



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.02 p.m. – 9.54 p.m.

Gibraltar, Wednesday, 23rd November 2022

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The Gibraltar Parliament

The Parliament met at 3 p.m.

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: S Galliano Esq *in attendance*]

PRAYER

Mr Speaker

ADMINISTRATION OF OATH OF ALLEGIANCE TO HIS MAJESTY KING CHARLES III

Clerk: Meeting of Parliament, Wednesday, 23rd November 2022.

Order of Proceedings: (i) Oath of Allegiance.

The Chief Justice administered the Oath of Allegiance to the Hon. R M Clinton and the Hon. E J Reyes.

CONFIRMATION OF MINUTES

5 **Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 19th, 20th, 21st and 24th October 2022.

Mr Speaker: May I sign the Minutes as correct?

10 **Members:** Aye.

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to William Scott, former Member of the House

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is unfortunate that, once again, as the House resumes its business for a new meeting, we must start remembering one of our brethren, one who was a Member of the House of Assembly, in this case William (Willie) Scott, who was a Member between 1980 and 1984 and who passed away in the period of the adjournment, aged 81.

20 Willie was a Member of the Opposition when he was a Member of our predecessor House of
Assembly with the Democratic Party for a British Gibraltar (DPBG), which was led by the father of
one the Ministers in my Government, Peter Isola Snr. That was in the period from 1980 to 1984.

25 Anyone who knew him would describe Willie as a staunch defender of the rights of the people
of Gibraltar, one of those people who was totally against the Lisbon process and the Strasbourg
process, and indeed he was, as ever, in good company having walked out of the House with Joe
Bossano and Bob Peliza in protest at those agreements.

30 Mr Speaker, I would ask, once other hon. Members have been able to express their
condolences, that we mark his passing with a minute's silence. I certainly express the most sincere
condolences of the Government – and, indeed, I am sure, of the whole House and the people of
Gibraltar – to Brena his widow, to Tracy his daughter and to the rest of his children and family.

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

Hon. K Azopardi: Mr Speaker, it is my pleasure to join with the Chief Minister in marking the
passing of Willie Scott and, indeed, passing our condolences on this side of the House to his family.

35 Willie, as the Chief Minister has said, was a Member of the Opposition during the time of,
partly, the closure of the Frontier and he was a Member of this House when there was a partial
opening of the Frontier, a crucial period for Gibraltar. I have remarked on other occasions, on the
passing of former Members, how difficult it must have been to govern – or, indeed, to be a
Member of the Opposition – in Gibraltar at those times, with the extreme proximity of the citizen
40 to the Members and indeed at a time when Gibraltar was in real distress, in particular because of
the closed-Frontier situation that put us in a very difficult economic and political situation.

Willie was not just very active in politics, he was a keen cricketer and I know my friend Edwin
Reyes, who was a member of the same cricketing side, will remember him fondly and may wish
to also say something about that. Willie made a tremendous contribution to Gibraltar politics and
45 sports and we remember him fondly, and certainly our best wishes go to all of his family.

Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola (Minister for Digital, Financial Services, Health Authority and Public Utilities):
50 Thank you, Mr Speaker.

I rise because of my personal engagement with Willie as a very young man, late teens, when
he was working with my father in the DPBG, as the Hon. the Chief Minister has already mentioned.
I still can hear his very deep voice bellowing in the party headquarters as documentation,
manifestos and sheets were being prepared.

55 Willie was always an absolute gentleman. He was a caring individual. His size belied his
tenderness and he was always an absolute pleasure to be with from my side and from the years I
spent standing close to him in his political time in this House and other places around Gibraltar.

My sincerest condolences to Brena his widow, and all members of his family on his unfortunate
60 passing.

Mr Speaker: The Hon. Edwin Reyes.

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

65 I concur wholeheartedly with the Chief Minister, the Leader of the Opposition and my hon.
colleague Mr Isola.

Willie will be remembered in this House for his contributions to politics and the betterment of
Gibraltar as a whole. I simply want to add that I want to thank Willie for the happy memories that
he certainly left with people like myself on the sports field. Willie, actually, was nominated
Gibraltar Sportsman of the Year some time towards the end of the mid-1970s, but it was during
70 that era of the 1970s – we are talking of some 45 years ago – that Willie was really the cornerstone

of what was Grammarians Cricket Club ... on paper – when we were out in the field he did not want the limelight, so he always nominated someone else to be the captain. It was a great experience to share the cricket field with someone like Willie. Believe it or not, on the same side as us, on the Grammarians, we had the late Maurice Figueras playing, so I leave it to your
75 imagination what the conversation was like at teatime at cricket. We talked about everything except cricket because politics, certainly in the days of the closed Frontier in the late 1970s, did dominate the day.

I thank Willie for all his contributions on the sports field and in Parliament, and I am sure the Almighty will reward him for his heart and his love for Gibraltar.

80 **Hon. Chief Minister:** Mr Speaker, I move that the House should now hold a minute's silence.

The House held a minute's silence.

Welcome back to Mr Clinton and Mr Reyes

Chief Minister (Hon. F R Picardo): I am grateful, Mr Speaker. May I also quickly add that it is a pleasure to see Mr Clinton back in the House. I know that he was fit and able to join us at the last meeting but unfortunately he caught COVID just in time. It is a pleasure to see him back. I know
85 he has had a difficult summer and, despite his very difficult questions, it is always a pleasure to see him here, and also a pleasure to see that Mr Reyes has recovered from COVID.

Personal Statement by Mr Clinton

Clerk: (vi) Papers to be laid; (vii) Reports of Committees –

90 **Mr Speaker:** The Hon. Roy Clinton has been granted leave to make a short Personal Statement.
The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker, and I thank the Chief Minister for his kind words on behalf of myself and my colleague Mr Reyes. Fortunately, it was a very mild COVID, so nothing too dramatic.

95 Mr Speaker, thank you very much for permission to make a statement. If there is one matter that we perhaps all take for granted it is our good health. I was reminded of the fragility of our existence only days after the last meeting of Parliament, which was on Tuesday, 5th July this year. As a result of what was, I thought, a routine medical check-up, it was found that I required an emergency heart bypass operation, despite having absolutely no symptoms. I was admitted to
100 intensive care at St Bernard's Hospital on Monday, 11th July, flown to London on Thursday, 14th July, and on Friday, 15th July, at St Thomas' Hospital in London, I underwent open heart surgery resulting in a quintuple bypass, which I did not even know was possible. I am glad to report that the surgeons and doctors are satisfied with my progress and I should make a full recovery in the coming months.

105 To say I am thankful is perhaps an understatement, as without the speed of intervention I might not be standing here today. I wish to place on record my most sincere thanks to the medical staff at the Gibraltar Health Authority, including the consultant cardiologist, the team at intensive care, the ambulance staff, the cardiac rehab team, Sponsored Patients, and, of course, the nurse who accompanied my wife and me all the way to St Thomas's. The surgeons and intensive care staff at

110 St Thomas's performed a medical miracle and, without any exaggeration, I literally owe them my life.

Perhaps the most touching and personal care was received while I was staying at Calpe House in London awaiting medical clearance before we could fly home to recover. My wife May, overnight, became my nurse and carer, patiently changing dressings and literally holding my hand
115 as I struggled to perform simple tasks such as crossing the road. I cannot express my gratitude enough. The staff at Calpe House were fantastic. They offered constant support and assistance. Indeed, the other patients resident at Calpe House were uplifting in providing simple words of encouragement in a way that only a Llanito would understand. Until you have to use Calpe House as a patient it is difficult to understand the oasis it offers in London and I cannot praise it highly
120 enough.

Also worthy of praise are the Gibraltar Cardiac Association, who also have offered unconditional advice and support.

I have been asked by many whether my outlook on life has changed and perhaps I should take it easy in future. I accept I have certainly been given a warning shot not to take my health for
125 granted, but I am still fundamentally the same person. In that respect, it is my humble intention to continue in politics for as long as I think I can make a worthwhile contribution and my party and the electorate share that view.

Finally, I would like to thank all my family and friends who have enquired after my health and provided or offered support, as indeed have you, Mr Speaker, and parliamentary colleagues on
130 both sides of this House.

Thank you, Mr Speaker. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might just, on behalf of the whole House ... As I said earlier, it is a pleasure to see him back. If I can just hope that it was nothing to do with my Budget that led him to the difficulties he had and say how important it is to highlight, given
135 how he has told us he was diagnosed, that people should attend those regular check-ups.

I have been asked by a Member opposite what I am wearing on my lapel. I am wearing the Prostate Cancer Support badge. This month, we are dealing with highlighting awareness of prostate cancer. Whether it is a well woman clinic or a well person clinic, we must attend to our health. There is nothing more important, as we have said.

Can I welcome his remarks about the GHA and Calpe House? I know that none of those give us a free pass on things that might go wrong in the GHA, which we are all here to better understand and improve, but so much goes right in the GHA and I am grateful to him for having highlighted that, and in particular I am grateful for his remarks in respect of the staff of Calpe House. The Government and the Trustees of Calpe House have committed to the new Calpe House, but really
145 it is the staff at Calpe House who give it its heart and I am very pleased to hear him recognise their work in that way.

Mr Speaker, I do hope he is not going to take it easy from now on and that he should take it easy on the Government because we very much welcome having him as a Member of the Opposition in this House for many years. I am very pleased to see him back.

Questions for Oral Answer

BUSINESS, TOURISM AND THE PORT

Q409/2022

Montague Park project – Update re progress made

150 **Clerk:** (viii) Answers to Oral Questions.
Question 409/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what progress it has made with its 2020 proposed Montagu Park project?

155 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, due to other financial priorities, Montagu Park has been delayed. Having said that, I am looking at how we could possibly revive this project.

160 **Hon. K Azopardi:** Mr Speaker, is the Minister in a position to say whether the delay will just impact on the implementation of the project or whether it will also impact on the actual scheme itself? Will it entail a review of the Montagu Park aspect of it, which was only part of a much wider press statement they issued back in 2020, which included all sorts of things, but just focusing on Montagu Park, which was described as affecting the area between Chatham Counterguard and Montagu Curtain and including a cycle lane the length of Fish Market Lane through the junction, through Market Place and Chatham Counterguard – so that anyone who is listening can remember what the Government was talking about then. Is it going to impact on the actual scheme itself or just the timing?

Hon. V Daryanani: Mr Speaker, as the Hon. the Leader of the Opposition says, this project was from Fish Market Road, all the way through Montagu to Chatham, and then there was meant to be a cycle lane which would lead us into Reclamation Road and then on to Queensway.

175 Yes, it is definitely going to impact on the timing. We are trying to see how we can get this project going again. There are issues – costs, obviously. This project was first planned before we spent £350 million-odd on COVID, so I think we need to take all those things into account, but as I said, I am looking at ways we can revive it.

180 **Mr Speaker:** Next question.

Q410-11/2022

Business Improvement District scheme – Current status; Fees paid re independent ballot

Clerk: Question 410/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the current status of the Business Improvement District scheme?

185 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 411.

190 **Clerk:** Question 411/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the amount of fees paid to Isola in respect of the conduct of the independent ballot for the BID scheme, and also provide a copy of their engagement letter?

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Clerk: Answer, the Hon. the Minister for Business and Tourism.

Hon. V Daryanani: Mr Speaker, I refer the hon. Member to the Government's Press Release 790/2022, which sets out the current status of the Business Improvement District Scheme.

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Isola were paid £14,821.15.

The Government will not provide copies of engagement letters, as these are commercially sensitive and to do so would disadvantage the taxpayer.

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

If I can perhaps go back to my first question, Question 410, in respect of the current status of the Business Improvement District, if my recollection of the Government Press Release is correct – and I am happy to be corrected if my recollection is not – the words used were 'moratorium' and that current businesses that had received levies were not being required to pay them, and there was a suggestion that anybody who had paid the levy would be refunded.

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I would be grateful if the Minister could advise if my recollection is correct; and also, if it is the case that there is a moratorium, can he point us exactly to which bit of the Business Improvement Districts Act 2021, or indeed the Business Improvement Districts Regulations 2021, he is operating that moratorium under?

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Chief Minister (Hon. F R Picardo): Mr Speaker, insofar as the hon. Gentleman reflects what was set out in the Government Press Release, his recollection is correct.

Insofar as his question about the moratorium, it is very simple. This is a piece of civil legislation. There is a requirement for the Government to activate enforcement in order to bring about the enforcement of those aspects of the legislation and the Government is not bringing about the enforcement of the legislation.

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Hon. R M Clinton: Mr Speaker, forgive me, but my understanding of the process – and, again, I am happy to be corrected – is that a ballot was organised under the Business Improvement Districts Act 2021 and in accordance with the regulations under that Act. As a result, a ballot holder was identified, who held a ballot, and I presume that the ballot holder then certified a result. The result of that ballot presumably being in the affirmative, the Government then would have put into operation the Business Improvement District. Otherwise, I do not see how the billing authority would have issued bills. So, as far as I can work out – and I confess I am not a lawyer – everything that is envisaged under the Act has been complied with, and therefore the bid is in operation.

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There are provisions throughout the legislation where there are powers of veto, there are powers to make amendment and there are powers to terminate, but I do not see any power to have a moratorium, so I would be grateful if the Chief Minister could clarify exactly what legal instrument he is relying on to effect a moratorium. Is this moratorium, in effect, a termination of

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the BID? I am just not clear. Of course, from the point of view of the people who are against it, as opposed to the people who are for it, there obviously has to be some certainty.

240 **Hon. Chief Minister:** Mr Speaker, the provisions the hon. Gentleman is referring to are provisions of our civil law. Our civil law has engaged to make the BID active and what we are doing is not enforcing those parts of that civil law – I want to emphasise that this is not a criminal statute – which enable the Government and the BID to pursue those who have not paid the amount which the law requires that they should pay. So the moratorium is just what we might refer to as a forbearance to sue for the balance that might be due from somebody in respect of
245 the amounts they have to pay.

The Government does not want to, in any way, amend or terminate the BID until we have had an opportunity to hear all of the representations from all of the parties who have wished to engage with the Government as a result of the issues that have arisen with the BID. So we do not want to act to terminate and we do not want to act to amend until we have all of those representations
250 in. At the same time, we will not act to enforce in the civil law – because that enforcement is within our control – the payment of the amounts required under the legislation. And so the moratorium is a self-imposed forbearance to sue for the balance due in respect of those bills.

255 **Hon. R M Clinton:** Mr Speaker, I beg you indulgence – this is something that we need to develop. I understand what the Chief Minister is saying, but of course he must appreciate that the BID scheme is set up under a corporate structure and, on a voluntary basis, there are directors of the scheme and they have incurred costs in good faith, I would say – office rent, computers, staff etc. He will appreciate that they cannot operate indefinitely under a moratorium if they do not know whether they are a going concern or not. How long do you envisage this moratorium would
260 last?

Hon. Chief Minister: Mr Speaker, I do not entirely accept the characterisation that the hon. Gentleman has made, and I do not think anything turns on it in respect of his question, which is how long will the moratorium last. What we are saying is we want to engage with those who are representing those who are against the BID and those who are in favour of the BID continuing. We want to understand why this controversy has arisen, we want to understand better whether the BID has extended itself beyond the areas which the Government was consulted on, and then we will be able to make a decision. We hope to be able to do that very soon, but it is a reality, as I am sure the hon. Gentleman will appreciate, that we are a small administration. With the negotiations
270 in respect of the future relationship between the United Kingdom and the European Union in respect of Gibraltar ongoing and reaching, hopefully, a peak very soon, it is not possible to prioritise all matters, and so it is not possible for me to give the hon. Gentleman an answer to how long the moratorium will be required to continue, but we do hope to be able to engage on these matters very quickly because we do understand that those who are in favour of the BID and those
275 who are running the BID have entered into contractual obligations in respect of their liabilities.

Hon. R M Clinton: Mr Speaker, I am going to move on to the second question. I think the leader of ... (*Interjection*) may want to ... I was going to come back to the second question.

280 **Hon. K Azopardi:** If my friend is moving on to the second question, can I just ask on this issue: in the press release that the Government issued they said that one of the purposes of the moratorium was that it was able to meet the Chamber, the FSB and a representative, I think they said, of the BID. Has that meeting taken place?

285 **Hon. Chief Minister:** No, sir.

290 **Hon. K Azopardi:** I think it has been some weeks now since that meeting, and of course we understand that, for the reasons the Hon. Chief Minister has just given, there may be, obviously, attention being focused on other things, but has a meeting been diarised at least for it to take place; and, if not, does the Chief Minister agree that, for the explanation given by my hon. colleague Mr Clinton, it is important to get some clarity one way or the other for people who are on one side of the scheme or another, and indeed for the scheme itself, which was subject of legislation in this House?

295 **Hon. Chief Minister:** Mr Speaker, the meeting has not yet been diarised but it is on my officers' list of meetings to be fixed at short notice as soon as we are able to fix them.

300 Priority is something which is always in the eye of the beholder. In most instances, those who want a meeting with the Chief Minister want it because they think that their thing is important and more important than any other thing. I recognise here that there are issues which relate to third-party liabilities which need to be resolved, but it has not been possible to fix the meeting any sooner, as yet, and given the disparate individuals that we have, I do not want to set up a meeting that is going to be likely cancelled, delayed etc. Because my diary is a dynamic one, it is on the list of meetings that might be set at short notice when there is a clear moment when it can be held.

305 Hon. Members should know that it is the Government's intention to have that meeting, to try to resolve this issue, to try to bring our good offices to bear to see whether it is possible to resolve the issue in a way that ensures that those who are against have their concerns dealt with and that the BID can continue, but if that is not possible, the Government was always very clear from the beginning that this was only something we would do if businesses wanted it to happen. That is why we insisted on the vote.

