



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.33 a.m. – 12.48 p.m.

Gibraltar, Monday, 13th February 2017

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The Gibraltar Parliament

The Parliament met at 9.35 a.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, Monday, 13th February 2017.

Order of Proceedings: (i) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 18th and 23rd January 2017.

5

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

Mr Speaker signed the Minutes.

PAPERS LAID

Clerk: (ii) Communications from the Chair; (iii) Petitions; (iv) Announcements; (v) Papers to be laid.

10

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table the Statement of Supplementary Estimates No. 1 of 2015/2016.

15

Mr Speaker: Ordered to lie.

Questions for Oral Answer

CULTURE, THE MEDIA, YOUTH AND SPORT

Q95/2017

Upper Promenade steps – Plans to install gates

Clerk: (vi) Reports of Committees; (vii) Answers to Oral Questions.
We commence with Question 95, the Hon. L F Llamas.

20

Hon. L F Llamas: Mr Speaker, does the Government intend to install gates at the top of the steps of the recently refurbished Wellington Front Upper Promenade, leading towards the Lower Promenade and also at the top of the steps of the Upper Promenade leading on to Line Wall Road?

25

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, no, sir.

30

Hon. L F Llamas: Mr Speaker, could I ask the Hon. Minister to perhaps review the steps, particularly the ones leading to the Lower Promenade because they are quite steep? I think that given it is a play area where people will be playing with children and so on, it could lead to an accident in the future. Perhaps they could consider placing a gate at least on the steep steps at the top.

35

Hon. S E Linares: Well, Mr Speaker, no one from the Health and Safety Department or anybody has advised me that they are steep. They might be steep but these have been there for nearly 300 years and no considerable accident has happened since.

40

So I do not see why there should be a gate there. The hon. Member must remember that this is supposed to be an open space where people walk through and use the amenity. By putting a gate, it seems as if you have to close the whole area which has recently been refurbished. So I do not agree with the hon. Member in his suggestion.

Q96/2017

Gibraltar Sports and Leisure Authority – Assistant Resources Manager vacancy

Clerk: Question 96, the Hon. E J Reyes.

45

Hon. E J Reyes: Mr Speaker, sir. Following on from answers provided to Question 1/2017, can the Minister for Sport update this House in respect of the Assistant Resources Manager (Grade 4) vacancy within the Gibraltar Sports and Leisure Authority?

50

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the position remains vacant, but management of the GSLA have initiated the internal recruitment process.

55

Hon. E J Reyes: Does that include that interviews have taken place or a date has been set for the interviews to take place?

60

Hon. S E Linares: Mr Speaker, the vacancies were announced internally and as I understand it, there have been two applicants. Therefore the process of interviewing will commence.

Q97/2017

**Victoria Stadium and Bayside Sports Complex –
Maintenance of floodlights**

Clerk: Question 97, the Hon. E J Reyes.

65

Hon. E J Reyes: Further to the answer provided to Question 4/2017, can the Minister for Sport say when the last quarterly maintenance checks were carried out in respect of the floodlights at all the facilities situated at the Victoria Stadium and Bayside Sports Complex, together with any details if there was a need for call out services for emergencies and/or ad hoc repairs/replacements?

70

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the last quarterly maintenance checks at the Victoria Stadium and the Bayside Sports Complex were conducted in November 2016.

75

In addition, a number of floodlight fittings were replaced on Pitch No. 2 and Pitches 3 and 4 in early December 2016.

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

80

Given that these are quarterly and I am taking it that they are calendar quarterly, does the Minister have any information when the next quarterly check is due? Technically I know three months has elapsed, but if it is within a quarter or whatever, he could enlighten us with that.

85

Hon. S E Linares: Well yes, Mr Speaker, as I understand it these fittings were put in place on Pitches 3 and 4 and they were replaced. Three have failed in total in both facilities and the GSLA are currently dealing with the local contractors to determine the exact reason for this and to have these replaced as soon as possible.

90

Therefore, my deduction is that they are on constantly. Even though they are checked quarterly, whenever things happen, as I told the hon. Member last time, people are on call, so when anything fails they react straight away and he is right that the next general quarterly would happen within the next three months.

I am sure they are doing it even as we speak, because if things do fail, then they check it again. So the quarterly checks are done just in case they are not failing, so they are checked that they do not fail in the future but they are currently being looked at, especially, like I said, Pitches 3 and 4.

95

Q98/2017

**Gibraltar Football Association –
International matches at Victoria Stadium**

Clerk: Question 98, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport provide updated information in respect of the Gibraltar Football Association's National Team or Club's possibilities to play their forthcoming Official International Home Games at the Victoria Stadium?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, this question should be directed to the Gibraltar Football Association. The HM Government is not responsible for hosting of international football matches. We continue to work on long-term plans with the GFA and provide support where we are requested to do so.

Hon. E J Reyes: Mr Speaker, can I ask the Minister as Chairman of the Gibraltar Sports and Leisure Authority, does he have any information to provide? One hears that there could be or could not be a possibility of the games being played due to the fitness of certification of the pitch.

In that respect or the details in respect of the worthiness of certification of the pitch lies with the Sports Authority so could he please provide some information in that respect?

Hon. S E Linares: Mr Speaker, as far as the Authority is concerned, the pitches are fit to play. They have been played on currently and they are fit to play. It is then up to the GFA with UEFA to ascertain whether they are happy with the pitch being played on. So therefore I direct the hon. Member to ask the GFA whether they feel, via UEFA or FIFA, whether the pitch is suitable to play.

Hon. E J Reyes: Well, Mr Speaker, the Minister may have answered me but I have not quite understood. I know the pitches are fit for play because in fact they were playing on them only yesterday. But do they still have a certification that meets the basic requirements set down by UEFA or FIFA? The Sports Authority are the ones who hold the actual certificate, so from when the certificate was last granted there is an expiry date, has that date come and gone has it been renewed, can he please provide some information in that respect?

Hon. S E Linares: Mr Speaker, I repeat: according to the Authority, the pitches are certified to be played on – if not, they would not be played on. So therefore as far as the Authority is concerned, matches can be played.

Now, it is now up to FIFA and UEFA to come and certify and they are the ones who decide if it is up to their standard so therefore it is up to the GFA to have discussions with UEFA and FIFA to see if this pitch is adequate for them or not. As far as the authority is concerned, it is adequate for us.

Hon. E J Reyes: So, Mr Speaker, as far as the Authority is concerned, we currently hold certification that allows the pitch to be used for UEFA and for FIFA games and if that is the case when do they expire, when is it next due to be inspected and re-certified?

Hon. S E Linares: Mr Speaker, the certification as far as I understand it, goes either to June or July. Therefore up to June/July, these pitches – but I insist that the authority, even in June or July we can get laboratory certifications of the pitch to be good and adequate for use of the pitch.

145 Therefore it is up to FIFA and UEFA who have their own regulations, to come probably during
or after that date to see if it is adequate for them. So therefore I would direct that question to
the GFA and not to the Government or the Authority.

Hon. E J Reyes: Yes, Mr Speaker, I am glad to hear that. So far we seem to be continuing on a
150 process that has been there for a long time. The current certification is valid until June or July. If I
recall correctly, what we used to do is we used to bring the maintenance teams who we have
contracts with, in order to ensure that everything was up to date when it was due for re-
certification.

If the certification is due to expire in June or July, does the Minister have any idea when the
155 Gibraltar Sports and Leisure Authority are next going to have their own external maintenance
team coming over to ensure that when UEFA and FIFA do send their own people, as far as
Gibraltar Sports and Leisure Authority are concerned, everything possible has been done in
order to regain certification?

Hon. S E Linares: Well, Mr Speaker, knowing the Authority as I do, and the hon. Member as
160 well, I am sure that the Authority would be a couple of months before, asking the laboratory to
certify to see if there might be any possible extensions to that certification, but it is too early to
say. We are just four or five months before the certification so I am sure the Authority will get
proper certification of the pitch well before June.

165 **Hon. D A Feetham:** Mr Speaker, the original question relates to the possibility of the Victoria
Stadium being played to host official international matches.

The questions that have been asked in supplementary have been about certification. But is it
170 really an issue about certification of the pitch as to whether the pitch is of a quality that can host
international matches; or is it more complex than that and does it involve in fact the standard,
the facilities that the actual Victoria Stadium offers so that then that will comply with UEFA or
FIFA standards which would allow home matches to be played at Victoria Stadium?

Chief Minister (Hon. F R Picardo): Mr Speaker, I would have thought that from the answers
175 given by the hon. Gentleman it would be clear that the issue relates to the pitch, to the playing
surface. And, Mr Speaker, what we have to reflect on is that in the time that we have been here
on this side of the House, we have seen the GFA achieve two hugely important milestones in its
history, in the history of Gibraltar and the history of football: first, admission to the European
Federation, UEFA; and second, admission to the International Federation, FIFA.

180 In the context of that, there are certain requirements which are of UEFA and certain
requirements which are FIFA and for some reason they are not identical. It is really quite
surprising that that should be the case, but they are not. The things that the GFA are saying to
the Government relate to the requirements of those international organisations on them, on the
GFA and how the Government can assist them in discharging those obligations in order to be
185 able to play international matches of the national squad here and play international matches
and European matches of the clubs here.

Those relate in relation to Victoria essentially to the pitch. The hon. Gentleman knows that
190 UEFA have not wanted to entertain the opportunity for international matches, European
matches, to be played at the stadium for reasons that they have put to the GFA and the GFA has
set out repeatedly.

So from the point of view of the works that were required for the Victoria to be the sort of
195 facility that the Government felt it could provide to the community generally, not just for
football because Victoria is for all sports and all the community, that work has been done. And
the issues which relate as I understand it and I know my hon. Friend understands it to FIFA
matches, the issues relate to the playing surface, Mr Speaker.

Mr Speaker: Next question.

200 **Hon. D A Feetham:** Mr Speaker, may I? But is that also the case with UEFA because my understanding was that the reason why international matches could not be played at Victoria Stadium, official international matches for UEFA, is because the stadium was not a Category 3 UEFA stadium – is was just below a Category 3 UEFA stadium.

205 So are the issues relating to UEFA and FIFA the same, or is FIFA pitch-related and is UEFA stadium-related?

Hon. Chief Minister: Mr Speaker, in relation to FIFA, the issues as I understand them are pitch-related; and in relation to UEFA as I understand it, they are facilities-related and pitch-related.

210 **Hon. E J Reyes:** Mr Speaker, if I may, can I come back to the Hon. Minister?

He said that the current certification of the pitch is valid until June or July. Looking at the calendar of forthcoming games, the Gibraltar Football Association is due to play in its qualifying games in respect of FIFA, I think, on 9th June. Therefore, that I think, calendar-wise, should fit in within the certification period.

215 Can the Minister confirm to all sports lovers that as far as the Gibraltar Sports and Leisure Authority, the pitch is there, fully certified and therefore if the Gibraltar Football Association wish, they could play that game in the Victoria Stadium in June of this year?

Hon. S E Linares: Correct.

INFRASTRUCTURE AND PLANNING

Q99/2017

Electric hoverboards and scooters – Review of law

220

Clerk: Question 99, the Hon. L F Llamas.

225 **Hon. L F Llamas:** Mr Speaker, has the Government taken a decision whether it is going to enforce the law or amend the law in respect of self-balancing, two-wheeled, electrically powered hoverboards and scooters?

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

230 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, Government is presently reviewing the position in relation to the importation and use of hoverboards and other similar self-balancing devices.

235 **Hon. L F Llamas:** Does that mean to say, Mr Speaker, that what was issued in the press release last December 2015 would actually not be enforced, where Government informed the community that these items would be seized, regardless of whether they were being imported or already imported?

240 **Hon. P J Balban:** No, Mr Speaker, that is not what would happen. These items are illegal imports. These items are prohibited to be used on the public highway and on the public footpath. So the problem here has been that obviously many of these electric-powered power

boards and hoverboards have actually found the way into Gibraltar and now obviously there is a question of policing to look after that issue.

245 When it comes to the Government's position at the moment, what is happening is that we are actually looking to see whether there is any need to look at these more toy-type related devices in a different way, because you cannot really compare what is a Segway which is what we spoke about in last month's Parliament – which is a bigger piece of equipment which can be used on the public highway, should the law permit it, and on the footpath – and these other devices which are more toy-ish in nature. They have a very short range and they could not withstand being ridden on the road itself.

250 So what we are looking at is to see whether there is any need to classify these toys as toys and whether there is any need perhaps to assign certain areas, if it was decided that they were to be classified as toys.

But as I said, this is all what the Committee or what the group is looking at, at the moment, and this is where we are at present.

255

Hon. L F Llamas: Mr Speaker, there is obviously a secondary concern with this. At the moment as it stands, they are illegal imports and obviously, apart from being used on public highways and in any area because at the moment they are undesignated, there is also an issue where there have been reports abroad internationally where they have caught fire. Obviously if my neighbour, for example – I am not saying my personal neighbour has one, but if my neighbour – has a Segway and that catches fire and causes damage to his property and my property as a result, the home contents insurance would not cover it.

260 So I think we need to tackle this one way or another because obviously the position of the Government as at December 2015 was in fact that the authorities may therefore seize any Segways or equivalents found to be in possession within Gibraltar. If that is not being enforced, then I call on Government to do something, act responsibly and quickly and either call them toys and give them designated areas or start seizing, because otherwise we are just allowing people to break the law and not do anything about it.

270 **Hon. P J Balban:** Mr Speaker, the actual comments that have been made on the fact that it has been reported that some of these catch fire; apparently I am informed that there are different types of these scooters. Some of them have a CE rating which we assume are perfectly safe and others which come from other countries are perhaps the ones that have caught fire in the past. In fact many airline companies will not allow them on board for that very reason.

275 But I am informed that it is the other types. It is very difficult obviously to ... It is Customs and law enforcement bodies' responsibility to police the laws; it is not the Government's responsibility. So if any Segway is caught, it is up to the RGP to deal with. But at the end of the day, if the RGP received a report from yourself, for example, that your neighbour has a Segway then it would be purely a policing matter.

280

Hon. L F Llamas: But, Mr Speaker, I do not think that the RGP needs anybody to call and call on any neighbour or anything when they are blatantly being used all over Gibraltar. Obviously, if they were regulated then perhaps Government could say a certain type which is regulated and licensed and is not originating from a cheap generic version of it, will not be allowed, and the proper ones will be allowed.

285 I think we really need to tackle this issue because we have seen a surge over the Christmas period and obviously the fact that they are being used will only simply encourage others to get any variety and they may go for the cheaper one, rather than the proper one which is regulated.

290 **Hon. P J Balban:** Mr Speaker, the issue is tackled. They are illegal, they are against the law, there are laws which state that clearly. We issued a press release to warn people before Christmas the previous year not to import these items because they are not allowed. So the law

is there, and the Police need to ensure that they deal with people who are riding these things on a public highway.

295 You say it is clearly seen, well it is a policing matter and they are the ones responsible to police the laws in Gibraltar.

Hon. L F Llamas: One final supplementary, Mr Speaker. Has the Government actually advised the RGP not to act because, for example – (*Interjections*) No, because, Mr Speaker, seriously in the Cavalcade there were children walking up and down Main Street – well, not walking; hovering – riding these items and there were plenty of RGP, no need for anybody to call the RGP. Obviously, when you see that the Police are literally just turning a blind eye, then is there an instruction or what is the case? Obviously, there has to be some form of policy from Government to stifle that enforcement of the law, I presume.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has no constitutional power and as a matter of fact on this side of the House we would never pretend to advise the RGP on what to do, to give the RGP instructions on what they have to do or to attempt to stifle them in the exercise of their duties.

310 But, Mr Speaker, on this side of the House we think that the RGP do a very good job. On that side of the House, it is clear that they are complaining about the way the RGP do their job. Mr Speaker, I have no doubt if any member of the RGP is listening, they will be very clear in respect of the attitude that the Opposition take to the sterling work that they do for our community.

315 **Hon. Ms M D Hassan Nahon:** Mr Speaker.

Hon. D A Feetham: Mr Speaker.

Mr Speaker: The hon. Lady. (*Interjection*)

320 **Hon. Ms M D Hassan Nahon:** Sorry, Mr Speaker, if I can just intervene. I suppose I have to say, I declare an interest here. For example, my own children keep asking me for a hoverboard because they see all these other children with hoverboards and that the law is not being enforced. So there is some confusion going on around here. I think that what the hon. Gentleman is asking for, more than anything, is clarity. I do not believe with respect that he is having a go at the RGP, but what exactly is the position going on at the moment, because you do see it all around and nothing is being done to stop it?

330 **Hon. Chief Minister:** Well, Mr Speaker, I am grateful for the hon. Lady's clarification of what it was that another Member of the House was purportedly asking me. But it is of course a much better way of setting out what might be the concerns of members of the community and I appreciate that.

335 But, Mr Speaker, the position is as the Hon. Minister has set out as far as the Government is concerned. We have set out what the position is in law. The enforcement of that, Mr Speaker, is a matter entirely for Customs and for the Police.

People sometimes talk about being in power. When you are in administration, you realise that there is precious little by way of power. One is not able to direct police officers, customs officers to do or not do things, otherwise one would come entirely a cropper of the Constitution.

340 But the hon. Lady raises the point of certainty and in the view of the Government, look, the position is clear. That is why if my children ever eye these things, they are going to get a very clear answer from Dad, that there is not going to be a hover board at home – and for very good reason, because if we go to the substance of this debate, why is it that something that actually looks quite fun is something that the Government has decided cannot be imported or used in Gibraltar?

345 It is based on advice, because of the size of our roads, because of the technical problems that
there were with these batteries that were in these boards, etc. It may be, Mr Speaker, that there
is an argument for designating areas where this sort of equipment can be used. A bicycle is a lot
of fun but you cannot ride your bicycle in Main Street because you could hurt people who are
there enjoying the pedestrian facilities.

350 So there may be an argument to be raised there and it is something that certainly the
Government is certainly considering. There are skateboarding parks where you use your
skateboard, using your skateboard in Main Street is not allowed but skateboards are not an
illegal import and they do not catch fire – unless you ride them really well, I guess! But there are
arguments to be had to rationalise this particular area but they do not relate to criticising the
355 Police or criticising other law enforcement agencies and I am grateful the hon. Lady has taken
the debate where she has.

Mr Speaker: The Hon. the Leader of the Opposition. I am sorry but the hon. Lady had caught
my eye before he stood up. *(Interjection and laughter)*

360

Hon. D A Feetham: Mr Speaker, I think that the Hon. the Chief Minister has basically taken it
to the core of the debate in relation to this, and it is this: the Government has taken a decision
not to allow the importation of these items because the Government is concerned about the
safety.

365 Now, in the light of that and in the light of the concern expressed by my hon. Friend, Mr
Llamas that he has personally and indeed some of us have also seen personally people, and
children, using these items down Main Street and elsewhere. Therefore there must be a safety
issue in relation to this because what we do not want is for children to have an accident.

370 What is the Government going to do about that? I quite understand that the enforcement is
for the Police to enforce but surely, if the Government knows that these items are in Gibraltar
and they are being used and that the law is perhaps not being enforced or there might be some
confusion in relation to the law – I do not know but the reality is that they are being used – I
would have thought that the onus or there would be some responsibility on the Government to
obviously do something about it.

375

Hon. Chief Minister: Well, Mr Speaker, I know that there is cannabis in Gibraltar and that it is
being smoked but I do not complain about the RGP's enforcement of our rules against cannabis
because of course there is an agenda to deal with that, as there is an agenda in the RGP to deal
with all of these issues – and not just in the Police, all law enforcement agencies.

380 But I think, Mr Speaker, in the context of the debate as it is now developing –

Mr Speaker: I hope it does not develop very much. *(Laughter)*

385 **Hon. Chief Minister:** Well, Mr Speaker, if you allow the questions, the answers must come.
But what a privilege that with everything that is happening in the world we have the opportunity
of debating hoverboards and Segways in this Parliament. We sometimes do not realise just how
lucky we are in Gibraltar.

390 Mr Speaker, let me just set in context what has happened here so that we understand the
parameters of action and who took the action. The issue of the prohibition relates to Segways
actually. It started with Segways and it came also in the light of a lot of people winning prizes in
the La Linea Fair, which were skate boards with engines on them. I remember at that time there
was a flurry of political activity relating to whether these items should be banned because they
were dangerous. And it was not this Government; it was the former administration that took the
advice of Customs and the Police to introduce that ban. The policing of the ban, Mr Speaker, is
395 something which is a matter, as I say not for us.

It is very easy on something as easy to understand and as visible and innocuous as a motorised skateboard to take the bait of agreeing that of course we must indicate to law enforcement agencies that they should do a little more in this area or not. But our constitutional structure is very clear. I have on my desk a letter asking me, as Chief Minister under the provisions of the Gibraltar Police Authority Act, to set out what my priorities are in respect of policing in Gibraltar for the next year. That is what the Act provides for: the Gibraltar Police Authority writes to me, I think they also write to others, and that is put together in a Police Authority Report.

I will not be putting on my list of things which are the Government's priorities for policing in Gibraltar in the next year that police officers should be chasing hoverboards, Mr Speaker. I think that I have indicated to the hon. Lady's more sensible approach to the question, how it is that the Government proposes to deal with some aspects of this – the aspects that relate to Government's competences – and I have full confidence in the law enforcement agencies in Gibraltar knowing how to deal with the issues that are being raised. They are not just being raised here, they are being raised in other fora as well and, Mr Speaker, the community knows that it has an excellent Police Force and an excellent Customs Department that will know how to deal with these concerns.

Q100/2017

**Sustainable Traffic, Transport and Parking Plan –
Publication of final version**

Clerk: Question 100, the Hon. T N Hammond.

415

Hon. T N Hammond: Mr Speaker, can Government provide an update as to when it intends to publish the final version of its still draft Sustainable Traffic, Transport and Parking Plan and thereby accept accountability for the entirety of its content?

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

420

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the Government will publish the final version of its draft Sustainable Traffic, Transport and Parking Plan very shortly.

Hon. T N Hammond: Mr Speaker, could the Minister provide not necessarily a specific definition, but – he has been saying 'very shortly' really for about four years now – are we talking about very shortly, maybe a month from now or very shortly, maybe 12 months from now – some idea of what he means by that?

Hon. P J Balban: Mr Speaker, shortly –

430

Mr Speaker: Very shortly was the answer.

