by Monarch, but it does fill a little bit of the void left there. Secondly, we have a geographical distribution of destinations which are now serving Gibraltar in package
2275 tours which we have not had before, including Northern Ireland, the north-east of England, the south-west of England, the east of England and the Midlands. That is particularly significant because if there is good demand for those seats from those regional destinations it may encourage either more charters or may encourage someone to say there is a market there which needs to be exploited and a route which might not otherwise have been available to Gibraltar.
2280 So that is a very significant development. The other issue about this particular package which is significant for Gibraltar is that these are package deals to Gibraltar. This is not just an airline filling seats and many of the people that come on seats, as hon. Members will know, transit into Spain; these are charters to Gibraltar on package deals, meaning hotel beds are also going to be used in Gibraltar. So that is significant from those various aspects.

2285 There was also an announcement on 28th November that easyJet, as from January of this year, are changing the types of aircraft operating between Gibraltar and London Gatwick and also from Bristol, which will mean that over 3,000 additional seats will be made available on these routes, increasing the Gatwick availability by 7% and the Bristol availability by 3%. Again, this does not fill what has been left by the unfortunate demise of Monarch – and it is worth
2290 recalling that the Monarch issue had nothing to do with Gibraltar.

We have had sustained load factors which are significant in terms of Monarch, British Airways and easyJet. We believe that there is capacity in the market, but as the hon. Member may well know with his knowledge of the airline industry, establishing a new route takes time and it is precisely as a result of engagement with airlines and with these tour operators that we have
2295 seen these developments so soon, particularly the charters and the increased availability in easyJet flights.

I want to pay tribute to the work done in this area by the Chief Executive of the Gibraltar Tourist Board, Nicky Guerrero, and also Stuart Finlayson, who works at the GTB and who specifically concentrates on route development. It is not a new role, it is something that he has
2300 had for a long time but he is particularly concentrating in this area now and they are working very hard in contact with airlines, the existing airlines and new airlines. We are making some inroads but this is a slow process. I do expect ... because there is clearly demand, and if there is a demand for seats on a particular route we will see additional aircraft, we will see airlines expressing an interest, but these things take time unfortunately.

2305

Hon. T N Hammond: I thank the Minister for that extensive answer and of course nobody in this House is suggesting that the Government had any involvement or has in any way affected the outcome with Monarch, which would certainly be very unfair.

2310 Just regarding the discussions which may have taken place particularly with easyJet but potentially other carriers which operate to Gibraltar currently, I have good information which would suggest that those carriers have snapped up a lot of the slots out of the likes of Luton Airport and Gatwick Airport that belonged to Monarch previously. (*Interjection*) Therefore, I just wondered if we had specifically approached perhaps easyJet and asked them directly whether or

2315 not they would consider just using those slots out of those airports – Luton in particular, which currently obviously we are not being serviced by – and whether they would consider using those slots to provide a Gibraltar route directly.

Hon. G H Licudi: Mr Speaker, yes, and not just EasyJet. The hon. Member also mentions other slots. British Airways has come up with slots from Gatwick and certainly both easyJet and British Airways have been engaged not just generally, as we have done with them and with other airlines, but specifically in relation to those issues and our knowledge of the routes.

2320 As the Chief Minister has mentioned, there was a recent report in *The Times* about British Airways taking up some extra slots in Gatwick and certainly we would welcome those increased flights to Gibraltar. There is clearly also the possibility, from the British Airways point of view, of increasing the number of flights from Heathrow to Gibraltar, and that is something we are encouraging them to do as well.

2325 So, yes, we are having general conversations with them and other airlines and specifically as a result of the information we have received in relation to the slots.

2330 **Hon. E J Phillips:** Mr Speaker, I wonder whether the Government can confirm whether they have been in discussions with airlines in relation to scheduled flights to Birmingham. The only reason I say that is, given the clear benefits of linking with Birmingham and the advancing HS2 project in which Birmingham has really ... I was there a couple of weeks ago and it has changed phenomenally in terms of inward investment and the clear links between Birmingham and Gibraltar that we could see. I was wondering whether the Government has reached out. I know the Minister said in his answer to the question he was looking at several airlines, but in particular I know that East Midlands is governed by the charter market for the summer that he described before, but whether they are linking out to the scheduled flights from Birmingham.

2340 **Hon. G H Licudi:** Mr Speaker, most certainly Birmingham was a route that was attractive and it is one of the areas that the Government is working on. The hon. Member has mentioned the charter flights from East Midlands, but it is important, certainly from our point of view, to have a continued scheduled service from the Midlands as well as from the north and the south of England.

2345 **Mr Speaker:** Next question.

Q744/2017
Small boats marina –
Berthing fees

Clerk: Question 744. The Hon. L F Llamas.

2350 **Hon. L F Llamas:** Mr Speaker, since the opening of the small boats marina, can the Government provide a monthly schedule of berthing fees in relation to vessels docking on the power boat berths area, including (a) berthing fees charged, and (b) berthing fees collected?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2355 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, since its opening, superyachts berthing alongside the Mid Harbour Marina have

been charged the following berthing fees. I have a table here which is part of the answer, but rather than reading month by month how much was invoiced –

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Mr Speaker: You are passing as a schedule.

Hon. G H Licudi: – I am making a copy of the answer available to the hon. Members opposite so that they can have it as if it was a schedule.

2365

Mr Speaker, can I just add, whilst the schedule is making its way to the hon. Members, that what this shows is that since its opening we have charged – and collected just about all of it except the last month, which is in arrears and still has to come in – but we have charged close to £¼ million from berthing fees for superyachts, which prior to the establishment of the small boats marina would probably not have been charged at all.

2370

Mr Speaker: Next question.

Month	Invoiced	Paid	Still Pending
May-16	£5,248.15	£5,248.15	£0.00
Jun-16	£5,386.12	£5,386.12	£0.00
Jul-16	£7,361.23	£7,361.23	£0.00
Aug-16	£3,920.61	£3,920.61	£0.00
Sep-16	£30,348.21	£30,348.21	£0.00
Oct-16	£10,877.84	£10,877.84	£0.00
Nov-16	£10,520.40	£10,520.40	£0.00
Dec-16	£36,135.55	£36,135.55	£0.00
Jan-17	£19,140.80	£19,140.80	£0.00
Feb-17	£4,947.58	£4,947.58	£0.00
Mar-17	£1,368.49	£1,368.49	£0.00
Apr-17	£14,734.15	£14,734.15	£0.00
May-17	£18,282.56	£18,282.56	£0.00
Jun-17	£8,650.41	£8,650.41	£0.00
Jul-17	£6,642.94	£6,642.94	£0.00
Aug-17	£7,432.76	£7,432.76	£0.00
Sep-17	£13,747.14	£13,529.90	£217.24
Oct-17	£34,446.62	£13,262.56	£21,184.06
Nov up to 16.11.17	£4,604.56	£0.00	£4,604.56
TOTAL	£243,796.12	£217,790.26	£26,005.86

Q745/2017

**Small boats marina –
Rental costs re construction devices no longer in use**

Clerk: Question 745. The Hon. L F Llamas.

2375 **Hon. L F Llamas:** Mr Speaker, is the taxpayer incurring any rental costs for the construction devices, used to build the small boats marina, no longer in use; if so, can the Government provide details?

2380 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the Government is not incurring any such rental costs.

Q746/2017
Small boats marina –
Plans re slipway

Clerk: Question 746. The Hon. Ms M D Hassan Nahon.

2385 **Hon. Ms M D Hassan Nahon:** Has Government got plans to build or make provisions for a slipway at the small boats marina?

2390 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, it is simply not feasible to build a slipway at the small boats marina itself. The Government does, however, have plans for a service yard for boats at the small boats marina. I would refer the hon. Member to the answer to Question 202/2016.

2395 **Hon. R M Clinton:** Sorry, Mr Speaker, if I may come back to Question 745 and if I may ask the Minister: does the Government own the device that my hon. Friend referred to, or does it have an interest in that device?

2400 **Hon. G H Licudi:** Mr Speaker, that device was, I assume, rented by the contractor. We had GJBS, who won the tender for the small boats marina. They brought the equipment – I assume they rented the equipment that was required for that, so the Government certainly does not have any interest ... As far as I am aware, the Government does not have any interest in the device that was used.

2405 **Chief Minister (Hon. F R Picardo):** If I could be of assistance, Mr Speaker, as far as we know, the people who own that device thought that they would wait here until they determined where they would be gainfully employing it next, whether it was here or elsewhere. Gibraltar, being at the crossroads of the Mediterranean and the Atlantic, seemed to them a good place to remain and there is nothing to be read into that in terms of the Government owning any share or incurring any costs as a result.

COMMERCE

Q747-748/2017

Mail delivery –
Turnaround re parcels and letters

Clerk: Question 747. The Hon. L F Llamas.

2415 **Hon. L F Llamas:** Mr Speaker, can the Government provide a daily schedule with the average turnaround for parcels received from arrival in Gibraltar to delivery of the notification notice at the respective address?

Sorry, Mr Speaker, the notice of questions was wrong and it did not make sense. Can the Government provide a daily schedule with the average turnaround for letters received from ... in arrival to Gibraltar ... It does not read well at all.

2420 Mr Speaker, can the Government provide a daily schedule with the average turnaround for letters received from arrival in Gibraltar to delivery at the respective address?

Clerk: Answer, the Hon. the Minister for Commerce.

2425 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, after all that I will answer this question together with Question 748.

Clerk: Question 748. The Hon. L F Llamas.

2430 **Hon. L F Llamas:** Mr Speaker, can the Government provide a daily schedule with the average turnaround for parcels received from Gibraltar in Gibraltar to delivery of the notification notice at the respective address?

Clerk: Answer, the Hon. the Minister for Commerce.

2435

Hon. A J Isola: Mr Speaker, letters, documents and parcels, goods from around the world, arrive either via the hubs of Madrid or London. The mail that comes from London is flown to Malaga Airport and arrives at the mail centre by three o'clock in the afternoon, Monday to Friday. Mail from Madrid arrives midday, Monday to Friday.

2440 The daily schedule for letter mail is next day delivery. The daily schedule for parcel mail is 48 hours after arrival as notification cards have to be produced. Any local letter posted before 7 a.m. is delivered on the same day.

2445 **Hon. L F Llamas:** Just one supplementary, Mr Speaker: is the Government confident that this timescale is being adhered to?

2450 **Hon. A J Isola:** Mr Speaker, we are currently conducting a review which includes the testing of that to establish how good or bad it is being. Obviously there are peak periods, particularly in respect of parcels, Christmas being one of the areas, so we are ensuring we have additional resources to enable us to meet the demand, and I am confident that we will.

We will be announcing in the first quarter of next year the results of the review we are carrying out into the postal service generally to see how we can use technology to improve and make the efficiency of the postal service even better.

2455 **Mr Speaker:** Next question.

DEPUTY CHIEF MINISTER

Q759/2017

**MoD site behind Cross of Sacrifice –
Handing over to Government**

Clerk: We now move to Question 759. The Hon. R M Clinton.

2460 **Hon. R M Clinton:** Mr Speaker, has the MoD handed over to Government the site of the hangar behind the Cross of Sacrifice on which it is projected to build a college; and if so, on what date?

Clerk: Answer, the Hon. the Deputy Chief Minister.

2465 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, no, sir.

Hon. R M Clinton: Mr Speaker, am I then to understand that the site of the college will be purely on the area between the hangar and the current Cross of Sacrifice, which encompasses the access road to the multi-storey car park? Would that be my understanding?

2470 **Hon. Dr J J Garcia:** Mr Speaker, the site of the college will not involve using MoD land in terms of its construction. There is an area about 1,000 square metres in front of the MoD fence, which is where we intend to construct the college.

2475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 2.30 in the afternoon.

Mr Speaker: The House will now adjourn until tomorrow at 2.30 in the afternoon.