310 There are now concerns being expressed about how the vote was managed, or indeed how the expense of the vote was dealt with and then who the consequences and liabilities of the BID have been visited upon who might not have had an opportunity to vote. I need to get to the bottom of all those things. There are only certain hours in the day. It is impossible to deal with more matters than one tries to deal with – I hope the hon. Gentleman, in all the criticism he will make of me, will not suggest that I am idle any minute of the day – so if it has not happened yet, it is because it has not been possible for it to happen yet.

320 **Mr Speaker:** The Chief Minister has given a full explanation and full answer to your question. We are now going to move on to Roy Clinton.

Hon. K Azopardi: Yes, he has, but I had a follow-up on –

325 **Mr Speaker:** I do not think there can be a follow-up because he has explained the reasons why he has not been able to have a meeting. *(Interjection by Hon. K Azopardi)*

I would ask the hon. Member the Leader of the Opposition to resume his seat and I will ask the Hon. Roy Clinton –

330 **Hon. K Azopardi:** Mr Speaker, can I just say that there was a follow-up because I wanted to ask him something which is not about the diarisation of the issue but something of public importance in the context of what he has said, as a follow-up question.

335 I think Mr Speaker has said that the Leader of the Opposition can ask a couple of questions on issues raised by other Members, and that is all I am seeking to do. It is a short question, with your leave.

Mr Speaker: You may.

Hon. K Azopardi: Mr Speaker, we can all agree, I think, with the hon. Member when he says that ... Certainly he is not idle, let me just say that. The Government had made clear that it was supporting the scheme because the business community was in favour of it, and I think on this side of the House we also made clear, at the time of the passage of the Bill that became the Act, that we did so on that basis as well because of the assurances that had been given.

The hon. Member says that it is important to get to the bottom of it. Of course there has been a positive vote by a small margin, by a minority of the people entitled to vote for the scheme. So if he were to get to a point in the consultation exercise where he thinks that there was something with the ballot procedure that was unsatisfactory in some way, given that there has already been a vote in favour, is it on the table that the Government would contemplate a fresh vote, a fresh ballot? Otherwise, how do you really determine whether people are in favour or against it?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman will agree with me that his question is based on a number of hypotheses. He is asking me what I would do 'if I reach the conclusion that ...' and 'if I think, therefore ...' I am not going to ask you to rule that the question is therefore out of order; I am simply going to ask him to accept that I do not know whether I will be anywhere near those determinations, and if I am near those determinations, I do not know whether what he is postulating as the potential outcome is the only logical potential outcome.

I have given some thought to this matter, and I can already imagine that there are potentially other positions that one could take. I do not want to explore those because they mean that I do not have the freedom of action when I am around the table to understand and hear potentially even other options.

I would put it this way: if the hon. Gentleman would like me to be inclusive of the option that he puts, and that is to say that all options are on the table – and I would have thought that that is what all parties would consider to be reasonable ... in other words, that we have the consultation with them now about the shortcomings that appear to have arisen here, with a blank canvas as to potential solutions, I think that is what will be in everybody's interests.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. If I could just move on to my second question, Question 411, I am grateful to the Minister for advising that the fee paid was about £15,000, but he says that the Government will not give us a copy of the engagement letter on the basis it is commercially sensitive. Of course, the Minister will appreciate that the nature of the ballot is not something that happens every day or every year in Gibraltar, so I do not see how it can be commercially sensitive to anyone. And, of course, being a ballot, it is definitely not covered by any form of legal privilege. But perhaps the Minister, if he is not willing to hand over a copy of the letter, would confirm that there was an engagement letter signed by, I presume, his Ministry, and that the engagement letter sets out in great detail – and I expect more than just one page – how the ballot would be conducted by whom and what processes and procedures were to be followed in terms of the independent ballot, such that an independent audit of it would be satisfied that all steps had been taken, as would in, say, the context of a general election, in that the ballot itself would pass an audit test in the way it has been done, the way ballots have been sent out and recorded, that the population has been correctly identified and all necessary contingencies have been thought of. Otherwise, if the engagement letter is not that detailed, then I fear it would be very difficult for the ballot to be deemed to be safe. I would be grateful if the Minister could advise that, indeed, the engagement letter is, as I suggested, as detailed.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is raising with us exactly the issues that are being raised in the context of the discussion, that those who are against the bid are raising with us – the integrity of the ballot in terms of its franchise etc. So, for the reasons I gave the hon. Member earlier and I gave the Leader of the Opposition, the Government does not want to get

390 into the substance of this until we have had an opportunity of meeting with all of the interested parties, not even to comment on what the hon. Gentleman is referring to.

An engagement letter sets out charge-out rates etc., sets out what rates the Government is charged versus otherwise-available charge-out rates of law firms etc. That is what is commercially sensitive about the engagement letter, not the particular work to which it relates. That aspect of an engagement letter would not usually be commercially sensitive. It would say 'to represent you in x, y, z', and that thing would be publicly known, but it then sets out the terms on which an entity is represented, in this context the Government.

400 Given that there is competition between law firms and hon. Members opposite represent some law firms, we think it is not in the interest of the taxpayer that we should be circulating the engagement letter, which contains that commercially sensitive information. We would not do it with an engagement letter that was provided to us by one of the law firms which hon. Members opposite, not just the ones who are here, represent, for that reason. Neither is there any custom of governments, in particular the Westminster government, sharing engagement letters, because they can disclose aspects which are privileged even if they are dealing with the organisation of a ballot.

405 Mr Speaker, a ballot is not a referendum and a ballot is not an election. A ballot, in this context, is more akin to a poll, and so what we need to understand is what the extent of the franchise was at the time, whether that was correct franchise at the time, but whether in fact the extension of the BID which has been referred to – and the hon. Gentleman will have seen that public reference of an extension of the BID area and application – has gone beyond those balloted or entitled to be balloted, whether or not they responded.

410 I do not want to get into that issue at the moment. I want to try to resolve this, not to have a political argument with the hon. Gentleman over it, and I would ask him to give the Government the time to be able to address these issues in order to be able to resolve them in the manner that is in the best interests of those who are representative of those who are against the bid and those who are in favour of the bid – that is to say the traders in Gibraltar, whether they are on one side or the other – to try to achieve the best thing for Gibraltar PLC.

420 **Hon. R M Clinton:** Mr Speaker, I appreciate what the Chief Minister is saying. As regards commercial sensitivity, we would, of course, accept a redacted form of engagement. We can blank out all charge-out fees, though we know what the total cost of the exercise was. We would happily accept an engagement letter that is so redacted, but if he is not of a mind to give us the letter in a redacted form, could he at least perhaps answer one simple question: was it the Government that signed that engagement letter?

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Hon. Chief Minister: Mr Speaker, it was the Ministry, yes.

Mr Speaker: Next question.

Q412/2022

Morocco –

Actions to secure tourism and business opportunities

430 **Clerk:** Question 412/2022. The Hon. D J Bossino.

Hon. D J Bossino: What specifically is the Minister for Tourism doing to secure tourism and business opportunities with Morocco?

Clerk: Answer, the Hon. the Minister for Business and Tourism.

435 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government continues to work to re-establish air links with Morocco through contacts in the airline trade. These links fell, due to the pandemic. They represent a great way to establish and maintain links of tourism and a business nature with our neighbour to the south. Separately, the Chief Minister has engaged in a number of visits to Morocco to seek to establish stronger links, and
440 announcements which show those links bearing fruit are expected in coming months.

Hon. D J Bossino: Mr Speaker, apart from improving – well, resuming, rather than improving – the air links, what specifically ...? He did mention it in his Budget speech and he talked about how extremely important it is to have the links with Morocco and that he looked forward to new
445 opportunities after Brexit, especially those linked to tourism and business, but I do not think I have had much in terms of detail, other than in relation to the air links question. Can he be more specific than he has already been in his initial reply?

Hon. V Daryanani: Mr Speaker, as I said, we will be making an announcement in the coming
450 months.

Hon. D J Bossino: Can he not give me a flavour of what that announcement is likely to entail and involve? As usual, the hon. Member is not being particularly helpful in his replies and he is always very –
455

Mr Speaker: That is unnecessary. Just ask the question. *(Interjection by Hon. D J Bossino)* No, you have to ask the question. *(Interjection by Hon. D J Bossino)* Ask the question, get an answer.

Hon. D J Bossino: Mr Speaker, I have asked it, but I think the hon. Member is going to reply.
460

Chief Minister (Hon. F R Picardo): Yes, I am going to reply, Mr Speaker.

Hon. D J Bossino: Is he replying, Mr Speaker, in relation to all the questions –?

Hon. Chief Minister: Well, Mr Speaker, I am going to reply – *(Interjection by Hon. D J Bossino)* Mr Speaker, I am going to reply because the Hon. Minister for Business has referred the hon. Gentleman to meetings I have had which will relate to the announcements that we hope will be made, but if he does not want an answer ...
465

I think that the hon. Gentleman is almost not wanting answers so that he can get up to say that he is not getting answers, which is in keeping with his style. He goes around places wanting to say that they are dirty and being disappointed when they are clean, it seems to me.
470

The position is –

Hon. D J Bossino: That is entirely irrelevant to the question I have asked.
475

Mr Speaker: Please resume your seat. I chair the proceedings here, not the hon. Member. Chief Minister, will you please continue?

Hon. Chief Minister: Thank you, Mr Speaker.
480

The hon. Member cannot give him the flavour of what is going to be said, for reasons which are in the interests of Gibraltar. In other words, the hon. Gentleman knows that we are in the middle of a negotiation. That negotiation involves the United Kingdom, it involves the European Union and it involves Spain, as a member state of the European Union. What the hon. Gentleman is pressing me to do may disadvantage Gibraltar, because what we are hoping to achieve may not
485 be achievable by giving him a flavour of something. Indeed, already by pressing us, those who listen to every word that we say and analyse the transcript of these proceedings even before

Hansard has been published will be looking to see where they have to try to stop us from achieving what we have been trying to achieve.

490 If the hon. Gentleman wants to press us further, I will ask myself whose bidding he is doing. I hope that he is doing the bidding only of the people of Gibraltar, and that he is just too foolish to realise that he is –

Mr Speaker: That is unnecessary and hurtful.

495 **Hon. Chief Minister:** Mr Speaker, the reason I think it is not unnecessary is because the hon. Gentleman is either unable to see that what he is doing is unhelpful to Gibraltar more widely, or, if he is able to see it, must therefore be pursuing that course for a reason which is not the public interest. It is very simple. There is no way out of the horns of this dilemma. He either understands that what he is doing is not helpful to Gibraltar or he does understand it and does not care.

500

Mr Speaker: I want to remind Members that we are here to deal with the issues and not make comments on one side or the other about other issues which are not connected directly with the questions and the answer.

505 **Hon. D J Bossino:** Mr Speaker, the hon. Member made a comment about the cleaning of estates. What has that got to do with anything in terms of the questions I have asked? He has then, in effect, admitted that his hon. colleague to his right was less than open, and he has stated a reason as to why.

510 **Mr Speaker:** Please ask the question, Hon. Damon Bossino.

Hon. D J Bossino: I will ask the question. The Hon. Minister said that the Hon. the Chief Minister had made a number of visits to Morocco. Can I ask him the dates of these visits?

515 **Hon. Chief Minister:** Mr Speaker, I have not, for one moment, indicated anything that suggests that the Hon. Minister has admitted something; far from it. And my comment in relation to estates was based simply on the contradictions that the hon. Gentleman sets up for himself. He seems to ask about one thing when he is appearing to want to achieve the other, and I think that is a perfectly valid comment to make.

520 Frankly, the continued pursuit of these matters, even in relation to the dates of my visits, for the reasons I have already indicated to him, is not particularly helpful. I know that he laughs from a sedentary position and I know that what is happening is that Gibraltar and its interests are getting caught between his ambition to lead the GSD and to try and put himself above the parapet on everything and what are the things that matter to our people.

525 Can he agree with me – we have known each other for many years – that if the senior elected politician of the people of Gibraltar is saying to him that it is not in our interest that I say more, he should not pursue it for now, especially given the very live political context in which we are finding ourselves? Let me just remind him again: we are in the last throes of a negotiation between the United Kingdom ... Mr Speaker, I really do not see what it is that is making him laugh with mirth,
530 *(Interjection by Hon. D J Bossino)* but we are in the last throes of a negotiation between the European Union and the United Kingdom involving Gibraltar, and that involves the member state Spain, and this is our other nearest neighbour to the south. If he is not sighted on the politics of Morocco and the European Union – Morocco and Spain – then I do not think that he is doing all of the research that he needs to do before he pursues issues of this type.

535

Hon. D J Bossino: Mr Speaker –

Mr Speaker: This will be the final – (*Interjection*) Please! I am the person who presides over the proceedings, not the hon. Member. I am going to ask you to put your final question. Thank you.

540

Hon. D J Bossino: Mr Speaker, I have hardly opened my mouth. I am not suggesting I want to preside over the meeting, all I am ... I can make, by way of comment ... just as he has made in relation to me a highly political comment – which I find acceptable, quite frankly. I do not mind that.

545

Mr Speaker: I have commented on both sides that that is not acceptable. I have said it. I have addressed it to you as an hon. Member of the Opposition and also to the Hon. the Chief Minister, so let's leave that aside and ask the question.

550

Hon. D J Bossino: What does the relevance of my personal ambitions in relation to a leader of this party and the leader of this community, which I have said openly on television ...? I have no problem with that. I have said so in the past. What has that got to do with it? Why is that relevant to the question I have asked?

555

My question was a very simple question. In the Hon. Minister's answer – I think it must have been his written answer – he said that there had been various visits by the Chief Minister to Morocco. All I have asked for are the dates. This is why I was laughing. Is he now seriously suggesting that because of my questions in relation to how many times he has visited and on what dates he has visited Morocco, when they themselves have said that they have visited Morocco, *he* has visited Morocco, I am going to put in jeopardy, at the 11th hour, the negotiations between Gibraltar and the EU and Spain? Seriously?

560

Can he just answer the question? On which dates did he visit Morocco?

565

Hon. Chief Minister: Mr Speaker, the hon. Gentleman really needs to chill. He needs to chill his attitude here and his attitude to trying to achieve the leadership of his party by any means. He needs to go back and look at what he said. He did not get up and ask me for the dates of my visit to Morocco. He got up and made a preamble, which was party political, designed to achieve a point against the Minister, which it did not achieve. That is the reality of what he did. So then he gets up and paints himself as a saint, to pretend that all he did was get up and ask for a date, which he has not been given. That is not the case, and neither have I said that he is putting in jeopardy the 11th-hour treaty between the United Kingdom and the European Union in relation to Gibraltar. I have said he is putting in jeopardy other things, not that – that that is the political moment, the political moment of the negotiation is where we are, and that is putting in jeopardy other things. But he cannot quite see that because he is really ... For the first time in his life, I see him as the epitome of the person spoiling for a fight. He has spent his life being the person running from a fight.

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Finally, Mr Speaker, the last thing I would do, in relation to his question about dates etc., is refer the hon. Gentleman to the answer I gave a few moments ago.

Mr Speaker: Next question.

Q413/2022

Sea Breeze floating hotel – Government support for application filed with DPC

580

Clerk: Question 413/2022. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government support the application for the *Sea Breeze* floating hotel filed with the DPC?

585 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, as far as the Government is aware, no application has been filed with the DPC.

590 **Hon. D J Bossino:** Mr Speaker, I have the minutes of the DPC in relation to 14th September, as he is being super-technical and trying, again – September 2022 – not to answer the –

Mr Speaker: This is unnecessary. Just ask the question. (*Interjection by Hon. D J Bossino*) No, you need to ask the question. (*Interjection by Hon. D J Bossino*) Please ask the question.

595

Hon. D J Bossino: I must say, it is going to make these proceedings pretty boring. [*Inaudible*]
The reference 1/3 80-29 says 'Sea Breeze small boats marina' and there was a consideration of the Town Planner's draft screening opinion. Is that the technical issue that he is relying on – that it has not been a formal application because it has to go through the screening first?

600

The reality is that this issue has been the subject of press comment. He and I ... Well, he did not engage on that occasion because again he was not particularly forthcoming in any replies because he did not give any in the press releases which we issued back in autumn of 2021 in relation to this issue. There was an article which appeared in the UK press with diagrams, pictures and all, showing this floating hotel on the northern side of the small boats marina, and there had been very intensive, proper investigative journalism conducted by GBC which suggested that the Government again was not particularly being forthcoming in its replies – and I can go through them. Can he please tell us openly whether they are supportive of this application, or not?

605

Hon. V Daryanani: Mr Speaker, I am sorry, but there is simply no application to the DPC.

610

Hon. D J Bossino: Mr Speaker, I think I understand what he is saying, but the reality is it has been discussed by the DPC and it is being reported in the press that this matter is before them, albeit on the basis of a draft screening opinion. Is that the reason for his answer? Is he saying it is not ...? I think the Hon. Chief Minister is going to reply for the hon. Member once again. Is it the fact that there is not a formal application until the screening process is initiated and completed? Is that the answer? Can he not say whether they are supportive of this bid, or not?

615

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to reply again out of utter frustration with the hon. Gentleman because he is really, like never before, seeking to box with his own shadow.

620

There is no application before the Development and Planning Commission. The hon. Gentleman knows, or should know, what the screening process is for and what that will lead to. Until the application is made and is before the DPC, the Government cannot see what the application itself is, the detail of the application, where it goes and whether the Government is engaged to support it or not.

625

I know that the hon. Gentleman will now get up and do another political fandango around this issue, but we are trying to be as forthcoming as possible. This is not a question of there having to be investigative journalism or anything else. This is a question of projects going through various different phases, and at different phases the Government being engaged in different aspects of it. He is asking about the wrong phase – he is jumping the gun again.