Hon. P J Balban: Sorry?

435

Mr Speaker: Very shortly was the answer.

Hon. P J Balban: Okay, very shortly has ... in fact the word 'shortly' has a definition in the dictionary. The hon. Gentleman, what he wants is for me to obviously give him a specific date and then hold me to it. But I will let him know that, as per the definition in the dictionary, 'very shortly' means 'very soon'.

440

445 **Hon. T N Hammond:** Indeed, but because the Minister has been giving that response for over a year now, that would not fit into my definition of 'very shortly'. 'Very shortly' to me means something that is happening or going to happen *imminently*, not something that could happen sometime in the next two, three or four years, which is why I ask the question: not for the Minister to give me a specific date to which I can hold him to account. I am not asking for that; I am just asking for an impression of what he understands from his answer 'very shortly', to ensure that it aligns with what my understanding and perhaps those of many members of the public is of 'very shortly'.

450

Chief Minister (Hon. F R Picardo) Well, Mr Speaker, we are taking our definition of 'shortly' as defined in the dictionary and in *Hansard*, Mr Speaker, and there is a huge amount of debate in respect of the definition of 'shortly' and 'very shortly' in the context of the Hansards of 2003 to 2007 and 2007 to 2011, which I commend to the hon. Gentleman.

455

Hon. T N Hammond: Mr Speaker, I thank the Hon. the Chief Minister for his answer. All I can say is that I hope I do not have to ask the question again in six months' time.

460 **Hon. Chief Minister:** Well, Mr Speaker, I am grateful for that comment, although I do not detect an answer in it. But if he does do the exercise of going back to the *Hansards*, he might be surprised to note what his own party's definition of 'shortly' was. And given that he defended their record in a general election and commended it to the general public, I assume he has not changed his view on what 'shortly' means, but we will see.

Q101/2017

Government vehicle fleet – Expression of interest for leasing

465 **Clerk:** Question 101, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can 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?

470

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

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, not yet.

475 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his response. Can I ask him if he has any intention of re-advertising the expression of interest tender, seeing as he only had one expression of interest?

Hon. P J Balban: No, Mr Speaker.

480

Mr Speaker: Next question.

Q102/2017
Bus Tracker App –
Night buses

Clerk: Question 102, the Hon. Ms M D Hassan Nahon.

485 **Hon. Ms M D Hassan Nahon:** Can the Transport Minister look into the possibility of adding the night buses to the Bus Tracker App?

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

490 **Minister for Infrastructure and Planning (Hon. P J Balban):** The Gibraltar Bus Tracker WebApp is currently under development and all routes will be included in the platform. The night route N8 is also currently under development by the IT department.

495 **Hon. Ms M D Hassan Nahon:** Can the Minister for Transport give us an idea more or less when the App will be ready?

Hon. P J Balban: Shortly, Mr Speaker. *(Laughter)*

500 **Chief Minister (Hon. F R Picardo):** Defined in *Hansard!*

Hon. Ms M D Hassan Nahon: Before we ask for a definition!

THE ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q103-106, 108, 111-112/2017
Visitors to heritage sites –
Statistics

Clerk: Question 103, the Hon. L F Llamas.

505 **Hon. L F Llamas:** Mr Speaker, further to Question 847/2016, can the Government provide a schedule with a detailed breakdown of the works and nature of the works involved, together with a broken down cost of the same and the period during which these works commenced and finished?

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

515 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 104 to 106, 108, 111 and 112.

Clerk: Question 104, the Hon. L F Llamas.

520 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule detailing by month the total number of visitors to the Upper Rock since December 2011 to date, broken down into the following categories: (a) Private Vehicles; (b) Taxis; (c) Coaches; (d) Cable Car; (e) Walking; (f) Walking with attractions included; (g) 100 Ton Gun?

Clerk: Question 105, the Hon. L F Llamas.

525 **Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule detailing the running cost per attraction/site in the Upper Rock since December 2011, broken down into the following: (a) Wages/Salaries; (b) Electricity; (c) General maintenance; (d) Refurbishments; and (e) Any other expense?

530 **Clerk:** Question 106, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule detailing by month the total revenue collected in connection to the Upper Rock Admission Fees since December 2011 to date broken down into the following categories: (a) Private Vehicles; (b) Taxis; (c) Coaches; (d) Cable Car; (e) Walking only; (f) Walking with sites included; (g) 100 Ton Gun?

Clerk: Question 108, the Hon. L F Llamas.

540 **Hon. L F Llamas:** Mr Speaker, further to Written Question 11/2017, can the Government explain how they do not hold any statistics of visitors to the World War II Tunnels given adult and child tourists must pay an additional £8 and £4 respectively and locals must pay £5 to enter the site?

Clerk: Question 111, the Hon. L F Llamas.

545

Hon. L F Llamas: Mr Speaker, can the Government give an opening date for the Cornwallis Chamber in the Great Siege Tunnel?

Clerk: Question 112, the Hon. L F Llamas.

550

Hon. L F Llamas: Mr Speaker, can the Government explain why O'Hara's Battery may have its gates open Monday to Friday but the main exhibition remains closed and since when has it been closed?

555 **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, in relation to Questions 103 to 106, the information requested is in the schedules that I now hand over.

560

Answer to Question 103 – original information provided

Contractor	Works Maintenance	Start Date	Finish Date
J.I. Construction	Repairs to mannequins to all Upper Rock Sites	31-Jan	17-Mar
J.I. Construction	Refurbishment of finger post signs Main Street Inc. new signs	12-Dec	24-Mar
Sound Reinforcement	St. Michael's Cave PA System for evacuation and events £ 975.00	12-Dec	17-Mar
Gibelec	100 Ton Gun stores lighting and emergency lighting	07-Dec	24-Feb
Gibelec	Alarm system	07-Dec	24-Mar
Gibelec	St. Michael's Cave steps lighting - backstage	03-Oct	03-Mar
Portman	Replacement of barriers	09-Jan	30-Jan
Site Trading	Ticket office refurbishment so visitors can purchase tickets inside the office	30-Jan	17-Feb

Answer to Question 103 – updated information provided

	Site	Capital Works	Contractor	Cost	Start Date	Finish Date
UPPER ROCK	Lathbury Barracks	Emergency sewer works – Burst sewer pipe at the entrance to the Upper Rock	Site Trading	£4,100.00	Jul 13	Jul 13
	Lathbury Barracks	New sewer system – Further to the works carried out (above) the remaining sewer below Jews' Gate collapsed and a new sewer line had to be laid/constructed	Site Trading	£29,825.00	Oct 13	Nov 13
	Jews Gate	Repairs to gutter – these works had to be done as tourist where parking their vehicles on metal gutter and causing damage to their vehicles	Site Trading	£3,200.00	Nov 13	Nov 13
	Jews Gate	Ticket Office refurbishment – This office had water penetration therefore it had to be reconstructed as the existing building was very dilapidated	Site Trading	£29,295.00	Jun 14	Sep 14
	St Michael's Cave	Painting Exterior areas (after Hours) – this works had to be done after hours as it was painting of the external areas of entrance to the Cave	Site Trading	£2,618.55	Aug 14	Aug 14
	O'Hara's Battery	Restoration of site – Including interpretation panels, new mannequins, restoration of the internal mechanism, new information panels, restoration/painting of the 9.2" Gun and external areas.	Fotografiks	£135,000.00	Oct 14	Mar 14
	Great Siege Tunnels	Mannequins exhibits – Introduction of new mannequins, further information panels, new exhibits, stainless steel windows to protect mannequins.	Fotografiks	£134,900.00	Jan 14	Mar 14
	Great Siege Tunnels	Cornwallis Chamber – removal of debris (approx. 20 tons) , new spiral staircase, new mannequins, LED Lighting.	Site Trading	£152,900.00	Nov 14	Mar 15

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Great Siege Tunnels	Ticket Office refurbishment – This office had water penetration therefore it had to be reconstructed as the existing building was very dilapidated	Site Trading	£36,716.00	Dec 13	Mar 14
Great Siege Tunnels	Viewing platform and Holy Land Tunnel refurbishment – refurbished the external areas of the Site including new railings and benches. Holy Land Tunnel canopy was removed and the area refurbished and reopened after having it closed for more than 15 years.	Site Trading	£27,813.00	Nov 13	Mar 14
Great Siege Tunnels	St George's Hall – New mannequins, manufacturing of Victoria Gun carriages, information panels and interactive screen.	Site Trading	£147,700.00	Sep 14	Feb 15
Great Siege Tunnels	Extra works to Cornwallis Chamber – Further works has to be done to the floor once the debris was removed.	Site Trading	£10,981.24	Feb 15	Mar 15
City Under Siege	Site refurbishment – New mannequins, exhibits, cinema room and audio/info panels	Site Trading	£105,300.00	Oct 14	Feb 15
City Under Siege	Exterior beautification – The area surrounding the Site was refurbished with railings, extra parking facilities, canopy and removal of old water tank.	Site Trading	£9,650.00	Feb 15	Mar 15
WWII Tunnels	Removal of asbestos – 4,427kg safely disposed of as per regulations	Sky Bridge	£14,680.00	Apr 14	Apr 14
WWII Tunnels	Electrical installation – LED Lighting was installed and a full rewiring of the tunnel was carried out.	Site Trading	£58,350.00	Mar 15	Jun 15
WWII Tunnels	lighting and fire alarm – Whilst the electrical installation was being done the City Fire Bridge instructed us to installed emergency lighting and a fire alarm system.	Site Trading	£7,600.50	May 15	Jul 15
WWII Tunnels	Removal of asbestos – 13,400kg safely disposed of as per regulations	Sky Bridge	£15,245.00	Mar 14	Mar 14
WWII Tunnels	Toilet refurbishment – Refurbishment of the toilet facilities	Home Emergency	£1,149.00	Dec 13	Dec 13
WWII Tunnels	Mannequins exhibits – new mannequins, construction of nissen huts, new exhibitions, sound boxes, construction of an internal ceiling	Site Trading	£215,320.00	Nov 14	Mar 15
100 Ton Gun	Maintenance office and toilets – New kitchen, staff room, shower, locker room, rewiring and plumbing, refurbishment of public toilets.	Site Trading	£50,000.00	Jan 14	Mar 14
100 Ton Gun	Steps to exhibition – The existing steps were unsafe and had to be redone	Site Trading	£2,900.00	Nov 13	Jan 14
100 Ton Gun	Railings and repairs to steps leading to toilet – the area surrounding the exhibit was refurbished and made safe with new flooring and railings	Site Trading	£18,486.00	Feb 14	Mar 14

	Upper Rock Sites	Maintenance contract – Having a maintenance crew solely for the Upper Rock improved tremendously the upkeep of the Upper Rock. Works entailed painting of the Upper Rock external areas of the sites and minor maintenance works.	Site Trading	£81,806.40	May 14	Apr 15
	Upper Rock Sites	CCTV Cameras – New CCTV cameras where installed at all Tourist Sites to reduce vandalism within the Upper Rock	Securitek	£48,314.24	Nov 14	Mar 15
	Upper Rock	Refurbishment of Upper Rock areas – Refurbishment programme of works was carried out to the Upper Rock including picnic areas, tourist sites internal/external and O'Hara's Battery.	Site Trading	£95,745.00	May 13	Jun 13
CRUISE	Cruise Terminal	X-Ray machine – These machines were purchased as a result of complaints received from BCA as the machines kept breaking up and they took too long to be repaired as the technicians had to travel down from Spain. Minister Costa at the time requested we purchase the same system as GATL had at the airport and include them under their maintenance contract in order to save money.	Commercial Technologias	£60,968.00	Jun 14	Jul 14
BEACHES	Camp Bay	Staircases x3 – Fabrication of brand new marine grade stainless steel stairs for Camp Bay promenade	Selina Ltd	£20,050.00	Nov 13	Apr 14
	Beaches	Walkways and shower platforms – purchase of walkways and shower platforms for Eastern Beach	Portman	£58,320.00	Feb 14	May 14
	Beaches	purchase of Concrete weights for aquaparks, crane hire for the deployment of concrete walkways and purchase of a beach umbrella store for Eastern Beach	Portman	£ 29,525.00	May 14	Jul 14
	Beaches	Installations of waterparks for all beaches	Steel Mac	£10,500.00	Jun 14	Jun 14
	Beaches	Medusa netting and anchoring sets – purchase of a new medusa netting and anchoring sets	Portman	£21,158.00	Jun 13	Jun 13
	Beaches	Medusa netting installation – Purchase of a new medusa netting	Portman	£14,805.00	Jun 13	Jun 13
	Beaches	Walkways – purchase of walkways for Sandy Bay	Portman	£ 13,500.00	Feb 14	Mar 14
	Beaches	Repairs to facilities – Plumbing works at Eastern Beach toilets, resetting of walkways at Eastern/Western Beach and Catalan Bay, repairs/painting to railings at Camp Bay.	MC Construction	£15,250.00	Apr 14	Jun 15
	Beaches	Pre-season works to facilities – Eastern Beach toilets block facilities and railings to lifeguard tower and ramps	Site Trading	£15,480.00	Apr 15	Jun 15

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Answer to Question 104

Upper Rock Nature Reserve Visitors & Revenue Per Ticket Type Expressed (Calculated at ticket Value)

11/12	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-11	6,135	£ 58,000.00	30,720	£ 153,600.00	16,459	£ 82,295.00	2,267	£ 1,133.50	872	£ 8,720.00	58	£ 290.00	586	£ 586.00	21,836	£ 14,167.87
May-11	4,649	£ 45,230.00	37,140	£ 185,700.00	16,268	£ 81,340.00	1,822	£ 911.00	929	£ 9,290.00	18	£ 90.00	591	£ 591.00	25,431	£ 16,345.32
Jun-11	5,690	£ 54,360.00	29,360	£ 146,800.00	15,120	£ 75,600.00	1,438	£ 719.00	925	£ 9,250.00	55	£ 275.00	453	£ 453.00	27,254	£ 17,706.10
Jul-11	9,611	£ 89,255.00	24,988	£ 124,940.00	23,635	£ 118,175.00	2,328	£ 1,164.00	1,183	£ 11,830.00	141	£ 705.00	619	£ 619.00	35,911	£ 23,208.52
Aug-11	12,987	£ 120,855.00	27,125	£ 135,625.00	28,304	£ 141,520.00	2,742	£ 1,371.00	1,526	£ 15,260.00	177	£ 885.00	609	£ 609.00	47,853	£ 30,853.09
Sep-11	6,889	£ 67,345.00	38,375	£ 191,875.00	20,043	£ 100,215.00	1,918	£ 959.00	1,325	£ 13,250.00	31	£ 155.00	578	£ 578.00	31,226	£ 20,493.87
Oct-11	5,980	£ 57,100.00	34,149	£ 170,745.00	19,371	£ 96,855.00	2,313	£ 1,156.50	1,351	£ 13,510.00	71	£ 355.00	589	£ 589.00	27,802	£ 18,262.13
Nov-11	2,789	£ 27,020.00	16,278	£ 81,390.00	9,942	£ 49,710.00	1,427	£ 713.50	657	£ 6,570.00	10	£ 50.00	339	£ 339.00	10,733	£ 6,902.38
Dec-11	2,909	£ 27,790.00	7,956	£ 39,780.00	7,480	£ 37,400.00	1,411	£ 705.50	415	£ 4,150.00	28	£ 140.00	182	£ 182.00	10,374	£ 6,636.92
Jan-12	2,337	£ 22,715.00	7,689	£ 38,445.00	5,978	£ 29,890.00	1,176	£ 588.00	416	£ 4,160.00	12	£ 60.00	202	£ 202.00	9,121	£ 6,062.62
Feb-12	3,133	£ 29,920.00	10,856	£ 54,280.00	8,825	£ 44,125.00	1,756	£ 878.00	556	£ 5,560.00	19	£ 95.00	298	£ 298.00	7,738	£ 5,075.92
Mar-12	2,947	£ 28,895.00	19,906	£ 99,530.00	9,480	£ 47,400.00	1,848	£ 924.00	643	£ 6,430.00	16	£ 80.00	324	£ 324.00	11,926	£ 7,961.57

12/13	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-12	6,579	£ 62,485.00	29,764	£ 148,820.00	15,305	£ 76,525.00	2,803	£ 1,401.50	948	£ 9,480.00	59	£ 295.00	20	£ 20.00	21,903	£ 15,820.65
May-12	4,822	£ 47,100.00	38,489	£ 192,445.00	17,479	£ 87,395.00	2,552	£ 1,276.00	891	£ 8,910.00	21	£ 105.00	481	£ 481.00	24,280	£ 17,394.98
Jun-12	5,022	£ 47,910.00	27,256	£ 136,280.00	15,536	£ 77,680.00	1,527	£ 763.50	918	£ 9,180.00	51	£ 255.00	479	£ 479.00	23,768	£ 17,275.35
Jul-12	9,709	£ 89,730.00	22,884	£ 114,420.00	23,278	£ 116,390.00	2,165	£ 1,082.50	1,173	£ 11,730.00	140	£ 700.00	543	£ 543.00	37,823	£ 27,155.90
Aug-12	10,832	£ 101,100.00	27,741	£ 138,705.00	25,464	£ 127,320.00	2,930	£ 1,465.00	1,435	£ 14,350.00	168	£ 840.00	648	£ 648.00	48,137	£ 34,347.99
Sep-12	5,841	£ 57,155.00	38,749	£ 193,745.00	17,342	£ 86,710.00	2,132	£ 1,066.00	1,094	£ 10,940.00	19	£ 95.00	533	£ 533.00	30,713	£ 22,484.30
Oct-12	5,989	£ 57,190.00	34,358	£ 171,790.00	16,179	£ 80,895.00	2,094	£ 1,047.00	964	£ 9,640.00	59	£ 295.00	488	£ 488.00	24,458	£ 17,965.13
Nov-12	3,094	£ 30,115.00	12,062	£ 60,310.00	7,584	£ 37,920.00	1,161	£ 580.50	403	£ 4,030.00	11	£ 55.00	281	£ 281.00	9,430	£ 6,842.31
Dec-12	2,294	£ 21,845.00	5,711	£ 28,555.00	5,471	£ 27,355.00	1,076	£ 538.00	259	£ 2,590.00	8	£ 40.00	230	£ 230.00	7,956	£ 5,719.49
Jan-13	2,238	£ 21,680.00	4,311	£ 21,555.00	5,308	£ 26,540.00	1,181	£ 590.50	268	£ 2,680.00	1	£ 5.00	182	£ 182.00	3,575	£ 2,661.86
Feb-13	2,794	£ 26,910.00	8,934	£ 44,670.00	6,557	£ 32,785.00	1,223	£ 611.50	405	£ 4,050.00	15	£ 75.00	212	£ 212.00	7,158	£ 5,238.84
Mar-13	4,265	£ 40,920.00	16,052	£ 80,260.00	9,731	£ 48,655.00	1,716	£ 858.00	609	£ 6,090.00	30	£ 150.00	259	£ 259.00	10,282	£ 7,454.47

13/14	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-13	4,877	£ 46,560.00	27,083	£ 135,415.00	12,937	£ 64,685.00	2,762	£ 1,381.00	787	£ 7,870.00	64	£ 320.00	361	£ 361.00	18,478	£ 14,552.36
May-13	5,110	£ 49,325.00	35,597	£ 177,985.00	16,492	£ 82,460.00	2,772	£ 1,386.00	998	£ 9,980.00	44	£ 220.00	424	£ 424.00	24,746	£ 19,360.59
Jun-13	5,224	£ 50,080.00	28,896	£ 144,480.00	16,182	£ 80,910.00	1,796	£ 898.00	1,047	£ 10,470.00	47	£ 235.00	366	£ 366.00	23,001	£ 18,168.95
Jul-13	9,624	£ 88,930.00	24,900	£ 124,500.00	25,872	£ 129,360.00	2,291	£ 1,145.50	1,550	£ 15,500.00	190	£ 950.00	428	£ 428.00	39,121	£ 30,218.23
Aug-13	5,716	£ 53,485.00	23,757	£ 118,785.00	20,403	£ 102,015.00	2,169	£ 1,084.50	1,358	£ 13,580.00	154	£ 770.00	478	£ 478.00	35,044	£ 26,808.50
Sep-13	3,356	£ 32,835.00	35,861	£ 179,305.00	16,769	£ 83,845.00	1,705	£ 852.50	1,016	£ 10,160.00	13	£ 65.00	485	£ 485.00	23,711	£ 18,613.45
Oct-13	3,874	£ 37,005.00	31,633	£ 158,165.00	16,492	£ 82,460.00	2,103	£ 1,051.50	1,084	£ 10,840.00	40	£ 200.00	401	£ 401.00	23,569	£ 18,557.28
Nov-13	2,124	£ 20,735.00	11,590	£ 57,950.00	8,172	£ 40,860.00	1,424	£ 712.00	683	£ 6,830.00	14	£ 70.00	378	£ 378.00	11,449	£ 8,988.47
Dec-13	2,077	£ 20,100.00	6,412	£ 32,060.00	6,269	£ 31,345.00	1,211	£ 605.50	520	£ 5,200.00	16	£ 80.00	155	£ 155.00	7,170	£ 5,580.46
Jan-14	1,939	£ 18,925.00	4,624	£ 23,120.00	5,191	£ 25,955.00	993	£ 496.50	451	£ 4,510.00	10	£ 50.00	209	£ 209.00	5,051	£ 4,019.88
Feb-14	2,086	£ 19,965.00	7,030	£ 35,150.00	5,710	£ 28,550.00	1,284	£ 642.00	543	£ 5,430.00	19	£ 95.00	218	£ 218.00	7,302	£ 5,846.86
Mar-14	2,561	£ 24,905.00	14,245	£ 71,225.00	8,749	£ 43,745.00	1,820	£ 910.00	820	£ 8,200.00	67	£ 335.00	366	£ 366.00	10,341	£ 8,296.72