The House adjourned at 6.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.36 p.m. – 5.10 p.m.

Gibraltar, Wednesday, 6th December 2017

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The Gibraltar Parliament

The Parliament met at 2.36 p.m.

[MR SPEAKER: Hon. A J Canepa GMH, OBE, *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

INFRASTRUCTURE AND PLANNING

Q701/2017

Fixed penalty notices –

Clarification arising from supplementary questions

Mr Speaker: Arising from supplementaries yesterday in Question 701, the Hon. Paul Balban wishes to clarify some information in connection with the fines that are apparently unpaid.

5 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, thank you for giving me the opportunity to clarify a point raised by the Leader of the Opposition yesterday in one of his supplementaries, where it appeared on the schedule that there were a great number of fines which were unpaid. We went into a debate on why these were left unpaid and obviously my civil servants had told me it was mainly as a result of errors with addresses etc. and we went into
10 discussion on that account.

I chose to look into the figures a little more closely and in fact there are still ... The impression I gave yesterday was that a lot of fines are unpaid because people have perhaps not paid them for whatever reason. The truth is that a lot of them are still stuck within the system in the Magistrates Court. So, for example, the amount of fines that appeared unpaid total ... Around
15 400 fines approximately are still caught up in the referral to the Magistrates Court and that is the reason why they have not been paid, challenged or otherwise.

I thought it was important to clarify that point so that the correct impression is taken from that reply.

20 **Hon. E J Phillips:** Mr Speaker, just one question. I appreciate he cannot identify exactly all of them, but does the Minister know whether they have been responded to positively by the individuals that are clearly being prosecuted for failing to pay, or are these significant numbers of challenges to the Fixed Penalty Notices?

25 **Hon. P J Balban:** I could not tell the hon. Member the exact reason, but of the total amount about 400-odd are in the courts. It could be because a summons has been sent and there has been no reply, and then obviously they need to attend or appear in court, or it could be that they are challenging the legitimacy of the FPN itself. So it could be for a number of reasons but there are quite a number of them caught up in the system as we speak.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q749-750/2017

Young offenders –

Numbers registered as employed; schemes available

30 **Clerk:** We now proceed to Question 749. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm of those young offenders who have served custodial sentences and/or community punishment in the last 12 months, how many have successfully registered as employed with the Employment Service?

35 Obviously, the Minister will be asked here a question in relation to the previous questions I asked in relation to those young offenders.

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

40 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question with Question 750.

Clerk: Question 750. The Hon. E J Phillips.

45 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what programme schemes are available to young offenders who have completed a term of imprisonment or community punishment to ensure that they are rehabilitated into the community and are assisted in obtaining employment opportunities?

50 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Hon. J J Bossano: Mr Speaker, persons, including young offenders, submit a terms of engagement form to register as employed with the Employment Services. They do not disclose whether they have served a custodial and/or community punishment in the previous 12 months when they register, and as such the Department of Employment does not hold any such records. However, from the support given by EDEC to such individuals, I can tell the hon. Member that 11 out of the 23 we have dealt with have found employment in the last 12 months.

55 As regards the programmes that currently provide assistance to persons who have served a custodial or other sentence, the position is as previously explained in answer to similar questions. I am happy to repeat the answer if the hon. Member has forgotten the explanation he was given.

Hon. E J Phillips: I am grateful, Mr Speaker, for the clarification that the Minister brings, although with a slightly tainted response in relation to Question 750. What I would say is that clearly the question I asked before was some time ago and I am grateful to understand that the scheme remains the same. I am grateful for that answer.

60 Just in relation to Question 749, if I have accurately got it, it is that the individuals concerned register themselves with the Employment Service. Is it the case that there is any active encouragement by either those in the prison or those who run the programmes or schemes, to encourage those individuals to register so that they can get on? I know it sounds like an obvious question, but given the fact that the Minister did say that it is up to them, is there an active encouragement by the system, effectively, generally speaking, to register?

75 **Hon. J J Bossano:** The counsellor that EDEC employs and sees people in the prison whilst they are serving their sentence and then subsequently, when they are released, keeps contact with

them. Clearly, the ones who respond well to the approaches are the ones who then come and register with us.

As I have explained in the past, what we do – in using the criteria that are being used to encourage employers in the private sector to provide training or to be given a wage subsidy on the basis that there is a need to have the person on a job for a period of time to settle down, where there may be a high level of incentive at the beginning and that kind of thing – we do in the knowledge that the group of people we are referring to, as a matter of reality, although it should not be happening, tend to have greater difficulty in getting employment and we make the incentives more generous to compensate for it. So, normally, if it is somebody who has served a custodial sentence, we would offer an employer 50% of his wages for one year with the commitment that they would keep them on in the year; we monitor their performance during the year, we get reports during that year and the counsellor sees them.

What I am, in effect, saying is that we know of 23 that have come out in the last 12 months. I am assuming that the 'young people' is 25 or less, so that is the category of people. We have seen more people than this, but they were over 25. Even if somebody comes out and he is 50, he still gets the same support as the younger ... But of the people we are seeing in the programme, we have seen 23. There may have been more that have come out, but either they have not expressed any interest when approached to be helped or they have simply not attempted to find employment and they just disappeared. In some cases they are not people who are residents, who have gone.

There is no evidence, for example, that we are doing less well than we have done in the past. I asked whether the figure of the 12 months that the hon. Member asked about gave any indication whether we were being less or more successful and I am told that on an average our success rate is about 50% of those that we are monitoring and assisting, and in this case it was 11 out of 23, so it is just under the 50% but I do not think it is significant.

Also, I think in a way we need to be looking at a rolling average for the period, because in some cases out of the 23 there will be people who have been out for a year and the ones that are out for longer are the ones that are mainly in the 11, and there are people who have only been out, for example, since October and November and probably that is too soon for the scheme to be able to ... although some people get a job as soon as they come out, but there are not many cases like that.

I think probably what we need to do is see how these figures change if we take, for example, a 12 months that begins, instead of from November to November, December to December and then January to January and we see whether the pattern is maintained in the future, and I am happy to share whatever information I have got with the hon. Member.

Hon. E J Phillips: It is certainly interesting to hear further details about the 50% subsidy that the Government utilise to encourage business to take on individuals who have unfortunately fallen ... Insofar as that, can the Government give any indication as to the flavour of the type of work that individuals are doing where this subsidy is available? Is it across the board to any employment opportunity, or is it directed at specific industries or work places?

Hon. J J Bossano: No, it is available to any industry, and unlike, for example, the training that we provide, which is at the national minimum wage, this is 50% of whatever the wage is, and I think it also includes 50% of the Social Security payment of the employer. But in practice the kind of jobs that people are willing to take, people who come out from serving a sentence, are generally not positions of responsibility. That does not mean they will not get a better job later on, but I think that at the beginning they tend to go in at the bottom of the rung in whatever industry they go into. For example, security would be a good place to put them because there are a lot of security jobs, but it is one where they do not get past the vetting. So it is mainly in the construction industry and in things like cleaning companies and in areas like hotel and catering. Those are the three areas where it is easiest to get them in, where there is always a

high turnover of labour and where the incentive is quite attractive because those are labour-intensive areas. So you are cutting the wage cost by half and it is an attractive proposition.

Q751/2017
CPA project re Public Accounts Committees –
Gibraltar participation

130 **Clerk:** Question 751. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 403/2017 can the Government confirm that it is now to participate and send a delegate in respect of the CPA UK three-year project entitled 'UK Overseas Territories Project: Supporting the Role of Public Accounts Committees and Audit Institutions in Oversight of Public Funds'?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

140 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I am delighted to hear that answer from the Government benches. Would the Minister be able to confirm who would be attending on behalf of the Government?

145 **Hon. J J Bossano:** Yes, Mr Speaker, I volunteered to go.

Q752-755/2017
Public finances –
Public debt; liquid reserves; General Sinking Fund balance

Clerk: Question 752. The Hon. R M Clinton.

150 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st September 2017?

155 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 753 to 755.

160 **Clerk:** Question 753. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st September 2017?

Clerk: Question 754. The Hon. R M Clinton.

170 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested or held, giving details of all bank and savings bank accounts and cash held for the following date, being 1st September 2017?

Clerk: Question 755. The Hon. R M Clinton.

175 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st September 2017?

180 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Hon. J J Bossano: Mr Speaker, the position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the Member opposite, continues to be as previously stated.

185 The figures requested for 1st September 2017 are: gross debt, £447.7 million; Sinking Fund, £5.2 million; aggregate, £442.5 million; cash, £112.4 million; net, £330.1 million.

Q756-758/2017

Civil Service –

Vacant posts; subcontracted workers; temporary promotions

Clerk: Question 756. The Hon. L F Llamas.

190 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule of vacant posts in the Civil Service, including (a) grade, (b) date since when the post has been vacant, and (c) department?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

195 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker, I will answer this question with Questions 757 and 758.

Clerk: Question 757. The Hon. L F Llamas.

200 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule with subcontracted workers in the Civil Service, including (a) since when has the person been subcontracted, (b) reason for cover, and (c) department or departments the worker has providing services for?

Clerk: Question 758. The Hon. L F Llamas.

205

Hon. L F Llamas: Mr Speaker, without disclosing the identity of the officer, can the Government provide a schedule of officers in the Civil Service who are temporary promoted, including (a) the grade the officer holds, (b) the grade the officer has been temporary promoted to (c) the date temporary promoted, and finally (d) the department?

210

Clerk: Answer, the Minister for Economic Development, Telecommunications and the GSB.

Hon. J J Bossano: Mr Speaker, according to the Human Resources Department, the following posts were vacant last month.

There were, from March 2017 one AO and one AA post vacant in Civil Status.

215 Since March, July, August, September and October 2017 there are two Executive and eight Customs Officer posts vacant.

In Vehicle Licensing there is an HEO post vacant since January 2017.

220 In Education we have seven industrials, one technologist, one technician, one senior technician, one head and two deputy head posts vacant and they date from March, June, August, September, October and November this year; they are all from this year.

In my Department there are an SEO, an HEO, one manager, two AOs and two AA posts vacant; these date from April and May 2015 and July 2017.

In Employment there are two HSOs, from January 2015 and January 2016, vacant.

225 In Environment the vacancies are one environmental monitor, four assistants and one AA from January and April 2015 and July 2016.

In the Finance Centre there are two EO posts vacant from April and August 2016.

In the Financial Secretary's Office there is one SEO, one HEO, one AO and one AA from April 2012 and April, June and July of 2017.

The Fire Service has a fire control officer post vacant in November 2017.

230 In Gaming there is one HEO vacant since August 17.

In Audit, an assistant principal auditor since April 17.

In the Law Courts and Office there are one EO, five AOs, one AA and one word processor post from January, April, May and October 2016 and June, August and October 2017.

235 In Housing there is a principal housing officer, an EO, a personal secretary, two AOs and one AA from July 2012, October 2015, September and November 2016 and February 2017.

HR has one HEO, one legal assistant, two EOs, two AOs, one AA and one industrial vacant post; these date from November 2015, March 2016, October and November 2016 and March 2017.

240 Income Tax has vacant the positions of Commissioner of Income Tax, one SEO, four AOs, one AA from January, May, August and November 2016, and August and October 2017.

The Maritime Department has one senior surveyor post since May 2017.

Culture has one SEO, one HPTO, one messenger and one AO from August 2010, January 2015, January 2016 and May and August 2017.

245 Housing and Equality has one HEO and one equalities officer vacant from December 2015 and August 2016.

Tourism has one law draftsman, two EOs and one personal secretary from February 2014, November 2015 and October 2017.

No. 6 has a senior administrator, one personal secretary, three AOs and three AAs vacant from April and November 2014, August and December 2016, and January and June 2017.

250 The Deputy Chief Minister has one AA vacant from October 2015.

Parliament, one usher from June 2012.

The RGP has eight constables, one crime scene officer and one-word processor vacant from February, May, July, September, October and November 2017.