630

Hon. D J Bossino: At least, as I have asked him on at least one occasion, if not two, the press reports by GBC, as a result of their investigations, showed that initially when GBC had asked

635 Government whether it had any knowledge – not whether it supported it or not, whether it had
any knowledge – of the project, which is the one that we are discussing today, the Government
said insofar as it was aware, none of the proposals involved this vessel, and they speak to various
people in relation to floating hotels. When GBC learnt who the owner of this particular vessel was,
a Mr Richard Hunt, they asked the question again. The Government said Mr Hunt is one of a
number of investors who have approached the Government about operating a floating hotel in
640 Gibraltar.

The *Sea Breeze* ‘floatel’ is the subject of a glossy brochure showing CGI drawings of the vessel
berthed in the Mid-Harbour marina at the location that was put out to tender. It is all very
specifically set out in this brochure, showing that the location of that particular floating hotel is by
the small boats marina. This is a matter of public interest and, yes, it is political. That is what we
645 are here for. We are a political Chamber. I need to ask him whether he supports this or not,
whether looking at this is something which the Gibraltar Government would support or not – and
not be technical about there not being a specific application for planning under the DPC.

Hon. Chief Minister: Mr Speaker, this is a political Chamber and it appears that their politics is
650 to be against everything, and our politics is to judge things when they are mature. That is why,
when there is an application, we will be able to make a determination, based on that application
as it is then, of whether or not we support it, because we will make a careful analysis of what the
proposal actually is before determining whether we support it on behalf of the people of Gibraltar.

They will apparently be against everything, even though the things that they may be against
655 may be the things that they were arguing for. That is to say Mr Bossino will very happily come
here and say, ‘Why haven’t you got more hotel beds in Gibraltar?’ and in the same session ask us
why we are supporting the bringing of more hotel beds to Gibraltar.

Being in government is a much more serious business than tying oneself up in contradictions,
like the hon. Gentleman is insisting on doing today.

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Hon. D J Bossino: Frankly, Mr Speaker, that is a bit rich from the Hon. Member, talking about
contradictions, just looking at the analysis of the answers that were given to the press in relation
to this issue.

But let’s talk about more hotel beds, shall we? Let’s talk about that and an extra hotel. Let me
665 read to the Hon. Minister, if he cares to, on this occasion, reply to me rather than allowing the
Chief Minister to reply on his behalf – and it is probably because of the mess that he is making of
the Ministries he leads. He says –

Mr Speaker: Again, you are being very ... The hon. Member must stick to a straightforward
670 question and resist the temptation to make unnecessary and unhelpful comments.

Hon. D J Bossino: Then, apart from that hotel, he talks about the announcement of one more
hotel, potentially, he says, by the end of the year. Sorry, that is my question to him ... But then he
refused ... Sorry, that was my question. So that has obviously piqued my curiosity and I wanted to
675 know which hotel it is. When he said no, he said, ‘Mr Speaker, I cannot say more.’ Can I ask him
whether this is the new hotel?

Hon. Chief Minister: Mr Speaker, I rise because the hon. Gentleman has made a statement
about the Hon. Minister’s competence, and I must tell him that I have seldom worked with
680 individuals who have the commitment and competence of the team that I am surrounded by in
Government today. The Hon. Minister for Tourism and Business is one of the most able and
competent people I have worked with. Frankly, if all we are going to do is attack each other on
the basis that the hon. Gentleman has attacked the Hon. Minister this afternoon, I think it is
unfortunate that we are going to allow Question Time to descend to that. Question Time is for
685 something different. We can have debates on issues and motions etc.

I am frankly surprised at the hon. Gentleman, because this is not the Damon Bossino I know. This is not the temperate person I know. What has he done to the temperate Damon Bossino we all thought we knew? Where is that person now? What is this newfound fever that we seem to have found to drill down into minute detail, not on issues of huge substance but on any issue
690 which might enable him to show, in the few Ministries that he has been entrusted with in a way that keeps him away from the serious business of opposition, to try to pretend that he has that level of competence?

To me, it is clear what is happening, Mr Speaker, and it has nothing to do with the magnificent work that Vijay Daryanani is doing; it has more to do with who he wants to be in the future, and
695 the Hon. the Leader of the GSD can see him coming a mile off.

Mr Speaker: Can I –? (*Interjection by Hon. D J Bossino*) Please –

Hon. D J Bossino: Is that reply allowable given the control that I am being subjected to? Was
700 that a type of reply allowable under your rulings? (*Interjection*)

Mr Speaker: Please –

Hon. D J Bossino: I mean, really!

**Parliamentary exchanges –
Statement by Mr Speaker**

Mr Speaker: I am going to read something out which I drafted a few days ago on the basis of
705 how the situation was deteriorating in terms of the relationship between the Members of the Government and Members of the Opposition. I am going to read this out to you because I think it is very apropos.

‘Whilst I fully appreciate that the adversarial style of parliamentary exchanges often gives rise
710 to robust verbal clashes, I have noted that recently,’ and today in particular, ‘there has been a significant increase in the number of instances of words having been spoken which are unnecessary and disrespectful. If the trend is for a higher level of discord to become a notable feature for the remaining part of this Parliament, I urge hon. Members to exercise moderation and continue to conduct parliamentary business in a constructive and meaningful manner in
715 furtherance of their role as elected representatives of the people of Gibraltar.’

I want everyone in this House to bear that in mind. I am not picking on anybody. I am just saying that this is how the business in the House should be conducted, with respect and understanding, and I will not tolerate the use of unnecessary, hurtful words being exchanged between both sides
720 of this House.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I, on behalf of the Government, very much
725 welcome your statement? No doubt we will transgress that ruling inadvertently, as will Members on all sides, and I ask you to, please, pull us up when we do. There is a lot of division in society today, and I do not mean just in Gibraltar. Social media, I think, has served only to sow division, to magnify differences in a remarkably negative way. So, if we fail to live up to that standard – and no doubt we will, and no doubt I will be the worst on this side of the House – please, Mr Speaker, we urge you to pull us up on it because we must hold ourselves up to a higher standard.

I have no doubt that I speak for all Members of the House when I reflect in that way in respect
730 of your ruling. As we move into an election year, I know that tempers will flare and we have to maintain our tempers to ensure that we give the best of ourselves for our people, which is what

we are here to do. We are not here to score cheap political points. There are plenty of other places where we can do that.

735 Question Time, as I have often been reminded by you and by previous Speakers, is about information, and too often it descends to a political debate. Sometimes that is accepted by a Speaker and you give us the rein to do so, and sometimes it is not, and we must all abide by your rulings in that respect. I, for one, am grateful and I acknowledge if I have transgressed that this afternoon.

740 **Hon. D J Bossino:** Of course, Mr Speaker, what the hon. Member has said nobody can disagree with. The thing is ... No. It is being suggested to me that I should sit down, but the reality is if, as most of us are, who are politically dedicated and find the art of politics a very interesting art indeed, and activity ... Many of us will watch the House of Commons. They do not fare that much better than we do, but invariably many of the exchanges are allowed because it gives the place a bit more colour and more of a political chamber atmosphere. It is not a question of asking
745 questions and then getting the answers.

There are two things. If the hon. Member says that I am more feverish and asks where is the temperate Mr Bossino, it is because of the frustration that I am experiencing as a result of the answers I am getting. That is all, but I think that is fine, Mr Speaker. That is absolutely fine. *(Interjection)* No, not at all. It has nothing to do with leadership ambitions. *(Laughter)* But I do
750 hope that from now on ... Let's see how long it lasts, as he says, but as he himself has admitted, he is normally the biggest culprit in relation to this, so – *(Interjection by Hon. Chief Minister)* Amen to that.

**Q413/2022 continued – Sea Breeze floating hotel –
Government support for application filed with DPC**

Hon. D J Bossino: Mr Speaker, I am not sure that he answered this precise question. Is the floating hotel – the subject of this question – the new hotel that the Hon. Minister referred to? I
755 think it was not in the House but on the back of an interview he gave to one of Gibraltar's magazines.

Chief Minister (Hon. F R Picardo): Mr Speaker, it was the leader of the party that he represents who used to remind us in this House – and I think, on reflection, probably rightly – that not
760 everything that happens in the House of Commons should be imitated or held to be the best representation of how democracy is run, and that was the mantra on which he stood for election in 2011 behind Sir Peter Caruana.

I do believe that there are elements of the traditions of the House of Commons in London which we should all seek to emulate because it is the mother of all parliaments, and there are
765 aspects of how business is done there which frankly are not edifying and do not lead to a better democracy. The Speaker of the House and the Leader of that House are the first to say that in that respect it requires some reform, and I wanted to address that in what the hon. Gentleman has said.

Mr Speaker, he also is calling on us to adopt a procedure which I think he would find unhelpful,
770 because under that procedure he would have asked me one question, he would have asked the hon. Gentleman perhaps one question, we would have given an answer, the Chair would be unable to influence the answer and he would not be able to ask many supplementaries, and certainly not the number of supplementaries that he is asking now, which are, as I understand it, a million miles away from the original question that he asked. So he brings upon himself the
775 procedures of the House of Commons, I think, either not realising that they would not avail him of assistance to be able to pursue issues in the way that he is pursuing them this afternoon,

although it would be more raucous; or not knowing what those procedures are and misunderstanding how that House is run.

780 As to the substance of the question, Mr Speaker, I will allow my hon. colleague to answer, as it relates directly to his Ministry.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, it might be the one that he is referring to, as we said a few months ago when the hon. Member questioned us on this. As we said, there were several parties interested in bringing a floating hotel to Gibraltar, but we also have other parties who are looking to build a hotel in Gibraltar. So, a little bit of patience. 785 The hon. Member will understand that these are all commercial in-confidence. It is very difficult. We cannot, over the floor, give information on names and which hotel might be interested and which hotel might not be interested. So I think we will have to wait a little bit before we can expect an announcement.

790

Mr Speaker: Next question.

Q414/2022
Tours and tour guides –
Regulation

Clerk: Question 414/2022. The Hon. D J Bossino.

Hon. D J Bossino: Let's see if the calmer Mr Bossino returns. *(Interjection)* Yes, well, it depends what the replies are like. *(Interjection by Hon. Chief Minister)* But you are going to be responsible for the other guy returning. 795

Please state how the provision of tours and tour guides is regulated.

Clerk: Answer, the Hon. the Minister for Business and Tourism. 800

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, all tours provided in Gibraltar have to be operated by a licensed guide under the Transport Regulations Part VI (105-115) Licensing of Guides and Sightseeing Tours. The Gibraltar Tourist Board is responsible for the granting of these licences to successful applicants who pass their written and oral exam. The initial cost of the licence and exam is £50 and the licence is renewable every two 805 years for a fee of £20.

Hon. D J Bossino: Is the Minister able to make some comment in relation to the enforcement of that? I will tell him why I have asked the question, and that may assist him in the reply. It was commented to me down Main Street that somebody had heard a tour guide, in Spanish, giving a tour and talking about historical facts which were completely off the wall. He is nodding his head, so he must be aware of what issues arise. 810

Can I ask him what his Ministry is doing in order to ensure that the relevant statutory provisions are enforced? I am not sure whether those statutory provisions allow them to enforce anything. 815 He says it is a process of application and regulation in the sense of giving a licence to an individual to call him or herself a tour guide, but I wonder if there is any way of enforcing the thing that I have just described.

Hon. V Daryanani: Mr Speaker, he says it has been brought to his attention, and actually it has been brought to my attention very recently, too, that we have guides coming in from Spain, but remember, these guides who come in from Spain come in with a transport company, a tour 820

operator that is Spanish. Like I said, it has been brought to my attention and he has now brought it to my attention and I will definitely be looking into it, but the enforcement side is something that ... We need to see how we can do it, but yes.

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Hon. D J Bossino: And in terms of seeing how we can do it, would that entail the introduction of any legislative initiative in order to address a lacuna in relation to that? Has it gone that far in terms of the analysis, or is he talking more about on-the-ground enforcement?

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Hon. V Daryanani: It is more of an on-the-ground enforcement. One of the things we were looking at was the possibility of maybe providing a local guide alongside the guide who comes from Spain, so that they do not give out wrong information.

Q415/2022
World Travel Market –
Details of recent visit

Clerk: Question 415/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the following details relating to the recent visit to the World Travel Market. There are five sub-points: (i) who compromised the Government's delegation; (ii) the total cost of the trip, broken down into air travel costs, lodgings and entertainment; (iii) who the Minister or any member of the delegation met at each event; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

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Clerk: Answer, the Hon. the Minister for Business and Tourism.

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Government delegation compromised myself, Mr Kevin Bossino, CEO of Gibraltar Tourism, and Tracey Poggio Magnus, Head of Media and Marketing, Gibraltar Tourist Board, London. The cost of the trip was as follows: air travel, £619; lodgings, £1,977.78; entertainment, nil. The duration of the trip was three days. Mr Bossino and I met with people across the whole spectrum of the travel trade, including travel agents, tour operators, airlines, possible hotel investors, event planners, wedding companies and several travel journalists.

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A lot of hard work goes into these marketing efforts. Competition is fierce and it is extremely important to keep the Gibraltar brand name at the forefront of the travel industry. Our hotels are full, our flights are full, Main Street is busy, cruise calls have recovered very quickly and will grow next year. All this is the business that we are attracting.

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Hon. D J Bossino: Well, I suspect a lot of that business is as a result of the lessening threat, thank God, that COVID represents. You hear it a lot that there is an extra buoyancy in the travel market, certainly from the UK, as a result of people having saved money during the closed months as a result of the COVID restrictions, and they are wanting to travel.

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Is there any reason why the hon. Member has not made any public announcements following the visits, as we are normally used to from him, with the nice pictures in the press and interviews?

Chief Minister (Hon. F R Picardo): [inaudible].

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Hon. D J Bossino: Yes, it is true. No particular reason –

Hon. Chief Minister: [inaudible].

Hon. V Daryanani: No particular reason, Mr Speaker, but the hon. Member has criticised me on many occasions for issuing too many press releases and for photographs with celebrities, he has said, in the past.

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Hon. Chief Minister: Damned if we do, damned if we don't.

Hon. V Daryanani: Absolutely. Mr Speaker, if he likes, next time I will issue photographs with the celebrities that I am –

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Hon. Chief Minister: Just send them to him.

Hon. V Daryanani: Yes.

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Hon. D J Bossino: It is because he has done it so often in the past that I am actually totally shocked that he has not done it on this occasion. I wonder if it is because maybe it was a bit of a flop.

Mr Speaker, this may answer the suggestion I made that it may have been a bit of a flop and that is why he has not made an announcement about this, but can I ask him whether he has the intention of attending the same event next year?

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Hon. V Daryanani: Mr Speaker, it is early days, but all I will say is that we have been attending this trade fair for the last 25 years. Consecutive Governments have been attending this trade fair in London. As you know, the UK market is very important to us, but it is very early days to take that decision at this moment in time.

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Hon. D J Bossino: And in relation to that, can I ask him a further specific question? Has he thought if there is any flexibility in terms of reducing the costs in relation to any future attendance?

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Hon. V Daryanani: Mr Speaker, everything that we are doing at the moment we are doing very carefully. There are many events that we are not going to, simply because of the cost, so we are always looking at reducing costs.

Q416-17/2022

Wizz Air –

Update re engagement/developments

Clerk: Question 416/2022. The Hon. D J Bossino.

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Hon. D J Bossino: What further engagement has the Minister for Tourism had with Eastern Airways?

Clerk: Answer, the Hon. the Minister for Business and Tourism.

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 417.

Clerk: Question 417/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Are there any further developments with regard to Wizz Air?

Clerk: Answer, the Hon. Minister for Business and Tourism.

Hon. V Daryanani: Mr Speaker, conversations with both airlines are ongoing.

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Hon. D J Bossino: In relation Eastern Airways, once again I need to ask him if he can be a bit more forthcoming in terms of his replies. It seems to be the usual *modus operandi* of the hon. Member. I think that is fair criticism and is not breaching any of the recommendations that, Mr Speaker, you have suggested we follow.

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He said, in relation to Eastern Airways, during the course of his Budget address, that he looked forward to engaging with them – and by ‘them’ it is Eastern Airways – later on this year. This was after an explanation as to why Eastern Airways, which he had welcomed with a lot of fanfare and hosing the planes, as we were used to seeing during the COVID years... I was telling him that he should be a bit more circumspect to suggest that this was as a result of all his efforts and had more to do with the fact that we had the green lane access to the UK ... They said, actually, that flying to Gibraltar was, in effect, not economical unless they had government assistance, which he said he was not willing to provide.

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Can I ask him, given that he was very specific during the course of the Budget address that he would be meeting with Eastern Airways later on this year, how many meetings he has had and when?

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Hon. V Daryanani: Mr Speaker, you do not necessary have to meet people. Nowadays I have all the CEOs on WhatsApp, managing directors of airlines on WhatsApp – that is the relationship that we have built up – so I am constantly talking to all the airlines. You meet some face to face; some you just communicate with.

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Hon. D J Bossino: But can he tell me how many of those communications he has had with Eastern Airways and Wizz Air, and what his view is as to the progress that those communications are having and whether they will have any fruition and we will have those airlines coming back here to Gibraltar again?

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Hon. V Daryanani: Mr Speaker, it is extremely difficult to try to attract a new airline. It is very difficult to maintain routes sometimes, because at the end of the day ... Just to give you an example, easyJet operates 927 routes. Gibraltar is one of them. It just to puts it into perspective. I think the Member opposite, unfortunately, is just trying his best to make political capital out of this.