14/15	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-14	4,671	£ 44,235.00	28,048	£ 140,240.00	16,456	£ 82,280.00	3,041	£ 1,520.50	1,406	£ 14,060.00	76	£ 380.00	461	£ 461.00	25,652	£ 19,617.07
May-14	4,250	£ 5,050.00	35,816	£ 179,080.00	14,245	£ 71,225.00	2,270	£ 1,135.00	1,375	£ 13,750.00	98	£ 490.00	465	£ 465.00	23,507	£ 18,477.10
Jun-14	4,512	£ 43,275.00	28,737	£ 143,685.00	15,546	£ 77,730.00	1,822	£ 911.00	1,183	£ 11,830.00	57	£ 285.00	359	£ 359.00	25,235	£ 20,002.18
Jul-14	8,844	£ 82,115.00	25,650	£ 128,500.00	24,510	£ 122,550.00	2,790	£ 1,395.00	1,594	£ 15,940.00	189	£ 945.00	451	£ 451.00	36,309	£ 27,737.02
Aug-14	10,018	£ 93,085.00	26,490	£ 132,450.00	22,803	£ 114,015.00	3,151	£ 1,575.50	1,916	£ 19,160.00	279	£ 1,395.00	524	£ 524.00	45,422	£ 34,920.66
Sep-14	5,519	£ 53,980.00	43,414	£ 217,070.00	18,145	£ 90,725.00	2,434	£ 1,217.00	1,375	£ 13,750.00	23	£ 115.00	633	£ 633.00	32,418	£ 25,623.71
Oct-14	4,596	£ 43,900.00	34,972	£ 174,860.00	17,527	£ 87,635.00	2,985	£ 1,492.50	1,583	£ 15,830.00	82	£ 410.00	539	£ 539.00	28,562	£ 22,015.64
Nov-14	2,374	£ 23,285.00	12,498	£ 62,490.00	9,581	£ 47,905.00	1,984	£ 992.00	886	£ 8,860.00	15	£ 75.00	259	£ 259.00	9,963	£ 7,956.84
Dec-14	2,405	£ 22,875.00	6,634	£ 33,170.00	6,457	£ 32,285.00	1,381	£ 690.50	536	£ 5,360.00	75	£ 375.00	179	£ 179.00	7,998	£ 7,651.15
Jan-15	3,106	£ 30,015.00	4,357	£ 21,785.00	6,230	£ 31,150.00	1,977	£ 988.50	550	£ 5,500.00	16	£ 80.00	196	£ 196.00	2,342	£ 1,867.21
Feb-15	3,159	£ 30,230.00	9,669	£ 49,345.00	7,939	£ 39,695.00	2,048	£ 1,024.00	701	£ 7,010.00	36	£ 180.00	194	£ 194.00	3,561	£ 2,792.34
Mar-15	2,725	£ 26,375.00	15,682	£ 78,410.00	8,447	£ 42,235.00	1,794	£ 897.00	802	£ 8,020.00	26	£ 130.00	270	£ 270.00	11,939	£ 9,408.75

15/16	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-15	4,766	£ 45,375.00	33,313	£ 166,565.00	16,776	£ 83,880.00	3,921	£ 1,960.50	1,372	£ 13,720.00	109	£ 515.00	409	£ 409.00	26,954	£ 23,927.16
May-15	4,253	£ 41,265.00	34,987	£ 174,985.00	15,392	£ 76,960.00	2,435	£ 1,217.50	1,498	£ 14,980.00	91	£ 455.00	424	£ 424.00	26,167	£ 24,682.30
Jun-15	4,934	£ 47,390.00	31,591	£ 157,955.00	15,736	£ 78,680.00	2,075	£ 1,037.50	1,498	£ 14,980.00	79	£ 395.00	328	£ 328.00	27,345	£ 25,987.37

GIBRALTAR PARLIAMENT, MONDAY, 13th FEBRUARY 2017

13-14	£1,804,266.70	£20,219.23	£38,875.63	£1,127,376.30	£190,139.26
14-15	£1,859,018.35	£39,661.28	£43,414.48	£869,537.89	£199,554.15
15-16	£1,926,473.84	£35,165.55	£43,345.16	£351,850.81	£196,147.95
16-to date	£1,421,760.62	£27,506.02	£34,594.90	£59,223.78	£161,165.77

Answer to Question 106

Upper Rock Nature Reserve Visitors & Revenue Per Ticket Type Expressed (Calculated at ticket Value)

11/12	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-11	6,135	£ 58,000.00	30,720	£ 153,600.00	16,459	£ 82,295.00	2,267	£ 1,133.50	872	£ 8,720.00	58	£ 290.00	586	£ 586.00	21,836	£ 14,167.87
May-11	4,649	£ 45,230.00	37,140	£ 185,700.00	16,268	£ 81,340.00	1,822	£ 911.00	929	£ 9,290.00	18	£ 90.00	591	£ 591.00	25,431	£ 16,345.32
Jun-11	5,690	£ 54,360.00	29,360	£ 146,800.00	15,120	£ 75,600.00	1,438	£ 719.00	925	£ 9,250.00	55	£ 275.00	453	£ 453.00	27,254	£ 17,706.10
Jul-11	9,611	£ 89,255.00	24,988	£ 124,940.00	23,635	£ 118,175.00	2,328	£ 1,164.00	1,183	£ 11,830.00	141	£ 705.00	619	£ 619.00	35,911	£ 23,208.52
Aug-11	12,987	£ 120,855.00	27,125	£ 135,625.00	28,304	£ 141,520.00	2,742	£ 1,371.00	1,526	£ 15,260.00	177	£ 885.00	609	£ 609.00	47,853	£ 30,853.09
Sep-11	6,889	£ 67,345.00	38,375	£ 191,875.00	20,043	£ 100,215.00	1,918	£ 959.00	1,325	£ 13,250.00	31	£ 155.00	578	£ 578.00	31,226	£ 20,493.87
Oct-11	5,980	£ 57,100.00	34,149	£ 170,745.00	19,371	£ 96,855.00	2,313	£ 1,156.50	1,351	£ 13,510.00	71	£ 355.00	589	£ 589.00	27,802	£ 18,262.13
Nov-11	2,789	£ 27,020.00	16,278	£ 81,390.00	9,942	£ 49,710.00	1,427	£ 713.50	657	£ 6,570.00	10	£ 50.00	339	£ 339.00	10,733	£ 6,902.38
Dec-11	2,909	£ 27,790.00	7,956	£ 39,780.00	7,480	£ 37,400.00	1,411	£ 705.50	415	£ 4,150.00	28	£ 140.00	182	£ 182.00	10,374	£ 6,636.92
Jan-12	2,337	£ 22,715.00	7,689	£ 38,445.00	5,978	£ 29,890.00	1,176	£ 588.00	416	£ 4,160.00	12	£ 60.00	202	£ 202.00	9,121	£ 6,062.62
Feb-12	3,133	£ 29,200.00	10,856	£ 54,280.00	8,825	£ 44,125.00	1,756	£ 878.00	556	£ 5,560.00	19	£ 95.00	298	£ 298.00	7,738	£ 5,075.92
Mar-12	2,947	£ 28,895.00	19,906	£ 99,530.00	9,480	£ 47,400.00	1,848	£ 924.00	643	£ 6,430.00	16	£ 80.00	324	£ 324.00	11,926	£ 7,961.57

12/13	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-12	6,579	£ 62,485.00	29,764	£ 148,820.00	15,305	£ 76,525.00	2,803	£ 1,401.50	948	£ 9,480.00	59	£ 295.00	20	£ 20.00	21,903	£ 15,820.65
May-12	4,822	£ 47,100.00	38,489	£ 192,445.00	17,479	£ 87,395.00	2,552	£ 1,276.00	891	£ 8,910.00	21	£ 105.00	481	£ 481.00	24,280	£ 17,394.98
Jun-12	5,022	£ 47,910.00	27,256	£ 136,280.00	15,536	£ 77,680.00	1,527	£ 763.50	918	£ 9,180.00	51	£ 255.00	479	£ 479.00	23,768	£ 17,275.35
Jul-12	9,709	£ 89,730.00	22,884	£ 114,420.00	23,278	£ 116,390.00	2,165	£ 1,082.50	1,173	£ 11,730.00	140	£ 700.00	543	£ 543.00	37,823	£ 27,155.90
Aug-12	10,832	£ 101,100.00	27,741	£ 138,705.00	25,464	£ 127,320.00	2,930	£ 1,465.00	1,435	£ 14,350.00	168	£ 840.00	648	£ 648.00	48,137	£ 34,347.99
Sep-12	5,841	£ 57,155.00	38,749	£ 193,745.00	17,342	£ 86,710.00	2,132	£ 1,066.00	1,094	£ 10,940.00	19	£ 95.00	533	£ 533.00	30,713	£ 22,484.30
Oct-12	5,989	£ 57,190.00	34,358	£ 171,790.00	16,179	£ 80,895.00	2,094	£ 1,047.00	964	£ 9,640.00	59	£ 295.00	488	£ 488.00	24,458	£ 17,965.13
Nov-12	3,094	£ 30,115.00	12,062	£ 60,310.00	7,584	£ 37,920.00	1,161	£ 580.50	403	£ 4,030.00	11	£ 55.00	281	£ 281.00	9,430	£ 6,842.31
Dec-12	2,294	£ 21,845.00	5,711	£ 28,555.00	5,471	£ 27,355.00	1,076	£ 538.00	259	£ 2,590.00	8	£ 40.00	230	£ 230.00	7,956	£ 5,719.49
Jan-13	2,238	£ 21,680.00	4,311	£ 21,555.00	5,308	£ 26,540.00	1,181	£ 590.50	268	£ 2,680.00	1	£ 5.00	182	£ 182.00	3,575	£ 2,661.86
Feb-13	2,794	£ 26,910.00	8,934	£ 44,670.00	6,557	£ 32,785.00	1,223	£ 611.50	405	£ 4,050.00	15	£ 75.00	212	£ 212.00	7,158	£ 5,238.84
Mar-13	4,265	£ 40,920.00	16,052	£ 80,260.00	9,731	£ 48,655.00	1,716	£ 858.00	609	£ 6,090.00	30	£ 150.00	259	£ 259.00	10,282	£ 7,454.47

13/14	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-13	4,877	£ 46,560.00	27,083	£ 135,415.00	12,937	£ 64,685.00	2,762	£ 1,381.00	787	£ 7,870.00	64	£ 320.00	361	£ 361.00	18,478	£ 14,552.36
May-13	5,110	£ 49,325.00	35,597	£ 177,985.00	16,492	£ 82,460.00	2,772	£ 1,386.00	998	£ 9,980.00	44	£ 220.00	424	£ 424.00	24,746	£ 19,360.59
Jun-13	5,224	£ 50,080.00	28,896	£ 144,480.00	16,182	£ 80,910.00	2,796	£ 1,398.00	1,047	£ 10,470.00	47	£ 235.00	366	£ 366.00	23,001	£ 18,168.95
Jul-13	9,624	£ 88,930.00	24,900	£ 124,500.00	25,872	£ 129,360.00	2,291	£ 1,145.50	1,550	£ 15,500.00	190	£ 950.00	428	£ 428.00	39,121	£ 30,218.23
Aug-13	5,716	£ 53,485.00	23,757	£ 118,785.00	20,403	£ 102,015.00	2,169	£ 1,084.50	1,358	£ 13,580.00	154	£ 770.00	478	£ 478.00	35,044	£ 26,808.50
Sep-13	3,856	£ 32,835.00	35,861	£ 179,305.00	16,769	£ 83,845.00	1,705	£ 852.10	1,016	£ 10,160.00	13	£ 65.00	485	£ 485.00	23,711	£ 18,613.45
Oct-13	3,874	£ 37,005.00	31,633	£ 158,165.00	16,492	£ 82,460.00	2,103	£ 1,051.50	1,084	£ 10,840.00	40	£ 200.00	401	£ 401.00	32,569	£ 18,557.28
Nov-13	2,124	£ 20,735.00	11,590	£ 57,950.00	8,172	£ 40,860.00	1,424	£ 712.00	683	£ 6,830.00	14	£ 70.00	378	£ 378.00	11,449	£ 8,988.47
Dec-13	2,077	£ 20,100.00	6,412	£ 32,060.00	6,269	£ 31,345.00	1,211	£ 605.50	520	£ 5,200.00	16	£ 80.00	155	£ 155.00	7,170	£ 5,580.46
Jan-14	1,939	£ 18,925.00	4,624	£ 23,120.00	5,191	£ 25,955.00	993	£ 496.50	451	£ 4,510.00	10	£ 50.00	209	£ 209.00	5,051	£ 4,019.88
Feb-14	2,086	£ 19,965.00	7,030	£ 35,150.00	5,710	£ 28,550.00	1,284	£ 642.00	543	£ 5,430.00	19	£ 95.00	218	£ 218.00	7,302	£ 5,846.86
Mar-14	2,561	£ 24,905.00	14,245	£ 71,225.00	8,749	£ 43,745.00	1,820	£ 910.00	820	£ 8,200.00	67	£ 335.00	366	£ 366.00	10,341	£ 8,296.72

14/15	By Private vehicles		Coach		Taxi		Walkers Only		Walkers & Sites Adult		Walkers & Sites Child		100 Ton Gun		Cable Car	
	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitors	Revenue	Visitor	Royalty
Apr-14	4,671	£ 44,235.00	28,048	£ 140,240.00	16,456	£ 82,280.00	3,041	£ 1,520.50	1,406	£ 14,060.00	76	£ 380.00	461	£ 461.00	25,652	£ 19,617.07
May-14	4,250	£ 50,050.00	35,816	£ 179,080.00	14,245	£ 71,225.00	2,270	£ 1,135.00	1,375	£ 13,750.00	98	£ 490.00	465	£ 465.00	23,507	£ 18,477.10
Jun-14	4,512	£ 43,275.00	28,737	£ 143,685.00	15,546	£ 77,730.00	1,822	£ 911.00	1,183	£ 11,830.00	57	£ 285.00	359	£ 359.00	25,235	£ 20,002.18
Jul-14	8,844	£ 82,115.00	25,650	£ 128,250.00	24,510	£ 122,550.00	2,790	£ 1,395.00	1,594	£ 15,940.00	189	£ 945.00	451	£ 451.00	36,309	£ 27,737.02
Aug-14	10,018	£ 93,085.00	26,490	£ 132,450.00	22,803	£ 114,015.00	3,151	£ 1,575.50	1,916	£ 19,160.00	279	£ 1,395.00	524	£ 524.00	45,422	£ 34,920.66
Sep-14	5,519	£ 53,980.00	43,414	£ 217,070.00	18,445	£ 90,725.00	2,434	£ 1,217.00	1,375	£ 13,750.00	23	£ 115.00	633	£ 633.00	32,418	£ 25,623.71
Oct-14	4,596	£ 43,900.00	34,972	£ 174,860.00	17,527	£ 87,635.00	2,985	£ 1,492.50	1,583	£ 15,830.00	82	£ 410.00	539	£ 539.00	28,562	£ 22,015.64
Nov-14	2,374	£ 23,285.00	12,498	£ 62,490.00	9,581	£ 47,905.00	1,984	£ 992.00	886	£ 8,860.00	15	£ 75.00	259	£ 259.00	9,963	£ 7,956.84
Dec-14	2,405	£ 22,875.00	6,634	£ 33,170.00	6,457	£ 32,285.00	1,381	£ 690.50	536	£ 5,360.00	75	£ 375.00	179	£ 179.00	9,798	£ 7,651.15
Jan-15	3,106	£ 30,015.00	4,357	£ 21,785.00	6,230	£ 31,150.00	1,977	£ 988.50	550	£ 5,500.00	16	£ 80.00	196	£ 196.00	2,342	£ 1,867.21
Feb-15	3,159	£ 30,230.00	9,													

Hon. Dr J E Cortes: Let me just explain, Mr Speaker, that the breakdown into the different Heads by month involves a considerable amount of work, so I have provided the information by year and the staff are currently breaking down that further. But with your permission, Mr Speaker, and that of the Member opposite, that will have to come to him later.

565 So we have broken it down by year but further sub-division of all the different expenditure in all the different areas by month is quite an onerous task and with your permission and that of the Member opposite that will follow and he knows that he has an open line to me if he thinks it is taking rather too long. I am told by the end of the week but I am happy to be reminded if he would bear with me on that one.

570 In relation to Question 108, Government has not stated that we do not hold any statistics of visitors to the World War II Tunnels. What was stated in reply to Question 11/2017 was the fact that locals, visitors arriving at the tunnel by taxi and those arriving by tour operator coaches are charged the same concessionary cash fee and are all presented with the same type ticket on entry. So the total number of sales for this ticket type incorporates all three types of visitors and therefore exclusive figures for locals only cannot be presented. Now we are reviewing this, Mr Speaker.

The Cornwallis Chamber is scheduled to open today. I have not checked whether it has but that is my information.

580 In answer to Question 112, O'Hara's Battery exhibition area has been closed since 7th October due to manning level issues.

There is a requirement, Mr Speaker for site attendants to speak foreign languages and it is proving difficult to recruit persons with German, Dutch and other required languages.

This said, the external areas of the site have remained open from Monday to Friday allowing visitors to enjoy the gun emplacements and vistas from the highest point of the Upper Rock.

585 We expect to have a full complement shortly and we will then be in a position to reopen the exhibition.

Hon. L F Llamas: Mr Speaker, I am grateful for the hon. Minister's schedules and commitment to supply the detailed breakdown in the near future. And I am very grateful that he has at least provided us with an overall view of a yearly basis.

590 In relation to the World War II Tunnels, would I be able to come back next month and ask the Hon. Minister for a statistical analysis overall without having to ask for a breakdown of locals and tourists? Would that be a possibility?

595 **Hon. Dr J E Cortes:** Mr Speaker, I need to check back with the team. As I say, we are reviewing and it does involve considerably more work because we do not just have to count the type of tickets; we have to sub-divide that. And as we are reviewing the whole question of the Upper Rock, it may need a little bit more time than next month.

600 But again, I have to check with the team and confirm when we hope to have that information available.

Hon. L F Llamas: Mr Speaker, if I may come back to these questions once I have had the chance to overview it if I have any supplementaries and carry on with the next question.

Thank you.

605

Q107 & 114/2017

**Admission fees to Upper Rock Nature Reserve –
Policy re taxis and foreign vehicles**

Clerk: Question 107, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Written Question 10/2017, can the Government explain the rationale for exempting taxi drivers from paying the admission fees to the Upper Rock Nature Reserve?
610

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, I will answer this question together with Question 114.
615

Clerk: Question 114, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government reviewed its Upper Rock foreign registered vehicle policy since April 2016?
620

Clerk: Answer, the Hon. the Minister for Environment, Energy, Climate Change and Education.
625

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, in answer to Question 107, to assist taxi drivers in very fallow months of the year. Fees are paid in this period when visitors access the attractions on the Upper Rock Nature Reserve.
630

And in answer to Question 114, no, sir.

Hon. L F Llamas: Mr Speaker, if I may just come back because obviously these questions are interconnected with each other. So whilst I analyse the overall outcome of the policy in terms of revenue and visitors etc. if I may come back to these questions later on if I need to.
635

Thank you.

Q109-110/2017

**Debtor A and Debtor B arrears –
Update on position**

Clerk: Question 109, the Hon. L F Llamas.

Hon. L F Llamas: Further to Written Question 17/2017, can the Government provide an update on the arrears position of Debtor A and Debtor B, together with details of any new debts and debtors which may have exceeded their credit periods?
640

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.
645

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 110.

Clerk: Question 110, the Hon. L F Llamas.

650 **Hon. L F Llamas:** Mr Speaker, further to Written Question 17/2017, can the Government provide details of the arrears position as at the end of each financial year since April 2012 to date of any other arrears owed by Debtor A and Debtor B to the Government of Gibraltar, if any?

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

660 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** The information requested by the hon. Member in Questions 109 and 110 is in the schedule that I now hand over.

Answer to Question 109

Update on arrears position for Debtors:

Debtor A £2,752.65
Debtor B £119,085.10

Answer to Question 110

Details of arrears since 2012 owed by Debtors

Debtors A
March 13 NIL
March 14 NIL
March 15 NIL
March 16 £93,437.30

Debtors B
March 13 £ NIL
March 14 £ NIL
March 15 £2,752.65
March 16 £2,752.65

Q113/2017
Derelict railings in Upper Rock –
Replacement

Clerk: Question 113, the Hon. L F Llamas.

665 **Hon. L F Llamas:** Mr Speaker, what plans does the Government have to replace derelict railings in the Upper Rock, in particular on the road leading to O'Hara's Battery?

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

670 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, a programme for the replacement of railings has commenced and this area is on our priority list but other areas will be tackled before this one. Railings in the Upper Rock have not been replaced for decades.

Q115-116, 132/2017
CEPSA Refinery incident of 29th January –
Representations to EU

675

Clerk: Question 115, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, has Government made any representations to the EU Commission in the aftermath of the CEPSA Refinery incident of 29th January?

680

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

685

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 116 and 132.

Mr Speaker, Question 132 is set by the hon. Lady and she may need to be advised, as she is not in the Chamber right now, that her question is coming up, she will not have expected it perhaps that I was going to link them up but they are on the same subject so that was the appropriate way of responding.

690

Clerk: Question 116, the Hon. T N Hammond.

Hon. T N Hammond: Does the Minister for the Environment accept the statement by CEPSA when it says that the flaring incident of 29th January had no impact on the environment?

695

Clerk: Question 132, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government reveal what is the nature of the complaint to the EU in connection with the flaring incident at CEPSA Refinery on 29th January this year?

700

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

705

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, yes sir. The Government has filed a complaint with the European Union Commission and this was done on 6th February.

In answer to Question 116 which refers to whether I agree with the statement that the flaring incident had no impact on the environment, it is probably the most predictable reply ever, no sir.

710

And in answer to Question 132, the nature of the complaint is and I summarise:

To highlight and remind the Commission of the ongoing cases of flaring which have been occurring over the years at the CEPSA refinery and highlighting the latest incident of the 29th of last month; the apparent lack of action on the part of the relevant competent authorities to ensure that CEPSA complies with obligations arising under EU law; our concerns in relation to the ensuing impacts on public health and the environment in the region and the lack of communication from the Spanish authorities to the relevant Gibraltar authorities when such events occur, and on the operation of the complex as a whole.

715

And because it is just a summary, in case I have missed anything, I am providing Members with a copy of the complaint as filed. I would just mention, Mr Speaker, that because there are quite a number of appendices, they are not in printed form but they will be made available electronically to the Members within the course of today. There was just too much to print but that is the substance of the main complaint. The appendices will follow by electronic means.