The Prison has two prison officers from April and May 2017.

255 Procurement, one part-time AO from October 2017.

Postal Services, one ML4, two SOGs and one AO from March 2015 and May 2016.

Statistics, one SO1 and one SO2 from January 2015 and June 2017.

Technical Services have three SPTOs, two HPTOs and one PTO vacancy from February, September and October 2015, November 2016 and November 2017.

260 Town Planning has one SPTO and two PTOs from September 2015 and July and August 2017.

Treasury has the Accountant General, one computer consultant, one SEO, four AOs and seven AAs from October and November 2015, January, May, June and October 2016, and March, April, September and November 2017. That is all the vacancies.

There are no subcontracted workers in the Civil Service.

265 Temporary promotions in the Civil Service are as follows.

The Environment Department has a works supervisor promoted to PTO from October 2012 and a TG1 to environmental monitor from November 2016.

Education has an SEA promoted to director and an AA as AO from September 2016 to January 2017.

270 Licensing has an AO as EO and an EO as HEO December 2016.

Audit has an assistant auditor as auditor from January 2015.

Courts have an AA as an AO from March 2017.

Housing has an SEO as senior officer from December 2012, an AA as AO from January 2017, a HEO as SEO February 2017 and two AOs as EOs from February and June 2017.

275 HR has an AA as AO from February 2016.

Commerce has a senior officer as Chief Officer from April 2017.

Income Tax has an SEO and an EO as Commissioner from January 2016, two HEOs as SEOs January and November 2016, and an EO as HEO in July 2017.

280 Culture has an environmental monitor as HEO since May 2012, an AO as EO since September 2015 and an AA as AO since January 2017.

Housing and Equality has an AO as EO since December 2014.

Tourism has an AO as EO since December 2016.

No. 6 has the Director of Education as Senior Administrator and a typist as AO from September 2016 and May 2013.

285 The Post Office has an AO as EO from May 2017.

Technical Services has three HPTOs as SPTOS from February 2015, November 2016 and January 2008, a PTO as HPTO from September 2009 and a TG1 as PTO from March 2017.

The Tourist Board has an EO as HEO from August 2015.

Town Planning has an HPTO as SPTO since July 2017.

290 Treasury has two AOs as EOs from June 2016 and May 2017, an IT officer 2 as IT officer 3 from October 16, an IT officer 3 as computer consultant from October 2016, an HEO as SEO from September 2016 and an SEO as Accountant General from June 2016. That is all the temporary promotions.

295 **Hon. L F Llamas:** Thank you very much for that answer.

Mr Speaker, with your leave, I would like to ask to study the answer that has been given and come back the following month with any supplementaries, given that it is a very long list that the Hon. Minister has read.

300 I would just like to ask the Hon. Minister: if subcontracted workers do not exist in the Civil Service, what do you call the temporary staff that are employed, so that I can bring this question back in the following month?

305 **Hon. J J Bossano:** Well, the terminology that has been used in all the other questions in this meeting and previously is supply workers. Subcontract workers are when you subcontract the work out to somebody – for example, if we give work to JBS and JBS subcontract it to somebody else and there is a contract. The supply workers are people who are being supplied and are deployed as and when, but they are not there for a particular contract and a particular job; they are sent wherever they are needed.

310 **Hon. L F Llamas:** I would just like to clarify that the confusion arose because in the Care Agency I had been told that there was nothing called supply workers and that they were called subcontracted. That was before the Hon. Mr Costa's time. That has been the confusion and obviously I referred to them as subcontractors rather than supply. I had always been advised that they are called supply workers.

315 Thank you.

320 **Hon. E J Reyes:** Mr Speaker, may I ask the Hon. Minister for a small clarification? When he was giving us the list, he mentioned that in No. 6 there is a Director of Education working there since September 2016. However, prior to that, when he had given us the list with the Department of Education, I may have it wrong but I noted that an SEA – being a senior education adviser, I take it – is in an acting capacity as Director of Education from September 2016 and I think the Minister said up to January 2017. Is that correct?

325 **Hon. J J Bossano:** [*Inaudible*] that date is that in that Department there are two people who have been promoted, one in September and one in January.

Hon. E J Reyes: So, for clarification purposes, as from September 2016 when the Director of Education goes to No. 6, we have a senior education adviser covering that post from September 2016 to date. Am I correct in that assumption?

330 Thank you, Mr Speaker, that clarifies it.

Hon. T N Hammond: I apologise to the Minister if he did capture this in his extensive answer, but is it the case that the current Captain of the Port is in an acting capacity as well? I understand he is, but I did not hear that in the answer and I wonder if the Minister could clarify that.

335 **Hon. J J Bossano:** I have not been asked about acting capacities; I have been asked for temporary promotions, and temporary promotion is something that happens after you have been acting for a period of time. When it is a very short period of cover it is called ‘acting’, and after a certain period of cover there are rules that say you are now temporarily promoted in that post, which carries different benefits.

Hon. R M Clinton: Sorry, Mr Speaker, I apologise in advance if I got the dates wrong: if the Minister could just confirm the Accountant General position was vacant from October 2015 and there is an SEO acting from June 2016. Is that correct?

345 **Hon. J J Bossano:** No, Mr Speaker, none of the dates are until; all the dates are the starting dates. All the people concerned are still doing whatever it is they were doing when they were temporarily promoted, because the question is asking who was temporarily promoted yesterday. They might have been temporarily promoted the day before yesterday or they might have been temporarily promoted 10 years ago, but it is still temporarily promoted as of now. So the answer that has been prepared for Parliament by Human Resources is on the basis that all the people on this list are still temporarily promoted in the posts that I have indicated, which shows what they were before they were temporarily promoted and what they are now as temporarily promoted. There is no end date anywhere in the answer.

355 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for his answer.

In terms of the position of Accountant General, and given the importance of the position, how or at what point does he envisage that the individual undertaking that role at present will be made permanent and that position will be confirmed? It is a very important position to be left acting or temporary or for a short period. It is a pretty critical function to perform and I would expect that to be filled, pretty much the same as the Commissioner of Income Tax to be filled. Does he have a view as to when these positions will be made permanent?

365 **Hon. J J Bossano:** We do not actually get involved in these things of promoting them or deciding how long they stay there. I do not think the Accountant General has been as long as some of the others, but temporarily promoted is the terminology that is used, which the hon. Member is familiar with, which is more than just a short-term thing. You are deemed to be

temporarily promoted when you have been acting continuously in a post, which is different, for example, from what happens where people are acting whilst others are on annual leave or sick leave, which happens all the time in many Departments, but when there is temporary promotion it normally means that the occupant has now left the service and probably the next person, the deputy, as it were ... In a situation like the Accountant General, it would normally be the person who has regularly been acting in previous absences who steps in immediately until the machinery of the Civil Service gets round to advertising the vacancy and promoting, selecting and all the things that happen before the jobs are cleared. Clearly, in some cases, some of these temporary promotions have been there for a very long time; in other cases, it has happened in November. But I think generally, in an area like the Accountant General, I would have thought there cannot be a detriment to the quality of the work that is done, because as a general rule the person that steps in may have been doing the stepping in for many years every time the person at the top went away on annual leave or sick leave. Normally, we are talking about a situation where in the Civil Service people have something like 30 days, which is six weeks, and then you have the public holidays, so for three months of the year the actor is acting, so by the time he becomes temporarily promoted he is probably fairly accustomed to doing the job, I would have thought.

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Hon. L F Llamas: Mr Speaker, I have a question for the Government. I understand that the Government is undertaking an efficiency review and therefore many vacancies are on hold, even though some have been promised in previous sessions that they would have been covered, especially head of department posts. Given that the Government is still undergoing this review and vacant posts or long-term acting are allowed, would it be a policy of this Government to pass those temporary promotion applications through a PSC board and give a bit of fair competition rather than crowning somebody with a temporary promotion?

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Chief Minister (Hon. F R Picardo): Mr Speaker, yes, we have a view and the view is not a million miles from what the hon. Gentleman has set out, but it is not our role. The hon. Gentleman has to understand that we do not decide who acts or who does not act. This is entirely a Civil Service matter, at least since the day I was elected, and therefore when these promotion posts will be advertised, in particular senior promotion posts, and whether the PSC has a role in the context of approving a secondment – which has never been the case before; it has always been an issue, really, for the Head of the Civil Service – is a matter on which the Government will not interfere. But we believe that the Public Service Commission has an important role to play in ensuring that there is a level playing field for all civil servants in the context of any promotions that they may aspire to and we believe that the manner in which things are handled now is no different to the way in which they were handled previously in the context of the structure. In other words, the PSC has never approved temporary promotions. But it should also be clear that the Government is not involved in making temporary promotions in the same way as we are not involved in making full promotions or employment decisions. All of those go through the independent and very rigorous Civil Service and Public Service Commission process.

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Hon. J J Bossano: Can I just add, Mr Speaker, that in terms of the numbers, the number of vacancies is more or less at the level that it was in 2011, except that they are not the same vacancies as they were in 2011. That is to say the service is much bigger than it was in numbers – the party that he joined and then left disapproved of the increase in numbers of civil servants from 2012 on – and we have got, of course, as well, the supplies that provide support while the vacancies are there, which did not exist before. So in fact there are two issues here that need to be taken into account if you are comparing what there is now with what there was before: it is a bigger Civil Service and the number of vacancies is more or less the same, and there are supplies involved which did not exist before.

415

CHIEF MINISTER

Q760/2017

**Ministerial Code –
Date of introduction**

420 **Clerk:** Question 760. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, when does Government believe that it will introduce the Ministerial Code?

425 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Code for Ministers and the separate Code for all Members of Parliament will be introduced together after they have been discussed in the Select Committee on Parliamentary Reform.

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Hon. T N Hammond: Mr Speaker, does the Government envisage calling that Select Committee together in the next three months? I do not believe it has met during this parliamentary term so far, so progress would appear to be fairly slow in that regard.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman is right. It has not met in this parliamentary term for a reason. We have had to change the composition of that Select Committee already on one occasion as a result of one splinter group from the official Opposition and there has since been another splinter group from the official Opposition. We want everyone to be properly represented in respect of that Select Committee, which will affect Members of political parties in this place as much as it will affect Members of this House who are independent, and so we envisage once again bringing a motion to change the composition of that Select Committee. I do not know whether between now and then there might be other splinter groups or how things will play out. I am not pressing anything that I am concerned about on this side of the House, but that has been an issue.

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I do not know whether the hon. Member remembers the history of this, but we came to the House with the Ministerial Code, ready to implement it. It was the former, former, former, former Leader of the Opposition, my predecessor as Chief Minister, who said from the position on the opposite benches that we should not go down the route of implementing the Ministerial Code. He had the support of what was then the GSD, aka all of the seats on the Opposition benches at the time, and I said, in accepting that advice, that as a result of the fact that this was something for the whole Parliament and not just for the Government side we would agree to go into a Select Committee. So we did not want this to go into a Select Committee; we were ready to make this parliamentary code binding immediately. We have gone down that road because it was suggested by the GSD. The GSD splintered once, then it splintered again, and so we are going to have to change the composition of the Select Committee.

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But I think there is very little for us to argue about in the context of what is proposed in respect of that Code, because it is very much in keeping with the UK code, so we very much hope that it is going to become a binding instrument very soon.

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Hon. T N Hammond: Well, goodness me, the Chief Minister listening to the GSD – not something that happens particularly often.

It is absolutely the case that presumably there will be nothing contentious, and of course I bring the question simply to understand what the timelines might be. I understand the reasons the Chief Minister has given, though I do believe there has been ample opportunity to call that particular sub-committee while it has been correctly embodied. That has not happened,

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regrettably. I do hope and would ask whether the Chief Minister is able to provide any information as to when they may be updating or requesting that the composition of the sub-committee is updated in order to provide appropriate representation, or whether even the Chief Minister would consider just discussing with various Members of the Opposition, pertinent
470 Members of the Opposition, what the Code would look like, providing drafts so there can be maybe a pre-agreement with respect to that particular Code, which, as you say, I do not believe will be contentious, particularly if it is following already-established lines.