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I have told him in the past, and it is really disappointing because I have also told him to be careful on the public statements he makes regarding airlines. These can be damaging for Gibraltar, because all this is commercial in-confidence. I cannot come out here publicly and tell him about the discussions I have. If he wants me to count my WhatsApp exchanges with people from Eastern, I can do that. Is that what it is all about? We are working continuously with the airlines that operate at the moment and the ones that do not operate at the moment.

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All I can tell him is to be a little bit patient. We are working extremely hard behind the scenes. Myself and the CEO, Mr Bossino, since he has come in, already met with both the airlines that are operating out of Gibraltar, only last month, and we will hopefully have face-to-face meetings with Eastern and Wizz. Just for him to know, next week the CEO of Wizz Air will be in Gibraltar, so that will be a meeting that we will have with him regarding Gibraltar.

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Hon. D J Bossino: Mr Speaker, I will ignore the usual, quite frankly, political statements that he makes in reply to the answers that I made. (*Interjections*) I will ignore that, Mr Speaker. Clearly it is causing some consternation to some Members opposite. But let me just ask him ... In fact, I have asked him, but he has not replied. The question has been put in terms of what he thinks are the possibilities of these two airlines coming back to using Gibraltar. On Eastern Airways he said very

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specifically during the course of his Budget address that they would only be able to do so if there
965 was financial assistance from the Gibraltar Government. I am assuming that the reply he gave to
himself during the course of that Budget address, which was that the Government was not able
to do that, still applies, so it must be that he is looking at other possibilities in relation to Eastern
Airways. But can I ask him specifically whether he is now considering providing government
financial assistance; and secondly, what he thinks the chances are of these two airlines returning
970 to Gibraltar?

Hon. V Daryanani: Mr Speaker, it would be very easy to provide that financial assistance and
ask them to start flying here, but we are not prepared to do that. We are continuously talking to
them to see if we can look at some other form of assistance. We are not in a position to provide
975 any financial assistance, and he is aware of that. Whether there is a possibility for both of the
airlines to come back, yes, there is a possibility.

Hon. D J Bossino: He said there is a possibility. I have asked him how he rates the chances of
that happening, whether he is confident. I am not asking him to reveal any commercially sensitive
980 information. I am not asking him to do that. All I am saying is what impression does he have ...
whether he is able to say that he is confident that these airlines will be coming to Gibraltar, or is
it just a question of ongoing discussions which will lead to nothing?

Chief Minister (Hon. F R Picardo): Mr Speaker, that question calls for the Minister to speculate.
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Mr Speaker: May I ask the Hon. Chief Minister, please, to not mention that information?
(*Interjection by Hon. Chief Minister*) It does not help.

Q418-19/2022

Airport radar –

Maintenance checks; assurances received from MoD re flight interruptions

Clerk: Question 418/2022. The Hon. D J Bossino.

990 **Hon. D J Bossino:** What further updates can the Government provide in connection with the
maintenance checks being carried out to the Airport radar, as reported by GBC?

Clerk: Answer, the Hon. the Minister for Business and Tourism.

995 **Hon. V Daryanani:** Mr Speaker, I will answer this question together with Question 419.

Clerk: Question 419/2022. The Hon. D J Bossino.

1000 **Hon. D J Bossino:** What assurances has the Government obtained from the MoD in connection
with flight interruptions owing to radar maintenance works?

Clerk: Answer, the Hon. the Minister for Business and Tourism.

1005 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Airport radar
is currently fully serviceable. The report made by GBC was as a result of information entered in
error on the Airport website, which was corrected.

The only flight disruptions experienced recently have been due to weather.

1010 **Hon. D J Bossino:** I am not sure whether that answer is accurate. In fact, I have here a *Gibraltar Chronicle* report. It must have been more or less the same date as the GBC report. It does say that the radar is currently undergoing maintenance checks by Aquila – so it is quite detailed – engineers. It may be the case that ... I think what he was referring to is that that was the reason given for the diversion of a particular flight, but in fact that was not the reason. I think that was amended. I think that is what the hon. Member is referring to. But I am putting that to one side. I am asking him about the reports – which one must assume are true; they are very specific, and I have made my own separate inquiries – that there are in fact radar maintenance issues which are being addressed by this company, presumably on instruction of the MoD.

1015 I understand that this does not fall under his remit. What does concern me – as indeed it concerned me at the time when I asked a question in relation to HR issues which were having an impact on flight landings at Gibraltar Airport, and I mentioned it last week – is the interruption of these flights. I think it connects very nicely with the question and answer session we have had in relation to Eastern Airways and Wizz Air. The *Gibraltar Chronicle* quotes ... I am assuming it is the MoD. It says it is possible that some flights in the future will be affected by this until the issue is rectified. I would ask him to say what the Government is doing in relation to addressing and minimising the possibility of flight cancellations becoming a reality, now not only as a result of human resources issues but as a result of the maintenance works that need to be carried out on the radar.

1030 **Hon. V Daryanani:** Mr Speaker, the question he is asking has nothing to do with the radar. Going back to the radar issue, I think he is referring to the flights that ... This was on Sunday, 13th November, when there were three flights – one from Manchester, which came in, another one from Bristol that came in, and there was another one from Gatwick, which did not come in and was diverted due to low cloud over Gibraltar, not because of the radar. But there was an issue insofar as the radar ... The reason was that it was incorrectly put into the website and GBC caught on to it and reported it, but this was obviously corrected immediately, once it was brought to our attention.

1040 **Hon. D J Bossino:** But again his response is not accurate. Question 418 says ‘What further updates ...?’ and this is on the back of the yes, it was as a result of an inaccurate reason being given for the flight being unable to come to Gibraltar Airport, but that must have led to the journalists asking the questions and filing this report. I quoted him the *Gibraltar Chronicle* article talking about maintenance being carried out to the radar and the possibility of that having an impact on flight arrivals. The question is very specific. If he has got it wrong, then that is fine, but I said, ‘What further updates can the Government provide in connection with the maintenance checks being carried out to the airport radar, as reported by GBC?’ I am not talking about the reasons that were given, which were erroneous, in relation to the inability of that particular flight to come to Gibraltar. I am asking specifically about the maintenance checks on the radar. If he does not have the information because he does not understand the question, it is a matter for him.

1050 **Hon. V Daryanani:** Mr Speaker, as you know, it is not the Government that carries out the checks. The MoD carry out, continuously, maintenance and the serviceability of the radars. They are continuously doing this. There is an obligation to do it. It is nothing to do with the Government.

1055 **Hon. D J Bossino:** Mr Speaker, it impacts on one of the sectors of our economy, which is tourism and flight arrivals. There is a quote from the *Gibraltar Chronicle* – I am assuming it is quoting the MoD – that says it is possible that some flights in the future will be affected by this until the issue is rectified. All I am asking is whether he has made any inquiries in relation to this and what can be done to minimise that as far as possible, hopefully to zero, so it does not have any impact on

1060 flight arrivals to Gibraltar Airport. Or is the question also having a sensitive effect on some of his negotiations?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman is asking the Government about something one entity, which is not the Government, said to another entity that is not the Government. The Government is not answerable here for what the MoD told the *Chronicle*. What the Government has told him is that we have received assurances that whatever maintenance has to be carried out will not affect flight arrivals in Gibraltar – for the fourth time.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q420/2022

GHA waiting lists – Operations across all disciplines

Clerk: Question 420/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state the waiting lists for operations across all disciplines within the GHA?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Yes, Mr Speaker. Surgical waiting lists as at 15th November 2022 across all disciplines are as follows: Cardiology, seven; Dental PCC, 16; ENT, 123; General, 479; Gynaecology, 136; Minor Ops, zero; Ophthalmic, 17; Dental, 119; Paediatric Dental, 29; Orthopaedics, 468; Paediatrics, two; Pain Clinic, 99; Plastics, 105; Vascular, three.

Hon. K Azopardi: Mr Speaker, does the hon. Member have a schedule that he is about to give me, or has he just rattled off those numbers and thought that I was taking a note? It was at speed and I certainly did not take note. (*Interjection*)

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Hon. A J Isola: Mr Speaker, it is a short list and I have just read out what I have been given. I am happy to read it out again a little bit slower, if he would prefer: Cardiology, seven; Dental PCC, 16; ENT, 123; General, 479; Gynae, 136; Minor Ops, zero; Ophthalmic, 17; Dental, 119; Paediatric Dental, 29; Orthopaedics, 468; Paediatrics, two; Pain Clinic, 99; Plastics, 105; Vascular, three.

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Hon. K Azopardi: I am grateful to the hon. Member for re-reading his answer. Normally he gives us a schedule. That is why I was not taking a note. He is usually quite diligent with his schedules.

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Mr Speaker, can I just look at some of those, if I may, and perhaps the hon. Member can assist us with a bit more information? The question was about waiting lists for operations across disciplines. Some of them are low figures, but I can see that in some specialties – orthopaedics, for example, and in general surgery – they tend to be higher numbers, almost 500 patients waiting for surgery in orthopaedics or general surgery. Can he give us a sense of the kind of waiting time that that translates into, in some of the higher disciplines?

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Hon. A J Isola: Mr Speaker, no, I cannot. I do not have that information. What I can tell the hon. Member is that, as you would expect, in areas that are high ... Obviously the waiting lists here, as in the United Kingdom and all over the world, as a result of COVID, are far greater than they would have been before. As a result of that, the Director General is taking specific steps in the ones that are higher – which, no doubt, he will easily recognise – to see (1) how we are doing, what we are doing and whether we can do it better; (2) getting in support to clear some of the backlog, and, with the first step that I have mentioned, hopefully it will not arise again once we have cleared the backlog; and obviously the third point is that if there is an emergency operation, then that is not on this list. Urgent operations are dealt with far quicker than those on this list. These are programmed theatre arrangements. Those are the three steps that you would expect me to tell you and are exactly what is being done. For example, in orthopaedics we have two experts coming in January to help us with some of that work and also to help in advising us how we could be working in a more efficient way in ensuring that we do not run into backlogs.

This is a common problem around the world, as the hon. Member will know, and we are working extremely hard to see how we can bring that list to acceptable levels, which it is currently not at, in the future.

Hon. K Azopardi: Is there a sense of how long it would take to take it to acceptable levels? Clearly it has now been 18 months, I suppose – a bit longer – since the last lockdown, so I appreciate that it does not happen immediately, but it has been a while now. How long does the GHA think it needs in the discussions it is had with the hon. Member? How long do the managers think they need to break it down into acceptable levels? There will always be a waiting list, of course, but to acceptable levels.

Hon. A J Isola: Mr Speaker, I think that is exactly the point. There will always be waiting lists, but I think what COVID did was massively increase those waiting lists, and that takes longer than it would normally have done to deal with. For example, in cataracts we have moved very quickly to deal with those waiting lists by bringing people in for a week at a time to clear those waiting lists. That has enabled us to be far more efficient.

In terms of by when I think we will recover the waiting lists from COVID, I would not like to even guess. For me, I would certainly like to know within a three-month period what those timescales will be. So within a relatively short period of time, I would like to know by when we will have some normality in waiting lists, and that is where I fully expect to be by February 2023.

Mr Speaker: Next question.

Q421/2022
Radiology –
Waiting time for scans

Clerk: Question 421/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, in relation to radiology, can the Government state the waiting time for those needing all scans?

Clerk: Answer the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the waiting times for scans in relation to radiology are as follows. X-rays are walk-ins,

all of them, so there is no waiting time; ultrasound radiologist, 11 weeks; sonographer, one week – urgent ones are done within two weeks; CT scans, three weeks – urgent ones are done within the same week; for breast screening there is no waiting time, but there is a two-year protocol – in other words, it is the repetition every two years for these to occur; breast symptomatic, one-stop clinic, one week, within the week; MRI routine are three weeks and urgent are within the same week.

1140 **Hon. K Azopardi:** Mr Speaker, on the ultrasound, which is the 11-week one, is this also subject to some kind of analysis by the GHA and some kind of COVID backlog which they are dealing with? Or is this within the realms of a normal expected waiting time for ultrasounds?

1145 **Hon. A J Isola:** Mr Speaker, there is a process, and do not forget that these are programmed ultrasounds and they are not urgent. The waiting list used to be between five and six months. It has now been reduced to 11 weeks. I know that because I asked the question when I saw that the answer struck me as being high and I was told that they are working to reduce it further, but that it is on the way down and coming down from a much higher number.

Q422/2022
Bespoke ambulances –
Anticipated cost

1150 **Clerk:** Question 422/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

1155 **Hon. K Azopardi:** Can the Government state the anticipated cost of bespoke ambulances for Gibraltar, as referred to by the GHA's Director General in his public presentation on Monday, 14th November 2022?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the anticipated cost of the two bespoke ambulances that had been commissioned by the GHA is £159,188.22.

1160 **Hon. K Azopardi:** So £159,000, loosely, for each ambulance, or for two? That is the total for the two ambulances? I see. So around £78,000 each? Okay, let's use loose language, £80,000.

Does the Minister know what is the bespoke part of the ambulance? What is the regular cost and what is the additional part that has been paid to make it a bespoke ambulance in accordance with the specifications of the GHA?

1165 **Hon. A J Isola:** Mr Speaker, I do not know what that number is. What I can tell him is that, as he has predicted in his question, there is a cost for the vehicle and then there is a cost for adapting it to the needs that we have in Gibraltar. That is the bespoke element of the vehicle purchase.

1170 The need for these ambulances is obvious and the tender process that was followed when it was acquired obviously led to the specifications that led to it becoming bespoke. I think it is very good news that we will have these two new ambulances, as well as a first new responder vehicle that has been sponsored privately; and then one of the older ambulances that will no longer be used as an ambulance is to be converted into a mobile health unit, which I have talked about before in respect of the further advancement of care within the community.

Q423/2022

**Chief Pharmacist's remarks re wasted prescription medicines –
Why no Government comment**

1175 **Clerk:** Question 423/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Can the Government state why it has not picked up on what the Chief Pharmacist has characterised as shocking and a tragedy, the nearly £1 million of wasted prescription medicines?

1180 I think it is that there are £1 million of wasted prescription medicines.

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

1185 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the first point I would make is that the up to £1 million was an estimate based on the two-week exercise that was carried out by the GHA, where they found some £40,000 worth of medication being dumped back.

1190 The reason why this has been referred to and made public is precisely because the Government and the GHA are focusing on the pharmacy, prescriptions, excess use of antibiotics and wasted medicines. As the hon. Member should know, the GHA has co-ordinated a 'DUMP' campaign as part of this process to remove outdated medicine and raise awareness on this.

Q424/2022

**GHA Director General –
Extension of current contract**

Clerk: Question 424/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

1195 **Hon. K Azopardi:** Mr Speaker, can the Government state whether it intends to extend the current Director General's appointment beyond the 18-month interim period due to expire in July 2023 and whether it has yet identified a permanent successor as stated in its Press Release 916/2021?

1200 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

1205 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the Government would like to extend the Director General's contract. Discussions are currently ongoing, but the Director General has always been clear that he views his tenure here at the GHA as interim.

Hon. K Azopardi: Sorry, I missed the end part. I do not know what ...

1210 **Hon. A J Isola:** I will read the answer again. Mr Speaker, the Government would like to extend the Director General's contract. Discussions are currently ongoing, but the Director General has always been clear that he views his tenure here at the GHA, as Director General, as interim.

Hon. K Azopardi: From that observation, which is really to pass on what the Director General views his role as, when he says that he views his role as interim he means that he does not view

1215 himself as sticking around on a permanent basis forever. But 'interim', of course, is a word that can be defined in different ways. It does not necessarily mean that he is going to stay only until July 2023. If he is extended beyond that period, I suppose you could take the view he is still here for a short or interim period, so I am not sure whether the observation really adds much to the answer.

1220 Is it the desire of both the Government and the Director General that there should be an extension beyond that period of July 2023?

Hon. A J Isola: Mr Speaker, I started off in the answer by saying Government would *like* to extend, and I then qualified it by saying the Director General sees his appointment as interim. The press release that announced his appointment in December 2021 specifically stated he was an interim Director General of the GHA on an 18-month contract.

1225 Government would very much like to extend that contract. The question is whether the Director General is prepared to or not, and those are discussions that we are currently having. There are many other issues in the life of the Director General that are not relevant to this, but are certainly relevant to his personal position as to whether he is able or wishes to carry on for an extended period after that. I would very much like to extend this contract, I think he is doing an incredibly good job for the GHA and for the community, but we shall see how successful I am, or otherwise, in respect of persuading him to stay.

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1235 **Hon. D J Bossino:** Is there a time period within which that determination will need to be arrived at? I am not sure whether contractually there may be something there. In other words, what I am trying to drive at is that it is not that we will find out in July 2023 whether it is going to be extended or not. Is he able to shed some light in relation to that?

1240 **Hon. A J Isola:** There is no possibility of that happening, because if there is not going to be an agreement reached – and my answer specifically says that we are having discussions – then in the short term the hon. Members would see an advert coming out for that position, which is what there would have to be to ensure that by next July, or before, we are in position with either a deputy *in situ* or someone else coming in to replace at the end of that period. Discussions are ongoing and I hope to be able to report back long before July 2023.

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1250 **Hon. K Azopardi:** But just on that point, if I may, the Director General was brought in on a specific programme of reforms and he has been quite vocal and associated himself very personally with the reform process that he has taken charge of. So clearly the hon. Member will agree with me that if he is not going to be the person carrying on that reform process, you would want to know that pretty quickly. When you are recruiting someone at the top of the tree it is not something that can be done in a short period of time. Even if you were to recruit the right individual in, say, March, the person might need to give a three-month notice period, for example, which would take you to June. So really, if you are going to start advertising, it seems to me it would need to happen pretty early in 2023. So does the Minister agree that those discussions he is having ...? I know he wants to persuade the current incumbent to stay, but does the current incumbent also know that a decision would need to be taken in principle pretty soon to enable a process to be followed, and does the hon. Member agree that that needs to be given a sense of urgency, so that there is finality in the New Year?