720



Department of the Environment,
Heritage and Climate Change
HM Government of Gibraltar

Complaint: Flaring and the San Roque Refinery

The San Roque Refinery

1. The San Roque Refinery (the "Refinery") is an oil refinery owned by *Compañía Española de Petróleos, S.A.U.* ("CEPSA") located on the northern Spanish coastline of the Bay of Gibraltar. CEPSA is a Spanish multinational oil and gas company which operates in several European countries as well as Algeria, Canada, Colombia, Morocco, Brazil and Panama.
2. The Refinery, said to be the largest in the Iberian Peninsula, is one of three refineries at which CEPSA produces oil products in Spain. According to CEPSA's own website, all types of fuels (propane, butane, gasolines, aviation fuels, gas oil, etc.) are manufactured at the Refinery in addition to pure chemical products such as benzene, paraxylene and ortoxtylene. The website boasts that the Refinery has a distillation capacity of 12 million TM/year and that it employs over 1,000 workers. The relevant extracts referred to in this paragraph are appended to this document as **Annex A**.
3. Specifically, the Refinery is situated on the Guadarranque Industrial Estate which lies between the residential area of Puente Mayorga and the Guadarranque River in the municipality of San Roque, Cadiz, Spain. The combined residential population of the Spanish towns that immediately surround the Refinery (namely Algeciras, La Linea de la Concepcion, San Roque and Los Barrios) and Gibraltar is of approximately 265,000 inhabitants.

Flaring Incident of 29 January 2017

4. On Sunday 29 January 2017, at around 1700hrs, significant high flaring began from five of the flare stacks installed at the Refinery. Flaring continued for approximately an hour. Annexed to this document as **Annex B** are various photographs taken from Gibraltar of the incident. The photographs very clearly show the extent of the flaring and the resulting intensity of the black smoke and fumes discharged into the air. The incident was recorded and video clips can be accessed on the following links:



<https://www.youtube.com/watch?v=uESb0Zuk8ek>

<https://www.youtube.com/watch?v=D81-gVINYps>

<https://www.youtube.com/watch?v=D81-gVINYps>

5. Given the magnitude of the flaring, media reports suggest that a significant number of residents from both the neighbouring region of Spain and Gibraltar took to social media and other fora to complain about the incident. Various local press articles published following the incident are contained in **Annex C**.
6. Grave concern as regards the extent of the flaring was also raised by non-governmental organisations from both Spain and Gibraltar such as the *Gibraltar Environmental Safety Group* as well *Verdemar-Ecologistas en Acción*. Their statements have been annexed to this document as **Annex D**.

Statement released by CEPSA

7. Shortly after the incident, CEPSA released a statement a copy of which can be found in **Annex E**. In its statement, CEPSA claims that an interruption to the Refinery's electricity supply led to a power shutdown at the plant. Allegedly, this in turn required the Refinery to discharge built up gases causing the high flares visible around the area.
8. In its statement, CEPSA also highlighted that it had apparently informed the local Spanish authorities, the emergency services, the Spanish Department for the Environment and the Neighbourhood Committee of the incident. When doing so, CEPSA informed those concerned that the incident would, according to them, not have any consequences for either the people of the surrounding area or the environment. CEPSA further reduced the importance of the flaring episode by alleging that the gas discharged was due to the proper functioning of the plant's safety systems and was done as part of the normal operation of its industrial facilities.

Wider concerns regarding the Refinery's practices

9. Whereas for the reasons expanded upon below, Her Majesty's Government of Gibraltar ("HMGoG") takes issue with the excuse provided by CEPSA for the flaring incident, HMGoG would further submit that the recent episode of 29 January 2017 should not be viewed as an isolated incident. Instead, there is a long



history of complaints concerning CEPSA's practice of resorting to flaring and it is not the first time that CEPSA has alleged that flaring has been caused by an electrical outage. For example, the media reports enclosed as **Annex F** confirm that similar episodes occurred on 30 March 2007, 1 April 2007, 28 June 2009 and 18 January 2014. Similar concerns were raised by the Environmental Safety Group on 2 May 2006, 6 December 2010, 15 February 2016 and 21 October 2016 as illustrated by **Annex G**. Aside from the above, an audit carried out into the Refinery's operations (referred to in paragraph 18 below) also confirms that flaring occurred on 21 May 2006, 17 August 2006, 2 April 2007 and 22 April 2007.

10. As the Commission is well aware, the practice of flaring is dangerous and harmful to the environment. The European Environment Agency, for example, (see **Annex H**) underlines that the emissions of pollutants from flaring may consist of unburned fuel components (e.g. methane, NMVOC), by-products of the combustion process (e.g. soot, partially combusted products, CO, CO₂, NO_x) and sulphur oxides (e.g. SO₂) where sulphur components are present in the waste gas. Yet, despite the fact that all of these emissions are extremely harmful to human health and the environment, CEPSA continues to repeatedly resort to flaring.
11. Given the manner in which CEPSA operates the Refinery it is unsurprising that in May 2014 a report by the World Health Organisation concluded that La Linea de la Concepcion had the worst air quality in Spain (see **Annex I**). In May 2016, La Linea de la Concepcion was again underlined in a similar World Health Organisation report as having the third worst air quality in the country.
12. It is on the basis of these growing concerns for the air quality of the area and the health of its citizens that HMGoG makes this complaint.

Questions raised by Ashley Fox MEP

13. Since 2009, Ashley Fox MEP has represented Gibraltar in the European Parliament as one of the six MEPs representing the South West of England and Gibraltar. In response to concerns raised by constituents in Gibraltar, Mr Fox has on two occasions filed parliamentary questions in which he calls into doubt CEPSA's compliance with EU environmental standards. Mr Fox's questions of 4 February 2011 and 2 December 2015 together with the Commission's responses to those questions, are annexed as **Annex J** to this document.



14. As noted in its response to the question of 4 February 2011, it is worth underlining that the Commission at the time confirmed that, with regard to the Refinery, it had *“contacted the Spanish authorities and launched an investigation regarding the implementation of Directive 2008/1/EC concerning integrated pollution prevention and control (the IPPC Directive)”*. Furthermore, the Commission added that *“findings to date suggest that certain shortcomings presently exist for the installation but that action is being taken to rectify this situation”*. Finally, the Commission also underlined that *“the operator... is investing in improvements... to fully implement best available techniques to prevent or minimise pollution as required by the IPPC Directive”* and that *“the actions identified in the major audit of [the] site carried out in 2008 by the competent authority are being incorporated into the permit of the installation.”*

15. Over four years later, in response to Mr Fox’s question of 2 December 2015 concerning the Commission’s progress with such investigation, the Commission stated that *“the CEPSA oil refinery has undertaken action to ensure compliance with its permit and implement the best available techniques to prevent or minimise pollution, as required by Directive 2010/75/EU on industrial emissions [the “IED”]”*. Consequentially, *“the Commission [had] therefore not been in a position to establish a breach of EC law.”* The Commission also pointed out that *“the national administrative and/or judicial bodies in charge of the implementation of the IED are primarily responsible to verify the situation and have the means appropriate to address the problem if the concerns are found justified.”*

Cause for concern despite the Commission’s response of 10 February 2016

16. Despite the position adopted by the Commission, as stated in its response to Mr Fox of 10 February 2016 referred to above, HMGoG continues to harbour very serious concerns with respect to CEPSA’s compliance with EU environmental obligations – not least because of the recurrence of flaring episodes (even after 10 February 2016) as manifested in the latest significant incident of 29 January 2017. HMGoG is also concerned with the apparent lack of action on the part of the relevant competent authorities to ensure that CEPSA complies with obligations arising under EU law.

17. Moreover, HMGoG seriously doubts that, as stated by the Commission, *“the actions identified in the major audit of [the] site carried out in 2008 by the competent authority [were] incorporated into the permit of the installation”*. This doubt is generated by the undeniable fact that many of the shortcomings identified in



the audit and the recommendations made therein have either blatantly not been dealt with or taken into consideration.

18. In support of such conclusions, and with reference to the relevant audit (appended to this document as **Annex K**), HMGOG would highlight the following:

- a. In page 14, the audit highlights that in 80% of the times incidents were caused by electrical faults connected to either the Refinery's external electricity supply or its own internal electrical systems. As a result, in page 15, the audit concludes that CEPSA should "*prioritise*" action to extinguish these electrical issues which would result in an effective solution to reduce environmental risks.
- b. In the bullet points which follow, the audit makes a series of concise recommendations which include, but are not limited to, recommendations concerning: (i) improvements to the Refinery's capacity to generate its own electricity which was found to have "*not been reliable in the past*"; (ii) steps to secure a second wholly Independent source of electricity; (iii) improvements to information gathering exercises carried out to identify causes of faults; (iv) reductions to reliance on overhead powerlines; (v) revisions with regard to transformation capacity; (vi) revisions concerning the capacity and reserves of electricity substations; and (vii) an analysis of how saturated distributions lines are.
- c. The audit also underlines, in page 18, that flaring incidents should be considered in the context of the Refinery's proximity to urban areas.
- d. The audit further notes in page 18 that action should be taken by CEPSA to (i) wholly avoid or minimize power outages by implementing the recommendations summarised in point b. above; and to (ii) minimize the time taken to normalize flaring situations. The audit itself highlights that the 20 to 30 minute flaring episodes experienced by the Refinery were excessive noting that other refineries take around 10 minutes to recover. In this context HMGOG would once again point out to the Commission that it is reported that the flaring incident of 29 January 2017 lasted around an hour.



19. After considering the above, and whilst noting the Commission's conclusions with regard to CEPSA's apparent action to implement the recommendations of the 2008 audit, HMGoG would highlight that CEPSA, in 2017, continues to deflect responsibility for preventing flaring episodes by unashamedly citing electrical faults as the cause of such incidents. This, justifiably, seriously calls into question whether CEPSA has adequately implemented the recommendations of the 2008 audit or whether it respects other aspects of compliance with environmental standards arising under EU measures. It also calls into question whether the relevant Spanish competent authorities are effectively ensuring, in accordance with responsibilities arising under EU law, that CEPSA is adhering to such EU obligations.

The IED and Best Available Techniques

20. Article 11 of the IED sets out the general principles governing the basic obligations of operators. Such general principles oblige Member States to take the necessary measures to *inter alia* provide that the "best available techniques" are applied at installations. Commission Implementing Decision of 9 October 2014 establishes the best available techniques ("BAT") conclusions under the IED for the refining of mineral oil and gas (the "Implementing Decision").

21. Without limiting the Commission's power to investigate any other aspect of CEPSA's compliance with EU environmental standards as regards operations at the Refinery, in light of the recurring flaring incidents forming the subject of this complaint, HMGoG would request that the Commission initiate a specific assessment of CEPSA's adherence to BAT 55 and BAT 56 as set out in Section 1.18 of the Implementing Decision. This assessment should be carried out against the recommended techniques to prevent or reduce emissions from flaring listed in Section 1.20.7. HMGoG would also request that action be taken by the Commission to ensure that the relevant competent authorities in Spain are taking the necessary measures to ensure that the Refinery is operated in accordance with EU law.

La Junta de Andalucía

22. HMGoG would invite the Commission to take the steps set out in paragraph 21 above notwithstanding its comments concerning the responsibility of "national administrative and/or judicial bodies in charge of the implementation of the IED... to verify the situation" and their means "to address the problem if the concerns are found to be justified." The reason for this is that the Ministry for the Environment of La Junta de



Andalucía (“La Junta”) has already concluded that the episode of 29 January 2017 did not result in “any serious incident which resulted in contamination parameters being exceeded” (see **Annex L**). In circumstances where La Junta has already reached such conclusion, HMGoG has considered it inappropriate to address its complaint to La Junta as the *Comunidad Autonoma* in charge of the implementation of the IED for the region of Andalucía. Moreover, the same suggests that La Junta has no apparent concern with CEPSA’s insistence on hiding behind the seemingly standard electrical outage excuse whenever flaring occurs.

Further concerns

23. Finally, it should be noted that despite the fact that CEPSA had apparently informed the local Spanish authorities, emergency services, the Spanish Department for the Environment and the Neighbourhood Committee of the incident of 29 January 2017 no formal contact was established with relevant authorities in Gibraltar despite Gibraltar’s proximity to the Refinery.
24. HMGoG would submit that the decision not to inform the relevant Gibraltar authorities runs contrary to the spirit of Article 25 of Directive 2008/50/EC which requires a level of cooperation between Member States in cases of transboundary air pollution. For instance, the relevant provisions of the measure stated above encourage consultation between Member States and the sharing of information in these cases.
25. HMGoG therefore expects to be formally notified of any future incidents to the same extent as any relevant Spanish authority or any other Spanish entity or body.

Further information

26. HMGoG stands ready to assist the Commission with any further information required during the course of its investigation of this complaint.

Her Majesty’s Government of Gibraltar
Department of the Environment, Heritage and Climate Change
6 February 2017



Annex List

- Annex A:** Extracts from CEPESA website
- Annex B:** Photographs
- Annex C:** Media reports covering the incident of 29 January 2017
- Annex D:** Statements of Gibraltar Environmental Safety Group and Verdemar-Ecologistas en Acción
- Annex E:** CEPESA statement
- Annex F:** Other media reports covering similar incidents of 30 March 2007, 1 April 2007, 28 June 2009 and 18 January 2014
- Annex G:** Environmental Safety Group press releases covering incidents of 2 May 2006, 6 December 2010, 15 February 2016 and 21 October 2016
- Annex H:** EME/EEA Air Pollutant Emission Inventory Guidebook 2016, European Environment Agency
- Annex I:** Press article referring to World Health Organisation report
- Annex J:** Parliamentary questions filed by Ashley Fox MEP on 4 February 2011 and 2 February 2015 and Commission's responses
- Annex K:** Report of the Auditoria Medio Ambiental, Refinería de Cepsa, Algeciras, 30 April 2008
- Annex L:** Press article confirming position taken by La Junta de Andalucía

Hon. T N Hammond: Mr Speaker, I thank the Minister for the copy of this complaint, which I look forward to reading and I am sure will be more than happy to support.

730 If I could just go back to Question 116 quickly, when the Minister says no, he does not agree with the statement put out by CEPESA that the incident had no impact on the environment, is he therefore suggesting that CEPESA have been economical with the truth reference the incident?

Hon. Dr J E Cortes: Mr Speaker, it is not for me to analyse what that means. I do not agree with their statement. Flaring is well known and in fact it has been declared by the European
735 Environment Agency that the practice of flaring is dangerous and harmful to the environment. Emissions of pollutants from flaring may consist of unburnt fuel like methane, by-products such as soot, which obviously is particulate matter, carbon monoxide, carbon dioxide, oxide of nitrogen, sulphur oxide and therefore I cannot agree.

740 And if they say it has no impact on the environment and I say that I do not believe that that is correct, the conclusion as to what I think of CEPESA's statement is, I think very obvious.

Hon. T N Hammond: Mr Speaker, in view of the Minister's position with respect to the potential environmental damage that such incidents and certainly flaring in general can cause, is the Government considering taking any form of legal action against CEPESA in this respect or in
745 respect of this incident?

Hon. Dr J E Cortes: Mr Speaker, we quickly reacted by filing this complaint and we are considering all options.

750 **Hon. Ms M D Hassan Nahon:** Mr Speaker, considering the incident that happened, is the Government looking at conducting an environmental impact study once again?

Hon. Dr J E Cortes: Mr Speaker, an environmental impact study precisely on the operation of CEPESA?
755

Hon. Ms M D Hassan Nahon: Perhaps my jargon is mistaken; I mean a study on the effect of the CEPESA flaring incidents or the refinery itself on human life and the environment?

Hon. Dr J E Cortes: Mr Speaker, it probably is not necessary. There was an environmental
760 audit of the plant in 2008 which was requested by the European Union and that in fact highlighted the need to prioritise electrical failures of the plant which is allegedly what happened on this occasion.

765 So we have argued to the Commission that these do not appear to have been tackled so whether there is a need to carry out a new environmental audit when one was done about six or seven years ago, and the conclusions of which we happen to agree with, I think it is probably not necessary. But what we are doing is reminding the Commission of the results of that audit and how CEPESA has failed to deliver on what that audit required.

770 It may not be necessary to conduct a new one but depending on responses and so on, again these are options that we will continue to keep open.

Hon. D A Feetham: Mr Speaker, was that environmental audit conducted as a consequence of the complaint that was made around 2005 or 2006 in relation to the operation of the refinery? I gather it was, as far as I can recall I think it was related to the Environmental Safety Group that made a complaint and I think the hon. Gentleman was involved at the time.
775

Hon. Dr J E Cortes: Yes, Mr Speaker, it was the Environmental Safety Group and in my capacity with another NGO at the time I think I was a signatory to that complaint and certainly worked together with the ESG on it.

780 I would like to think it was as a result but we must remember that there have been other complaints, some notably from environmentalists in the surrounding area. I do not know whether they have ever acknowledged the cause and effect that it was as a result of that complaint, I like to think that it was. And certainly I think that complaint played a large part in requiring that audit.

785 So I think we can be satisfied and I notice there is no difference across the House on this one. I think we can be satisfied of the work of our NGOs through the years and also the fact that we are working very closely with them in moving this forward, which is a concern for all of us.

Fortunately for us, Mr Speaker, on that particular day it appears that the wind took the pollutants away from us but that is no justification because there are communities on the other side of the bay who were obviously affected.

790

Hon. D A Feetham: Mr Speaker, in light of the fact and of course, on this the Government and the Opposition are going to be *ad idem*, but in the light of the fact that there have been previous complaints and that this keeps on occurring, what prospects does the hon. Member think that there is going to be for this complaint that the Government has filed? And therefore, 795 in the light of that and in the light of the fact that there have been various complaints, none of which appear really to have dealt with this particular issue, is it not perhaps the time to take it a step further and perhaps take legal action against CEPASA, as my hon. Friend, Mr Hammond has suggested in his previous question?

800 **Hon. Dr J E Cortes:** Mr Speaker, as I replied to the Hon. Mr Hammond, we are keeping our options open. I do not think we should publicly declare our strategy, but we are keeping our options open. It is something that concerns us greatly.

Fortunately, they cannot use the Brexit argument against us, because that side of the border will stay within the EU and therefore they will be tied to European requirements.

805

Mr Speaker: Next question.

Hon. T N Hammond: Mr Speaker, I remain very interested in the Minister's response to Question 116 reference CEPASA's response to the incident, because clearly we have a case here 810 where, and I very much respect the Minister's opinion because of his expertise in this area, and for that reason it concerns me deeply that we should have a big oil company coming out very publicly saying, 'Nothing to worry about here – what we have done is of absolutely no impact on the environment!' whereas I think even the layman would recognise that it has, and certainly the Minister with his greater and more in-depth knowledge will certainly know that it has had an 815 impact on the environment. Therefore it concerns me that there is a clear element, there is a clear issue of trust here in what we are being told by a big oil company and what the reality on the ground actually is.

Would the Minister care to comment on that particular point?

820 **Hon. Dr J E Cortes:** Mr Speaker, I do not think the hon. Member is asking me to give an opinion on big oil companies and I certainly will not.

I take the point, there are concerns as to what that particular company has said and as I say, we are keeping our options open. But I do not think it would be sensible for me to labour that point any further.

Q117/2017
Cancer rates in Gibraltar –
Epidemiological studies

825 **Clerk:** Question 117, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, would the Government consider commissioning a further epidemiological study since the last one conducted in 2010 in order to allay public fears that cancer rates may be higher in Gibraltar than in similar communities in Europe?

830

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):
835 Mr Speaker, the epidemiological study in 2010 was conducted in response to public fears about cancer and it was carried out by Aarhus University in Denmark.

Epidemiological data collected prior to that by the Public Health Department had not shown higher rates than 'normal', and in many cases Gibraltar's rates appeared lower than that of many other countries.

840 It is against this background that the study was undertaken and it confirmed that:

the total cancer incidence rate in Gibraltar is within the normal range of other European countries; Gibraltar is not a high risk community for cancer.

The former GSD administration accepted those findings and defended them here. This administration is not satisfied with those findings. We will therefore be carrying out a further study.

845 Over the next two to three years, the successful completion of the Electronic Patient Record project is expected to yield high quality data that will enable the Gibraltar Cancer Registry to carry out similar epidemiological assessments in-house. At that time, the need for further research studies into specific aspects will be reviewed and we will be including them as part of the further research in a new epidemiological study.

Q118-119 and Q133/2017
Master Services –
Retendering for contract

850 **Clerk:** Question 118, the Hon. T N Hammond.

Hon. T N Hammond: With the retendering of the current Master Services contract, will Government provide assurances that all employees of Master Services will be subjected to Transfer of Undertaking Regulations and have both their jobs and terms and conditions protected?

855

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):
860 Mr Speaker, I will answer this question together with Questions 119 and 133.

Clerk: Question 119, the Hon. T N Hammond.

Hon. T N Hammond: A certain sense of déjà vu. Can the Government confirm that the invitation to tender for the Master Services contract will be publicly issued?

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Clerk: Question 133, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What are the reasons for the non-renewal of the longstanding contract of Master Services?

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

Hon. Dr J E Cortes: Mr Speaker, the Government has already confirmed, although it was not necessary for us to do so, that employees of Master Services are covered by the protection of the Transfer of Undertakings provisions which protect their jobs and terms and conditions of employment.

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The tender will be published in the European Union Journal, as is required by EU law.

The contract will shortly expire and it must therefore be dealt with in accordance with mandatory EU procurement procedures.

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Hon. Ms M D Hassan Nahon: Mr Speaker, as we are subject to the rule of law, how many other companies will now be facing the same situation whereby other private companies will be subject to another tender process?

885

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, as the hon. Lady would expect, all of them whose contracts are within the provisions of the EU procurement rules.

Hon. Ms M D Hassan Nahon: Would it be possible to ask for a list of all other Government contracts and dates of expiry?

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Mr Speaker: No – not now, anyhow. It is possible. I invite the hon. Lady to put down a question for the next meeting, but she cannot expect the information to be available today.

895

Hon. Chief Minister: That is right, Mr Speaker, although we would have to look at every contract which the Government has which falls within the parameters. I do not know whether that is something that could be done in five days, because the Government has a lot of contracts and looking at the parameters would require an assessment of all those contracts.

But there is a procedure that as soon as one of these contracts comes up they are flagged up, and I am sure that hon. Members were not surprised by this because we had a debate in this House where the hon. Lady raised the issue, and when she was told that the contract was expiring in March she may recall that it was when she got up and memorably said Gibraltar is smelly. We had a long debate about whether Gibraltar was smelly or not, and at that stage there was another question from the Opposition benches suggesting that cleanliness was not up to scratch and we were defending the fact that the contract was in force and that it would come up for tender in March and that therefore this was something that has long been trailed and expected in this community. At the very least, since the hon. Members raised it at that time, as it is raining, Gibraltar is less smelly today.