Hon. Chief Minister: Well, Mr Speaker, it is not that I was listening to the GSD. The hon. the
475 former, former, former, former Leader of the Opposition was then a backbencher who was representing that his views were views that he put for the good of Gibraltar and for the good of the whole Parliament; and I was not approaching this on the basis of Government and Opposition, because this is a Code for the whole House so I was approaching it really more as
480 Leader of the House, listening to a Member with considerable experience who was putting a point that I thought was worth taking into consideration.

In terms of providing a copy of the Code, there it is behind the hon. Gentleman. *(Laughter)* It has been there for two years, Mr Speaker. Like all the best magic tricks, they are not really magic, they are there. I am told by the Minister for modern technology that it is actually already online, so we could not do more, other than send him an audio book with me reading it to him,
485 *(Laughter)* in case he wishes to fall into his nightly slumber listening to my dulcet tones putting him to sleep. All the information is there. I am surprised he is asking us for things which he has already and he did not know that.

In terms of the timetable, as I told him, we were ready to move on this immediately that we brought the Code to the House. It is a Code that comes from a Parliamentary Commission that
490 Mr Speaker chaired, that had a number of former GSD Members, a number of independents, some of whom have since decided that they want to throw their lot in with the GSD; some of the independent Members have taken another view. So I do not think that this is contentious at all, but I think it would be unfair to Mr Llamas that he should not be represented formally in that Committee, although he is now an independent Member, although Mrs Nahon is going to be
495 represented in that Committee. Because this is a House issue and the House and those in it are the representatives of the people, I think it is important that all of us have been properly represented in that Select Committee.

I would hope that we will be able to deal with this during the context of the first quarter of next year, but I must say that the hon. Gentleman knows that estimating timings of things since
500 the United Kingdom took the decision it did, with us voting in the process, in the referendum in respect of leaving the European Union, it has become very difficult to stick even to one's own best instincts of what the right timing of things should be – and I will deal with another question now which will raise even that again.

505 **Mr Speaker:** Next question.

Q761/2017
Eastside tunnel –
Routing of pedestrians

Clerk: Has Government made a decision on the routing of pedestrians once the ... Sorry. I beg your pardon. Sorry. **(Several Members:** Hear, hear.) *(Laughter and banging on desks)* I am sorry! *(Laughter and interjections)*

510 **Mr Speaker:** For once, the Clerk of the House has transported himself to the Opposition benches! *(Laughter and interjection)*

Clerk: Question 761. The Hon. T N Hammond. *(Interjection)*

515 **Hon. T N Hammond:** Yes, if I may take a moment to compose myself ... *(Laughter)* Mr Speaker, has Government made a decision on the routing of pedestrians once the Eastside tunnel project is complete?

Clerk: Answer, the Hon. the Chief Minister.

520

Chief Minister (Hon. F R Picardo): Mr Speaker, there am I, fighting those who say that the Opposition is in the Civil Service and not on the benches opposite!

The decision taken regarding the routing of pedestrians once the new runway tunnel is operational was presented to us upon our election into Government in 2011 as a fait accompli left over from the former administration. The decision was that pedestrians would use the pedestrian tunnel. We nevertheless continue to explore other options.

525

Mr Speaker: Next question.

Q762/2017
General Orders –
Publication of Government review

Clerk: Question 762. The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, has Government completed its review of General Orders and does it intend to publish the results?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the review of General Orders is ongoing. A working group composed of members of the Human Resources department, the CEO of the Public Service Human Resources Business Support Unit and representatives from the three main unions – that is to say the GGCA the GTA (NASUWT and Unite) – have been working towards the new Public Service Code, which will replace General Orders.

540

The draft document is in its advanced stages and most chapters have been completed. We will be officially submitting the document to the trade unions in the New Year for a final consultation period prior to implementation.

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On its introduction, the new Public Service Code will be published internally to all Departments and will be made available online to all public servants via HM Government's intranet. Training will be provided at all levels to ensure a smooth transition from General Orders to the new Public Service Code.

Q763-764/2017

**Referendum Anniversary Eve concert –
Contract and lack of Gibraltarian performers**

Clerk: Question 763. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can Government say if the concert held at Victoria Stadium on Saturday, 9th September 2017 was awarded to the Royal Philharmonic Concert Orchestra by a tender process or by what other means?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer the question together with Question 764.

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Clerk: Question 764. The Hon. E J Reyes.

Hon. E J Reyes: Can Government say why neither a Gibraltarian orchestra conductor nor Gibraltar musicians nor any Gibraltarian soloist singers were offered the opportunity to perform at the National Day Eve Concert held at the Victoria Stadium on Saturday, 9th September 2017?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the contract to perform at the Referendum Anniversary Eve concert was awarded to a British orchestra, the Royal Philharmonic Concert Orchestra, that was available on 9th September to provide a Last Night of the Proms style repertoire. Additionally, it is the orchestra with royal patronage from the British Royal Family. The BBC Concert Orchestra was not available as the date clashed with their Proms dates.

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The Government sought that the soloists that performed on the evening should have been Gibraltarians. Additionally, the Government sought that a Gibraltarian conductor of international renown should have conducted the Orchestra. Unfortunately, we were informed that it would have cost £20,000 per day for rehearsals required for the Philharmonic to perform with soloists or a conductor that it had not performed with before. That amount does not include the expenses of associated travel and accommodation that would have been incurred. A minimum of three days of rehearsals was required. In addition, no suitable studio for such rehearsals was available in the period and the orchestra itself was not available for rehearsals due to its heavy performance schedule.

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The event was a magnificent celebration of the 50th anniversary of the 1967 Referendum and a fitting tribute to the Referendum Generation. The members of the Opposition who were present and who joyously joined in the flag waving will no doubt want to congratulate the Government on the organisation and planning of the event.

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The Government itself would, in particular, wish to express its gratitude to Mrs Joyce Diaz and her team for their work in delivering the event and to the Gibraltar Choir Collective, who did us all proud. Additional thanks must also go to the Commanding Officer of the Royal Gibraltar Regiment for allowing the Corps of Drums and the Band of the Regiment to perform on the night, and in particular to their musicians for their magnificent rendition of the Gibraltar Anthem. Their contribution was tremendous.

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Mr Speaker, I am particularly pleased that we were able to make the event truly affordable for all and that the £5 ticket price will be donated to that most worthy of Gibraltar's charities, namely Calpe House. I should add that the Government extends its gracious thanks on behalf of the people of Gibraltar to all of the sponsors who enabled us to have the orchestra in Gibraltar without public expense.

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Mr Speaker, I am able to announce today that the Government will be donating £12,665 to Calpe House from ticket sales. I am also able to announce today that a DVD and a digital download of the Referendum 50 Concert by the Royal Philharmonic Concert Orchestra will be available in coming months as a perfect recording of the event for all to enjoy.

Hon. E J Reyes: Mr Speaker, thank you for that answer.

The Chief Minister did say about the non-availability of the BBC Orchestra and so on. I could deduce some things from there, but could he perhaps be a little bit clearer for the record: was it awarded to the Royal Philharmonic Orchestra via a tender process, or rather am I deducing it ...? If the Chief Minister can clarify any doubts I have – how did it end up going to this entity?

Hon. Chief Minister: Mr Speaker, perhaps I should start by saying that the night before, we had a magnificent concert at Casemates where all of the performers were Gibraltarians: Gibraltarian musicians and Gibraltarian dancers. I know all Members of this side of the House were present and deeply enjoyed the event, and I am sure, although I cannot recall, that most if not all of the Members opposite were also present.

Although in my most fanciful of moments I see myself as a Simon Cowell style character, auditioning people and being remarkably affectionate to them in the context of their performances, we did not hold an *X-Factor* style attempt to choose the best orchestra. We were in contact with a number of British orchestras. There is no Gibraltar orchestra yet of the size of the Philharmonic and this was the Referendum 50 anniversary concert, so it was important to us that it should be a British orchestra because we were celebrating that choice made 50 years ago. Scheduling meant that actually there was no beauty parade to be had – there was one orchestra that was available that could do it on the day, and that is the orchestra that we had. If the hon. Gentleman wants to see it in terms of the three quotes system, for example, I think we looked at more than three orchestras, we were in touch with more than three orchestras and there was one that was available, so it was not an issue of tendering.

In any event, there was, as I said, no public expense in respect of the event because the sponsors – and hon. Members will have seen who the sponsors were; I cannot refer to one without referring to the many others, and I think there were approximately 50 sponsors – meant that this was an event that did not cost the public purse, and when there was a ticket price it was to ensure that we could allocate seating to everyone but with a very clear indication that the amounts collected would be donated to charity.

So I do not think it is the sort of event that is a tenderable event, but I was very keen to see Gibraltarians appear on the day on the big stage conducting – we know that we have at least one conductor of international renown in Gibraltar and a soloist, and we know that we have more than one magnificent voice in Gibraltar. Unfortunately, for the reasons I have given, although we pursued that quite vigorously, it was impossible to achieve that. Mr Speaker, I must say that the event, I think, was a magnificent one and that the soloists, despite the fact that they were not Gibraltarian, were not bad either.

Hon. E J Reyes: I am grateful, Mr Speaker.

Yes, it does clarify and put to rest what I had thought, and may I offer a few more supportive words to the Chief Minister.

I think it was particularly pleasing for those of us – and I can confirm that I was definitely there on the evening – where we could introduce an element of Gibraltarian participation, not only through the magnificent performance of the Royal Gibraltar Regiment Corps of Drums but also in the Collective Choir which helped to lead the chorus. I must admit I am tone deaf and although one tries to contribute in the animation of the singing, knowing that the choir was there and would certainly over drown my bad singing habit ... Therefore, I am really pleased that we succeeded in a fantastic concert with, to whatever degree or level possible, Gibraltarian

participation, and the Chief Minister and his team can rest assured of my continued support in that respect.

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Hon. Chief Minister: Mr Speaker, I am very grateful on behalf of the Government for those kind words, and perhaps we should end this part of the questioning in the same way as the concert ended, by remembering always that we stick with Britain because it is the land of hope and glory. We hope that it continues to rule the waves a bit more than it has until now, and God Save the Queen, Mr Speaker.

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Hon. T N Hammond: If I may, Mr Speaker, not quite ending the questions, I would certainly like to congratulate all those involved in both events because they were fantastic events on both occasions, particularly I thought in the Casemates event the Hon. Mr Bossano's speech was superb and for me it really did crown the evening.

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If I could just ask whether the Government is considering running a similar event next year, not necessary associated with the Referendum anniversary because clearly that will have passed, but certainly the event at Victoria Stadium has on the one hand not cost the public any money, has actually raised money for charity and was very well attended and clearly appreciated by all who were there. I just wondered whether the Government has any thoughts in respect of next year.

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Hon. Chief Minister: Mr Speaker, delighted to offer an encore to my speech of a moment ago.

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The Hon. Mr Bossano is superb, as far as we on this side of the House are concerned, on every occasion, in particular in his Budget addresses. I am sure that probably the only person on the opposite side who has done this exercise is Mr Clinton but I commend to all Members that they should start with his Budget address of 1973 and see the consistency that there is there right up until 2017. But everything that Mr Bossano said on that stage at Casemates translates entirely to everything that Mr Bossano does in politics and I think it is an important point to make.

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Sponsors were very generous in the context of the 50th anniversary of the Referendum; I do not know whether they would be so generous every year.

The hon. Gentleman should know that there is a plot afoot to continue to enjoy cultural events of that sort, but I am unable to say more at this stage for want of scuppering it.

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Mr Speaker: Next question.