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1260 **Hon. A J Isola:** Mr Speaker, we are 10 months into his 18-month contract, and, as the hon. Member has alluded to, the Director General is fully embedded into the desire to carry out the reforms, to see through the vision that we had in appointing him and in supporting him all the way through introducing the project that he is working on. Of course it is critical that we have an early decision on this, and I think the hon. Members will see the results of the discussions that we are already having with him in very early 2023, if not before, because if I am not successful in

extending, then, as the hon. Member has said, we will be wanting to move very quickly to give us time to ensure that we have the best possibility of the best possible replacement should we not be successful in persuading him to stay.

Q425/2022
COVID Response Fund –
Costs incurred in three months ended 30th June

1270 **Clerk:** Question 425/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a detailed analysis of the Gibraltar Health Authority costs of £1,124,422.65 incurred in the COVID-19 Response Fund in the three months ended 30th June 2022?

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Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, as has been the practice since the COVID-19 Response Fund was first established, the detailed information requested by the hon. Gentleman will appear in the annual Estimates Book, as it has done in the past.

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Hon. R M Clinton: Mr Speaker, I think either he has misunderstood my question or I have misunderstood the operation of the COVID-19 Response Fund. Of course we are talking about this year, and he already knows the Estimates Book for 2022-23 has zero budgeted for the Gibraltar Health Authority. In the COVID Response Fund gazetted for 30th June this year, there is a number there of £1.2 million. All I am asking him is can he please give us a breakdown of that number. It has nothing to do with the Estimates.

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Chief Minister (Hon. F R Picardo): Mr Speaker, that number that we would give him at the moment would not be reliable. It would potentially move between the heads, and therefore, for that reason, we do not provide information across the floor of the House until it is final, which is when it is in the Estimates Book.

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The hon. Gentleman receives from us more detailed information than we publish, and I am very happy to agree that the Ministry of Finance should provide him with that information on the basis that it is not published but he has it, and on the basis that it may change, because at the moment what we have is not fixed. There are sometimes moves between subheads of where expenses will have been incurred, but I am quite happy to let him have it on the 'behind the Speaker's Chair' rule. It is not fixed and final until it is in the Book. *(Interjection)*

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Hon. R M Clinton: This is like university ... We can consult ... Sorry, Mr Speaker. I appreciate what the Chief Minister is saying, in terms of the potential fluidity of these numbers. We have always known from day one that these are subject to audits and they are subject to change, and we accept that.

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He knows that I am generally loath to things that happen behind the Speaker's Chair, as much as other Members may accept it, and I think – consulting my colleagues – that we will probably be happy to accept them on this occasion, but I just have to ask what is it that has caused such a ...? Is there a number? Is there something in terms of recurring costs that we just did not think about when the Estimates were presented in the Budget in June/July that has cropped up, which has necessitated the GHA to incur cost that is likely to reoccur for the rest of the year? Or is it

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something ... an invoice that was forgotten and found and therefore attributed to the COVID Fund?

1315 I am just trying to get a sense of where this expense is going to go in the future. Is it something that has a fixed parameter in which we can say it is not going to grow much beyond this, or is it something that just was not identified at the time of the Budget and is likely to be a recurring cost for the rest of the year?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has used the word 'audit', which I think is the wrong word to use.

1320 Of course some of my young constituents might have referred to it as audit, but the audit is what the Principal Auditor does. It is the checking that would be the issue. At the moment what you have is a reporting and almost a live management account, if I can loosely call it that, which will be subject to internal checks to make sure that things have been booked under the right heads, and he might know that sometimes there are fluctuations in that respect. It is very unlikely, but possible, that the £1.2 million would change, but where in the subheads the allocation of the
1325 £1.2 million might be different. But it is possible that the £1.2 million might change because things may have been allocated to COVID which are being used for COVID purposes but are acquired more generally, for example, or are simply badly booked at this stage, and that happens. As he will know, in every financial year before the Book is cast there are those issues.

1330 I think I said to the House at the time when we published the Estimates Book last year, when we had the debate, that the Government's approach was to say we have had two years of pandemic, and together, in this House, we have all tried to work out what the cost of that should be in the Health Authority and we had an Emergency Budget and we provided for PPE on the go with a sort of open cheque book to the Health Authority. What we do not know is what the cost
1335 of dealing with COVID as an almost background virus – another one of the viruses that is active in our community – would be. Therefore, it was not possible to estimate what amount could actually properly be attributed to that. Indeed, one of the issues was should we have a specific cost attributed to COVID, a virus, and should that be for another year or should that be ongoing? For example, we do not have a head in the Estimates for the GHA that says cancer. We have different
1340 disciplines, many of which deal with cancer, but we do not have a cancer head. We do not have one that says flu, apart from perhaps the acquisition of the flu vaccine, but we do not have all of the costs of dealing with the flu. So this is almost a transitional year – and that is what I thought I had explained at the time that I presented the Estimates – where we are coming out of pandemic. It does not feel like we are living in a pandemic at the moment, but of course, until the World
1345 Health Organization says the pandemic is over, you are still legally in a pandemic situation. COVID is in the background. It is a virus. This year is almost a test bed for what estimate we might have to have in the future, if any, specific to COVID.

What he is going to see are very live numbers with decisions not yet finalised as to whether those costs should be attributed to the general heads throughout the GHA, or whether in fact they
1350 will have to be attributed to COVID. That is what I would say to him in the context of where we were when we cast the Estimates Book and where we may or may not go at the end of this year in a way that is designed to do two things: first, to ensure that the GHA has the ability to continue to deal with the COVID virus even after the pandemic and during the last throes of the pandemic; and second, that there should not be any suggestion that there is a blank cheque – however big
1355 or small, it should not be blank in any way – for any spending to be attributed to the head 'COVID' as if anything goes in respect of that head.

I think he would agree with me that that is the prudent way to deal with the matter and I think I have summarised what I tried to say and what the hon. Member said when he presented the
1360 Estimates for the Health Authority at the time of the Estimates last time. That is why I am suggesting that he should have these numbers round the back of the Speaker's Chair, because decisions still have to be made. I do not want him not to see what it is that we are being told should be charged to that head at the moment, but I do not want to be fixed with publication of

1365 that in the detail that is provided for. Of course, in terms of the COVID Fund, he has had the number because I thought it was appropriate that people should see that we were providing this amount and we were being told it was COVID, but the COVID Fund can be adjusted should we make a different decision going forward.

1370 **Hon. K Azopardi:** Mr Speaker, the alternative to having it behind the Speaker's Chair that I was just discussing with my hon. colleague is to understand a bit more how long the Government needs to get clarity. If the Government says, 'We are going to get clarity fairly soon,' well then we would rather wait and get the figures officially, even if we have to ask again. Or they can send us the figures. They can just undertake to send us the figures on an open basis. If, however, it is going to take much longer, then of course we would take a view on it.

1375 **Hon. Chief Minister:** Mr Speaker, the Government will make final decisions about this – and this is what I hope I clarified now – as we come to the end of the financial year and we are casting the Book, because then we have seen a full-year effect and we understand what has happened and how things should be provided for going forward. That is why I thought it would be helpful to hon. Members to at least see the numbers, so that we can continue to have one of those much
1380 more convivial conversations that we have when the microphones are not on and we have to be a little bit *Llanito* with each other, so that perhaps we could even make decisions about this, going forward, together. We have made decisions about the COVID Fund together. Making decisions about the treatment of these costs going forward together is not something that would be anathema to the Government, but without fixing these figures as they are today with the
1385 legitimacy of publication and giving them the that oxygen of legitimacy which we might all agree is not in the interest of the taxpayer going forward.

Hon. K Azopardi: Mr Speaker, it is not a question, but so there is clarity for the Chief Minister, we will, in view of that, accept it behind the Speaker's Chair.

1390 **Mr Speaker:** Next question.

Q426/2022
Gambling Act 2005 –
Feedback re replacement Bill and any proposed changes

Clerk: Question 426/2022. The Hon. R M Clinton.

1395 **Hon. R M Clinton:** Mr Speaker, can the Government advise how many responses it has received in respect of the Command Paper on the repealing and replacing of the Gambling Act 2005, and are any changes to the proposed Bill envisaged as a result of the feedback received?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

1400 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the number of written responses received is small in number – single figures – but this is because the industry consultation response is primarily being co-ordinated by the Gibraltar Betting and Gaming Association. We have also had direct engagement with firms on the proposals and these are ongoing.

1405 I have no doubt that changes will be made to the draft as a result of this consultation process.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. When he says single figures, could he tell us exactly how small a number that was? And in terms of timeframe, does he have a view as to when the amended proposed Bill would come to the House?

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Hon. A J Isola: Mr Speaker, I actually do not have the number. I know it is less than 10.

To put this into context, we started this work in 2015. Then Brexit came along and it was put on the back burner and we focused on other things. Then we brought it back. All during this time we have been talking to gambling operators, both B2Bs and B2Cs, and so when this document came out, it was by no means the first time that firms had seen it. The approach is basically to enable the Gambling Commissioner to have teeth in terms of how he regulates businesses. Under the current legislation, which has been there for over 20 years, you had an Exocet missile, if I can call it that, or nothing, and so the ability of the gambling regulator to take proportionate action is something that has not been there in a sufficient volume. What we are looking to do is to give, like the financial services regulator has, a proportionate mechanism to deal with regulatory breaches. So the teeth will be put in. This will not be a shock and has long been discussed.

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We are also changing who requires to be licensed. For example, we are policing the periphery. In the past, a gambling firm which was not carrying out gambling activity but was involved in gambling – for example, a marketing firm – was outside the net. We are now going to bring that within the net, so anything that touches the reputation of Gibraltar as an online gambling jurisdiction will be within scope, and it was not before. At the same time, we are also looking at whether firms that purport to be gambling firms but are not carrying out that activity in Gibraltar should also be caught – again, those that can affect our reputation.

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The scope we have long talked about with businesses, so I am not surprised by the small number of firms that are directly writing. And, of course, all during this period we have been talking to them directly. I myself have, the regulator has, as have the people supporting us with this work. I hope that by the end of this year – latest, early January 2023 – we will have concluded our consultation process and I would very much like, within Q1 of next year, to bring the final Bill to Parliament for consideration by Parliament.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his comprehensive response. What I am about to say, I can assure the Minister, is not in any way barbed, but I have to use the word FATF. Would he see this legislation as being a necessary part of the Government's response and will assist in getting us off the grey list?

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Hon. A J Isola: No, Mr Speaker, absolutely not, and the reason for that is simple. Under the Proceeds of Crime Act, the gambling regulator, the Gambling Commissioner, is already nominated as, for AML purposes, the supervisor in respect of that work, and so the teeth in respect of AML work is in the Proceeds of Crime Act and he is the appointed supervisor. So it has absolutely nothing to do with it.

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Mr Speaker: Next question.

Q427-28/2022

FTX collapse –

**Impact on DLT licence holders and measures to protect customer assets;
proof of reserve re ZUBR Exchange Ltd**

Clerk: Question 427/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise if the collapse of FTX has impacted on any FSC DLT licence holders, and what measures has the FSC taken to protect customer assets?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 428.

Clerk: Question 428/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise whether any proof of reserve was or has been requested of ZUBR Exchange Ltd, an FTX-owned company and FSC DLT licensee?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Hon. A J Isola: Mr Speaker, the GFSC has reached out to licensed firms to ascertain any potential impact and their current exposure. Permissioned firms have confirmed they have little direct exposure to FTX or related companies.

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As part of the regulatory regime, firms are required to have appropriate measures in place for the custody and segregation of customer virtual assets. Customer moneys are required to be segregated.

ZUBR has not been operational in Gibraltar, as they had matters pending regulatory approval. Therefore, it has no customers and thus there is no risk to customer funds. Consequently, there has not been any proof of reserve, as they have none.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, and I am glad to hear that there would appear to be little exposure in Gibraltar, but I would bring a couple of matters to his attention, whether he would like to comment on them or not. The first of them is, as he is fully aware, ZUBR – the correct name of the exchange – has formed part of the Delaware bankruptcy proceeding and is listed and identified within the bankruptcy administrator as being part of the dot com silo of FTX. Gibraltar has not, obviously, as yet been mentioned in any of the reports. You probably have noticed, as I have, that there is an article on this practically every day in the *Financial Times*, if not the financial press in general.

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My concern – and again, in a completely constructive way – is that I have just literally searched the FSC website now and ZUBR is showing is a live licensee with a live licence. The FSC has issued no comment whatsoever about this and there is no restriction against that licence. I just wonder whether it would be opportune for the FSC to perhaps make it clear what the Minister has said, that it has no clients and there is no risk. However, looking at the licence, it does not mean to say that it could not acquire clients or assets, and given that the entire structure is subject to bankruptcy proceedings and certainly regulatory scrutiny in the US and other jurisdictions with certain allegations of moneys being missing, it would be prudent for the regulator in Gibraltar to issue its own statement to pre-empt any suggestion that Gibraltar is in any way implicated in anything that may have happened in the group elsewhere, and to reassure outside observers that the FSC is doing its job as it is, as the Minister has said. I would be grateful if the Minister could comment on that, because I cannot see it happening in any other industry – in banking or

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insurance, for example – where a group goes bust in this spectacular way and a subsidiary entity is allowed to continue to hold its licence and operate as if it were business as usual. As you say, it has no clients and it is not doing business, but the licence on the FSC website does not say it cannot do business.

1500 Furthermore, Mr Speaker, if you do a search at Companies House on ZUBR Exchange Ltd, the directors are still listed and one of them is still Mr Samuel Benjamin Bankman-Fried, whom I imagine the FSC will no longer consider a fit and proper person to hold a licence. So either the Companies House information is out of date or something has not quite joined up, but I would have expected that some action would have been taken to remove this individual as a director,
1505 or, having been removed, the records updated and a note, if necessary, attached to its licence on the FSC website to that effect, because otherwise it would appear that this entity could continue trading as if nothing had happened.

Hon. A J Isola: Mr Speaker, the regulator requires to act in accordance with the law. As he may
1510 know, the law has a set process and procedure to follow to revoke the licence of a firm, and that requires them to issue a warning notice, allow a period of time for representations to be made, submitted to the decision-making committee, and then they are the people who have the ability to revoke or suspend the licence. I would fully expect the regulator to be doing that, and that is a process that takes a little bit of time, because it can be expedited – there is short notice and there
1515 are things that you can do to respond quickly. I have no doubt whatsoever that that is being done.

So let's take a step back. I would not expect today to see the directors having resigned, because those can be filed within a period of time; they do not have to be filed on the same day. With respect to the licence still appearing on the FSA website, well, it is going to keep appearing until the licence is revoked, having followed the legal process that the law in Gibraltar requires the
1520 regulator to carry out. I have no doubt whatsoever that that is what they will be doing and that is what they will do.

Is the individual fit and proper? No assessment requires to be made at this moment in time, but I have no doubt that if it was, he would not be deemed to be fit and proper for the reasons we read about every day in the world international press.

1525 In respect of the company itself, the fact that its licence is on the website does not mean that they are authorised to trade. They are two different things. ZUBR was a firm that applied for a licence promoted by other people. FTX then acquired that licence and that required them to do a number of things: change of control and a change of business. Those have not been done yet, so the company is not authorised to trade because its change of business is pending approval, and
1530 consequently, until those processes with the regulator have been seen through, they are not authorised to trade – which is why they have no clients, which is why there is no business, which is why there is no need for proof of reserve, because they have not started trading, because they are not authorised to trade. If they did trade before that authorisation had been approved by the regulator, they would be committing a criminal offence under the Financial Services Act.

1535 I hope I have made myself clear. What I would say is that the regulator has a law in place. It is following that law to be able to get it to the appropriate place, which will lead to, I assume, a revocation or suspension, or whatever it is that the DMC, the decision making committee, comes to after the process is followed.

1540 **Hon. R M Clinton:** Mr Speaker, I fully appreciate what the Minister has said, but given the unusual circumstances of the collapse, this is not a run-of-the-mill licence suspension or revocation. This is something that is as serious as it gets in this type of industry. Personally, I would have expected a much faster reaction from the regulator. I must say that the suggestion that somebody has a licence on the FSA website does not necessarily mean that they are authorised
1545 to trade seems counterintuitive because if you look on the FSC website and you see 'Is this firm licensed or regulated? Enter the name here for consumers,' and you find out if it is regulated ... If I were a consumer, I would say, 'Well, it is obviously licensed and regulated.' There is nothing to

1550 indicate that it is conditional. Certainly what I read in the press – maybe I read it wrong – was that this deal had been completed. Maybe the law firm that issued the press release jumped the gun, but the acquisition by FTX seemed to me as having been an approved and done deal. I do not recall it saying ‘subject to regulatory approval’.

Hon. A J Isola: Change of business.

1555 **Hon. R M Clinton:** Ah, so it is a change of business as well. Sorry. I will let you in.

Hon. A J Isola: Yes. They acquired it – change of control approval – and then the change of business requires to be approved before they can start taking on business. So any consumer who goes on to the website and sees ZUBR as being there is not able to do business with them because they are not open for business. This is the point I make. That is why I can tell him that they have not got a single client, because they are not open for business until they have regulatory approval.

1560 With respect to the first point, if I may answer now the other point he made about moving slowly, you will recall at the time of the Financial Services Bill being discussed in Parliament, Mr Feetham, the hon. Member who talked about it, welcomed the introduction of the DMC because the DMC removed from the regulator the ability to suspend or revoke licences. This was a checks and balances exercise that we did precisely to deal with it, and everybody in this House welcomed that step.