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Mr Speaker: Any other supplementary on this matter? Next question.

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Hon. Ms M D Hassan Nahon: Can I ask ...?

Mr Speaker: Yes, indeed.

915 **Hon. Ms M D Hassan Nahon:** I do not imagine that Master Services will be stopping to work as soon as the contract ends, so what renewal term will be given to them to ensure that the workers will not be in employment on a month-to-month basis – do we know?

920 **Hon. Chief Minister:** Mr Speaker, the contract when it expires will – I assume in the context of whatever advice we have from Procurement as to what date they will be able to make final assessments in respect of tender submissions – probably be rolled over with an agreement for that period, subject to the advice from the Procurement Office, and that will be the date when we are confident that whoever takes over will be able to seamlessly start running the new show, which may very well be the same company or may be another company.

925 So this is not something that is fixed; it is something which has to be subject to advice from the Procurement Office. But I will tell her, Mr Speaker, that we have serious concerns about the contract that is currently in place and whether it was granted in keeping with EU procurement rules.

930 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Hon. Chief Minister give us any assurances as to whether the new employer or the new contract will encompass existing obligations in relation to pension schemes?

935 **Hon. Chief Minister:** Yes, Mr Speaker, because there is a law that deals with that. There is a specific law that deals with the issue that the hon. Lady is raising, so she has the advantage that the Transfer of Undertakings provisions apply in respect of this matter if there is a new contract which deals with the same subject matter.

940 But the hon. Lady should not write off the possibility that the existing company, the existing contract party, might be the contract party that enters into a new arrangement with the Government. We have to ensure that we get the best value for money for the taxpayer and we have an obligation to do that through an EU procurement scheme which is the law of Gibraltar, since it was directly effective under EU law before we were elected and which we transposed into law because it was already outside the provisions for the transposition period, but it would bite at the time that the contract was granted before.

945 That is how we are going to ensure that this matter is determined, that is how we are going to ensure that the taxpayer gets best value for money and that is how we are going to ensure that Gibraltar is not smelly – so she does not have to ask us those questions again.

950 **Hon. Ms M D Hassan Nahon:** Mr Speaker, my concerns were echoing those of the employees I have been speaking to who have a concern because their pensions were frozen once, for the ones who have been working for over 18 years, and they very concerned that this may happen again. So I put that concern to the Chief Minister.

955 Can I just ask: if the new successful tender, whichever that may be ... can they take into account the other services that Master Services have provided? From what I understand, they have been exemplary in terms of taking care of ex-offenders, ex-drug addicts – people who have... they have rehabilitated a lot of their workers into society. Will that be a factor that the procurement will take into account in the new tender?

960 **Hon. Chief Minister:** Mr Speaker, the hon. Lady was putting to us that they were not exemplary in the way that they managed the toilets at Europa Point. She raised that issue on a number of occasions during the course of the exchanges that I am talking to her about.

965 I do not recognise in anything that she says anything to do with the Government in respect of frozen pensions. It has nothing to do with us; I assume it had nothing to do with the former administration before. Nobody has put to us any issue in relation to pensions having been frozen; it is not something we have heard about.

A number of employers in Gibraltar assist with rehabilitation of people who have been in prison. It is something that we would expect most employers in Gibraltar would want to do. In

fact, some of the most loyal employees that firms have come from the pool of people who have made a mistake in life but are then given the opportunity to go on the straight and narrow – they recognise that they have been given that opportunity by an employer and they are very loyal indeed to those employers going forward.

I recognise that Master Services has done some of that work; other companies have also done some of that work. Given the sector which they are in, it is an area where people are able to be given an opportunity because there is little by way of trust in respect of moneys etc. in the context of doing the frontline work at the coalface in an industrial cleaning contract, and I would expect that whoever were to be successful in taking the contract will oft be prevailed upon by the officers of the Minister for the Environment – sorry, of Employment – to assist in that respect. I think I sent a shiver down the environmentalists’ spines when I pointed to Mr Licudi in respect of the environment! I meant employment. So I am sure that this is something that whoever is successful will be able to form part of. Indeed, I am reminded by the Minister for Economic Development that to be on the approved contractors list of the Government one is required to also form part of that programme.

But I am not for one moment suggesting that it may not be Master Services itself that succeeds in respect of the tender. It may very well be they have the wealth of 18 or 20 years’ experience, so they may be the ones who are successful, but what is important to us on this side of the House is that we ensure that we get best value for money for the taxpayer and that Gibraltar is clean, so that the hon. Lady does not have to tell us that the toilets at Europa Point are not to the standard that we would all expect them to be – and she was highlighting that as a complaint at the time – and so that nobody has to raise on social media, and her here, that Gibraltar is smelly.

I am sure, Mr Speaker, that the tender process will enable us to get closer to that standard of service we all wish for the value for money that we expect.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just clarify that I was not having a dig at Master Services itself when I raised the issue of the toilets being smelly. It could have had a lot to do with the way that the Government allocate contract working hours to Master Services, not necessarily a go at Master Services itself.

Secondly, I ask the Chief Minister if he has actually sat down with the main union, the GGCA, which holds most of the members of Master Services today, to find out the concerns that he claims he has not heard about yet.

And also I ask him to allay concerns that I hear widely that the new contract is actually already a *fait accompli*?

Hon. Chief Minister: Let me start at the end, Mr Speaker. It really ill behoves the hon. Lady to come to this House making allegations based on rumour, because she is going to spend her life in this House putting issues to the Government which are entirely and completely untrue. I have heard all sorts of rumours about her, about all of them over there and about each and every single one of us – rumours which are unrepeatable even in private to one’s wife, Mr Speaker. *(Laughter)*

But that is what Gibraltar is like. One hears rumours about everything, and the latest I have heard – well, one of the ones I have heard – is that the contract is going to be awarded to a relative of the Government and this is the best way that we are going to be able to spot how tenders are not granted in a way that is fair etc. Mr Speaker, this is utter tripe – it is complete and utter tripe. People just make it up as they go along. The proof of the pudding will be in the eating, Mr Speaker, and the hon. Lady need not concern herself with bringing to a place like this Parliament matters which she hears as tittle-tattle on the street.

I take the point from the hon. Lady that it is my fault that the toilets at Europa Point smelt and were not to the required standard and not the fault of the person whose job it is to run a company to ensure that the toilets are clean. I would have expected that from a politician; I did

1020 not expect it from her – I thought she was the voice of reason. Reason must dictate that the
Government of the day, allocating more resources than have ever been allocated in cash terms
in respect of this contract – I think that we have allocated almost a third or two-thirds more than
used to be the case under the former administration – would have been entitled to expect that
one might be able to eat one’s dinner off the floor of those toilets and not have it smell. So the
1025 hon. Lady must, if she was being honest with the way that she was dealing with matters, she
must have been criticising Master Services. I know that today the political advantage is in
aligning oneself with the employees of Master Services and not in being where she was with
other hon. Members opposite last year, criticising the work done by Master Services. We will be
consistent, Mr Speaker, in defending that we are going to seek the best value for money for the
1030 taxpayer – and that may mean we continue with Master Services or not and she need not
concern herself with rumours that we might do otherwise.

Mr Speaker, finally, I have a meeting tomorrow afternoon with the union in question, who
wishes that meeting, that was going to be one of our regular monthly meetings, to be dedicated
to Master Services, so I expect to see them then. I have not met any other union in respect of
1035 this matter. In another meeting, in relation to other matters, with another union the issue was
raised with me *en passant* and I gave my views and tomorrow I will have a meeting with the
union that is principally responsible for the employees there. I have no doubt that when they
hear what the Government has to say they will be much less concerned than they appear to be
about the only issue that can matter to a union, namely the matters that relate to their
1040 employees. One would have thought that any other matter is beyond the remit of a union and I
am sure that tomorrow the meeting with the union will be about those issues.

Hon. R M Clinton: Mr Speaker, if I may come back to the tender itself, would the Minister, or
indeed the Chief Minister, be able to add some colour to the invitation to tender and explain or
1045 advise the House what is anticipated to be the length of the contract under the tender, and will
it be a tender for all existing services as provided by Master Services today?

Hon. Chief Minister: Mr Speaker, the tender notice will be published in the European Journal
of the European communities. It would be inappropriate to comment further, given that that
1050 tender notice is required to come out with a specific period within which people can tender and
we do not want to be putting information into the public domain piecemeal. But the hon.
Gentleman will be able to see the tender: it will be available online and I think it is also published
in local newspapers in addition to being published in the European Journal. That is as required.

Hon. D A Feetham: Mr Speaker, I quite understand that in relation to the term, but can the
Government give a view or some information in relation to its policy as to whether it intends to
1055 break up this contract into smaller segments or whether it is Government policy to tender for
the entirety of what is now the Master Services contract?

Hon. Chief Minister: Mr Speaker, I would have thought it was evident in what we have said:
there is going to be a tender. If we were intending to break it up there would have been a
number of different tenders, and if there were a number of different tenders they might not
pass the threshold of what is required to be advertised at a European-wide scale. So the
Government has no intention of advertising anything other than one tender.

1065 In the context of the submissions it may be that we receive proposals to break it up or that
we receive piecemeal proposals – I do not think we can stop that – and Procurement will have to
assess whether those piecemeal proposals, either in whole or in part, are better than a whole
contract as is presently the case for all of Gibraltar or just for specific parts. It may be that there
are specific parts where somebody tenders and that is more valuable. But as far as the
1070 Government is concerned, it is going out as one contract.

Q120/2017
North Gate building –
Steps to prevent demolition; listing

Clerk: Question 120, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what steps it has taken to prevent the demolition of the North Gate building of the dockyard and has it sought the permission of the Secretary of State to list the structure under the Gibraltar Heritage Trust Act?
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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): Yes Mr Speaker, the matter of the MOD Gatehouse has been the subject of public debate for some time now. The planning process through the Development and Planning Commission was carried out in the same manner that is applied to Government projects.
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The recommendation of the DPC was that the Gatehouse should not be demolished and Government was hopeful that the Ministry of Defence would accept that decision. MOD moved to start enabling works for the demolition of the building.
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At this stage, after consultation with the Chief Minister, who was away from Gibraltar, I contacted the Commander of the British Forces in my capacity as Acting Chief Minister and offered to discuss possible ways of resolving the matter. Later, the Chief Minister and I met with His Excellency the Governor and this was followed by meetings between Gibraltar Government and MOD representatives in order to explore ways in which to protect or preserve the building. The building will now not be done away with, but will be moved to another location.
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Further information will be released soon – as soon as these planning meetings determine the best way forward.

With regard to the second part of the question, the building was not listed in the Act and the Government will consider possible listing in the context of the new Heritage and Antiquities Act.
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Hon. R M Clinton: Mr Speaker, I thank the Minister for his response. Can he confirm to me that, from his answer, that in fact there was no attempt to seek the existing structure ... permission from the Secretary of State to be listed in its current location?
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Chief Minister (Hon. F R Picardo): Mr Speaker, that provision is a provision that predates the 2006 Constitution. Matters relating to Heritage are now entirely in the purview of the Government of Gibraltar, and the Government of Gibraltar does not think it is appropriate to be seeking consent from the Secretaries of State to list things in Gibraltar. There is a draft Heritage and Antiquities Act that should soon be on the Statute Book and that will enable us to deal with issues such as that in the future.
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But I must say to the hon. Gentleman, as I was heartened to hear the response of the Gibraltar Heritage Trust for the work that my hon. Friend did in my absence from Gibraltar – and would have been doing anyway in respect of his responsibilities – about the fact that the Government has been able to find a way to ensure that this building is preserved for future generations. My own view is that it must be rebuilt in the area, it must be rebuilt quickly and it must be rebuilt in a place where people can have access to it so that this piece of heritage is one that our children can access and not see it behind the wire.
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As to moving this particular piece of our military heritage, although I recognise it is not ideal, unfortunately the attitude of the Ministry of Defence was not the one that we might have expected. If it were only in relation to small heritage buildings, one might have had an easier week last week. But let's be very clear: the temple of Abu Simbel, the temple of Rameses II in
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1120 Egypt, was moved because it might have flooded with the Aswan Dam's creation, and it is now
seen by many millions of people every year. It was a feat of engineering the likes of which, I
remember seeing, had not occurred before in our history as a humanity. There is a very good
YouTube of it, actually, Mr Speaker, where you see all of the bits of it being redone by National
Geographic. This small movement is hardly Abu Simbel, but I think that it is important for our
1125 children that this particular building be preserved and that it be accessible to future generations
of Gibraltarians.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister and I concur with his view
of Abu Simbel, having visited it myself.

1130 However, in this case – and I refer back to his comment about the Constitution and the
Secretary of State and this House not requiring the permission of the Secretary of State for
anything that is done in Gibraltar – however, this building is in fact on Crown land, and the
provision I was referring to was in exactly that kind of instance where this building is on Crown
land and not on Government land, and therefore, from my reading of the law as it stands, any
attempt to list any building on Crown land would require the permission of the Secretary of
1135 State, which is why I included that in my question. It would have been possible – I do not know if
it is possible – if the Minister had applied to the Secretary of State, to list it in its current
situation, and if the Secretary of State was so minded then he may have averted the need to
move this building.

1140 But I must ask the Minister: is he not slightly concerned that this sets a rather dangerous
precedent for any other structure or building which currently is on Crown or MOD land – for
example, there are structures on Windmill Hill which certainly are old and ancient – and whether
the MOD stance will be 'Look, either we demolish it for car parking or take it away'? Does the
Minister have any intention of accelerating the Heritage Act so as to cover this kind of scenario?

1145 **Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman quite understands the
structure of land in Gibraltar. All land in Gibraltar is Crown land. Even freehold land is Crown
land because the title comes from the Crown. The Crown, Mr Speaker, is that Crown: the Crown
that is here in Parliament. It is the Crown which is represented in Gibraltar by His Excellency the
Governor in representation of Her Majesty the Queen, the Queen of Gibraltar. That Crown land
1150 is vested in the people of Gibraltar. The Ministry of Defence have access to it whilst that land is
necessary only for the purposes of the defence of Gibraltar.

1155 So the Secretary of State is a tenant in respect of that land, and that is the clear position
under something that is called Lands Memoranda, which comes from the times of Joshua
Hassan, and the negotiations have traditionally been on the basis that that is the case. The fact
that it is Crown land means nothing in the context of this equation, any more than that this is
Crown land and that the hon. Gentleman's apartment is on Crown land and that all of us live on
Crown land because all leases come from the Crown in Gibraltar.

1160 If there is an item of heritage value on land which is presently used by the Ministry of
Defence, I think the hon. Gentleman will find that most of what the Ministry of Defence inhabit
has long been some of the most precious heritage that Gibraltar might have, and the Ministry of
Defence are not known for looking after the heritage of Gibraltar. The work that the Hon. the
Minister for Employment did when he was Minister for Education at the University, when he was
responsible for that project, showed us that those magnificent facilities up there were oft drilled
1165 into with no respect for the work that had been done in erecting those buildings etc. I suppose if
you are the Ministry of Defence you can say, 'Well, the Royal Engineers put it up and the Royal
Engineers made a hole in it 250 years later.' That is not quite the attitude one would expect.

And so, Mr Speaker, I think it is important that we realise that in the context of this particular
Act the Secretary of State had a role which was not a role related to where the land was; it was a
role related to the 1969 Constitution and the structure of it. The 2006 Constitution is different:

1170 all matters vest in the Government except for those carved out. Defence is one of the items carved out, and so matters relating to defence still will require consent of Secretary of State etc.

I do not think it is appropriate to be asking Secretaries of State, who owe their allegiance to another Crown, whether they would agree that something should be listed in respect of Crown land in Gibraltar. I think he will find that is an attitude that was shared across the floor with the former GSD administration – given his quizzical look, I do not know whether it is a view that is shared today – and that is why the policy of this Government has been to bring a Heritage and Antiquities Act, because we will deal with that as we will with many, many other things that are outstanding in relation to heritage.

I suppose, given that we are dealing with heritage and antiquities, it is right that these things should mature before they are brought to Parliament, and that is why it is taking a little time. Of course, it is Hobson's choice whether one steps in to save this particular small guardhouse or not, given that it could establish what the hon. Gentleman calls a precedent. The Government does not see it as a precedent at all. There were other measures that could have been taken by the Government, but I think, in the context of what we are dealing with and the size of what we are dealing with, this is the right measure to have taken and to ensure that we can preserve this particular guardhouse for future generations in the way that we have.

Each case will have to be dealt with on its merits. I know that the MOD do not see this as a precedent; and if they did, they would be foolish to do so because the Government has, and in future will have even more, opportunities to take action to prevent Gibraltar's heritage from being dissipated in any way, wherever on the whole of the square mileage of Gibraltar that heritage item may be located, all of it being Crown land.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his clarification as to what is and what is not Crown land, and also his view as to the role, if any, that any Secretary of State may or may not play. The fact remains that there is reference to the Secretary of State in the Heritage Trust Act – and the Minister can correct me if I am wrong.

My question is: if the Chief Minister is so adamant that we have total control over all land in Gibraltar, why was it that the Government simply did not list the structure?

Hon. Chief Minister: Well, Mr Speaker, I do not know the answer to that question. He would have to ask the hon. the former Leader of the House, who did an agreement in respect of that particular guardhouse. The agreement in relation to land done by the Ministry of Defence and the Gibraltar Government – the Lands Agreements, as they are known – covered that guardhouse and it was to come back to the Government of Gibraltar, and then there would have been no issue, Mr Speaker. But the Ministry of Defence had options under that agreement and they exercised the option to retain that portion of land, and in the context of doing so we find ourselves with this difficulty.

I am heartened that hon. Members are now encouraging us to pursue our policies in respect of heritage, because it was our policy to have a Heritage and Antiquities Act. We are the ones working on it. They did not have it in their manifestos. We are the ones pursuing this particular attitude which will enable us to preserve Gibraltar's heritage, and I am very much looking forward to the time when the relevant Ministers who have been working on this in great detail – from the Deputy Chief Minister to the Minister for the Environment and the former Minister for Heritage, the Minister for Culture – bring that piece of legislation to the House, because I think it is an important step forward in the protection that Gibraltar affords its heritage, as indeed was the step taken by us in Government, which was, I imagine, opposed by hon. Members opposite, to have a Gibraltar archaeologist. Of course that meant that we increased the number of people in the public sector, something for which they repeatedly whip us. But all of this, Mr Speaker, is part of the work of preserving our heritage.

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Hon. Dr J E Cortes: Mr Speaker, can I just add one thing? Were it not for the intervention of the Chief Minister – and, dare I say, mine – that guardhouse would probably now be on the rubble dump, and that is one point that seems to have escaped the Opposition. (*Banging on desks*) (**Hon. S J Sacramento:** Hear, hear. Well done.)

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Hon. R M Clinton: Mr Speaker, the Hon. Minister will know there is nobody in this House other than himself who has heritage closer to his heart, and if he wants congratulations he has it wholeheartedly from me, for him and the Government benches, for saving this structure. But my concern is that we have provision in law, and the Chief Minister has just gone to great length to tell us that he has full control over everything in Gibraltar – except for this guardhouse, it would appear. And when I ask him why wasn't it listed, he said he does not know because of this Lands Memorandum. Which way is it? Does he have control over everything in Gibraltar, or does he not? And if he does, why didn't he list it?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman pretends that he and one particular Minister are the people who have heritage closest to their hearts. He is wrong to do that. He does not realise how close to its heart the whole of this Government has our heritage. In fact, it is one of the reasons why many of us – in fact, all of us on this side of the House – are in politics: to preserve our heritage and to take it forward for future generations. And heritage is not just buildings: it is way of life, it is language, it is our commitment to British sovereignty. All of that is an important part of the heritage of Gibraltar, although I hear the hon. the Leader of the Opposition saying things *sotto voce* that he should not be saying in this House.

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Mr Speaker, it is very clear to me that the hon. Gentleman does not seem to understand the structure of Gibraltar's political hierarchy –

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Mr Speaker: But you have explained in detail to him how the Lands Memorandum over the years apply, and I am asking you not to repeat it. If he has not understood the explanation that you have given, it is just too bad. I am asking you not to repeat it. You have explained what the position is with regard to Crown land, whether it is held by the Ministry of Defence or by the Government of Gibraltar. It is a matter going back for decades, which previous Chief Ministers have fought very very hard to obtain. You have explained what the position is – please do not repeat it.

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Hon. Chief Minister: Thank you, Mr Speaker, and the point is that the upshot of all that – and I am grateful that I have explained it clearly enough that you are right to tell me not to repeat it again – is that the Government of Gibraltar controls all land in Gibraltar.

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The Constitution provides certain exceptions. Defence is the relevant one here – defence and security – and if a piece of land is required for defence purposes, then it is not an area that we control as to what happens there. But there are other opportunities to control what happens in respect of that area of land and the hon. Gentleman just needs to read the newspapers and see what happened last week to see that the jurisdiction of Gibraltar extends to what is occurring on MOD land. That is, I think, now more abundantly clear than it ever has been before.

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So I am surprised that he is still insisting in respect of this matter, but look, there was a small guardhouse, it had heritage value, we have saved that guard house, it is going to be preserved for future generations. It is going to have to be rebuilt elsewhere, which ... it did not have to be rebuilt elsewhere and it could have stayed there. Perhaps a more sensible approach might have been possible. I am sorry to say it was not possible, Mr Speaker. Could we have done something else in respect of land which has heritage value on the MOD estate? I have already told him that there are other opportunities to do things in respect of such heritage artefacts, and in fact there will be even more under the new Heritage and Antiquities Act.

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Now, other than going round in circles and explaining it all to him again, which Mr Speaker has in fact ensured I am not able to do, I would just perhaps ask him to take a closer look at the provisions of the Gibraltar Constitution and how it has changed since 1969.

1275 **Mr Speaker:** Before we deal with Question 121, I am going to give an opportunity to the Hon. Mr Llamas to ask a number of supplementaries arising from the schedules that were previously circulated.

1280 **Hon. D A Feetham:** Mr Speaker, may I just ask one supplementary on this?

Mr Speaker: Yes, I will allow you before we move on to him.