Q765/2017

Supplementary Appropriation (2015/2016) Bill 2016 – Reason for delay

Clerk: Question 765. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government explain why it has not yet proceeded with the Bill for an Act to appropriate further sums of money to the service of the year ended 31st March 2016, being B26/2016, which was published on 22nd December 2016?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, this has resulted simply from the exigencies prevalent upon the Executive this year as a result of the Brexit process.

Hon. R M Clinton: Mr Speaker, I have no wish to engage in a debate, (*Interjection and laughter*) but perhaps I could ask Mr Speaker's indulgence. The Appropriation Bill for 2015 –

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Hon. Chief Minister: Will the hon. Gentleman give way?

Hon. R M Clinton: Yes.

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Hon. Chief Minister: If it is of any assistance to him, I intend to take the Bill in about 50 minutes.

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Hon. R M Clinton: Well, Mr Speaker, I am enormously grateful to the Chief Minister – it will save us all a lot of time. All I would say is that I am grateful that the Bill is being taken today, but obviously, given his comments last year and obviously it is nonsensical to have a supplementary appropriation after we have passed this year's Budget, I would be grateful if in next year's we try and keep to what he originally intended last year.

Thank you.

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Hon. Chief Minister: Mr Speaker, yes, indeed. He is referring to my own logic, it is something that I am very keen to see, but unfortunately the time of the Executive has been taken almost entirely, as he knows, in respect of the Brexit process. We have had fewer meetings of the House, they have had to be shorter and legislation has built up – this is one of the issues that has built up – but he knows, because I have said so and it is on the record, that it is my intention that these Bills be dealt with and with greater alacrity than has been the case until now, and unfortunately this year, having set that high bar for myself, I have not been able to surmount it because of the circumstances which have prevailed.

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Mr Speaker: Next question.

Q766/2017
Three quotes system –
Works and supplies procured

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Clerk: Question 766. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, for the periods 1st April 2014 to 31st March 2016, can the Government provide a schedule of works or supplies procured by the Government using the three quotes system, including (a) the company or entity awarded; (b) brief detail of work or supply and (c) whether the award was the cheapest?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo) Mr Speaker, this data is not centrally held. A schedule of all contracts awarded by Government by quotation for sums over £2,000 is readily available online on the Government website.

Q767/2017
Mons Calpe Mews and Beach View Terraces –
Losses incurred to date

Clerk: Question 767. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose the losses incurred to date as a result of the development of Mons Calpe Mews and Beach View Terraces?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government made a profit of £1,039,204 arising from the development of the housing estates that sold for £108 million.

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Hon. L F Llamas: Mr Speaker, I would just like to clarify this question arose as a result from I think it was Direct Democracy, where the Chief Minister I believe said that they had made a loss due to not having taken into account the foundation work of those projects and the infrastructural work of those projects. Is that correct or did I misunderstand?

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Hon. Chief Minister: Well, Mr Speaker, it depends how you look at it, if you look at it in terms of the development or you look at it in terms of wider Government expenditure. If you include every infrastructure upgrade that is required, then it is very likely that you would have a very long piece of string; but if you look at it as a developer, then that is the provision that I have given him.

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A developer does not pay for every single aspect of the infrastructure update that may be required throughout Gibraltar as a result of a development. A developer pays a premium and then he develops, so that is not included in the context of the calculation; neither is the cost of the land included. So, for example, if you were to say we might have sold that land for £10 million, that is not factored in there because one of the principles of affordable housing in Gibraltar has been, since the concept was introduced by the GSLP Government and Mr Bossano, that you do not charge for the land but you are adding value to Gibraltar by having those homes for Gibraltarians. These are the issues that I was saying may need to be taken into consideration in the future and might tip that balance into loss.

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But there are a number of examples of housing developments which have given rise to a loss. For example, on Waterport Terraces there was a direct loss – applying the same criteria, not involving infrastructure or the cost of land – of £7 million, also excluding the cost of infrastructure and the land. And in fact there is a claim against the Government of Gibraltar of €26 million presently being adjudicated in the Spanish courts in Madrid by Gibralcón, formerly Bruesa. The hon. Gentleman might remember that this is what I told Mr Bossino was the real legacy of the GSD when he told me that it was a golden legacy that we had inherited.

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There was a loss of £19 million in respect of the development of Cumberland, Bayview and Nelson's, which was also a project they developed when they were in Government. That includes £4 million which was a loan that the former administration... the taxpayer directly gave to OEM, which has had to be written off. Just so that we understand that, the taxpayer has lost £4 million because the GSD Government gave OEM a loan which has been written off – not like the *Sunborn* loan, which has been fully repaid, as hon. Members will know, to Credit Finance Company Ltd. And there is additionally a £7 million claim against the Government – or there was – by Barclays Bank Plc through the liquidators of OEM.

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So, Mr Speaker, there have been direct losses, even when you do the calculations the same way as I have done them, but not in the estates developed by this administration.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the answer to that question from my hon. colleague.

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If I may ask, the £1,039 million profit on those two developments, he quoted a sale price – I may be wrong and have misheard him, and I am sure he will correct me – of £180 million. (**Hon. Chief Minister:** *Eight* million.) £108 million. Does that sale proceed include Government 50-50 or is that excluding Government 50-50? Is it all lumped together?

785 **Hon. Chief Minister:** Mr Speaker, from the information that I have and from my knowledge of the estates, I think that would include the Government's 50-50 because of course, as the hon. Gentleman knows, that is value.

790

Questions for Written Answer

Clerk: We now move to answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the answers to Written Questions W194/2017 to W215/2017 be now laid on the table.

795

Clerk: Bills – First and Second Reading.

Hon. Chief Minister: Mr Speaker, I move that the House should now recess for 15 minutes before we continue with the business.

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Mr Speaker: The House will now recess for 15 minutes.

The house recessed at 3.44 p.m. and resumed its sitting at 4.03 p.m.

Order of the Day

BILLS

FIRST AND SECOND READING

Supplementary Appropriation (2015/2016) Bill 2016 – First Reading approved

Clerk: A Bill for an Act to appropriate further sums of money to the service of the year ended 31st day of March 2016. The Hon. the Chief Minister.

805 **Chief Minister (Hon. F R Picardo)** Mr Speaker, it was not even half an hour, let alone 50 minutes.

I have the honour to move that a Bill for an Act to appropriate further sums of money to the service of the year ended 31st day of March 2016 be read a first time.

810 **Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ended 31st day of March 2016 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2015/2016) Act 2016.

**Supplementary Appropriation (2015/2016) Bill 2016 –
Second Reading approved**

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be
now read a second time.

The purpose of this Bill is to appropriate further sums of money to meet Government
expenditure incurred during the year ended 31st March 2016.

820 Hon. Members will know that last year approval of supplementary appropriation was brought
to this House in March 2016 ahead of the main Appropriation Bill for the following year. As I
mentioned last year during the session of this House dealing with the Supplementary
Appropriation Bill 2015, in order to enable the Principal Auditor to complete his audit of the
annual audited accounts earlier and for these annual accounts to be laid in the House on a more
timely basis, the Government decided to revert to the earlier practice of presenting the
825 Supplementary Appropriation Bills separately and earlier on in the annual parliamentary
calendar. This was and remains our policy, and indeed I have confirmed that to the hon.
Gentleman in the context of his question earlier in today's session. Indeed, the fact that the
Supplementary Appropriation Bill for the year ended 31st March 2016 was actually published on
22nd December 2016, almost a year ago, shows our commitment to this.

830 Regrettably, due to the exigencies of Brexit, it has not been possible to find the ministerial
and parliamentary time to deal with this important matter. Nonetheless, Members of the
Opposition have been able to identify the supplementary adjustments required well ahead of
the debate of the actual Appropriation Bill for 2017-18. They have also had the benefit of being
in possession of the Actual figures for 2015-16 as disclosed within the Estimates Book for 2017-
835 18.

To a large extent, the detail of this matter was in fact debated at some length during the
course of the 2017-18 Appropriation debate in June this year. Mr Speaker will recall that the
Opposition then took the unprecedented stance of voting against the Appropriation Bill, or at
least some Members of the Opposition – the official Opposition, if I can call it that, Mr Speaker –
840 took that step, something which we had not experienced before. If they are to be consistent
with that approach, the GSD Members of Opposition will no doubt therefore vote against this
Supplementary Appropriation Bill too. It would really not make any sense to vote against a
Budget for 2017-18 on grounds of lack of transparency but then vote for an amount spent in
excess of an earlier year's Budget which has also been compiled and presented in the same
845 apparently objectionable manner that gave rise to the negative vote.

This Bill is therefore the annual Supplementary Appropriation Bill required to provide
appropriation cover retrospectively for the actual figures for the year ended 31st March 2016.

850 Hon. Members should note that in the case of the £11.38 million required to cover the
additional expenditure incurred under the Consolidated Fund, this represents the amount
required in addition to the supplementary provision of £9 million that is already included in the
approved Estimates Book under head 44, the supplementary provision head. As has always been
the case, a full breakdown of the £20 million – that is to say the £11.38 million and the £9 million
– of reallocations to be made from head 44 will be tabled in the House at the next session of
Parliament. This will provide hon. Members with a full and detailed breakdown of the heads and
855 subheads for which this supplementary provision has been applied, although a simple deduction
of estimate 2015-16 against the actual disclosed in the Estimates Book for 2017-18 for that year,
for 2015-16, will identify the adjustments required.

860 Mr Speaker, I commend the Bill to the House and I will just note that I will be moving an
amendment at the Committee Stage in relation to the date of reference of the Act.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general
principles and merits of this Bill? The Hon. Roy Clinton.

865 **Hon. R M Clinton:** Mr Speaker, whereas I recognise what the Chief Minister has said in terms of his intention for bringing this Bill earlier and that it is indeed going to be a Government policy to do so in future, nevertheless the fact remains that here we are a year later debating the Bill that was published in December last year.

870 It is a requirement of our Constitution under section 69.3 that the Minister with responsibility for finance come to this House to seek Parliament's approval for any departmental overspends in respect of the Consolidated Fund or project overspends in the Improvement and Development Fund as compared to the approved appropriation for that particular year. Section 69.3 of the Constitution reads as follows, and I quote:

(3) If in any financial year it is found –

(a) that the amount appropriated by the appropriation law for the purposes included in any head of expenditure is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the appropriation law; or

(b) that any moneys have been expended on any head of expenditure in excess of the amount appropriated for the purposes included in that head by the appropriation law or for a purpose for which no amount has been appropriated by the appropriation law, the Minister with responsibility for finance shall cause a supplementary estimate showing the sums required or spent to be prepared and laid before the Parliament and the heads of expenditure shall be included in a supplementary appropriation bill introduced in the Parliament to provide for the appropriation of those sums.

875 Today, in this Bill, Parliament is being asked to approve overspends in respect of the financial year 2015-16, being the Budget approved in July 2015. There are exceptions within the financial year to this requirement which I have just outlined, which I will explain as follows.

In respect of Consolidated Fund Expenditure, there are two exceptions, one in the Public Finance (Control and Audit) Act and the other under section 6 of the Appropriation Act 2015 in respect of the application of sums voted for supplementary provision.

880 Under section 45(1) of the Public Finance (Control and Audit) Act, the Minister responsible for finance may, in respect of Consolidated Fund expenditure heads, allow a reallocation between purposes within a head provided that there is no increase in establishment of staff. The Act provides under section 45(2) that:

Any warrant issued under the provisions of this section shall be laid before the Parliament at the earliest opportunity.

Section 6 of the Appropriation Act 2015 reads as follows:

Notwithstanding anything contained in the Public Finance (Control and Audit) Act, the Minister responsible for finance may direct by means of a warrant that the whole or any part of the sums appropriated under Head 44 Supplementary Provision shall be applied to any of the other Heads specified in Parts 1, 2 and 3 of the Schedule.