1570 Perhaps we should revisit emergency cases like these, because my concern is not so much this case where there are no consumers, my concern is where there are consumers. But the regulator does have the power, where there are consumers, to move a little bit quicker. In this case it is simply a process that the regulator would require to go through in order to comply with the law. I do not see any issue in going through that process and nobody is in harm’s way and nobody is being impacted upon, and nobody is saying internationally that they were regulated in Gibraltar, so those issues become less relevant. It is clear where the company was being managed from. I do not think anybody is disputing that, and so we are out of harm’s way, thankfully.

Hon. R M Clinton: Mr Speaker, I thank the Minister for his explanation, and again I assure him that I am approaching this from the point of view of protecting Gibraltar as a jurisdiction, as I am sure he is.

1580 If I can move on to my second question, or rather my first question, in terms of contagion risks he says as per the relevant protection of client assets and money rules, which I have a copy of, they are required to comply with certain requirements. I had a quick look at the number of DLT providers over the weekend, and again he can correct me if I am wrong but I count 15 providers, of which I noticed, going through each one individually, 12 have the ability to custody assets, so that would mean 80% of licensees have the ability to custody licences. There was a comment made by, I think, the Deputy Chairman of the Bank of England. It says in normal circumstances most exchanges in the old world, as it were, would not custody assets, there would be somebody else. What we have is the scenario where exchanges are not just trading whatever the object is – call it crypto assets – but there may also be custody, and that obviously creates a much bigger risk in the event where even if they follow these procedures ... They could actually have ticked the boxes and held the assets in custody with another exchange, like FTX, and then suffered a meltdown which probably could not be avoided. But my concern is whether they are self-custody. To what extent would the Minister see that as a risk?

1595 **Hon. A J Isola:** Mr Speaker, the comment by the Deputy Governor of the Bank of England, Sir John Cunliffe, whom he referred to, was calling for regulation. He was saying that we need to have regulation for digital custody holders and providers and for the firms in this space, and that is precisely what we do. I actually think that the reason why we have not been impacted upon is because we have the regulatory standards and we have the principles that we have.

1600 The different core principles that we have address specifically the issues that FCX has suffered
from: lack of corporate governance, segregated assets – they did not have them, they were all
1605 mixed in together and everyone did what the hell they wanted and they moved money in and out
without care for any of the issues that we provide for. Market manipulation – the 10th core
principle specifically prevents firms from doing what these guys appear to have been doing. It is
early days yet, but I think we should be looking at our core principles and asking why are the firms
we have so little impacted by what has happened when other firms in other places been hugely
impacted upon.

And so, instead of looking for the little tiny black spot on a piece of white paper, I think we will
be saying actually we have done pretty well, and although there are lessons learnt in everything
1610 that happens and we need to revisit some of those – and the point he has just mentioned could
be one of them – the question is what can we do to better protect consumers in our jurisdiction,
and that is an exercise that I know the regulator is very alive to and currently doing. I think the
fact that we have done as well as we have done in limiting the contagion from this business is
something we should congratulate our regulators on and see how we can do even better to
1615 protect consumers in the future than we currently have done.

Mr Speaker: Next question.

Q429/2022
Supported independent living –
Plans to meet demand

Clerk: Question 429/2022. The Hon. D J Bossino.

1620 **Hon. D J Bossino:** Please state how the Government intends to meet the demands for
supported independent living for those living with dementia, mental health issues and special
needs.

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

1625 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, Government continues to believe in providing sustainable care and support for the
most vulnerable in our community. This includes holistic development care plans, improved
communication and integration across services, so that packages of care can also be tailored to
1630 meet individuals' specific needs. The overall aim is to provide appropriate care and support to
enable individuals to live independently and safely in the community, whilst also promoting choice
and autonomy.

Hon. D J Bossino: As the hon. Member, I am sure, is aware, this issue is one ... It struck me,
1635 actually, that it does cross, as I identify them, these three distinct groups ... people who suffer
from dementia ... I know that it is a demand which is continuously made by Daphne Alcantara on
behalf of GADS. I do not know if the hon. Member saw the really good video done on behalf of
those people who have mental health issues, led by Conchita Triay.

There is also a very big issue which I think we are going to be facing as a community into the
1640 future. We heard, I think in the last session, the number of children who have been admitted to
St Martin's School in this academic year. I think it numbers 25, and that is going to have a huge
impact down the road when those children then become adults and their parents pass away and
they will need to be cared for. With the greatest respect, he talks about appropriate care and
support and packages of care, but what I am thinking more is something along the lines of a bricks

1645 and mortar approach in terms of having a centre – whether the Government has plans in relation to this, to have a centre to house and to address the needs of these three disparate and individual groups.

1650 One of the complaints that I hear, one of the issues that I hear, is that whilst you may have a carer or a nurse who visits person X, she or he then needs to visit person Y in a different flat in a completely different place in Gibraltar, and that causes issues. It causes issues of delay, transportation, all the rest of it. So I wonder if, dare I say, the Government has more ambitious plans in relation to addressing the needs of these three distinct groups.

1655 **Hon. A J Isola:** Mr Speaker, the truth is we can never do enough – that is the truth – in providing the care that the hon. Member is referring to. But I think at the same time as I say that, we also have to recognise the enormous steps that have been taken since we came into government. At the moment, we have, for example, 21 people living in care – supported independent living. When we were elected there were three. We have increased that by 19 – 19 out of 21. But can we do more? Yes. Should we do more? We would like to. And so the areas the hon. Member is touching upon in terms of a specific facility to be able to care, the answer is yes, we are looking at that. We are looking at all the different areas in which we can co-ordinate across the various providers of these services to improve the level and quantity of care that we provide. But of course, as the hon. Member knows, there is a cost and there are competing causes for that increased cost, and so what we are doing is seeking to evaluate how best we can make use of that budgetary allowance, 1660 if I can call it that, to provide better care across the different services, not just now, but more importantly in the future.

1665 I think the demands on our service providers are increasing and when I meet with the Head of the Care Agency, he always tells me about the increasing numbers that he is facing. That is something that we are very alive to, very aware of and seeking to see how we can do that ourselves by working closely together with the Ministry of Housing, my hon. Friend at the GHA, 1670 the Care Agency, looking at how we can all, together, provide different care to what we have been doing in the past by more and new. And so yes, we are alive to that and we are determined to see how we can do something significant to achieve that.

1675 **Hon. D J Bossino:** Can I press him a bit further? When he talks about the possibility of doing something new, he says we can never do enough and you are evaluating how to make best use of the funds and that we are looking at this and that. Is there anything specific that I can ask him to commit to at this stage, in terms of addressing these needs? It is a pressing issue, and what struck me at the time of the issuing of the video is how it is something which does really cut across these 1680 three different, distinct groups and it is a demand which all three different groups are making. I think that we, as a society, need to address this in terms of our medium- and long-term plans.

1685 I have not crystallised my thinking in relation to this, and I would want to discuss it with the groups further, but I think that something that may need to be looked at is building, dare I say, a centre with sufficient rooms in a centrally located place. It may not be the ideal solution, but I think it is something which needs to be considered and looked at, unless the hon. Member is able to tell me that he has considered it but has discarded it as a possibility. I am trying to get him to commit further as to whether he has considered what specific initiatives he can come forward with in order to address these concerns.

1690 **Hon. A J Isola:** Mr Speaker, I am not going to commit to anything further at this stage, for the reasons I have already given.

1695 We are looking at what we can do more. I have mentioned the work with my colleagues and I am also looking at how the GHA and the Care Agency – who each have their own ideas, and at the end of the day all of these desires are based on the advice that we receive from the professionals in each of these areas, and so it is a question of pooling those.

1700 For example, a permanent facility is one of the matters that is being considered as one of the issues. It is way too early to see if the different agencies themselves agree on whether we should do that or not. There are many different bits of the jigsaw that are being discussed, both with the ministerial colleagues working on this and the different agencies, so there are too many moving parts for me to be able to commit to anything more than I have said, other than we are alive to it, looking at it, and I hope to be able to come back within a reasonable period of time – do not ask me what that is – with something further.

Mr Speaker: Next question.

Q430-31/2022

**Proposed funeral home near North Front Cemetery –
Whether to be privately managed; provision of mortuary facilities prior to construction**

1705 **Clerk:** Question 430/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is it intended that the proposed funeral home near the North Front Cemetery will be privately managed?

1710 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I will answer this together with Question 431.

1715 **Clerk:** Question 431/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can Government confirm what arrangements will be made to provide mortuary facilities to bereaved families before the construction of any new funeral home near North Front Cemetery?

1720 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, the proposed funeral home near the North Front Cemetery has not been either commissioned or managed via the GHA.

1725 With regard to mortuary facilities for bereaved families, the GHA has already made alternative arrangements within St Bernard's Hospital.

Hon. K Azopardi: Mr Speaker, the Minister says it will not be managed privately. Is that how I understood his answer?

1730 **Hon. A J Isola:** Mr Speaker, I said the proposed funeral home near the North Front Cemetery, which is, I gather, where the question originated from, has not either been commissioned or managed by the GHA.

1735 **Hon. K Azopardi:** I see. Well, the question was will it be privately managed? I was not asking whether the GHA were going to manage it. Is there any other public body that is going to manage it, or is the answer to my question yes – in other words, it will be privately managed?

Hon. A J Isola: Mr Speaker, the Government has issued an expressions of interest in respect of providing that service. Until we receive those proposals, we will not know whether it is intended

1740 that they be outsourced, done at Government cost ... We just have no idea until we see what the results of that expression of interest are. The point I am making is that that proposal, that expression of interest, has not been either commissioned or managed by the GHA. It is being done by Government, not by the GHA.

1745 **Hon. K Azopardi:** I understand that. Neither of my two questions, if the hon. Member looks at them again, mentioned the GHA. The first one is directed at finding out whether it is going to be privately managed, and he answered it is not the GHA. That is not the answer; it is either yes or no. And the second asks the Government to confirm what the arrangements for bereaved families are. He has answered that question by saying the GHA has made alternative arrangements.

1750 In respect of the first question, if we go back to that, the hon. Member reminds us of the expressions of interest process, which we are aware of, hence the question. But is it not the case that the expressions of interest process was started on the basis that there must have been at least an in-principle view taken that you either want there to be private management or not of this facility? I just do not follow the circle that he is trying to take me round.

1755 **Hon. A J Isola:** Mr Speaker, I am not trying to take the hon. Member in any circle. The Government issued an expressions of interest for reasons that it did. Those could be, for example, that somebody made a proposal to us and it was therefore felt that we should put it out to an EOI before any further steps were taken. But the expressions of interest is issued by Government in the normal way, and then people are free to submit whatever proposals they wish, whether that be that they are privately managed and licensed or leased to Government or whatever that may be. So that is the first aspect.

1760 In respect of the second aspect, Question 431/2022, I said, with regard to mortuary facilities for bereaved families, the GHA has already made alternative arrangements within the Hospital.

1765 **Hon. D J Bossino:** But presumably the Government has made a policy decision to privatise this aspect of a service which was originally provided by the GHA. Is it the case that if and when this does go ahead ...? I know he has explained that it needs to go through the EOI, and presumably that decision will not become final until some point in the future. Is it the case that should they go down that route, the services which have traditionally ...? I am not sure about currently being provided at St Bernard's Hospital as a result of COVID. That may have changed; I am not too sure. Will that come to an end? I have received expressions of concern as to the ending of that facility within the Hospital facilities. Some people have come to me with the suggestion that it is culturally something that we have been used to for so long, that that service is provided by the GHA within GHA premises in the Hospital.

1775 **Hon. A J Isola:** Mr Speaker, the GHA at the moment is carrying out a space utilisation exercise to understand what areas they are using, what they could use better, who has more space, who has not enough space. Before we reach any formal conclusion as to whether it is the mortuary service as opposed to a funeral home, I think they are two ... You could argue they are the same thing, but they have, in my view, two potentially different outcomes. So we are looking at whether, within the framework that the GHA currently has, the space it currently has, we are able to provide adequate mortuary services or not. At the same time as that is happening, there is a funeral home – potentially, depending on the EOI that is being issued by Government – which could meet some or all of those requirements separately. So at this moment in time, the Government's intention is to ensure that there is provision of that service somehow and we are just not yet concluded on who, how or where, as a result of these two exercises ongoing. The place where the original mortuary was, since COVID has been used for other services, and I would hope that once we have that space utilisation survey back with us, which I expect to have before the end of this year, we will be far better placed to understand what we can and cannot do within our own areas which would meet the needs that we wish to service.

1795 **Hon. K Azopardi:** There was a slight delay in my supplementary and I am grateful for the hon. Member asking because I was trying to pull up the expressions of interest on it, but can I just ask on that last point that the hon. Member made? Does the Government accept then, or is it considering the possibility, that the mortuary might go back to its original location? That is my first question, and I will just roll up with my second question, if I may – even though it is on the other question – so we will go quicker.

1800 I am staring at the expressions of interest process. It is an invitation and it simply says, ‘The Government invites expressions of interest from developers, investors, organisations interested in developing a funeral home’ and then it has the specifications. By virtue of doing that, surely the Government in principle has decided that it is interested in receiving expressions of interest in relation to that, but that cannot ... Surely the Government has decided already that that home would be privately managed or that it might not be, but hasn’t it taken an in-principle decision that it will be privately managed by virtue of the expressions of interest? I am trying to square that circle.

1805

1810 **Hon. A J Isola:** Mr Speaker, the hon. Member says obviously it should be privately managed or it might not be. This is precisely why we do an EOI, to understand what proposals may be forthcoming. What are the people who are interested in doing something offering to us to provide that service within the land that we have identified? I think the purpose of an EOI is to understand and to gauge what are the kind of things that could happen and how could it happen. Could it be that somebody builds it for us and we lease it from them, or license it from them? There are many ... I am not going to begin to limit the breadth of what an EOI provides and will give us because it could give us a very extensive range of ideas, some of which we may be more tempted towards than others, and I am not going to pre-empt that now.

1815

With respect to the Hospital, I do not believe that going back to where they originally were is the preference, but let’s await the space utilisation survey to give us a better idea of how and where we can make maximum best use of the space that we currently have.

1820 **Hon. K Azopardi:** And my final question, if I may, Mr Speaker: what is the difference that the Government sees between that? The reason I put these questions – and he has bunched them together in answer, so we see it almost as the same thing but it might be that the Government does not see it as the same thing. If the Government were to take an in-principle decision to return the mortuary to where it was originally within the GHA premises, does the Minister think still that there is a need for a funeral home elsewhere? Is this funeral home for which you have invited expressions of interest the place to which grieving families will go when someone passes away, i.e. a mortuary, or are we talking about the possibility that there might be two locations of services? And if so, why? We would like to understand a bit more why there would be two locations.

1825

1830 **Hon. A J Isola:** Mr Speaker, I think it is too early to answer the question fully, but let me say this. We do not know what is going to be proposed, and therefore, how can I begin to share any opinion on whether we believe it is right or wrong, better or worse? I would say also that in other countries – for example, in Spain – you have funeral homes and you have mortuaries. They are not exclusive of each other, you can have both. That is why I said at the outset that there is some overlap but they are not exclusive of each other. It may well be that we have both, it may be we only have one, but until we know what is being offered, how can we possibly discount the other?

1835

1840 **Mr Speaker:** Next question.

Q432/2022

**Third COVID boosters administered –
Number by resident/non-resident**

Clerk: Question 432/2022. The Hon. the Leader of the Opposition.

1845 **Hon. K Azopardi:** Mr Speaker, how many third COVID boosters – fifth COVID vaccines – had been administered by the GHA by 15th November 2022, broken down by residents and non-residents?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

1850 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, by 15th November 2022, 3,362 third COVID boosters, which is the fifth vaccine, had been administered, of which 3,268 were to residents and 94 were to non-residents.

1855 **Hon. K Azopardi:** As I understand it, this fifth vaccine, the third booster, they started offering it, I think, about two or three months ago, so the take up is slow – would the Minister agree?

Hon. A J Isola: Yes, I would agree, Mr Speaker, and that is the reason why, on 18th November, the GHA issued a further press release publicising the introduction of the flu vaccine and the ongoing availability of the third booster, the fifth vaccine.

1860 **Mr Speaker:** Next question.

Q433-35/2022

**Mental health patients –
Number attending St Bernard’s Hospital; number seen by GPs at PCC;
number given anti-psychotic or anti-depressant medication by GHA**

Clerk: Question 433/2022. The Hon. the Leader of the Opposition.

1865 **Hon. K Azopardi:** Mr Speaker, how many attendances were there at A&E at St Bernard’s Hospital for mental health reasons in the calendar year 2021?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

1870 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Questions 434 and 435.

Clerk: Question 434/2022. The Hon. the Leader of the Opposition.

1875 **Hon. K Azopardi:** Mr Speaker, how many patients were seen by general practitioners in the Primary Care Centre for mental health conditions in the calendar years 2020 and 2021?

Clerk: Question 435/2022. The Hon. the Leader of the Opposition.

1880 **Hon. K Azopardi:** Mr Speaker, how many people were administered anti-psychotic or anti-depressant medication by the GHA in the calendar years 2020, 2021 and 2022 to 31st October 2022, giving a breakdown by each year?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, there were 370 attendances at A&E for mental health reasons in the calendar year 2021.

1885 The number of patients seen by general practitioners at the Primary Care Centre for mental health conditions was as follows: 2020, 4,031; 2021, 4,221.

The number of people who have been administered an anti-psychotic or anti-depressant medication by year is as follows: 2020, 4,007; 2021, 4,182; 2022, 3,939.