1285 **Hon. D A Feetham:** Well, looking forwards, is it the position of the Government, when it publishes the new Heritage Act, that it has the constitutional power and indeed the will to be able to list any historical buildings within any MOD land so that those are preserved and protected against any adverse decisions by the MOD in the future?

1290 **Hon. Chief Minister:** Mr Speaker, I will take that question to have been uttered with an element of oral negligence, because the hon. Gentleman does not need me to tell him, I hope, that an Act of Parliament cannot change the Constitution. So we are not going to change the constitutional position by an Act of Parliament, and when he sees the way that he phrased his question in *Hansard* he will realise that he has suggested that in the way he has put it. Of course an Act is not going to change the constitutional position but the Act will make the most of the constitutional authority available to the Government in those particular respects.

1295 It is also true to say that we are talking here about the attitude of the MOD to a small guardhouse and all the rest of it, but we have to set this debate in the context of where Gibraltar has been in the last 20 years and where it is today. It was not the Ministry of Defence that destroyed the Rosia tanks – the tanks that victualled the *Victory*, on its way to the Battle of Trafalgar ... It was those who were in the party that says it has heritage close to its heart. We have come a long way since then; we are going to go even further. We are going to protect Gibraltar for future generations. This Government has done a sterling job already in doing so; we will do even better in the future.

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1305 **Hon. D A Feetham:** Mr Speaker, with respect to the hon. Gentleman and his unfortunate usual style of attempting to obfuscate questions and indeed the answers that he gives, the question is very simple: does the Government feel confident that the new Heritage Act will be able to prevent the destruction of Gibraltar's heritage even when it is on MOD land, so that we do not have a repetition of what has happened with the guardhouse?

1310 **Hon. Chief Minister:** Mr Speaker, this is what happens when hon. Members do not listen to all of the answers that have been provided. I have said yes on a number of occasions in answer to his hon. colleague. I will say yes again to him, given that he appears only to understand things which are black or white, yes or no. The answer is yes, and he should not think that we do not, under the existing Act, potentially also have powers in that respect. If he goes back and looks at what I have said in *Hansard*, when he does go back and look at how carelessly he phrased his earlier question, he will be able to see what I have said. And I was not obfuscating when I was referring to the Rosia tanks. I was referring to the destruction of them by the GSD, so it ill behoves them to say that they are the ones that hold heritage close to their hearts – unless their hearts are in a heap of rubble.

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1320 **Mr Speaker:** The Hon. Lawrence Llamas.

1325 **Hon. L F Llamas:** Mr Speaker, returning to Question 103, Question 103 relates to a question asked last year – Question 847/2016 – where there were a considerable amount of capital works being carried out by different contractors. The breakdown that the Hon. Minister has given me is very brief and it does not actually concur with the capital works that actually appear to have taken place in Question 847. I wonder if maybe he has been given the wrong breakdown.

1330 **Hon. Dr J E Cortes:** Mr Speaker, what I have noticed is that there is only the cost given in one of the entries and it may be that the version that got included may have been an earlier draft. I undertake to look into this today and just to cross check whether there has been some error in the preparation or in the table that has actually been presented. I apologise for that. I will look into that and ensure that we have the matter resolved.

1335 **Hon. L F Llamas:** And also it would be helpful if the Hon. Minister could include the years in which the works took place, because at the moment it only gives an outline of the month and end month but we do not know if it took a year or just three months.

1340 Also, turning to Question 110/2017, is the Hon. Minister able to provide further details as to what type of other arrears are owed by the debtors to the Government, whether tax, rent, rates or any other type of arrears?

Hon. Dr J E Cortes: In relation to Question ...?

1345 **Hon. L F Llamas:** Question 110.

Hon. Dr J E Cortes: Mr Speaker, my impression from the answer that has been prepared for me is that there are none, but once again, as he has asked that, I will double check specifically.

1350 **Hon. L F Llamas:** So, Mr Speaker, am I right to assume that the only arrears that these companies have – or entities, because we do not know what they are – are in relation to the Upper Rock admission fees and they do not have any other arrears with another Government Department? That is what I think has confused me. Question 110 asked for arrears in other Departments or other Government-owned companies.

1355 **Hon. Dr J E Cortes:** Mr Speaker, that is what I said I believe to be the case, but as the hon. Member is asking specifically – as I do not prepare the draft of the answers, the information, myself – I will go back to those people who prepared it to double check that my impression is correct and I will respond.

1360 **Hon. L F Llamas:** Finally, Mr Speaker, in relation to Question 107, the Hon. Minister says that with the exception of the taxi drivers not paying during the months of January and February is because it is a low season. Can I just ask the Minister, given that – and I am just using taxis, obviously, because it is taxis that have been given as an exemption from not paying – if we take April to January 2015-16 and April to January 2016-17, they have had an increase of passengers of 117,000, does it seem fair to further exempt them by not paying for those two months?

Hon. Dr J E Cortes: Mr Speaker, if the hon. Member is referring to the fact that it seems to have increased this last winter as opposed to the previous one ... Is that what he is saying?

1370 **Hon. L F Llamas:** Sorry, comparing the figures from April 2015 to January 2016 and then comparing them from April 2016 to January 2017 – because of, obviously, the new policy of not allowing foreign vehicles up the Rock – taxi drivers, as well as other tour operators, have benefitted from an increase of 117 just for those months. So it appears that they have already ... they should have made up for those two months which were previously exempted, and to allow

1375 them to further exempt for this year. It does not seem fair when we have got, for example, the
Chief Minister asking in his New Year speech that we should ... this is a time now of common
work endeavour. It does not seem to tie in with what the Chief Minister is trying to tell the
community to further exempt when obviously it is a low season for many traders and many
stakeholders in our tourist product.

1380 **Hon. Chief Minister:** Well, Mr Speaker, I think the hon. Gentleman does not understand what
the provision does. It takes more people up the Rock, which means more people access the
tourist sites, so it is driving more traffic into the Upper Rock and therefore enabling us to have
more revenue. Otherwise, people might have not, in those months, been prepared to go up. At
1385 the ticket price, they are prepared to go up and some of them, when they are up there, will go
into the sites and will then purchase the ticket.

So we have a different view as to what this does to the Government side of the equation.
Although there may be revenue issues generally, we think that this helps an industry, and that
industry is also a part of what keeps Gibraltar running. I know that hon. Members like to whip
1390 the taxi drivers as much as they can, but they are an important sector of our economy as well
and they do, in their own way, produce economic activity. We happen to think that this is
economic activity that has to be fostered even in months when otherwise it would be difficult to
see them able to do other types of business that would keep the fleet going.

Q121/2017
Hot school lunches –
Provision to all schoolchildren

Mr Speaker: Question 121.

1395 **Clerk:** Question 121, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Education provide an update on its commitment to
provide hot school lunches to all children in our schools?

1400 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, Government ... Sorry, I have not been called. Shall I let you call me? Sorry, I am a bit
overenthusiastic this morning!

1405 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and
Education.

Hon. Dr J E Cortes: Mr Speaker, Government is working on delivering on our commitment.

1410 **Hon. E J Phillips:** Mr Speaker, it would be helpful if the Minister could give a little bit more
information than that.

On 15th September last year we were told that the Government was preparing for a
consultation process with parents, headteachers and their unions, and in the Chief Minister's
New Year Message he said – and I need to use that often-used word in here – 'shortly' will be
1415 launching the programme for hot lunches to be available in schools. So I would be grateful if the
Minister could amplify his answer to provide our community with a bit more oversight as to
what is happening.

Hon. Dr J E Cortes: Mr Speaker, the consultation process is ongoing.

1420 **Hon. E J Phillips:** Well, Mr Speaker, I would be grateful to know at what stage the consultation process is. We were told that there was planning, or pre-planning, and preparation for the consultation process. Is the consultation process underway? Has the Department spoken to parents, headteachers and their unions?

1425 **Chief Minister (Hon. F R Picardo)** Mr Speaker, the consultation process is sufficiently advanced that I am very confident that at the next election hon. Members will not be able to tell the electorate that we failed in our commitment to provide hot lunches for all our children in schools.

**Q122/2017
New schools –
Update**

Clerk: Question 122, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Minister for Education provide an update on the building of five new schools, namely the new Bishop Fitzgerald, Notre Dame, St Martin's, Bayside and St Anne's Schools and the projected cost of the undertaking?

1435 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1440 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, a working group has been set up to include all the headteachers and deputy heads of the pertinent schools, and also senior staff from the Department of Education, to deal with the works to be undertaken. It is still not possible to talk about any meaningful projected costs beyond ballpark figures.

1445 **Hon. E J Phillips:** Is the Minister able to give us a ballpark figure?

Hon. Dr J E Cortes: No, Mr Speaker.

Mr Speaker: What are they? What are ballpark figures?

1450 **Hon Dr J E Cortes:** I think the expression is normally used to say approximate – (**Mr Speaker:** Estimates?) Estimates, yes.
Mr Speaker, I would rather not at this stage.

**Q123 and 130/2017
President Donald Trump –
Congratulatory letters from Gibraltar schoolchildren; AMCHAM competition**

Clerk: Question 123, the Hon. E J Phillips.

1455 **Hon. E J Phillips:** Can the Government confirm whether or not the Department of Education either directly or indirectly invited school children as young as six years of age and above to send

letters to the United States President Donald Trump, congratulating and welcoming him to his office?

1460 **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, I will answer this question together with Question 130.

1465 **Clerk:** Question 130, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Education explain the process relating to the possibility for third parties or external bodies to have an influence on the school agenda as was seen with the recent 'Donald Trump Competition' exercise through AMCHAM?

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

1475 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, in the specific case referred to, the competition was organised by the American Chamber of Commerce and schools were offered the opportunity to participate.

It is not for the Department of Education to consider who the incumbent President is, but rather to consider the educational value of such a competition.

1480 No third party has any influence on the school agenda. The Department of Education decides on which competitions have educational value. It then invites schools to decide if they want to participate or not. Schools have complete autonomy to decide if they want to take part.

1485 I am now going to quote from a letter written by a seven-year-old Syrian girl who introduces herself to President Trump as, and I quote, 'part of the Syrian children who suffered from the Syrian war'. The quote continues:

Can you please save the children and people of Syria? You must do something for the children of Syria because they are like your children and deserve peace like you.

The letter then continues:

If you promise me you will do something for the children of Syria, I am already your new friend.

The relevant pupil penned this letter just before Donald Trump's inauguration speech and I do not feel I have to add anything else.

1490 **Hon. E J Phillips:** Just one further question relating to that: given that we are an open, tolerant community, could the Minister explain the educational value of this competition, particularly for those as young as six?

1495 **Hon. Dr J E Cortes:** Mr Speaker, it is not –

Mr Speaker: No. The Minister has no responsibility, on educational grounds, to explain a competition set up by a third body. (*Interjection*) No.

1500 **Hon. E J Phillips:** Mr Speaker, what he did explain was that the Department of Education would assess the educational value.

Mr Speaker: You are asking the Minister to explain, in his view, what the educational value is of a particular competition which has been introduced by a third party. The Minister, as a responsible Minister of the Gibraltar Government, has no responsibility and there is no requirement for him to express such a view.

Next supplementary.

Hon. Ms M D Hassan Nahon: Mr Speaker, much as I am warmed by the Minister's quote of the Syrian girl, I think that the desperation of the Syrians and the Syrian cause cannot really be paralleled with our own motives and our own values in an open and democratic community, so perhaps ... I think that the two things are very different and obviously, considering the doubts and the issues that many free-thinking people have with Trump's presidency, I think this is what we were coming to mainly in terms of doubting whether ... Well. in my case, my question was more about how the Ministry of Education decides on what actually has value and what our ethos is when we hand over to our children to make such representations.

Chief Minister (Hon. F R Picardo) Mr Speaker, I do not think it ill behoves any government of one state to be commenting on the government of another state unless they are going to engage in diplomacy in respect of one aspect or another.

But I can think that there was potentially huge educational value in asking our children to write to the leadership of North Korea – that yesterday discharged a missile into the Sea of Japan whilst it tests its nuclear-tipped warheads and the ability to deliver those warheads across the Pacific into North America – and write to him to ask him to help to keep the world a more peaceful place. I can imagine that there is huge educational value in asking our children to write to the Prime Minister of the United Kingdom to ask her to put EU nationals who live in the UK out of their misery as to what their rights will be in respect of residence in the UK once the United Kingdom leaves the European Union.

There are many things on which we all, or some of us individually, might agree or disagree with an international politician where an exercise in the schools of writing to that individual may bring out of the children something as moving as the hon. Gentleman has referred to us in respect of this Syrian girl. I was really moved when I saw what the hon. Gentleman has now referred to the House when it was referred to me, and it put me in mind of the fact that exercises like this can have consequences which we cannot imagine, and sometimes six-year-olds can make something really shine out in that way.

Mr Trump has been vilified in the international press for many reasons. A lot of what we read is anathema to modern liberal democracies. Some of what he is saying we might all agree with. Gibraltar is a place that has lower corporate taxes – the President of the United States is saying he wants to lower corporate taxes in the United States – and a lot of people think that we are a pariah internationally because we have low corporate rates. He is going to do that. He is going to, it is said, move the US Embassy in Israel to Jerusalem, something that causes huge controversy but is positive in the minds of others.

So I think that this is not about making a judgement about Donald Trump. I think each of us are entitled as human beings to make a judgement even about politicians we do not vote for but whom we read about. But this was an exercise, I think, run in good faith by an organisation that wanted people to be educationally involved in writing a letter. I think it would have been run whether Mrs Clinton had won the election or Mr Trump had won the election, and therefore we have to be careful not to stray into making our own views and choices what we impose on children in the way that they might not have had the opportunity of writing letters.

I can imagine that many of those six-year-olds, apart from this Syrian girl, might have given Mr Trump very good advice indeed, and if only we could get him to read those letters it might be that our own liberal views as to what should happen in the United States might prevail – but unfortunately that is not the way the world crumbles. But I do wish that Mr Trump would heed

the advice to make this little Gibraltarian-Syrian girl his friend by doing what she has asked him to do.

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Hon. R M Clinton: Mr Speaker, if I may ask the Minister for Education: given that his Department obviously endorsed this competition and he continues to do so, how many schools actually have participated, and out of that population of schools, how many did not participate, and why?

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Hon. Dr J E Cortes: Mr Speaker, I believe – I am working from memory – that eight may have participated, but I would need to check that.

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Hon. R M Clinton: Mr Speaker, I would be grateful if he would check that indeed eight schools did participate – out of a population of how many?

Hon. Dr J E Cortes: Do you mean number of schools? There are seven first schools –

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Seven first schools and four middle.

Hon. Dr J E Cortes: So, more or less 11 or 12, but I can double check that.

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Hon. R M Clinton: And would the Minister know why certain schools did not participate?

Hon. Dr J E Cortes: No, Mr Speaker. As I said before, schools have total autonomy in whether they feel that the school programme allows them to do this or whether they want to do this and any other initiative of this nature. They are not asked to account, the headteachers have a considerable amount of autonomy and I think that is absolutely correct.

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Hon. D A Feetham: Mr Speaker...

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Hon. Chief Minister: To assist the House, one of the things the hon. Gentleman and Lady opposite might be even more incensed at is that the magnificent pupils of St Mary's Middle School, opposite No. 6 Convent Place ... St Mary's First School, opposite No. 6 Convent Place, decided to invite the Chief Minister of Gibraltar – a man with whom they have no affinity whatsoever and whom they regard probably as a lower form of political life than even the President of the United States – to come in, and they have done magnificent work in understanding the politics of Gibraltar. They have painted portraits of all the Chief Ministers – yourself included, Mr Speaker. They were very interested in what it is that a Chief Minister does and they gave me elements of advice as to what it is a Chief Minister *should* be doing and what the best things for Gibraltar might be in the future. None of them, by the way, had any affinity with any of the things the hon. Members opposite are telling me to do for Gibraltar's future. Nobody told that school to do it, nobody told them to invite me so I could go and meet future voters and bias them in some way in favour of my political party, nobody has told the other schools to do it. They thought there was educational value in that, and yet I know hon. Members. In fact, the Hon. Mr Llamas has said that I have embarked Gibraltar on a suicide train to ruin, so one would have thought it was something they would have wanted to curtail, although he only asks questions in this House, I say as an aside, that relate to hoverboards, Mr Speaker, so maybe it is that he thinks that I have put us on a Segway to ruin, (*Laughter*) but his questions do not reflect that level of serious concern about where our community is going.

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Schools have to have the freedom to do what they think is educationally in the best interest of their pupils. Under us they do. This offer is made to them, we do not stand in the way of it,

1605 and some of them produced magnificent results like the result that the hon. Gentleman has referred to the House.

Hon. Dr J E Cortes: Mr Speaker, if I may add to that, *(Interjection by Hon. D A Feetham)* regarding international value –

1610 **Mr Speaker:** Just a moment.

Hon. D A Feetham: Mr Speaker...

Mr Speaker: Yes.

1615

Hon. S E Linares: Is there a question?

Mr Speaker: The Leader of the Opposition.

1620 **Hon. D A Feetham:** Can we return now to the question rather than the Chief Minister's visit – interesting as that is – to St Mary's School. I do have a supplementary that is relevant. *(Interjection by Dr J E Cortes)* We have now gone from the Minister to the Chief Minister back to the Minister.

1625 **Mr Speaker:** Well, from the Minister it will go to you.

Hon. Dr J E Cortes: Mr Speaker, this is anecdotal but there has been a question about the educational value and I was about to say that my own grandson.

1630 **Hon. D A Feetham:** Mr Speaker has ruled it out. Mr Speaker ruled the question out.

Hon. Dr J E Cortes: Mr Speaker, may I not reply about the educational value?

1635 **Mr Speaker:** You may not express ... Because you are politically responsible for education in Gibraltar but you are not a professional, I am ruling that you are not required to answer a question as to what you deem to be the educational value of this exercise.

Hon. Dr J E Cortes: Yes, Mr Speaker –

1640 **Mr Speaker:** That is my ruling.

Hon. Dr J E Cortes: Mr Speaker, my response at the time was going to be exactly that. I was very grateful to Mr Speaker for having pointed that out.

1645 I will answer not as an educational professional but as a grandparent whose five-year-old grandson ... My little Ryan, whom I have never spoken to about Donald Trump before, asked me the other day – I have spoken to him about nature, birds and Pokémon, but not about Donald Trump – just shortly after the election, 'Grandpa, I hear Donald Trump got made as President of the United States – are you happy about that?' I will not say what the answer was, but clearly they are aware about these things and there is clearly educational value in them having a discussion about this subject. That is purely as a grandfather and not as an educational professional – which I am not.

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

1655 **Hon. D A Feetham:** Well, thank you very much to the Minister for answering the question from my hon. Friend, Mr Phillips, that was ruled out.

1660 My question is about policy. Here we have a situation where you have a private entity that has channelled, through the Department of Education, an initiative. The Department of Education has obviously endorsed that initiative and has indeed affected a strategy for the implementation of the initiative. When an initiative like that comes to the Department of Education, does the Minister actually get consulted in relation to this, or is it a decision that is taken entirely by the Department of Education and the Minister is not involved in any consultative capacity at all?

1665 **Hon. Dr J E Cortes:** Mr Speaker, as a rule the educational professionals deal with it in a professional manner. If there are any issues which the Department of Education feels are issues that need to be discussed at another level, then they may come to me. Remember, Mr Speaker, that I have only been Minister for Education for a relatively short time – I can only assume that that was the practice in the past.

1670 **Hon. D A Feetham:** Well, in relation to this –

1675 **Hon. Dr J E Cortes:** Mr Speaker, and normally... If I may, Mr Speaker – I do apologise. My response is normally ‘this is an educational matter, you have to take a view on the educational value and this is not a political matter’. This is my usual response to that sort of request.

Hon. D A Feetham: And in relation to this particular instance, to this particular initiative, was the Minister consulted before it was effected?

1680 **Hon. Dr J E Cortes:** Yes, I was informed about the matter and I referred it to the Chief Minister.

Mr Speaker: And you what?

1685 **Hon. Dr J E Cortes:** I referred it to the Chief Minister for an opinion as well.

Mr Speaker: Next question.

Q124/2017
University of Gibraltar –
Exchanges with other universities and colleges

Clerk: Question 124, the Hon. E J Phillips.

1690 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of exchanges that have taken place between the University of Gibraltar and other universities and colleges?

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

1695 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, as it is an independent body, such questions should be addressed to the University.

Hon. E J Phillips: Mr Speaker, a sense of déjà vu.

1700 In the Government's manifesto there are references to university exchanges: they applaud the Washington internship and they state quite categorically that they want to improve exchanges between the University and other universities, which must mean foreign universities.

1705 There is a financial commitment of over £10 million for the establishment of the University and there is a continuing obligation of the Government to support the University as the University is not self-sufficient. I would have thought it was within the purview of the Minister to answer the question as to the number of exchanges. I am quite happy to write to the Chancellor, but clearly, in relation to this matter, this is a funded project by the people, by the public and it is from the public purse, over £10 million, and it continues to be funded.

1710 I would have thought they could explain a very simple answer to that question, which is how many exchanges have taken place between the University and other external universities.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman raises an issue of principle. We fund a lot of things that are independent. One of the things that the Hon. the former Chief Minister – very oft referred to as the greatest Gibraltarian of all time – insisted in the course of the debate in this House when we created the University was that it must be independent. The *Hansard* is there. The hon. Gentleman said in relation to the bank and in relation to the University, 'I am going to support your initiatives but it must be entirely independent.' And so, when we, as a matter of policy want to see things happen, we write and we provide funding, and then it is a matter for the University.

1720 We are not politically answerable in this House for things that are independent, because if we were it would be impossible for us to provide information without compromising independence. And so the hon. Gentleman has the answer to his question, which is that he should write to the Vice-Chancellor.

1725 **Mr Speaker:** Next question.

Q125/2017
Teaching posts –
Numbers vacant and being acted

Clerk: Question 125, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many teaching posts are currently vacant and being acted?

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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):
1735 Mr Speaker, just to prove that when I can provide information and when it is appropriate that I should, I will do, the information requested by the hon. Member is in the schedule which I now hand over.