885 As the Chief Minister has already pointed out, the amount approved for head 44, Supplementary Provision, was £9 million under the Appropriation Act 2015. The description of the purpose of this head 44 in the Estimates Book for 2015-16 was as follows, and I quote:

A provision for the year ending 31st March 2016 for the funding of pay settlements and supplementary expenditure which can be reallocated to other departmental heads of expenditure, the controlling office being the Financial Secretary and the Minister being the Minister for Finance.

And now, Mr Speaker, as regards the Improvement and Development Fund:

Under section 33(2) of the Public Finance (Audit and Control) Act, but subject to any moneys provided by external agencies for specific projects, the Minister may similarly reallocate project moneys but without restriction as follows ...

Section 33(2) reads, I quote:

Subject to the provisions of subsection (1) the Minister responsible for finance, if it appears to him to be necessary to do so, may by means of a warrant under his hand re-allocate moneys between one development project and another of the same head of expenditure if he is satisfied that further provision is needed for the development project to which moneys are to be re-allocated and that there is, or is likely to be, a surplus in respect of the development project from which the moneys are to be allocated.

890 The total approved appropriation 2015 under head 102 projects within the Improvement and Development Fund was £78,891,000. As in the case of the Consolidated Fund, reallocation in section 33(3) in respect of the Improvement and Development Fund provides that 'Any warrant issued in accordance with subsection (2) shall be laid before the Parliament at the earliest opportunity.'

895 Thus I have now outlined the various legal requirements and exceptions so as to provide the framework within which this Supplementary Appropriation Bill for 2015-16 needs to be considered.

Let me say at the outset that I really do have great difficulty in supporting this Bill in the manner it has been presented to this House, and of course I also have taken issue with the timing of it coming to this House.

900 Let me deal with the latter point first. The Bill was published on 22nd December 2016, and despite being on the Agenda of this House for almost a year it is only now that we are able to debate it. Last year, the Supplementary Appropriation Bill for 2014-15 was published in December 2015 and debated in Parliament on 2nd March 2016. The Chief Minister, during that
905 debate on 2nd March 2016 – and he has acknowledged that – explained a change in the policy in the manner of presenting supplemental appropriations and the reason for it as follows, and I quote:

Hon. Members will take note that in past years requests for approval of supplementary appropriations have been brought to this House as part of the main Appropriation Bill for the year. For example, the supplementary funding requirements for the financial year 2013-14 were included as part of the main Appropriation Bill for the year 2014-15 and the supplementary funding requirements for the financial year 2012-13 were included as part of the main Appropriation Bill for the year 2013-14.

Because the main Appropriation Bills for the year are normally now debated in this House at around June or July of each year as part of the Budget session, this has meant that the annual audited accounts for the previous year have necessarily been delayed until the approval of these supplementary appropriations and the Principal Auditor has not been able to complete his audit of the annual public accounts until then.

In order to enable the Principal Auditor to complete his audit of the annual audited accounts earlier and for these annual accounts to be laid in the House on a more timely basis –something I am sure will be welcomed by some, Mr Speaker –the Government has decided to revert to the earlier practice of presenting the Supplementary Appropriation Bills separately. These will therefore no longer be included within the main Appropriation Bill for the year. The practice in future will be that the Supplementary Appropriation Bills will be published earlier and within the statutory nine months after the close of each financial year prescribed for the submission of the annual accounts to the Principal Auditor under section 52 of the Public Finance Control and Audit Act.

I welcomed the Chief Minister's statement at the time, and in fact his confirmation that it is still his intention today, but we have seen many Bills come to this House since December 2016
910 and, despite Brexit, I cannot see there has been a lack of time available for this House to debate it. It is particularly of concern to me since it causes a knock-on delay in the Principal Auditor being able to complete his audit of the annual public accounts. Delaying of the annual accounts in this House on a more timely basis is, as the Chief Minister will surely appreciate, a matter close to my colonial book-keeper's heart. More so, Mr Speaker, since the Minister for the
915 Savings Bank will not gazette the audited accounts of the Savings Bank that are already in his possession until of course the annual public accounts of the Government as a whole for that particular year are laid in this House.

And so, Mr Speaker, in the interests of transparency ... and again I am grateful to the Chief Minister for confirming that he will stick to this timetable that he announced last year and that
920 in future we will be debating the Supplementary Appropriation Bill on a more timely basis,

because of course it is entirely illogical to have passed the Budget already for 2017-18 and yet not passed the supplementary for 2015-16.

925 Last year, Parliament was asked to approve a supplemental appropriation for £16.2 million for Consolidated Fund expenditure in the financial year 2014-15 in respect of what was head 43, Supplementary Provision. During the debate in March last, I pointed out to the Chief Minister that Parliament had not yet been provided with an analysis of the £16.2 million appropriation, despite my letter to him on 17th February 2016. In his response on 29th February 2016 the Chief Minister stated:

As regards the Supplementary Appropriation Act, I will be providing to Parliament in the normal way a breakdown by departmental heads of the £16.2 million required to meet additional departmental Consolidated Fund expenditure.

930 This information was not provided prior to the March 2016 debate, and in fact it was the Hon. Dr John Cortes, as Acting Chief Minister, who tabled the following documents in Parliament in June – in fact on 29th June 2016 – being the Consolidated Fund Pay Settlement Statement 1/2014-15, the Consolidated Fund Supplementary Funding Statement Number 2/2014-15, the Consolidated Fund Reallocation Statement 3/2014-15 and the Improvement Development Reallocation Statement 1/2014-15. I find it hard to believe that this was the earliest opportunity to present these schedules to Parliament, as envisaged by the Public Finance (Audit and Control) Act, well after we debated the Supplementary Appropriation Bill.

935 Mr Speaker, I have now since studied in depth how the head called ‘Supplementary Provision’ is utilised and I have come to the conclusion – and I have not come to this conclusion easily – that it really is contrary to the intentions and not the spirit of our Constitution.

940 In this year’s Supplementary Appropriation Bill for 2015-16 the House is being asked to approve an additional amount of £11,380,000 to head 44, Supplementary Provision, bringing it to a total of £20,380,000, given the original £9 million approved estimate. It is clear to me that head 44 is being used as a miscellaneous suspense account by the Government to fund Government departmental overspends, using the reallocation method under section 6 of the Appropriation Act. That cannot have been the intention of section 69(3) of the Constitution, which requires specific heads of expenditure to be identified where additional funding is required for parliamentary approval. Furthermore, head 44 is clearly identified as a provision in the Estimates Book for 2015-16, and as the Financial Secretary will know, it is not possible to overspend the provision: it is either utilised or not.

950 Mr Speaker, what the Government is inviting Parliament to do is to top up its general provision for departmental expenditure without identifying its purpose in the Bill. This is hardly a transparent way of conducting public finances and in my view it is entirely contrary to what is envisaged by our Constitution. Taken to its absolute extreme, if we follow the same logic, the Government need only allocate £1 to each head of expenditure in its Estimate Book and put 955 £453 million into head 44, Supplementary Provision, to allocate it as it sees fit during the year. *(Interjection)* And before the Chief Minister states the supplemental head was used by a GSD Government for the first time, let me point out that specific heads of expenditure were always identified when requiring a supplementary appropriation, as was the case in the Supplementary Appropriation Act 2012 and earlier.

960 Mr Speaker, whereas in the past I objected to a lack of information presented with the Supplementary Appropriation Bill, I now also object to the way head 44 is being used as a general suspense account for Government departmental overspending. I thus invite the Chief Minister in his role as Finance Minister to discuss this matter with the Financial Secretary and come back to this House with a redrafted Bill with the information in respect of Department 965 overspends by head, as envisaged by the Constitution in this Bill.

In addition, Mr Speaker, I will be grateful if the appropriation of £5,107,000 for the Improvement and Development Fund, which is only identified under Part 3 as being for head 102, Projects, could be expanded upon as in previous years.

970 In the schedules provided to the Opposition under Standing Order 43(1), this additional expenditure is identified as being in respect of tunnels and roads to the North Front with the explanation as follows:

Expenditure higher than budgeted. Parts of the budgetary overrun will be met through the reallocation of savings identified elsewhere within head 102.

975 Mr Speaker, I would also be grateful if the Bill could be amended so that head 102 will show the project being additionally funded. Let us be under no illusion that these are merely internal reallocations. The request for funding in the Improvement and Development Fund is a real additional expense, having exhausted any surpluses as provided by section 33(2) of the Public Finance (Audit and Control) Act.

Last year the Chief Minister went to great pains to underline that, in his view:

The hon. Gentleman has said something that I think is important I should deal with, which is that this is an overspend. I do not want anybody to go away with the idea that this is additional money. This is money that is moving from one part of the book to another part of the book.

980 Any supplemental appropriation by definition must represent an overspend when compared to the original estimate, even if there are departmental reorganisations. The Government's saving grace is that there may be compensating underspends in other heads that neutralise the overspend, but that cannot always be assumed, which is why Parliament needs to have full and detailed information in any Supplementary Appropriation Bill.

985 So, Mr Speaker, unless the Government considers redrafting the Bill, I am of the view that the Bill is defective as presented and it is certainly contrary to the spirit of our Constitution, and as such I will not support it and cannot support it and I will not recommend the Bill to my colleagues on this side of the House. And we can do without the Chief Minister's histrionics about hospitals shutting down and people dying, because this is obviously in respect of expenditure almost two years ago.

990 Finally, I again urge the Chief Minister to keep to the timetable he announced last year for the supplementary appropriations so that the Principal Auditor's work is not delayed unnecessarily in tabling the Government's annual accounts.

Thank you, Mr Speaker.

995 **Mr Speaker:** Does any other hon. Member wish to speak on the Second Reading of this Bill? Otherwise, I will call upon the mover to reply.

The Hon. the Chief Minister.

1000 **Hon. Chief Minister:** Mr Speaker, it is good to see the Hon. Mr Clinton come back into his own and into his area of comfort.

1005 He started his address dealing with the issue of the delay in Parliament dealing with the Bill. I thought I had dealt with that, but it is becoming a characteristic of his time in this place that he delivers the speech that he arrives to deliver regardless of what may be said in this place, although I am grateful that he at least acknowledged, in an element of parenthesis in what he was saying, that I had already given the commitment that he was suggesting that he was seeking to extract. He also said that he recognised that we have the intention to move in the way that he suggested. This is a Government that is seeking to act in a way that is most transparent, which is now what Members opposite would also like us to do, despite the fact that they represent a regime which might not exactly have been doing the same.

1010 Taking us through the Constitutional requirement of section 69(3) on authorisation of expenditure, the Public Finance (Control and Audit) Act, both the sections on relocations 45 and 33 for the I&D and the recurrent account, was no doubt riveting to accountants listening, but I do not think it took us much further. The Bill is based on an interpretation of those sections and

of, in particular, the constitutional requirements, which is accepted in the context of the practice of this Parliament stretching back many years – indeed, even before I was here, let alone his recent arrival. So the Government is advised and considers it is acting in full compliance with the constitutional provisions and the provisions of the Public Finance (Control and Audit) Act.

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He said that he would find it very difficult, as he started his peroration through the Bill, to support the Bill, but indeed I would have thought he should have started somewhere else. I would have thought he should have started by telling us that he would find it very difficult not to vote against the Bill if he had wanted to, because of course part of what we are dealing with is in the book that they voted against in July, so I would have thought that it was now very difficult indeed for the hon. Gentleman to come to this House and perform the utter volte-face he would have had to perform to advise his colleagues to vote in favour of this supplementary provision. As he develops in politics he may be becoming more adept at the volte-face, but it is not something that fits in the logic of the way that he introduced his party's position on the Estimates in July; and indeed I am grateful to see that he has stuck consistently and doggedly to that approach, although it was in effect political hara-kiri for the former, former Leader of the Opposition to have taken his advice, but at least I applaud him as the former Leader of the Opposition in taking that position and advising the Leader of the Opposition that he should follow in the footsteps of those he had taken to the edge of political suicide.