1890 **Hon. K Azopardi:** Mr Speaker, can I just ask ...? On the first question, which is how many attendances were there at A&E for 2021, he said 370. In 2020 there were 1,047 attendances at A&E for mental health reasons. Can the Minister comment on the difference, why there is such a lower number in 2021?

1895 **Hon. A J Isola:** Mr Speaker, I am not sure where his number has come from, but from the information I have, the number I have given is the accurate number, and I am certainly not going to guess as to what the reason could be for any change in that number.

1900 **Hon. K Azopardi:** I think the Minister has misunderstood my question. I asked him for the stat for 2021, he said it is 370, and I have said to him that in 2020 there were 1,047 attendances at St Bernard's Hospital for mental health reasons. So can he comment on the difference, why there is a marked drop in attendances being logged as mental health reasons in the next year? Is that a logging issue, or is it that there has been some kind of analysis within the GHA or a shift of patients into another service?

1905

Hon. A J Isola: My response was where is that 1,000 number?

Hon. K Azopardi: From the Mental Health Strategy that the GHA has produced.

1910 **Hon. A J Isola:** Mr Speaker, the hon. Member will recall in the last sitting of Parliament that he referred to a number of 1,846 people being prescribed medication for mental health conditions by the GHA, and the number he said in that press release on 20th October ... that he had asked to check why there had been a drop from 4,000 to the one five ... I know it is not the question, but I will come to the answer. In that press release in October, the day after we had the meeting of
1915 Parliament, he said, 'How could it have been 4,000 and now it is 1,846?' The reason is simple. The reason is because the question that was asked was receiving medication at that date. There was no time span. The answers that he has asked for today are for a 12-month period, which gives you the 4,000, but the 1,846 that he referred to in his press release – in my view, totally wrongly – confused one number with the other.

1920 The reason I give that information, the reason I say this, is because I am loath to comment on difference on numbers, like the one the hon. Member has mentioned, in case, as happened in the press release they issued last time, you are not comparing like with like, and the result of that is you give a distorted impression of the reality. This is something that is far too serious for me to bring this down to a numbers game, and so I am not going to comment on what the difference is,
1925 but I will certainly go back and seek to understand, based on the hon. Member's question, why there is a discrepancy, because the numbers in 2020 – in total patients – 2021, 2022 are actually very similar and therefore consistent. So if the hon. Member's question and the numbers he is using are consistent, then there is something to look at, but I need to be sure that we are comparing like with like, and that, at this moment in time, I am not able to do.

1930

Hon. K Azopardi: Mr Speaker, that was quite a roundabout way of saying he does not know the answer. (*Interjection*) No, Mr Speaker, if I may – (*Interjections*) He started with not the

1935 question that I was asking, because I was actually asking him to comment on the difference
between the stat that had been given in their own Mental Health Strategy of 2021-2026. He asked
me where I derived the information from. I derived it from their own document, which says that
1940 in 2020 there were 1,047 attendances at A&E for mental health reasons, and it went on to
comment on the analysis. They published the Mental Health Strategy, so when I ask what is the
number for 2021 and he says it is 370, my question is: is there a reason behind the fall? The reason
might be something to do with the strategy, so I was giving him the opportunity to comment on
it.

1945 If he says he does not know, then I would be grateful if he does obtain the answer and perhaps
he can write to me on that basis, because I do agree with him that it is not a numbers game and
nor am I, in my questions, seeking to play a game. Indeed, the reason for my question, which was
Question 435, about how many people were administered anti-psychotic and antidepressant
1950 medication, was because there was a discrepancy – he knows that we had that discussion about
it, last time we were in Parliament, when he gave that number of 1,800, but that was Mr Phillips’
question, which I was fielding for Mr Phillips because he was absent from the Chamber – I thought
that I would table the question in exactly the same format which I had tabled originally when I got
that number of 3,900. It is pretty much the same one that – (*Interjection*) No, not for the 1,800.
1955 He needs to understand what I am saying. I am saying that he answered 1,800 in respect of a
different question – I accept that – and that is why I have tabled a question now, Question 435,
based on the same wording that I tabled when he originally gave an answer, which I said to him
last time was out of sync with the 1,800, which was closer to 3,900. Those stats I can see are similar
for 2020, 2021 and 2022. The numbers of people receiving anti-psychotic or antidepressant
medication are within the frame of 3,900 to 4,100 – loosely speaking, 4,200 people.

1960 Does he agree with me that that is a statistic that the GHA needs to analyse and factor in, in
their strategising on the issue of mental health? My view – personal view only – would be that I
would be concerned to see those figures, but of course I am not an expert and I would want to
seek expert advice. Will the Minister agree to seek expert advice on these numbers?

1965 **Hon. A J Isola:** Mr Speaker, the Minister does not agree with the premise of the question, and
the reason why is really quite simple. The hon. Member has said that last time in Parliament,
fielding Mr Phillips’ question, he asked a question that was different to the one he has asked
today. Yes? I agree it was different, but his press release did not say it was different. His press
release said:

A statement continued: ‘While that in itself is a number of concern the Leader of the Opposition Keith Azopardi
asked the Minister to check how that answer had been prepared because of possible inaccuracy of the statistics. In
a previous answer given to him in January 2020 the Government had said that almost 4000 people were on anti-
depressive and antipsychotic drugs.

‘It is important to get to the right number ...

Hon. K Azopardi: Yes, it is.

1970 **Hon. A J Isola:** Yes. So the Member opposite, the Leader of the Opposition, is telling the
community that he needs to check the number because Government said 1,846 and 4,000 to the
same question. He has just accepted now that they were different questions. I agree with him, we
have to get the right number, so I am not going to accept the premise of the question, which is
that we are comparing like with like, for the reasons I said before. What I also said to him was that
1975 if the numbers that he is referring to are like with like, then I most certainly will go into detail to
understand why there is a difference, but I am not accepting it at this moment in time, like I did
not accept it last time, but it did not stop them issuing a press release the day after, comparing
one answer with another answer which had got nothing to do with each other, because the first
one said medication on a particular day and the second question – the 4,000 this time is correct –

1980 is for a 12-month period. If we are going to compare one with the other, let's please compare like with like.

1985 **Hon. K Azopardi:** Mr Speaker, the hon. Member really needs to listen to my question and see through the red fog in his mind, because on the one hand he says let's not play political games, and then he basically starts making political points about press releases. None of what I said in that press release, by the way, which he has quoted, was inaccurate. It reflects accurately the debates that we had in this House before, where we both agreed – I thought we had both agreed – that there needed to be accuracy in the numbers, and we had had that exchange. That is all that press release did. It reflected that exchange, where it is important. I thought we had both agreed that it was important for there to be accuracy in the numbers because we both agreed that mental health is an important issue.

1990 That is not the question that I am asking today. I am asking him a question which he has not answered because he has gone off on a tangent answering something else which he thinks I have asked, but I have not asked. What I asked him to comment on is the statistics he has just given me on Question 435, where there are between 3,900 and 4,200 people having anti-psychotic or anti-depressant medication. Does he think that is a serious thing that requires analysis by the GHA, on which he will seek expert advice?

2000 **Hon. A J Isola:** Mr Speaker, I have already answered the question. What the hon. Member needs to understand is that he is asking me questions about numbers and all I am saying to him is I am not going to accept that we do not compare numbers that are like for like, which is exactly what he did on 20th October in issuing a press release where he compared one number, which is for a totally different period – it is a non-existent period – to one that was for a 12-month period.

2005 If we are going to compare numbers and if you want me to take responsibility for those numbers, I have no problem at all, but let's compare like with like, because the evidence on the record is that the press release of 20th October does precisely the opposite. I know the hon. Member does not want me to go back to that press release, but it is not that long ago. It is actually a month and two days, or three days ago.

2010 **Chief Minister (Hon. F R Picardo):** They are embarrassed by it.

2015 **Hon. A J Isola:** He says himself it is important to get the right number, having just put two numbers together ... that is like two and two make 12. They have nothing to do with each other. All I am saying to him is if, when I look at the numbers, there is a discrepancy and we are comparing like with like, I will look at it. That is what I am saying to the hon. Member, but I am not sure if they will, because from the track record I suspect that we may not be looking at like with like. That is all I am saying. Are the numbers 4,000 in 2020, 4,000 in 2021 – and I am guessing it will be 4,000 in 2022 with the month and a bit that we have left – concerning? Yes, and that is why we are doing the work that we are doing to address that and see how we can provide support to all of those people.

2020 **Mr Speaker:** I think the question has been thoroughly aired (**Hon. K Azopardi:** Well –) and the answer has been given to the Leader of the Opposition (**Hon. K Azopardi:** Mr Speaker –) regarding whether the Hon. Minister is prepared to look at those figures again –

2025 **Hon. K Azopardi:** Yes, but I –

Mr Speaker: – to clarify and confirm the accuracy.

2030 **Hon. K Azopardi:** Mr Speaker, with all due respect, can I just say this? I wanted to ask one final question on this, because they bunched up these things. First of all, he has gone back to my press

2035 release. That is not the question I was asking. I was not asking him to – (*Interjection*) I know he likes that point because he thinks it is an attractive political point from him, but that is not what I was asking. I was asking him to comment on the stats he has given me, the like-for-like stats that he has given me on Question 435, 2020 and 2021. And yes, you have 10 months for ... But this is the supplementary that I want to ask him, because I do not want him to go round the edges again like he has for the last two questions. He has accepted that they are serious numbers and he said that they are doing something about it in the context of their work. What is it that they are doing precisely in relation to that?

2040 **Hon. A J Isola:** Mr Speaker, he would have to ask me that question specifically, rather than the statistical question that he has asked me. If he wishes me to get a comprehensive response from each of the professionals engaged in that provision of service, I would be very happy to provide that to him, but to be clear, the question he has asked me in Questions 433 and 434 is not the 1,000 number that he seeks to compare the 370 that I have given him to. (*Interjection by Hon. K Azopardi*) Of course you are. (*Interjection by Hon. K Azopardi*)

2050 **Hon. Chief Minister:** Mr Speaker, I am very conscious of the fact that you have been in the Chair for three hours and listening to all of us with varying degrees of patience, so I wonder whether this might be a convenient moment to pause, if only for 15 minutes, and then come back with the temperance that you said you expected of all of us.

Mr Speaker: The House will now recess for 15 minutes, to return at 6.15.

The House recessed at 6.04 p.m. and resumed at 6.20 p.m.

Q436/2022
GHA facilities –
Digitisation of mental health records

Clerk: We continue with Answers to Questions.
Question 436/2022. The Hon. the Leader of the Opposition.

2055

Hon. K Azopardi: Mr Speaker, what steps are being taken to digitise the paper notes of patients at Ocean Views and any other mental health records that are not digitised in other GHA facilities?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the plan is to digitise all GHA medical records, including Mental Health. In the interim, some of the new pathways, including the Crisis pathway, and Children's Services have already been set up on EMIS.

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The GHA has programmed to commence the full digitisation process in March 2023 and the entire project, including legacy files, should be completed within 12 months.

2070 **Hon. K Azopardi:** Mr Speaker, to be clear on what they are trying to achieve when he says that the plan is to digitise all – which we welcome on this side of the House – does that mean that they are digitising all historical records, or is it historical records up to a certain point and not beyond that?

Obviously, the GHA must have a vast number of paper records, and if they are digitising, can he give us information as to the digitisation process? In other words, is it simply records from a

2075 certain date, or is it that they are going far back in time? Obviously we would welcome the widest possible exercise, but we are just seeking an assurance as to the width of it.

2080 **Hon. A J Isola:** Yes, Mr Speaker, the process has started and is ongoing. For example, paediatrics is complete and the GHA is currently working through St Bernard's Hospital outpatient activity. The intention is that by 12 months after March 2023 – in other words, February 2024 – all medical records, including legacy files, should have been completed. So the answer is everything, including legacy records, by March 2024.

2085 **Hon. K Azopardi:** And just on that, can I ask: all medical records, presumably, of all living patients on the GHA register, but not ...? What does he mean by legacy files?

Hon. A J Isola: Historical.

2090 **Hon. K Azopardi:** Yes, historical, but in respect of what, living patients but presumably not deceased patients – is that right?

Hon. A J Isola: Legacy files in respect of patients' historical records, who are still alive. I think it is what the question was aimed at. Yes.

Q437/2022
Mental Health Act 2016 –
Code of practice re interpretation

Clerk: Question 437/2022. The Hon. the Leader of the Opposition.

2095 **Hon. K Azopardi:** Mr Speaker, is the code of practice to help the interpretation of the Mental Health Act 2016 ready?

Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

2100 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the code of practice, which is a very extensive document, is in draft form and in the process of being finalised.

2105 **Hon. K Azopardi:** Mr Speaker, that is no different to the position as it was when the National Mental Health Strategy 2021 document was published, where, in that document, on page 4, it said:

the Code of Practice to help interpret implementation of the Act needs to be finalised and implemented

Can the hon. Member explain to us why it is taking so long, given it is such an important document?

2110 **Hon. A J Isola:** Mr Speaker, I think for that very reason. The document is over 300 pages long. It has been the subject of consultation with all stakeholders. That takes time. It is in its fourth draft at this moment in time. It is in the process of final evaluation before it comes for a policy steer on a number of issues where decisions are required to conclude the draft, by which time I would then hope to be able to finalise and publish the code.

2115 It has been the same answer for a very long period of time, but a huge amount of work has gone into it since that time.

Hon. K Azopardi: I certainly had not appreciated it was a document of that order, so I can see that. Does the hon. Member have a sense of when he would hope ...? I am not going to hold him to it, obviously; I will not be issuing any press releases on this issue, on the timescale. But does he have a sense of when he would like to aim to get this code of practice out there?

Hon. A J Isola: Mr Speaker, I do not mind if he issues a press release, provided it is accurate. That is my only complaint.

2125 I would hope and I am requesting that it be ready for publication in Q1 of 2023.

Q438/2022
Reporting to FATF –
Whether deferred and reason why

Clerk: Question 438/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has – and, if so, why has – Gibraltar deferred reporting to the FATF?

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Clerk: Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, Members will recall that the FATF report and action plan were dated June 2022, as ratified by the FATF plenary of that date. The next FATF plenary was held in October 2022. If Gibraltar wished to have reported in time for consideration at the October plenary, we would have been required to make written submissions in August, a few months after the June report. Realistically, no meaningful progress on the action plan could have been made in that time. Interestingly, it was the FATF secretariat that actually suggested to us that we could delay any submission to a later plenary once significant progress could be demonstrated. This is exactly what we are doing.

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Hon. K Azopardi: I think the hon. Member has indicated to the House before – and he will correct me if he has not precisely said this, but I thought in my recollection he had said that they were aiming, within 12 months, in effect, to try to get us off the Grey List, which would put us somewhere in May/June next year. Are we still on target for that? Is there going to be a plenary before that, for us to be able to manage to get across that line on the ...?

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Hon. A J Isola: Mr Speaker, the process is not quite that simple. We are in the process of finalising, this week, our written submissions to the FATF in respect of the significant progress that we have made since June 2022. Those will be submitted next week to the FATF, following which there will be a consideration of those written submissions. There is likely, then, to be a questions and answers in respect of that written representation, which we will be required to answer within a very short timescale. There is then an acceptance of those written submissions, which takes you to the next stage of a Q&A, face to face in Paris, like we did last time, which would be in the second week of January 2023, and if that progresses well, there would then be a recommendation to the plenary – the next one after that, which I think is in April – to proceed with recommending ... Sorry, not the plenary ... the recommendation that in the June plenary Gibraltar should come off the list if they are satisfied with the progress that we have made during that time.

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2160 So we are on track for continuing to progress in the way that we have previously stated. There
is a huge amount of work ongoing now amongst the relevant regulatory authorities and law
enforcement agencies. We are only reporting in respect of the two recommended action points,
not everything else; it is simply on those two action points. As I have said in my answer, the reason
why we did not ... and we were very surprised to have read the commentary because it was
2165 actually FATF that said, 'There is no point reporting now, it is too early, you have not had enough
time to show any progress.' So we are doing it in the way that we have to, to be able to make an
application to be delisted in June of next year, because there is a very detailed process that is
followed when you have to go through plenaries before you get to the plenary in June by this
process of written representations, answers to further questions, face to face, and then a meeting
2170 that approves that, and then you go to plenary for their ratification on that decision.

Hon. K Azopardi: And just finally, can I ask – and I am grateful for the hon. Member giving us a
description of the process – is the Minister going to take an interest in that process? Let me put
the question in a different way, because obviously he is taking an interest in the process, but it
2175 just took me back a bit to ... Clearly, it seems to me, in the description of the process, that the
face-to-face meeting in Paris will be hugely important for Gibraltar, and so I was going to ask the
Minister who will lead the Gibraltar delegation in that. I only ask that because I do recall from my
time on that side of the House when we were trying to persuade the FATF to put us on the White
List, on one of the original White Lists that we had ... we did have a delegation go to Paris, which
2180 was led by me when I was Minister for Financial Services, and it was important to show
governmental support at that level. Is that something that he intends to do at that face to face, or
is somebody else going to head the delegation?

Hon. A J Isola: As the hon. Member will know, because he has been there, these sessions are
2185 very factual and deliberate. By that, I mean that there is no time for chit-chat. I led the one to
Paris earlier this year and I was allowed to speak for three minutes, which I did. I just set the
context in terms of the political commitment that the Government has not only to meet, but to
comply with what was being proposed and anything that happens in the future. I fully intend to
do the same again at the next one, if I am allowed to. They are factual and deliberate. They are
2190 not interested in politics; they have politicians walking out of doors promising the Earth and they
are not delivering. Fortunately, I was in the position, last time, of being able to demonstrate that
we delivered 73 of the 75 recommended actions, or 75 of the 78 recommendation actions. I agree
it is important, and so, if I am allowed to be there I most certainly will be.