Schedule to Question 125 of 2017

February 2017

Headteacher, St Joseph's First School

TLR 1 'B'

Head of Year (rotate) — Bayside

Design Coordinator — Westside

IT Coordinator — College

TLR 2 'A'

Head of Music — Bayside

Head of ICT — Westside

Head of Business Studies & Comp — Westside

TLR 2 'B'

Core Subject Leader Science — St Paul's First

Year Coordinator & Foundation Subject — Bishop Fitzgerald

Year Coordinator & Foundation Subject — Bishop Fitzgerald

Year Coordinator & Foundation Subject — St Bernard's Middle

TLR 2 'C'

ICT Coordinator—St Paul's First

Year Coordinator + Foundation Subject (Art/DT) — Notre Dame First

Foundation Subject (ICT Coordinator) — St Bernard's Middle

Foundation Subject (Music/expressive Arts) —St Bernard's Middle

TLR 2 'D'

Asst to Head of Art — Westside

Asst to Head of Spanish & MFL — Westside

Asst to Bus & Soc Sci Coordinator — College

1740 **Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Minister accept that there is a backlog and delays in appointing the right candidates to these posts, and does he have plans to bring these backlogs down and up to date, as it is disconcerting for teachers and pupils?

1745 **Hon. Dr J E Cortes:** Mr Speaker, there are a total of 18 posts out of a complement of 382 teachers, so that is only 4.7%. It is low. Clearly we would like all the teachers to be there in the substantive position but sometimes that is not possible, particularly because of the disruption that can be caused by movement of teachers in the middle of the academic year. So I would be concerned if this was the case or there were higher levels. This is actually quite low, but if there were higher levels at the beginning of the academic year ... I am not so concerned about halfway into the academic year, because the plan is to regularise them all by September so that most of them will be filled in September. I think it is the time of year that is more relevant than any particular moment.

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1755 **Hon. Ms M D Hassan Nahon:** Sorry, I do not quite understand. I have also noticed that a lot of posts do get taken over at the middle of the academic year and I have noticed that it can look a little bit clumsy, so is the intention to have them all set up by September?

1760 **Hon. Dr J E Cortes:** Mr Speaker, the intention is to have them all by September. Clearly there may be other things that happen between now and September – people retiring, people going sick for long term and so on and so forth. It does not mean that there will not be any changes during the academic year – particularly in some of the senior posts this might be necessary – but that is a management decision and it is up to the senior staff of the Education Department to manage them as they see it fits in best with the schools. They do this in discussion with the schools, with headteachers, and as part of the social partnership with the Teachers' Association in discussions with the GTA.

Q126/2017
Education advisers –
Vacant positions

1765 **Clerk:** Question 126, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How are the vacant positions of education advisers in the Department of Education being covered at present, and what plans, if any, are there to fill them?

1770 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1775 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, in order, again, not to disrupt the functioning of our schools, the posts are being covered by experienced retired headteachers and Deputy headteachers.

There are, however, clear and well-defined plans to fill in these posts in the immediate future, and most certainly before the end of this academic year, in accordance with the Government's manifesto commitments.

1780 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would the Minister agree that the fact that retired teachers are presently doing this work is actually denying present teachers of having experience in acting in these roles, and does the Minister agree that this also affects the current teachers' hopes and motivations to an extent?

1785 **Hon. Dr J E Cortes:** Mr Speaker, first of all I would like to thank these retired teachers for coming back and serving the community in the way that they are and using their vast experience in education in filling the gap.

1790 I can assure the hon. Lady that this matter is in the process of being addressed actively and very, very shortly we will be able to allow these headteachers and deputy headteachers the rest and recovery that retirement needs to bring and we will have teachers replacing them in their posts. Certainly by September – once again the relevance of disruption to schools comes into play – by September they will be in place.

1795 **Hon. R M Clinton:** Mr Speaker, if I may by way of supplementary ask the Minister: these retired headteachers and deputy headteachers, on what basis are they being employed? Are they on some kind of consultancy agreement, or is it some sort of extension of the normal employment contract?

1800 **Hon. Dr J E Cortes:** Mr Speaker, I would need to seek the information. They were there well before I took over responsibility for education and therefore it is not information that I have to hand, but I am very happy to find out.

Q127/2017
Heating in classrooms –
Audit to determine adequacy

Clerk: Question 127, the Hon. Ms M D Hassan Nahon.

1805 **Hon. Ms M D Hassan Nahon:** Has an adequate audit been carried out in recent years to ascertain present levels of heating classrooms in our schools?

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

1810 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, an intensive health and safety audit was undertaken in schools during 2012, which included an assessment of temperature controls. The findings indicated that building insulation, cross ventilation and numerous other contributing factors have an impact on counteracting temperature extremes.

1815 Classroom temperatures are checked on a regular basis and flagged if they drop beneath what is considered a healthy working environment. Action to remedy this situation is then taken.

1820 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am grateful for that answer, but does the Minister realise that many classrooms in our schools are actually not properly equipped with enough heating to the extent that teachers are having to bring in their own portable heaters on occasions? May this indicate other problems?

1825 **Hon. Dr J E Cortes:** Mr Speaker, I am not aware of teachers bringing in their own heaters. If that is the case, it certainly has not been brought to my notice and it is certainly something that should not be necessary because I am sure that the Department of Education would be more than happy to provide any additional heaters should they be required.

1830 I think this Government has accepted the fact that some of our schools are now tired, and this is why we have this programme that we are embarking on to replace some of our schools. Without the detailed information here at present, I suspect that the ones where temperature control might be more of a problem will be the older ones and these are the ones that we are planning to replace.

1835 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I ask the hon. Lady – because what she said is very concerning – and can I ask the Hon Lady to give the Government the information of which classrooms it is that she is being told this is happening in, so that we can act with the Department of Education. Because it is shocking to hear that. Nobody has brought that to the attention of the Government. We hear the same rumours that the hon. Lady hears, but this one we have not heard. If it is more than a rumour and she has information, please tell us which schools, which classrooms, and we will immediately attend to dealing with it, because although 1840 the new schools are going to be developed we will have a period of time between now and the new classrooms and we do not want anybody to be cold in the context of that period of time.

I know that the Hon. the Minister for Education is also the Minister for the Environment and I know that this causes some friction with his views as to global warming, but it is important that we deal with it.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful to the Chief Minister and the Minister for Education for these answers and for their concern. I can assure them that it is not rumour and I will be providing information so that they can deal with this matter. In fact, before the Chief Minister stood, I was going to ask and I am grateful to see that the Government will address this issue, for what is left of the winter months at least, to make sure that children are adequately heated.

1850

Thank you.

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

Q128/2017

**Co-education Working Group –
Progress and recommendations**

1855 **Clerk:** Question 128, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Education give any information on how far the Co-education Working Group has come to date and if any recommendations have already been made to Government?

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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, the Co-education Working Group continues to work adhering to its brief. It has as yet made no recommendations to Government, and will not be doing so until the end of April or early May. The task is too important to rush through. I am, however, completely assured that steady progress is being made. In fact, Mr Speaker, I believe that the working group is meeting again today.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for his answer, but my understanding was that this working group was meant to report by the end of March. Can he confirm to the House that in fact their brief period has now been extended?

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Hon. Dr J E Cortes: Mr Speaker, I am in close contact with the Acting Director of Education on this. The work has generated a lot of interest and a lot of submissions, so I think that we would rather be cautious and suggest that it may slip by a month or possibly two. We are still hopeful that we will meet the March target but we are being realistic.

Q129/2017

**Student grants –
Payments to Student Loans Company**

Clerk: Question 129, the Hon. Ms M D Hassan Nahon.

1880 **Hon. Ms M D Hassan Nahon:** In connection with the student grants, can Government confirm that they are up to date with repayments to the UK Student Loans Company to cover grant repayments?

1885 **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, of course we are.

1890 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I can assure you this is not rumour, but is the Minister for Education not aware that the UK Student Loans Company has been chasing payments of the loan from graduates claiming that Government has not paid them in over a year?

1895 **Hon. Dr J E Cortes:** No, Mr Speaker. Once again, if it is not rumour then it is serious and we would like to know. This information has not come to me.

1900 **Chief Minister (Hon. F R Picardo)** Mr Speaker, if it is not rumour there must be something in writing. If there is something in writing we must have it immediately because we will demonstrate to whoever at the Student Loans Company is chasing that the payments are made more than on time. I urge the hon. Lady, because this is a very serious allegation, to let us have the written evidence that this is not rumour that somebody has been chased for a payment, so that we can deal with it immediately – especially if it relates to a Gibraltar graduate or, even worse, somebody who is currently in education, because I would be particularly concerned about somebody who is a student being chased in this respect – and we will be able to demonstrate that all payments are done more than on time in respect of all accounts. This is one of the most important areas of development for this Government. As the hon. Lady knows, we are committed to further education; we are committed in particular to people being able to go away and study also their second degrees. We would not have put in place the system that was put in place in respect of student loans perhaps, but it was something that the GSD did when they were in Government and we have honoured it.

1915 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am grateful for the Chief Minister's concern but I fail to accept that the only form of negating a rumour is written evidence. I have very concerned graduates who have different concerns because there are very urgent pleas for them to pay back and they have come to me in tears. So I do not have the written evidence. I also have been asked not to say by name, but I am happy to speak to the Chief Minister in private about this matter because I can assure him that it is a matter that is very much alive.

1920 **Hon. Chief Minister:** Well, Mr Speaker, this is very strange. The Student Loans Company is a government-owned company in the UK. Some Members opposite continually say that Gibraltar is going to go bankrupt and all the rest of it. All that nonsense that is not true. Nobody is saying that the UK is going to go bankrupt and that the Student Loans Company in the UK therefore has to call people to chase them for payments. The Students Loans Company sends letters and emails when people do not meet their obligations to repay; they do not call people. They, I think, know where the payments come from, so if there were any concern they would have been directed at us. The hon. Lady needs to be sure that what she is saying – because this is very concerning for the community – is that the Student Loans Company is chasing people for payments.

1930 I must tell the hon. Lady – and she knows I have a huge amount of time for her, but she must realise that if somebody has called her *crying* because a payment has not been made by the

Government of Gibraltar, she should not have put down a question seven days ago and not raise it until we get up and in a supplementary tell us that – because if somebody is crying because the Government has not made a payment, something has fallen down.

1935 I assure her this is not happening, but if the Government thinks it has made a payment and it has gone to the wrong account – Government does not delay making payments which are due in respect of loans, everything is paid ahead of the date when it has to be paid – then she should have brought it to my attention, I say to her with the greatest of respect, or indeed to the attention of Mr Cortes. She knows that we would of course have immediately dealt with the issue.

1940 I seriously doubt that there is a problem relating to a Government payment here, and that is why I have said to the hon. Lady ... although of course there are different ways of dealing with rumour and which is not to have written evidence that counteracts the rumour – I know, I spend most of my days dealing with rumours and one has to counteract them in different ways, but if it is the Student Loans Company, and that is what she has referred us to, they would chase by letter and by email. That would be specifically done.

1945 These are not loan sharks, Mr Speaker, who would get together and tell somebody they are going to come and break their legs if they do not make a payment; this is the United Kingdom's Student Loans Company, and therefore it is like NatWest Bank or it is like Barclays Bank – they will be sending correspondence chasing unpaid accounts, in particular graduate unpaid accounts. That is what I am saying to the hon. Lady. She needs to tell us what we have failed to do, in order to give any credence to what she is saying. There have been problems historically, Mr Speaker, with making payments in respect of people's tuition fees.

1950 I know because I have suffered that. I have been at university and been told 'The Department of Education has not paid your tuition fees' and I have had, in the early 1990s – too long ago for me to care to remember – to phone the Department of Education. And it is always the same: the university tells you they have not paid, you phone the Department of Education and the Department of Education, who are magnificent at dealing with these issues whoever has been in administration, will say 'We are waiting for the university to give us this detail of their bank account', or 'We are waiting for the university to provide the certification', etc., and as soon as that is provided the payments are made. It has never been an issue of the Department of Education failing in its mechanism for payment in respect of tuition fees, in respect of maintenance grants or in respect of the mechanism put in place by the former administration – I was tempted to say 'by them when they were in Government', but it is the hon. Lady asking, so by the former administration – to pursue student loans, something which I think was the wrong thing to do, but all of those payments are made entirely on time and she must not think that there is any Government issue in that respect, and that is why I have asked her for written evidence, because it must be in writing if this has happened.

1970 **Hon. Ms M D Hassan Nahon:** Mr Speaker, a few points. The process, as I understand it, is that the student signs the agreement with the Gibraltar Government or with the Student Loans Company, so somehow the Student Loans Company in the UK has the information of the student. Eventually when ... according to the Student Loans Company who called they say that they are ... I am only saying what they said, that they have not got any payments and are fed up with chasing the Government and this is why they have turned to students, in fact even threatening to take the money out of their bank accounts, which apparently they are entitled to do as per UK law.

1975 Many of the Ministers opposite will know that I always try and speak to them before bringing anything to Parliament – that is the way I work – but in these cases ... The interesting thing is that since I have asked the question I have had two more graduates WhatsApping me telling me that they are actually also in the same position. In these cases, these people are begging me not to say their names because they are really scared of the repercussions. I am not suggesting that there would be any repercussions – (*Interjection*) I am not suggesting for a minute ... I am just

1985 holding their word to not say their names, so I cannot go to Government with these individual cases. I am only bringing ... They are not rumours, they are real people, but I have to hold their word and I have to respect their wishes, which is why I cannot go directly to Government. This is why I have brought it up as a generic question in Parliament and this is where it stays. I will be happy to discuss it in private but I cannot mention any names because I have to respect the wishes of my constituents.

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Mr Speaker: But they can write directly to the Department of Education, can't they? Or are they prohibited in the UK from writing to the Department of Education? (**Hon. Ms M D Hassan Nahon:** I –)

Next question please.

1995

Hon. Ms M D Hassan Nahon: Oh, okay.

Hon. Chief Minister: This is very important, with respect –

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Mr Speaker: It is, but the matter has been sufficiently visited. We should move on.

Hon. Chief Minister: But if I may, with respect, the hon. Lady has said that the Student Loans Company has the students' information. She is absolutely right, the Student Loans Company has the students' information because the structure that was put in place by the former administration – which we have discontinued, as I understand it; we are certainly did not support it, but I think we have discontinued it – is that the student takes a loan in his name and the Government undertakes to pay it. That is how it works.

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If the hon. Lady will not tell us who these people are ... and there is no fear of repercussion. If these are people who have not notified the Department of their loan we may not know that there is an outstanding, but if they also now do not allow us to have the information as to who they are we will not be able to make good the outstanding. (*Interjection by Hon. Ms M D Hassan Nahon*) No, Mr Speaker, I am sorry, with respect, this is very important. (*Interjection by Hon. Ms M D Hassan Nahon*)

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Mr Speaker: With due respect to the Chief Minister, it beggars belief that there is not enough common sense in order to deal with the matter. The students involved, what are they afraid of – that if they write to the Department of Education they are going to be put in front of a court of law and sent to prison? What reprisals? What reprisals is the Department of Education going to take on any student who tells them that they have a difficulty? You have been a student, I have been a student – (*Interjection*)

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No, I do not want to be on the ... I am going to tell hon. Members why I do not want to be particularly ... On more than one occasion I have pressed this and the cameras of GBC give me five, six or seven minutes of exposure during the course of a news item. I am going to try to prevent that from happening, because there was an incident at the last meeting of Parliament right where the cameras focused on me and this exposure was given to me, but what was not seen and what was not reported was why I had had to take the steps that I had to take. So I would rather that the camera be not focused on me and be focused on hon. Members who may be transgressing the rules.

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But I honestly cannot understand why Parliament –

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Hon. Chief Minister: Mr Speaker, can I –

Mr Speaker: – should be having a debate –

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Hon. Chief Minister: Can I implore you for one moment –

Mr Speaker: You can implore me, but listen to me. I cannot understand –

Hon. Chief Minister: Mr Speaker, there is no *Hansard*. We are *in camera*. If there is no microphone on, we are *in camera*. We have to be careful –

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Mr Speaker: I cannot understand why –

Hon. Chief Minister: You do not have to worry. The camera is on me because my microphone is on, but at least one microphone should be on for the purposes for the historic record of what you are about to say, even if it is the Clerk's microphone or something like that.

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Mr Speaker: Right, now I am on camera. I cannot understand why here in Parliament 17 people who are very busy, plus the Clerk and so on, should be having to debate what is in essence a simple issue and something that all of us who have been students over the last 50 or 60 years may have, at one time or another, had a similar experience of.

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Now, what does one do when it's either the Crown Agents, as it used to be, or these people get in touch? If you have a problem you get in touch with the Department of Education in Gibraltar and I am sure that the experience of most of us is that they would deal with the problem fairly quickly. So why do we have to keep on harping about a straightforward matter?

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I may – thank you – could I ask the Government to get directly in touch as soon as possible with the UK Student Loans Company and ask them what is in fact going on and why they are calling graduates and scaring them?

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Hon. Chief Minister: This is why I am sorry that I have to remind her of what the process was. The students are the principal obligors on those loans. This was structured by the former administration in that way and the Government is not visible to the Student Loans Company – they do not see us in the equation. I do not know whether it is that we transfer the money to the student for him to pay or direct to the Student Loans Company but they have no relationship with us, and if they did the whole thing would be undone because there is an interest rate which is paid only to students for a period where it is paid only to students.

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It must have been that the former administration was running out of money, Mr Speaker, because I do not understand how it is that we put Gibraltar students in a situation where we *forced* them to take loans, which then affected their ability to take other borrowing, because when you come to your first mortgage aged 23 you are asked do you owe anything, and you do because the Student Loans Company is still owed money that the Government of Gibraltar is paying under a structure which they set up and we have completely abandoned.

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That is why I am saying to the hon. Lady that we have no visibility to that and the Student Loans Company would not be able to talk to us about it. If we picked up the phone and said, 'It is the Government of Gibraltar – can you please tell us what Gibraltar students owe you that they have not paid, because we want to pay?' they would say, 'This is a banking relationship – we cannot give you the information, we cannot talk to you about the place of residence of people who owe us money or anything.' A bit like what I have to say about Credit Finance that the hon. Members do not like. So it is impossible for us and my level of agitation is concern that if it is true that this is happening and they do not share the information with us, as Mr Speaker said, it is impossible for us to rectify and the last thing I want is for anybody who is a Gibraltar graduate or a Gibraltar undergraduate to be in that situation – but we want to be able to fix it.

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Now I do not know, if the hon. Lady does not want to give us the names, how we deal with it, but please tell them to get in touch with the Department of Education, because if there were one outstanding this would jump up like a red flag – it would hit the Minister and the Minister would hit me with it, and there is, as far as the Government is concerned, absolutely nothing outstanding to any UK institute of education or to the UK Student Loans Company in respect of

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any amounts which are due by any Gibraltarian student. If there are, we need to know and quickly, but if they do not tell us we cannot rectify it.

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Hon. Ms M D Hassan Nahon: Thank you for that, Chief Minister. But then is the Chief Minister saying that they have no measure of communication, nothing at all? How over the years, then, do these things get paid back? I do not understand.

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Hon. Chief Minister: Because there is a contract. Mr Speaker, this is something that the party she defended at the General Election put in place and we thought was a very bad thing. There is a contract between the student and the Student Loans Company (*Interjection*) which the students were forced to enter into by the GSD administration. That is a UK contract and the Government of Gibraltar has a contract with the student to pay back the amount that the student has taken in respect of those loans, in respect of whatever limits it was that might have been agreed at the time that the former administration was in government.

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That is the way it works. It is very strange, it is something that we spoke against from Opposition, it is something that they thought was a very good idea because it gave students money without the money having to come from the Government of Gibraltar, (*Interjection*) because it was another way of bumping up the scholarships in a particular way. I thought it was a very bad thing. It pushed students into debt. It was a Thatcherite approach to making students have to have those loans. The Student Loans Company is a creature of the Thatcher administration in the UK and therefore this did not meet with our approval from Opposition and when we came into Government we stopped it. But there is zero legal or contractual relationship between the Government of Gibraltar and the Student Loans Company. The GSD forced that it should be the student that should be the pivot in between both, and so the payments are made through the student to the Student Loans Company, and if they do not tell us what amounts are outstanding then we cannot pay them.

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I do not know whether it is that the former administration agreed a limit of the amount that students can take as student loans and whether some people have taken more than that limit and therefore this is their personal liability – that may be the case, but without the data we are not able to provide that information and that chasing would be something that would happen in writing, at least initially.

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If the Student Loans Company has assigned the debt or the chasing of the debt to an external credit agency, that would be months after the debt had been chased in writing, and if there had not been a repayment ... If there is anything like the oral chasing that the hon. Lady is talking about it would have been months after you had been chased in writing and it would start to affect people's creditworthiness, and that is why I am very concerned about it. But if we do not have the information we cannot ensure that we rectify it and we cannot ensure that we look at what it is that has happened.

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It may be that in the setting up of the structures at the time that they were in Government something has fallen down in respect of these two or three individuals that she is talking about, but it is not something that is happening across the board – far from it as far as I am concerned.

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This is a nightmare for students who were forced into debt by the GSD that is being resolved because we are not continuing to do it and we are making all the repayments as and when required.

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Hon. Ms M D Hassan Nahon: Thank you, Chief Minister. I repeat my concern was mainly because these individuals told me that the Student Loans Company had told them that they were tired of trying to get through to the Department of Education, but I will come back to you and furnish you with as much information as I am at liberty to furnish you with in order to sort this matter out.

Thank you.

Q131/2017
Post Brexit –
Education Department priorities

Clerk: Question 131, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Now that the new Minister for Education has had a chance to familiarise himself with the Ministry of Education, is he able to state what the main priorities are within Gibraltar's Education Department in the post-Brexit era?

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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 sir, but in order to pre-empt the inevitable supplementary, I am not going to state these today; I am able to but I am not going to.

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It is customary that Government priorities are laid out in the Budget Speech and I still have a little bit of work to do on that. These will be very clear in my Budget Speech, which is, after all, just a few months away.

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TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q134/2017
Tourist information offices –
Number of manned offices and closed offices

Clerk: Question 134, the Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government state which tourist information offices are currently manned and which ones have been discontinued during the past five years?

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

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Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, tourist information offices are currently operational at John Mackintosh Square, the Customs Building at the Frontier, the Cruise Terminal and the Coach Terminus.

The office at Europa Point was closed in May 2015 and the office at Casemates was closed in October 2015 but was replaced by the office at John Mackintosh Square.