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So, Mr Speaker, in respect of the delay of the audited accounts, that is understood by this side of the House; it is why we moved to move more quickly in the context of these Bills. The Bill was published in keeping with the commitment that we gave; we have just not been able to deal with it in the time that we expected.

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He says many Bills have come to this House and we have been able to deal with much. We have, Mr Speaker, but he might care to look at the fact that apart from the Appropriation Bill, which requires a lot of specific preparation and we did toy with the possibility of dealing with the issue then, a lot of the Bills that have been dealt with in this House this year have not been Bills on which I have led as Minister for Public Finance – because of the unfortunate distraction upon which we are all embarked, which is called leaving the European Union.

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But he said something, Mr Speaker, which I think I must deal with head on. He said that, as a result of all of this inability to move in respect of the audited accounts, we have not yet seen the accounts of the Savings Bank, which are traditionally – not because of Mr Bossano wishing it to be that case, but traditionally – published once the audited accounts are published. Well, I agree with him. It is a pity we have not yet seen those audited accounts, because I think when we see them we will once again see why it is that this community looks to Joe Bossano as a magnificent manager of the funds that are the responsibility of those of us on this side of the House who manage savings money in the Savings Bank, or indeed taxpayers' money more generally. I do not think that the Government is dreading the day that the audited accounts of the Savings Bank are published; indeed we are very much looking forward to that day, but perhaps Members opposite might wish to rue that day a little, given some of the things that they have said in the past about the Savings Bank.

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Mr Speaker, there is no breakdown in the normal way of laying on the table the follow-up requirements. Indeed, they can only be laid once the approval of this House has been given. There is nothing, therefore, that is contrary to the Constitution in what is being done. This action is in keeping with the advice the Government has as to how it must act and indeed with the practice in the past and entirely in keeping with the provisions of the Public Finance (Control and Audit) Act – if I may say so, Mr Speaker, in keeping with the practice not just under this Government but, as the hon. Gentleman ventured to suggest I might be saying, also in keeping with the practice of former Governments, even those led by the former, former, former, former Leader of the Opposition and the current Leader of the GSD when he was Deputy Chief Minister.

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So, Mr Speaker, I commend him on his return to the role of colonial book-keeper. So often the colonial book-keepers got it wrong in respect of Gibraltar, and I think part of the most important history of Gibraltar starts when the Chief Minister of Gibraltar starts to deliver the

1065 speech on the Budget for Gibraltar, which happened in 1988 under the first Bossano Budget. I
cannot resist but tell him that it was good to see him deploy in this place the riveting charisma
and ability to persuade which led him to the results he had in his leadership election last week
and to tell him that he need not fret about hospitals closing down or civil servants not being
1070 the Budget which would have had that affect, sensible heads prevailed on that side and sensible
heads prevailed on this side and our hospitals stayed open, our law enforcement agents
remained paid and Gibraltar did not fall into the bear trap that he sought to lay for our
community.

Mr Speaker, with that, I commend the Bill to the House. (*Banging on desks*)

1075

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further
sums of money to the service of the year ended 31st day of March 2016 be read a second time.

Hon. Chief Minister: Mr Speaker, I will call a division in respect of this Bill.

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Mr Speaker: A division is required.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	Hon. R M Clinton	None	Hon. Dr J E Cortes
Hon. J J Bossano	Hon. T N Hammond		Hon. D A Feetham
Hon. N F Costa	Hon. E J Phillips		Hon. Miss S J Sacramento
Hon. Dr J J Garcia	Hon. E J Reyes		
Hon. Ms M D Hassan Nahon			
Hon. A J Isola			
Hon. G H Licudi			
Hon. S E Linares			
Hon. L F Llamas			
Hon. F R Picardo			

1085 **Mr Speaker:** There are 3 Members absent, 8 votes in favour of the Second Reading of the Bill,
four against. The Bill is carried. The Second Reading of the Bill is carried by a majority.
(*Interjections*) (**A Member:** You said eight.) I said eight? I should have added the other two, sorry
my mistake. I have got them here – I am getting old! – 10 in favour, 4 against and 3 Members
absent.

Clerk: The Supplementary Appropriation (2015/2016) Act 2016.

**Supplementary Appropriation (2015/2016) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage
and Third Reading of the Bill be taken today, if all hon. Members agree – and, Mr Speaker, I do
hope I get old like you and Mr Bossano, because I would give money now to get there like you
have!

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the
Bill be taken today? (**Members:** Aye.)

**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
First Reading approved**

1090 **Clerk:** A Bill for an act to amend the Public Finance (Statutory Benefits Fund) Act 2008.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008 be read a first time.

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Mr Speaker: I put the question that a Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1100 **Clerk:** The Public Finance (Statutory Benefits Fund) (Amendment) Act 2017.

**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Act be now read a second time.

The purpose of this Act is to correct an error within the original Public Finance (Statutory Benefits Fund) Act 2008. The amendment is in fact a technical correction of a drafting error which was noticed by officials recently and which inadvertently altered the position which existed in 2008, and in fact as drafted does not make sense.

The Public Finance (Statutory Benefits Fund) Act 2008 was introduced to replace existing funds as defined by the Statutory Benefits Fund. There exists a lot of legislation that refers to existing funds individually. Where other legislation designates moneys as receivable by existing funds, the purpose of the Public Finance (Statutory Benefits Fund) Act 2008 was to re-designate these such that they should be credited to the Statutory Benefits Fund.

Under the present wording of the Public Finance (Statutory Benefits Fund) Act 2008, section 4(1) reads:

There shall be credited to the Statutory Benefits Fund and not to the Existing Funds–

and then there is a list that follows, Mr Speaker. That list currently includes as a last point:

any moneys specified in any other law as being payable into the Statutory Benefits Funds.

1115 This section can only be intended to act as a catch-all to ensure that anything receivable by the existing funds is actually redirected by virtue of the Public Finance (Statutory Benefits Fund) Act 2008 to the then newly established Statutory Benefits Fund. By using the words ‘Statutory Benefits Fund’, all this section achieves is a circular approach, thereby defeating its original objective.

1120 There can be no need for a separate provision with the Public Finance (Statutory Benefits Fund) Act 2008 to credit moneys to the Statutory Benefits Fund where other laws refer to the Statutory Benefits Fund as the fund to be credited. The section only makes sense where other laws refer to the existing funds receiving money which should as from 2008 be receivable, by virtue of this Act, by the Statutory Benefits Fund.

1125 Mr Speaker, the amendment Act corrects a historical error and I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

1130 I now put the question, which is that a Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Finance (Statutory Benefits Fund) (Amendment) Act 2017.

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**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
First Reading approved**

Clerk: The Financial Services (Investment and Fiduciary Services) (Amendment) Act 2017.
The Hon. the Minister for Commerce.

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Minister for Commerce (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Financial Services (Investment and Fiduciary Services) Act be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Financial Services (Investment and Fiduciary Services) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Investment and Fiduciary Services) (Amendment) Act 2017.

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Second Reading approved**

1155

Minister for Commerce (Hon. A J Isola): Mr Speaker, I now have the honour to move that the Bill be read a second time.

1160 As its title indicates, this Bill would amend the Financial Services (Investment and Fiduciary Services) Act. The amendments are required to support the Government's proposals for the regulation of distributed ledger technology (DLT), the technology which underpins decentralised virtual currencies but which also has a wide range of other applications in the financial services sector, such as clearing, settlement and other post-trade activities or claims or portfolio management.

Members will be aware of the work Government has been carrying out these past three years through three different consultation processes with the sector and the community more widely,

1165 both in Gibraltar and outside Gibraltar, to focus and explore the opportunities in DLT. Those consultations have led Government to believe that we should be one of the first jurisdictions in the world to introduce a regulatory framework for DLT businesses and providing the regulatory certainty that so many of them have asked for and we will now be delivering with effect from 1st January.

1170 Regulations have already been published and we know of a list of businesses waiting to file their applications with the Financial Services Commission on 1st January.

I would like to just briefly thank the working group – David Parody, Paul Astengo and Joey Garcia – for their work these past three years at no cost to Government, and of course the Financial Services Commission for their work, and Sian Jones, as well the rest of the private sector who have contributed and worked hard. We will be publishing, I expect next week, guidance notes on the nine core principles of the regulations that have already been published with the full support of the entire private sector, and I am grateful to all of them for making this happen.

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1180 The Financial Services (Investment and Fiduciary Services) Act provides for the regulation of both investment services and a range of controlled activities. The Government proposes that DLT services will be regulated by being made a controlled activity under that Act. For that purpose, this Bill makes some relatively minor but nonetheless important amendments to the Act.

1185 Many of the Act's regulatory powers provide that they may be exercised where doing so is for the protection of investors. As the provision of DLT services is in essence the transmission or storage of value belonging to others, service users will be customers of a DLT provider but will not necessarily be investors within the meaning of the Act. Accordingly, clause 2 inserts appropriate references to customers into the relevant provisions, a term which is already used in the Act – for example, under section 12(2)(f), which refers to making for the protection of investors or customers. The term 'customer' is not defined in the Act and so is used in its ordinary sense to mean a user of goods or services purchased from a business. It is deliberately wider than 'consumer', which would exclude business consumer.

I commend the Bill to the House.

1195 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Roy Clinton, the Leader of the Opposition.

Hon. Roy Clinton: Former. Thank you, Mr Speaker.

1200 As the Minister will be aware, I have been following quite closely the development of DLT and block chain and the underlying technology. I, of course, welcome anything that will enhance the product offering that Gibraltar has in financial services and other services, and this is certainly an area in which we are really at the very beginning of this type of business. Indeed, the SEC and certainly the FCA in the UK are still getting to grips with concepts such as initial coin offering and how on earth that should or should not be regulated and even what it is that it represents, whether an ICO is a security or not a security.

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1210 I appreciate and no doubt the Minister will emphasise that this particular Bill is not necessarily covering that type of financial ... or, not financial, the ICO concept, but I would be grateful if the Minister could clarify for the benefit of Members, certainly on this side of the House, when he talks about it being a Bill to protect investors, or rather extend the protection of investors to customers of licensees, what protection that would be.

1215 Is the Minister saying by extension that any customers of DLT-type licensees will be able to access the Investor Compensation Fund or some other type of fund? How will customers be effectively protected? Is it purely by way of regulation, or is it that these customers will be able to make a claim for compensation in respect of any losses? If so, on whom would that claim fall and how is it that the Minister would envisage that the potential new licensees would contribute

1220 to such a fund, if at all that is the intention, or is there some other intention by way a fund would be established for any potential claims – or is it to be completely unfunded and a call made on licensees individually or collectively? I would welcome any comment from the Minister in that respect. And, of course, if there is to be no compensation available to investors or customers, to what extent are we actually protecting them? Is there a risk to the jurisdiction, if anything does go wrong, that there would be a complaint that ‘we thought we were protected and we are not’?

1225 **Hon. A J Isola:** If the hon. Member will give way it might help him.

Hon. R M Clinton: Yes, certainly.

1230 **Hon. A J Isola:** When we talk about protection of investors we talk about what the financial services legislation does, and the regulatory powers that the FSC have, both in terms of licensing, regulation and supervision, are all focused on the protection of the investors. What we are doing in this Bill is simply saying that that regulatory oversight will now extend not just to investors but customers.

1235 So we are not talking about a compensation scheme. We are not going to compensate – nobody is. There is no fund, they do not have any access to the current compensatory schemes. We are simply extending the regulatory powers to cover not just investors but also customers. And why are we doing that? Because somebody who sets up a DLT business in order for it to be a controlled activity, they are not investors; these are shareholders, so they are customers. Somebody that a DLT firm holds or transfers an item of store or value, which is for example
1240 where a cryptocurrency could be – not only, but it could be a whole host of things – as customers of the firm that is licensed, the regulatory powers will extend to looking after them to make sure that the company they are customers of is regulated fully like any other financial services firm would be.