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Hon. L F Llamas: Mr Speaker, with regard to the one at Europa Point discontinued since May 2015, what is the Government's position in relation to that office? Will it be reopening, or will it be going out to tender for retail or something like that, given that it is not being used at this point in time?

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Hon. G H Licudi: Mr Speaker, the office was closed because there was no demand for the purpose for which the office was set up, which was visitor information. Therefore, there is no intention to reopen it at the moment. As regards what will happen with the unit itself, I have absolutely no idea at this stage.

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HOUSING AND EQUALITY

Q173/2017

**Affordable new homes –
Letters to young people re purchase**

Clerk: We now move to Question 173. The questioner is the Hon. R M Clinton.

2185 **Hon. R M Clinton:** Mr Speaker, can the Government advise, as per the Chief Minister's New Year's Message, how many letters have been sent to young people to start the process of purchasing new affordable homes at Bob Peliza Mews and Hassan Centenary Terraces?

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

2190 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, no, because these have not yet gone out.

2195 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for her answer. Can she give the House an indication of when she might anticipate sending these letters out?

Hon. Miss S J Sacramento: Mr Speaker, I am waiting for another draft of the letter to be sent to me, so once the draft is provided to me and we are happy with it, it will be then.

2200 **Hon. R M Clinton:** Mr Speaker, from her answer would I be correct in deducing that the process is fairly advanced and that, from her answer, letters are likely to go out within the month?

2205 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, that will probably be likely, possibly before even. It is something we have been working on for a while, so it is something that is reaching its conclusion.

Hon. R M Clinton: Mr Speaker, in those letters would the Minister be advising purchasers of a likely completion date?

2210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a letter that is going to go out to people is not something that we are going to tell the Parliament about the content of it today. When the letter goes out the letter will be public and the hon. Gentleman will see what is in the letter. It is quite unfair to ask us to give him the details of what is going to be in a letter to potential purchasers before anybody has got it.

2215 **Hon. R M Clinton:** Mr Speaker, I thought we were precisely in Parliament to obtain information from Government which is not necessarily public. Again I ask: is there going to be any information in these letters that indicates a likely completion date?

2220 **Hon. Chief Minister:** Mr Speaker, we are not in Parliament to tell the hon. Gentleman the content of correspondence that has not yet gone out. So the hon. Gentleman can ask us to tell him what is going to be in the letter and we can tell him that when the letter goes out he will see what is in the letter. We are not telling him we are not going to tell him what is going to be in the letter but the letter is in draft. It may change: there may be more put in it or less put in it, depending on what we think it is appropriate that we should put in it at the time it goes out.

2225 He will no doubt see many of the copies that will come in their direction once they are sent. He can then ask us about the content of the letter once it has gone out, but it really beggars

belief that hon. Members opposite think that transparency and accountability is to come to the Parliament to ask the Government to tell them today what we are going to put in a letter that is going to go out next month. It is not anything that has ever been seen in a democracy, I think, Mr Speaker.

Q174/2017

**Government rental homes –
Details of repairs pending**

Clerk: Question 174, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated details of how many jobs in respect of repairs to rental homes are currently pending – that is, still not fully completed – indicating the dates when these reports were first made by tenants and the nature of the works required?

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 239 pending repairs. These are all of an internal nature and were reported to us as follows: four in June 2016; one in July 2016; eight in August; seven in September; 11 in October; 22 in November; 27 in December; 129 in January 2017; and 30 in February 2017.

Given how huge the list of repairs outstanding used to be when we took over, hon. Members opposite will no doubt want to congratulate us on the record low outstanding repairs now.

Q175/2017

**Government rental homes –
Details of empty homes**

Clerk: Question 175, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide an updated list showing the total number of homes which are currently empty; providing as detailed a breakdown as possible of pre-war and post-war properties by indicating their rooms composition, locations such as the housing estate in which they are situated and the dates as from when these homes have been empty?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there is nothing to update since Question 75/2016.

Hon. E J Reyes: Mr Speaker, in reply to Question 75, the hon. Lady said there were 11 pre-war flats and 47 post-war flats and then gave me a breakdown between the 1RKB and the 6RKB. In my question today I am trying to find out, of these 1RKB to 6RKB, which are pre-war and which are post-war; and the hon. Lady last time, when I had asked for location, the only information she had been provided with was north, south east and west locations. Therefore, this time round, Mr Speaker, I did put down 'locations' and I gave an example 'such as the

housing estate' because the hon. Lady did not have the information with her last time. In my supplementary I did say really what I was looking for was to see whether they were in Laguna Estate or Varyl Begg Estate, or whatever. That is why I reposed the question in the hope that the clerical staff that does furnish the Minister with information would by now have been able to locate those details.

Hon. Miss S J Sacramento: Mr Speaker, there is no change in that there has been no movement in relation to the stock.

Mr Speaker, you may recall that on the last occasion I did say that I was not willing to say that there was, say for example, one in Laguna, two in Glacis, or whatever, so as not to encourage people to start a treasure hunt looking for the vacant flat or flats in the particular estate.

There was a lot of detail provided in the answer to the last question. What we did perhaps leave in the air was specifically which estates comprise the north area and the south area. So, just to clarify for the hon. Gentleman opposite, the north area will include Glacis Estate, Laguna Estate and Catalan Bay, and the south will include Alameda Estate, St Joseph's Estate, St John's Court and Heathfield House. I think the south district is easy to delineate. The Upper Town will of course be Castle Steps, Lime Kiln Steps, Moorish Castle Estate, Tankerville and those estates up there. In relation to the west area, which is what he specifically asked of me on the last occasion, that would include Mid Harbours Estate, Varyl Begg, Chilton Court and Edinburgh Estate.

I hope that clarifies the matter, but in terms of the stock there has been no movement since the last question was answered. There has been a very short period, actually, since I last rose to answer that question.

Hon. E J Reyes: Yes, that offers some clarification, Mr Speaker.

When the Hon. Minister last time gave me the details, she said that of the 58 flats 11 were pre-war and 47 were post-war, but in the breakdown of room composition all 58 are amalgamated into one. Is she able to divide those now which are the pre-war and which are the post-war? I do not know if I am explaining myself ... For example, there are six 1RKB. Of those six, how many pertain to pre-war and how many pertain to post-war and so on up to the 6RKB?

Hon. Miss S J Sacramento: No, Mr Speaker, I do not have that detailed breakdown before me, but if the hon. Gentleman wants to ask me next time ... In fact, I would go further and ask the hon. Gentleman, given that these are now empty, if he wants to ask me not next month but the month after it may be that they may no longer be empty by then. So that may clarify the issue even further.

Hon. E J Reyes: Yes, but Mr Speaker, last month I was trying to get that information and the hon. Lady did not have it with her, so we ended up saying, 'Well, if he wants to ask next month ...' I could ask it. I have been clear in my wording here: 'providing as detailed a breakdown as possible of pre-war and post-war properties by indicating the rooms composition'. Would the hon. Lady wish to contact her Department and perhaps later on in the session give it?

I did give fair notice of this question, Mr Speaker.

Hon. Miss S J Sacramento: Mr Speaker, the way that we have read this question is essentially, because it is the same question as it was last month, to provide the information by way of update – and there has been no update in relation to the stock because there has been no movement in the stock, i.e. last month we had x number of empty flats and this month we have the same stock because, for whatever reason, there may not have been an allocation in the last two and a half weeks since we answered the question. It is because, Mr Speaker ... and we had the same conversation – *(Interjection by Hon. D A Feetham)*

Mr Speaker, I can hear the hon. Gentleman, the Leader of the Opposition, muttering from the other side, telling the Hon. Mr Reyes to be firm. Mr Speaker, this is not a game. I am just explaining the way that we have interpreted the question that has been asked. (*Interjection*) We have been asked to provide an updated list; I am updating it from last month. Last month I had certain figures – there is no need to update it because there has been no movement, Mr Speaker.

Mr Speaker: Am I correct in understanding that what has happened is that the hon. Lady is saying that there has been no change? But in the answer that you were given to Question 75 not all the details that you had been requesting in your question had been dealt with. Is that the position? And therefore it is that that you are actually asking about. So it is separate information which she did not give you then and she is not giving you now because she is just saying that there has been no change, and that you require. If she does not have that information here with her, I am sure she will undertake to provide it for you. Is that correct?

Hon. E J Reyes: No, Mr Speaker, not 100% correct. I posed Question 75 last time. We said: can the Minister for Housing provide a list showing the total number of homes which are currently empty, providing a breakdown of pre-war and post-war properties, indicating the rooms composition, locations and date?

The explanation of the locations ... the hon. Lady has explained to me this time round how she does not want to identify the particular estate but has been generous in saying 'by north I mean Glacis, Laguna and Catalan Bay...' I can accept that. If I were the Minister for Housing I would probably end up saying something similar.

My question this time, Mr Speaker ... I do not say anything further to or relating to the question, because when I have tried that in the past then I get the answer that there has been no change and there is confusion. What I have done is I have worded it in such a manner to clarify better what I had tried to get last time, and therefore my new words are 'providing as detailed a breakdown as possible of pre-war and post-war properties by indicating the room compositions'. Therefore, I am asking for as detailed a breakdown as possible of pre-war and post-war, which are pre-war which are post-war and what are their breakdowns.

The clerical staff that provides the information for the hon. Lady could have also done a little bit of homework and looked at the *Hansard* and said, 'Well, look, this is what he was saying last time, because it is a very similar question, let's clarify.'

As a gentleman I accepted her honest answer last time. I do not have a breakdown of the 1RKB, how many are pre-war and post-war. I repeat the question, and to be told again 'I do not have the breakdown', Mr Speaker ... If she does not have it I have to accept it, but perhaps your word advising the Minister to get her clerical staff to get their act together and provide the information so as not to put her in an embarrassing situation ... I would appreciate that at least, Mr Speaker.

Mr Speaker: I am not aware that the Speaker's authority extends beyond the boundaries of this building!

Hon. Miss S J Sacramento: Mr Speaker, I do not think this is an issue of staff doing their homework or not doing their homework; it is the staff's interpretation of the question in the way that it is posed.

Mr Speaker: Look, let's bring this matter to a close. I think the Hon. Minister understands what the hon. Member is after. She does not have the information and I am sure she will endeavour to provide it as soon as possible. So let's move on to the next question.

Q176/2017

**Government housing waiting lists –
Detailed breakdown of number of applicants**

Clerk: Question 176, the Hon. E J Reyes.

2370 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide an up-to-date list in respect of the number of applicants on all Government housing waiting lists, inclusive of a breakdown showing also the pre-list, social and medical lists, indicating their rooms composition entitlements and dates when these applicants joined the respective lists?

2375 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are 217 people on the pre-list and 1,302 applicants on the waiting list, of which there are 137 on the medical list and 49 on the social list.

2380 Their applications are as follows. There are 1,179 for 1RKB, 83 for the 2RKB, 167 for the 3RKB, 77 for the 4RKB, nine for the 5RKB and three for the 6RKB.

Further to the dates provided last month in Question 73/2017, 15 applicants have since joined the pre-list.

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Q177/2017

**Government website –
Updating of statistical information re housing matters**

Clerk: Question 177, the Hon. E J Reyes.

2390 **Hon. E J Reyes:** Can the Minister for Housing indicate by when it is expected that the statistical information in respect of housing matters shown in the Government's website will be updated, as the information currently provided is now 12 months out of date.

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

2395 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, discrepancies and inaccuracies in the presentation of the data were noticed. The complete system is currently under review in order that statistics going forward are presented as accurately as possible. I hope that the exercise is complete within six months.

Mr Speaker: Next question.

Q178/2017

**Government rental homes –
Breakdown of applicants' house size requirements**

2400 **Clerk:** Question 178, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to Question 73/2017, can the Minister for Housing provide a more detailed breakdown in respect of the range of 1RKB to 6RKB pertaining to the

2405 house size requirements in respect of applicants who joined any category of housing waiting lists prior to 8th December 2011 and who have still not been handed keys to a new home as at February 2017, inclusive of dates of applicants joining said lists?

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

2410 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are 245 applicants who have not physically received their keys.

The house size requirements range from 1RKB to 5RKB and these applicants joined the list as follows: between 2000 and 2005, 19 for 1RKB, one for 2RKB, one for 3RKB, one for 4RKB; from 2006 to 8th December 2011, 134 for 1RKB, 28 for 2RKB, 34 for 3RKB, 22 for 4 RKB and five for 5RKB.

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Q179/2017

**Government rental homes –
Urgent decanting of tenants**

Clerk: Question 179, the Hon. E J Reyes:

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 77/2017, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

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

2425 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** None, Mr Speaker.

Mr Speaker: Given that that was also the answer last month –

Hon. Miss S J Sacramento: No, Mr Speaker, sorry, I am reading from the wrong page! Mr Speaker, it is £460 that has been paid Triay & Triay in respect of one property.

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Mr Speaker: So what is the answer?

Hon. Miss S J Sacramento: Well, then, it is none. It is none, then I am fine. I have answered the next question. My mistake.

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Mr Speaker: What is the answer to Question 179? None?

Hon. Miss S J Sacramento: None.

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Mr Speaker: Given that that was also the answer at the last meeting, could I suggest to the hon. Member that instead of asking the same question every month, because decanting does not seem to be a very frequent process, he might allow a slightly longer time lapse in between the same questions?

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Hon. E J Reyes: Yes, Mr Speaker, I can understand what you are asking.

I am very grateful to the hon. Lady, because last month we clarified ... I had been asking these in the past. Last month she clarified there were none and I had also asked the further question,

2450 is there anyone still pending awaiting to return, and the answer was none. Therefore my statistics sheet that I keep on that was completely in zero.

This time round, because the previous question actually refers to that, I went to the Government website and looked there, and because the information was missing I said, 'Given that it is wintertime and if anybody gets to be moved it happens to be ... worse cases happen to come in winter because of flooding from the roof and so on,' I said 'Well, I will throw it in now.'

2455 I can understand what you, as Speaker, are trying to say, so I will make a note and I will probably pose that every other month.

Mr Speaker: Precisely. Because we are now in winter, if the hon. Member were to ask the question say in May, then he would get a picture of what would have happened in respect of decanting in the previous three months, and there is no need to ask the question on two or three occasions.

I am liberal, as the hon. Member will agree, with all questions that he asks which might be the same but the answer is not the same, and because the answer is not the same from month to month I am liberal in allowing him to ask the question.

2465 In this case there has been no change for two months and the odds are ... Well, you never know, 20 people might be decanted, God forbid, next month.

Next question.

2470

Q180/2017
Government rental homes –
Squatters

Clerk: Question 180, the Hon. E J Reyes.

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 79/2017, 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.

2480 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, £460 has been paid to Triay & Triay in respect of one property.

Q181/2017
Empty homes –
Contracts awarded for making suitable for reallocation

Clerk: Question 181, the Hon. E J Reyes.

2485 **Hon. E J Reyes:** Can the Minister for Housing provide details of all expenditure incurred since the answer to Question 80/2017 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/nature of repair works or cleaning services undertaken?

2490 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, since Question 80/2017 Ace Plumbing was paid £4,380 for one property, Elite Plumbing was paid £2,495 for one property, ASJ Builders was paid £16,700 for one property and Liberty was paid
2495 £6,000 for one property.

The works carried out by these companies was general refurbishment works, including plastering walls and ceilings, painting, replacing floor tiles, doors, plumbing, electrical works, etc.

Q182/2017
Government rental homes –
Outstanding arrears

Clerk: Question 182, the Hon. E J Reyes.

2500 **Hon. E J Reyes:** Can the Minister for Housing provide updated details of outstanding arrears in respect of Government rental homes?

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

2505 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, as at 1st February 2017, the level of outstanding arrears in respect of Government rental homes stood at £5,225,585.42.

Clerk: Question 183, the Hon. –

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Hon. R M Clinton: Sorry, Mr Speaker, just one supplementary. I am grateful to the Minister for her answer. I was wondering, in terms of that amount, £5.2 million, how is the Minister accounting for arrears in respect of those properties for which the Government is solely the tenant and those for which she has to account for the rent to Gibraltar Capital Assets Ltd?

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Chief Minister (Hon. F R Picardo): Yes, Gibraltar Capital Assets, which the hon. Gentleman knows I am involved with, so I will deal with the question.

Mr Speaker, I am quite happy to ask the Financial Secretary to give us an indication of how that aspect of the calculations is dealt with and revert to the hon. Gentleman.

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As he knows, Gibraltar Capital Assets is not a company for which we are answerable in this House, but I have shared the information with this House and then had what I thought was a very fruitful meeting with hon. Members opposite for an hour and a half, and then an hour and a half with the hon. Lady – although they were very ungenerous, if I may say so, when they left the meeting and went to the media about how fruitful it had been.

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But I am quite happy to ask the Financial Secretary to provide the information.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for what was indeed an interesting meeting.

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If he could, just to clarify, confirm that he will ask the Financial Secretary, in terms of this £5.2 million, for a breakdown between those that are due entirely to the Government and those for which the Government is acting as collection agent.

Hon. Chief Minister: Mr Speaker, when he is talking about £5.2 million he is talking about the historic figure. The only bit that will be relevant will be the amount going forward from the date

2535 that these arrangements were entered into, not the £5.2 million. But I will ask him to provide an indication of how we deal with those – whether it is in effect an assignment of rent to Gibraltar Capital Assets where there is an arrear in respect of those rents.

Q183-184/2017
Bruce's Farm rehabilitation centre –
New leadership

Clerk: Question 183, the Hon. E J Phillips.

2540 **Hon. E J Phillips:** Mr Speaker, can the Government explain the recent change in leadership at Bruce's Farm rehabilitation centre?

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

2545 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 184.

Clerk: Question 184, the Hon. E J Phillips.

2550 **Hon. E J Phillips:** Can the Government state what qualifications the new leader at Bruce's Farm is in possession of?

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

2555 **Hon. Miss S J Sacramento:** Mr Speaker, there have been no changes at Bruce's Farm rehabilitation centre.

Q185/2017
Bruce's Farm –
Suitable qualification of staff

Clerk: Question 185, the Hon. E J Phillips.

2560 **Hon. E J Phillips:** Can the Government confirm that all those persons working at Bruce's Farm are qualified to be working with addicts?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, yes.

Q186/2017
Public sector employment –
Drugs-free work policy

2565 **Clerk:** Question 186, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state when it intends to introduce a drugs-free work policy throughout the public sector?

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, this is an initiative of this administration of which we are very proud and the hon. Members opposite will no doubt want to congratulate us on it. They will be pleased to note it is already in draft format and in the process of internal consultation.

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Hon. E J Phillips: I note from the hon. Lady's answer to that question and also the manifesto, which in fact states 'the adoption of a drugs free work place policy throughout the public sector' ... I also note that in answer to that question she stated that it is going out to consultation, but the question I put was when it intends to introduce the policy itself. Does the Minister have any further information as to when the consultation process will complete and when it will become live?

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Hon. Miss S J Sacramento: It is an internal consultation process, so the answer to your question will pretty much be determined by the process of consultation, because there are ... It is a complicated policy. It is not a straightforward policy, particularly because it is a public sector wide policy, so there will be different issues depending on which Department of the public sector we are looking at. So it is quite complex in terms of the standard of the quality of the testing, ensuring that there is no contamination, ensuring that we have support, because the emphasis of the policy is really on ensuring that ... It is not a punitive policy. The aim of the policy is not to punish inasmuch as it is to prevent and to support, so we have to ensure that ... It is a human resources policy, essentially, so we have to ensure that everything is in order, and there are obvious resource implications into the implementation of the policy so it is something that we are looking at internally with all the relevant Departments to ensure that we get everything right.

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I do not want to, for the sake of expediency, commence a policy and then have gaps in supporting the people whom we want to assist by implementing this policy, particularly given the vulnerable group of people that we are talking about when we look at this kind of policy.

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Hon. E J Phillips: Mr Speaker, I would commend the policy but one thing I would like to ask is whether it is going to be rolled out in stages. It would make sense, certainly from this side of the House, that we tackle first the emergency services, healthcare professionals, the Fire Service and Police first and then roll it out insofar as the public service is concerned. I just want to know if that is the intention of the Government, to roll it out slowly insofar as the emergency services and thereafter the other public service.

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Hon. Miss S J Sacramento: Subject to the outcome of the consultation process, Mr Speaker – because I would not want to pre-empt what the advice from the other Departments will be – the intention is that the introduction of such a policy would be phased.

Q187/2017

Lifts for Government housing schemes – Fitness for purpose

Clerk: Question 187, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Is Government satisfied that the lifts being placed on all Government housing schemes and Aerial Farm development which were stored for over a year at Lathbury, exposed to the elements, are fit for purpose?

2615 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, yes.

Q188/2017

**St Anne's School playground car park –
Health and safety re construction**

Clerk: Question 188, the Hon. Ms M D Hassan Nahon.

2620 **Hon. Ms M D Hassan Nahon:** Does the Government feel satisfied with the health and safety arrangements and standards relating to the construction of the new car park adjacent to the St. Anne's School playground?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, yes.

2630 **Hon. Ms M D Hassan Nahon:** Mr Speaker, cranes are towering adjacent to the St Anne's School. Similar ones ... only last year part of a crane collapsed at Eastern Beach construction site. So my question is: how often do the safety officers visit the site to ensure that these cranes are operating safely?

2635 **Hon. Miss S J Sacramento:** Mr Speaker, since the start of this project there has been a professional team of inspectors meeting with the project's team of designers and architects and engineers and their safety planning supervisor to establish the safety parameters, and the Health and Safety Inspectorate is, of course, in direct consultation with the Schools Representative Authority. Furthermore, Mr Speaker, inspectors visit that site very frequently and notify the project manager in case there are any findings.

2640 So, in answer to the supplementary question, on the basis of the involvement of the health and safety professionals and upon their advice, there is no advice that there is any health and safety risk in this project.

2645 **Hon. Ms M D Hassan Nahon:** Thank you for that. Does the school have emergency exit arrangements in place that do not include the school's playground in the event of an accident with one of those cranes?

2650 **Hon. Miss S J Sacramento:** Mr Speaker, from memory as to the layout of the school, then I think the answer is yes, and in any event, anything that is a requirement under health and safety would have been brought to our attention in the event that the answer were no and it was required and we needed to make some kind of alternative arrangements or adjustments.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): I move that the House do now adjourn until Wednesday at 10 a.m.

2655 **Mr Speaker:** The House will now adjourn until Wednesday at 10 a.m.

The House adjourned at 12.48 p.m.