1245 So you must not confuse customers in the sense that what we are doing is offering compensation. What we are doing is expanding the power of the FSC to cover not just investors in a financial services firm but customers of a financial services firm. That is what we are doing by bringing it under the ambit of a controlled activity. If it is not a controlled activity it cannot be regulated. So the very small change we are doing here is by making DLT businesses which hold or transfer something of value as a controlled activity, it now becomes regulated – if that helps.

1250 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister’s intervention, and certainly it does illuminate what it is that the Government is thinking in this respect.

1255 Having heard what he just said, of course I am conscious that there are all sorts of different types of licensees within financial services – for example, trust company managers may have a certain class of licence but are obviously not entitled to claim compensation from certain funds – but given that we are dealing with what are some very new concepts and that people may have not fully understood all these concepts, certainly not customers, or customers will understand what it is they are signing up to as this is new stuff and I think even the law is still being written on this, just perhaps a word of caution in future to make sure that there is a health warning that,
1260 although you may be licensed by the FSC, it does not necessarily mean that you are going to get any compensation, there is no safety net. *(Interjection)* Again, only a suggestion to the Minister. I am not saying he should do it; I am just saying given that ...

1265 Certainly from the contributors to the cryptocurrency conference in the summer – which was very interesting, having come from a highly regulated banking background myself – they have a rather, dare I say it, ‘wild west’ view of what it is that they think they can do with things like initial coin offerings: ‘Isn’t it great your grandmother can invest her life savings in this and they do not have to have a minimum \$100,000 wealth to do so.’

1270 I am just a bit conscious that this is something new, this is something that we are all learning about and there may be some customers out there who may not fully understand what it is that they are covered for or not covered for, and this is something that ... I think it would be wise to make sure that whoever does have a licence does not put out on their main banner on whatever website saying 'Licenced by the Gibraltar Financial Services Commission' and there is an assumption that somehow we are on the hook for it. Again, only a suggestion. I am not saying that this is something that he has to do, but this is something new, this is something that we ...

1275 Again, I welcome the initiative of the Government to look into this, but as I said at the beginning, caution would be wise and I am sure that the Minister has taken advice on this and will continue to take advice on it, because this is obviously something that will change literally by the day in terms of how regulatory authorities around the world view this.

1280 Other than that, and given the Minister's intervention already, I have no further comments on the Bill.

Thank you, Mr Speaker.

Mr Speaker: Does any other hon. Member wish to speak on the Second Reading of the Bill? Yes, the Hon. the Leader of the Opposition.

1285 **Hon. E J Phillips:** Mr Speaker, we on this side of the House welcome any action taken by the Minister for Financial Services in relation to the extension of the regulatory framework to DLT and, as the Minister said, in relation to underpinning decentralised currencies in relation to extending it for supervision, regulation and indeed enforcement.

1290 We would also welcome the focus and the exploration of opportunities that is being conducted by the Government in this field. I have been fortunate enough to speak to many law firms in London recently, particularly very large London law firms with American outfits, and their view is that Gibraltar really is trailblazing in DLT and this is a very welcome piece of legislation that extends the framework to DLT.

1295 And of course this House should also recognise, as the Minister has done, the work that has been done by David Parody, Paul Astengo, the FSC generally and also Joey Garcia as well.

1300 Therefore, we agree with the comments that the Minister has made in relation to DLT and the regulated controlled activities. From my perspective, in terms of wearing my other hat outside this House, I have had a lot of exposure to DLT insofar as the risk strategy, KYC and the many questions that people have in relation to this aspect of DLT, and many of those questions have been answered by the consultation that the Government has conducted.

1305 I take it from the Minister and what he is saying about DLT generally that as with gaming, although I do not link the two, that the Government is looking to attract blue-chip business to our community because that is what works here and our experience has shown that encouraging blue chip will only increase the reputation of our jurisdiction to attract good business into Gibraltar – and also we welcome it from this side of the House.

Mr Speaker: The Hon. the Chief Minister.

1310 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise simply to, I think, highlight importantly the work that has gone into this, the amount of travel that has been involved to get out the message that Gibraltar is, as the Hon. the Leader of the Opposition has put it, trailblazing in DLT. That reflects the amount of industry that this has required on the part of the hon. Member for Financial Services, Gaming and Commerce and his team.

1315 The hon. Members have mentioned Parody, Astengo, Garcia, Sian Jones, and in particular it is right to mention also Isola. I think the work that the hon. Member has done is recognised as having got the Gibraltar message out there, and that message is producing an understanding of the exciting opportunities that Gibraltar now offers – especially once the Act is on our statute book – that has not been lost on the international business community.

1320 I think that our prudence, our understanding of cutting-edge technology and industry produce the opportunities that Gibraltar is now poised to take advantage of and I commend the hon. Member for the work that he has done and the importance it will have for Gibraltar, not just now but I think in the future.

1325 Mr Speaker, I say nothing more than that I think I heard two slightly different speeches from the other side, but I am pleased that they both concluded in commending the hon. Member for the work done and suggesting that they are going to be supporting the Bill. One was from the current Leader of the Opposition and one from the former Leader of the Opposition, but I did detect a slightly different approach in each of them.

1330 **Mr Speaker:** Does the mover wish to reply?

Hon. A J Isola: Yes, Mr Speaker.

1335 I am grateful to the Chief Minister for his kind words, and indeed the Leader of the Opposition for his clear and categorical support for the work that has gone in and what we are doing. If I can just deal with the points that he has made first, the philosophy behind this is to attract long-term sustainable business to our community. That, by definition, requires us to ensure that we set the bar at a high post where we will attract those quality operators, because what we have learned from the gaming experience is that if you attract quality operators they themselves attract new business. That is what has worked so well for us in gaming and we hope
1340 will work for us similarly in this space.

Like in the previous example, we are insisting that DLT firms have their mind and management in Gibraltar. There is no question of a firm having a shelf company with a licence operating from somewhere else. They will have to have their mind and management here in Gibraltar and the care that the FSC will take in reviewing these applications is a part of that blue-
1345 chip process in ensuring that we attract the kind of firms that we want to be here and partnering up with us. That is a very important part of the work that will now start as we sift through the applications that are pending and will come in in the coming months and years.

1350 It is an exciting time. We are trailblazing and we are doing so in the same way that we have done before, which is with enormous caution and with great care. However, when you start talking about ICOs, as the former Leader of the Opposition just did, we are talking about a totally different space and I would urge him not to confuse the two. What we are doing today is dealing with a block chain technology. Only last week the House of Lords issued a report in which they revealed that the UK government should consider adopting block chain for its own systems internally. There is a group of 40 banks with IBM, called R3, that are considering the further
1355 expansion and use of block chain, and every day in *The Telegraph*, in *The Times* and in the *FT* and all the business journals and newspapers they are reflecting an increased interest and investment in the technology – and that is what we are doing today. We are not talking about tokens; we are simply talking about DLT block chain technology and how that can be operated, and by definition it includes the holding of value in whatever form that may take.

1360 Now, tokens, I have to say that the extent of the number of token sales being done through Gibraltar is something that is causing us some concern. We are moving as quickly as we possibly can to regulate token sales too in order to ensure that those people who are dealing initially in token sales have a minimum level of corporate governance, have a minimum level of transparency of information with all the health warnings the hon. Member has referred to, in
1365 order that customers and consumers are absolutely clearly aware of the risks they are undertaking in investing in tokens.

I hope that we will be able to issue very early in 2018 the new proposed regulations for coin offerings, which will, I think, to some extent replicate what you have when you have an IPO either on the FTSE or on AIM, a Nomad or a sponsor, so somebody is going to take responsibility
1370 for the filing of that documentation which will have to confirm that it complies with the regulations that we will publish as to how we expect token sales to be made.

1375 That is the risk area. We are fully aware of that and we are working very hard to try and get there as quickly as we can, but it is complicated and it requires some significant drafting to be able to deal with that. But in respect of this, we are dealing with a very different kind of business and the two must not be confused with each other.

1380 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Financial Services (Investment and Fiduciary Services) Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Investment and Fiduciary Services) (Amendment) Act 2017.

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

1385 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

1390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause: the Supplementary Appropriation 2015/2016 Bill 2006, the Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 and the Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017.

1395

In Committee of the whole Parliament

**Supplementary Appropriation (2015/2016) Bill 2016 –
Clauses considered and approved**

1400 **Clerk:** A Bill for an Act to appropriate further sums of money to the service of the year ended 31st March 2016.

1400

Chief Minister (Hon. F R Picardo): Mr Speaker, as I indicated in the context.

1405 **Mr Speaker:** Clause 1: the date 2016 appearing after the word Act should be amended to read 2017. Do all Members agree with that amendment? Carried.

1405

Clerk: Clauses 2 to 6.

Mr Speaker: Stand part of the Bill.

1410

Clerk: The schedule.

Mr Speaker: Stands part of the Bill.

Clerk: The long title.

1415 **Mr Speaker:** Stands part of the Bill.

**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
Clauses considered and approved**

1420 **Clerk:** A Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008.
Clauses 1 to 3.

Mr Speaker: Stand part of the Bill.

Clerk: The long title.

1425 **Mr Speaker:** Stands part of the Bill.

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Financial Services (Investment and Fiduciary Services)
(Amendment) Act 2017.
Clauses 1 and 2.

1430 **Mr Speaker:** Stand part of the Bill.

Clerk: The long title.

1435 **Mr Speaker:** Stands part of the Bill.

**Supplementary Appropriation (2015/2016) Bill 2016;
Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017;
Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Third Readings approved: Bills passed**

Mr Speaker: The Hon. Chief Minister.

1440 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the
Supplementary Appropriation (2015/2016) Act 2016, the Public Finance (Statutory Benefits
Fund) (Amendment) Bill 2017 and the Financial Services (Investment and Fiduciary Services)
(Amendment) Bill 2017 have been considered in Committee and agreed to with an amendment
and I now move that they be read a third time and passed.

Mr Speaker: I will now put these Bills to Members separately.

1445 I now put the question, which is that the Supplementary Appropriation (2015/2016) Bill 2017 be read a third time and carried. Those in favour? (**Several Members:** Aye.) Those against? (**A Member:** Nay.) The official Opposition, I take it, are voting against. The two independent Members are voting in favour. That has been read a third time and passed.

1450 Next, I put the question, which is that the Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

1455 Thirdly, I put the question, which is that the Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

Hon. Chief Minister: Mr Speaker, it has been the longest year in many respects. Not only have we happily together celebrated the 50th anniversary of the Referendum, we have celebrated the 200th anniversary of this building.

1460 We come now towards the end of the year and I am about to move that the House should adjourn *sine die*. Before I do that, I want to wish hon. Members a happy Hanukkah and Festival of Light – I think it comes first – a happy Christmas to all on all sides of the House and a very happy, healthy and prosperous New Year to all Members of the House and all those watching in this community, and indeed to the whole of this community.

1465 Two thousand and eighteen will be as testing a year, no doubt, as 2017 has been, but with industry and with hard work Gibraltar will see us through. Mr Speaker, I hope to return here in January to see all hon. Members prospering in every way – except politically, as far as I am concerned, for those opposite – and having done my bit to increase the population of this place so that Gibraltarians keep on growing. (**A Member:** Hear, hear.)

I move that the House should now adjourn *sine die*.

1470 **Mr Speaker:** The Hon. the Leader of the Opposition.

1475 **Hon. E J Phillips:** Mr Speaker, I echo the comments, save for the last one in relation to whether we will flourish in Opposition; but I echo the comments insofar as wishing our community and Members opposite a very happy Christmas, a happy New Year and a happy Hanukkah to my hon. Friend to the left.

Mr Speaker: May I add my best wishes to all hon. Members and all other persons present here, including the staff of Parliament, for a very Happy Christmas and a peaceful 2018.

1480 The House will now adjourn *sine die*.

The House adjourned at 5.10 p.m.