I have every confidence in the work that the team has done. When I was there last time at the
2195 Q&A, where they answered questions for about five hours, the professionalism in the team
answering the questions was really incredibly impressive. I have said this before and I will never
tire of saying it. I was hugely proud to sit behind them and listen to them deal with very intrusive
questions and detailed and specific questions across the whole array of AML and *[inaudible]*
activity, not just in Gibraltar but elsewhere. I fully expect we will go through that same process
2200 again in January.

Mr Speaker: Next question.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q439/2022

**Europa Sports Complex –
Temporary management and manning system**

Clerk: Question 439/2022. The Hon. E J Reyes.

2205

Hon. E J Reyes: Mr Speaker, further to the answer given to Written Question W37/2022, can the Minister for Sport explain the temporary management and manning system currently in place at Europa Sports Complex whilst we await a final long-term agreement?

2210

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the answer remains the same as my answer to Written Question W37/2022.

Hon. E J Reyes: Mr Speaker, the answer given to Written Question W37 did not actually explain [*inaudible*] the temporary manager. It said there was some arrangement in place, but I am asking for an explanation of who or what is running the place on a day-to day-basis, who oversees what. What is the management system?

Hon. S E Linares: In relation to the current management, it is a continuation of the people who used to do the project management. Therefore, the company that was doing the project management of the whole of the complex, we are continuing with them running the place. But I can tell the hon. Member that I have had meetings this week and I am sure to have one more meeting next week, where I will see the end of the Europa, as in to do with the management arrangements, which I have explained before will be run by basically the three sports it is the home of, and a trust and all that, which I have already explained in the House.

Hon. E J Reyes: Thank you, Mr Speaker, that helps a bit.

2215

In the other part, in respect of the manning of the place, am I correct in concluding that the same people who have been employed by the project managers and so on are the ones who continue in situ – confirmation that there is not either GSLA or any other Government-related body that are actually manning the premises on a day-to-day basis?

2220

Hon. S E Linares: Well, as I have just said, the GSLA have nothing to do with it. It is an extension of who were the project managers that are still running it, as in to do with employees. Once we have the management agreement, it will be up to the trust to employ people, and if they feel that they want to re-engage the people who are now the employees of the project manager's company, and if they want to carry on with them, it is up to them. I would not intervene in that. It is up to the trust to run the place after, and therefore I would not be ... A government should not say, 'Well, you have to take on those who are there,' because those who are there now are employees of the project management team.

2225

Q440 and Q448-452/2022

Employment Tribunal cases –

**Number of current cases; number awaiting appointment of Chairman and date of filing;
appointment of Lead Chairperson; effect of reforms**

Clerk: Question 440/2022. The Hon. E J Reyes.

2230 **Hon. E J Reyes:** Can Government update this House if there have been any changes to the number of cases currently going through the Employment Tribunal process since the last answer provided to Question W39/2022?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

2235 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 448 to 452.

Clerk: Question 448/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2240 **Hon. E J Reyes:** How many claims filed with the Employment Tribunal are awaiting the appointment of a Chairman?

Clerk: Question 449/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2245 **Hon. E J Reyes:** Of those claims filed with the Employment Tribunal that are waiting for the appointment of a Chairman, please state the month and year the claims were filed?

Clerk: Question 450/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2250 **Hon. E J Reyes:** During his 2022 Budget speech, the Minister for Employment committed to a 'Lead Chairperson, who will be appointed shortly and will also be carrying out the functions of President of Chairpersons' in relation to the Employment Tribunal. Has that occurred?

Clerk: Question 451/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2255

Hon. E J Reyes: Does the Minister for Employment believe, as he said in his 2022 Budget speech, that the Government's reforms will also ensure that all Employment Tribunal cases are heard in a timely and judicious manner?

2260 **Clerk:** Question 452/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

Hon. E J Reyes: Does the Minister for Employment still stand by the statement he made in his 2022 Budget Address that the reform of the Employment Tribunal in recent years has delivered an effective, modern tribunal system?

2265

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

2270 **Hon. S E Linares:** Mr Speaker, in answer to Question 440, the changes to the number of cases currently going through the Employment Tribunal process are as follows: awaiting appointment of Chairperson +3; awaiting appointment of mediator +2; awaiting mediation outcomes -3; awaiting response +4; undergoing hearings or directions +3; and awaiting judgments -3. It is important to note that the status of these claims is extracted from live data and is constantly changing as cases progress across the various stages.

2275 In answer to Question 448, the total number of claims filed with the Employment Tribunal which are awaiting the appointment of a Chairperson stands at 59.

In answer to Question 449, awaiting appointment of Chairperson by date claim received are as follows: 2020 – January 1, October 3, November 1, December 1; 2021, January 1, February 2, March 1, April 1, June 1, July 3, August 5, September 3, October 4, November 3, December 3; 2022 – January 1, February 1, March 2, May 5, June 9, July 7, September 1.

2280 In answer to Questions 450 to 452 – which includes Question 451, obviously – I stand by what I said in my Budget speech. Since the introduction of the Employment Tribunal reforms in 2016 there have been an average of 50 cases filed per year. The total number of outstanding cases for 2020 and 2021 stands at 33. The hon. Member – and I am referring to the hon. Member Mr Feetham – may recall that services across Gibraltar and beyond were halted, with facilities reduced, in compliance with COVID-19 restrictions. Given the above, this shows, in my opinion, the success of these reforms.

2285 The Employment Tribunal reforms were undertaken in consultation with the stakeholders and have successfully introduced rules which are straightforward, making the Employment Tribunal accessible to all, whether they be employers or employees, without added financial burden.

2290 Mediation services are provided to parties in dispute and the majority of cases settle instead of proceeding to be heard at formal Tribunal settings. This has made the Employment Tribunal more accessible and less costly for the parties involved, thus delivering a more flexible, effective and modern Employment Tribunal system that meets the needs of Gibraltar's modern-day economy.

2295 The recruitment process for the position of Lead Chairperson is currently ongoing. The expectation is to conclude the recruitment process by no later than the end of January 2023.

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

2300 If I may, the Minister made reference that the figures he was giving us were live statistics, that they were obviously constantly changing. Can he give us a date as to when these figures are valid? Is it something that was valid as of yesterday, or perhaps at the end of a previous quarter, so we have an idea for comparison?

2305 **Hon. S E Linares:** Mr Speaker, I am not going to go into the debate that there has been with the Hon. Mr Feetham when he has asked previous questions in relation to this, because most of the statistics are given on a quarterly basis and therefore, because they are live, it is impossible to give him, at one precise time, a number.

2310 As I understand it, it has been given on a quarterly basis, a generic number which deals with the issues of quarterly ... and this has been a debate in this House with the Hon. Mr Feetham because there have been issues, like the hon. Member is now asking me, as to what date is this live from. This might have been live because things are being given quarterly, it might be live before, but these, I can tell you, were the figures that we brought out as soon as the hon. Members put the question. So this is what is now. Maybe some have changed from when he asked the question to today. I cannot verify that, but this is live as from when the question was asked.

2315 **Hon. E J Reyes:** I am grateful, Mr Speaker, that the Minister is trying to explain, which is why, in the prelude in my supplementary, I asked were the figures quarterly or not. But I am not clear. If these figures were as at the end of the third quarter of the calendar year 2022, then it would be as at the end of September, but the Minister ended up saying that the figures were updated as when I posed the question. So would that be sometime in mid-November? Sometimes I even hand in the question before the day – it could even be a day before the deadline, so I am not even sure what date it is the Minister is referring to. He may have been provided with the dates by whoever compiled the statistics for him.

2325 **Hon. S E Linares:** Mr Speaker, the answer I gave out is what is current, which, in fact, is exactly
the same as when the question was posed last time, which is that I said, in answer to Question 449,
'awaiting appointment of Chairperson by date claim received are as follows', and I spelt out the
whole list, which I can give him, if he wants, later on – 2020 January 1, October 3 ... These are
2330 what the figures are. The issue is now these are live then and they are still current because that is
the information that I have been forwarded.

Hon. E J Reyes: I am grateful, Mr Speaker. I look forward to receiving shortly ... but the figures
he is going to give me are a reflection based on what data? I do not know if I am making myself
understood. Is it –?

2335

Mr Speaker: I think you are very clear.

Can you give a date? When were those figures prepared for you?

Hon. S E Linares: They were prepared last week, Mr Speaker, when the question was posed.
2340 Last week when the question was posed, all the questions from Mr Feetham and the hon.
Member, the statistics he has asked for were brought out and put to him today.

Mr Speaker: Would that satisfy you?

2345 **Hon. E J Reyes:** Thank you, Mr Speaker, yes. Give or take 24 hours, one could more or less say
it is of the 16th November deadline. I have to ask, because the Minister made a reference to it. In
wanting this side of the House to accept that some numbers may be much higher than he would
like and so on, he makes a reference to COVID pandemic system and so on. However, there are
statistics he has produced of appointments to be made for a Chairman dating back to January
2350 2020, which is certainly well before the very first ever lockdown. So, even if I take on board that
there have been inevitable delays beyond ministerial control on the appointment of a Chairman,
can those waiting from early 2020 have a ray of hope by having an approximate estimation date?
Will they have a Chairman appointed by the end of this calendar year? Is the Minister in a position
to be able to at least give them that Christmas present?

2355

Hon. S E Linares: Well, I am not Father Christmas, but we can try our best. I can tell the hon.
Member that the post did come out. There were people who applied; I think there were two or
three candidates. When they came back, they were not sure about whether they were going to
take on all the cases or some of the cases, so we are in the process of going back. That is why we
said January 2023 when we were hoping to have the full-time ... Again, it is because it is very
2360 difficult to get somebody to be a full-time Chairperson of the Employment Tribunal. It is very
difficult. We are having issues with that and therefore we are trying to overcome those issues in
order to get the person as soon as is possible, and we are hoping that by January we will be able
to get a Chairperson.

2365

Hon. K Azopardi: Mr Speaker, can I just ask a couple of things? I will just ask them together, if
I may, both things, because it might make it easier. The hon. Member, in the original part of the
answer he gave when he was giving statistics, got to two points in his list where he gave minus
numbers when he was reading. He said 'awaiting judgment -3'. I can understand the positive
2370 cases. I do not understand how there can be anything on his list that says minus. I do not
understand it, so perhaps he can explain – (*Interjection*) I will give way.

Hon. S E Linares: Mr Speaker, this is in relation to the question that was asked previously, and
therefore whatever the number was previously, it is now minus three that number.

2375

Hon. K Azopardi: I am grateful. That clarifies, because I was not following.

2380 In relation to Question 448, which says ‘How many claims filed with the Employment Tribunal
are awaiting the appointment of a Chairman?’ he said 59. That is exactly the same number he
gave, I think about a month ago, when there was a written question of a similar statistic. That
suggests there has been at least no progress – when I say no progress, statistically – in that about
a month ago there were 59 and there are 59 now. There may have been some cases where there
has been an appointment, but there have been new cases added to the list. I do not know if that
is the case or if these are exactly the same cases that are still awaiting the appointment of a
Chairman. Is this linked? Is the Minister saying that there will be no cases where a new Chairman
2385 will be appointed until you appoint a full-time Chairman? Or is it that some of the cases will be
dealt with? And, if so, when will the Minister expect that there should be some progress, because
clearly in the last month there has not been any?

2390 **Hon. S E Linares:** Well, precisely why I have said that we were having issues in the appointment
of a Chairperson and therefore the number of cases is still static. These are the numbers of cases
that we have, and until we appoint a Chairperson – and I understand the hon. Member might say
there are more cases coming, or fewer – we try to lower it down to see if the cases can go to
mediation as well. But it is obvious that these 59 want to go to the Employment Tribunal and it is
fixed at that number.

2395 **Hon. D J Bossino:** What are the issues which are impacting on the decision in relation to a
permanent Chairman?

2400 **Hon. S E Linares:** Mr Speaker, it is very difficult to get someone to do the job full time. That is
one. And two, it is to do with the funding. It is to do with the remuneration, how we remunerate
each case and how each case ... because some cases, as the hon. Member must understand, are
more complex than others. These are the issues that are pertaining to trying to get a Chairperson.

2405 **Hon. I Azopardi:** Is the intention to offer remuneration on a case-by-case basis or on a salaried
basis?

2410 **Hon. S E Linares:** This is what we are actually looking at, to see which is the best one to do,
depending ... In a way, it is a formal negotiation with the one candidate who might want to take
on the responsibility.

Mr Speaker: Next question.

Q441/2022
Youth clubs –
Refurbishment works

Clerk: Question 441/2022. The Hon. E J Reyes.

2415 **Hon. E J Reyes:** Can the Minister for Youth provide details of forthcoming planned
refurbishment works in respect of all our youth clubs?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

2420 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Youth
Service has always had a very strategic refurbishment programme to ensure that premises are
always up to standard. The team will continue to assess the needs of all premises, so that we

ensure that any refurbishment requirements are acted upon in a timely manner, as the management team and staff are very conscious of their health and safety obligations.

2425 **Hon. E J Reyes:** Mr Speaker, I heard the Minister's answer, but I was requesting details of the forthcoming planned refurbishment works. I would at least attempt to say this particular youth club is scheduled to have the premises painted, another one is now at a stage in life where it needs its plumbing or electrical works done, or whatever. That, I thought, would have been covered by saying 'provide details of the forthcoming planned refurbishment works' as opposed to an emergency repair because there has been a water leak. If – I do not doubt – as the Minister says, 2430 the Youth Service plans ahead and within the budget says 'These are the refurbishment works we would like to do at this stage in the financial year,' I think by now we could have had some information in respect of the details of those forthcoming works.

2435 **Hon. S E Linares:** Mr Speaker, I asked for information about that, but it is difficult to have details forward looking because of the refurbishment we have done before. So what I am going to tell the hon. Member is that in 2017, our temporary home in La Laguna Youth Club went to the Glacis estate and was refurbished to meet the needs of the premises as a youth club. The Dolphin Youth Club underwent a major refurbishment programme that included the repairing of the roof in 2020, 2440 and the Youth Centre underwent a significant refurbishment programme in 2021. The Plater Youth Club has just recently had its refurbishment programme completed. We are satisfied that at least the four youth clubs that we manage are up to standard, so now what we do is continue maintaining them and when things crop up we will fix them. But the last one was 2017, which was the Laguna, and we are looking at different options from what is now the Glacis Estate Youth Club, 2445 which is the Laguna.

Hon. E J Reyes: I am grateful, Mr Speaker, that the Minister tries his best to provide information, but the information that he is providing is not what I have requested in my question. My question is any forthcoming ... in other words, what is planned for the future? Grateful as I 2450 am – and I am sure the youngsters are even happier than I am for the works that have been done in the last few years, such as the Minister has stated – if he has asked for the information and that has been provided to him, in all honesty the Minister would have to stand up and name and shame whoever is the Government official who has been paid and has not provided information to this House. Can we have some clarification? Is there something planned? Or perhaps he is completely 2455 satisfied and there is no need to incur in any other programme, at least for what remains of this financial year. But we cannot have our cake and eat it. I need that information, if it is available.

Hon. S E Linares: There are no forthcoming repairs, as the hon. Gentleman is asking, because we have done them all before. 2460

Mr Speaker: Next question.

**Q442 and Q453/2022
Laguna Youth Club –
Update re new premises; residential building on original site**

Clerk: Question 442/2022. The Hon. E J Reyes.

2465 **Hon. E J Reyes:** Can the Minister for Youth update this House in respect of providing premises for the Laguna Youth Club within their own housing estate?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

2470 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 453.

Clerk: Question 453/2022. The Hon. D J Bossino.

2475 **Hon. D J Bossino:** Please state who the new residential building at the site of the Laguna Youth Club is expected to house.

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

2480 **Hon. S E Linares:** Mr Speaker, the Youth Service will soon be getting a new, purpose-built youth club at Laguna estate. Already, discussions have been had between the Youth Service senior team and the developers, who have met to discuss the design of the new youth club. At present, the project is at the stage of obtaining planning permission. Once this has been obtained, there will be further meetings between the developer, contractor, architect and the youth work team. Further meetings have been held with the Laguna Tenants' Association and they have been made
2485 aware of the project. The youth club will be an asset to the neighbourhood.

The residential building at Laguna Youth Club is a purpose-built facility to accommodate pensioners. To date, these types of apartments have only been made available for locals who were eligible to apply under the housing scheme. These apartments will initially be offered to local pensioners who, in their day, purchased affordable homes from the Government and now wish to
2490 downsize and relocate to purpose-built facilities that will cater for their needs. This is an initiative to cater for our youth and pensioners alike, and thus has the full support of our Government.

Hon. D J Bossino: I assume, so that we are completely on the same page, this relates to the notice under the relevant section of the Town Planning Act which was dated 14th November and
2495 signed on behalf of – it does not have a name on this occasion – Community Supplies and Services Ltd, where it says that the development is at the Laguna Youth Club, Winston Churchill Avenue, details of who the applicant is, and it says that it is to construct a new residential building with apartments, day centre, elevated playground and a car park on the ground floor class E3 and so on and so forth. Is that the same one? Are we talking about the same one?
2500

Hon. S E Linares: Yes, sir.

Hon. D J Bossino: Can he advise who the developers and contractors are?

2505 **Hon. S E Linares:** As stated in the application.

Hon. D J Bossino: Yes, we have a company, which is Community Supplies and Services Ltd – presumably that is the developer – but can he identify what that company is and who the other one is? Can he just give that information?
2510

Hon. S E Linares: Mr Speaker, it is in the application to the planning. The notice of the application gives you the information of who is doing it.

2515 **Hon. D J Bossino:** It gives you the information of one entity, but there are two. Is he saying that that entity represents both the developer and the contractor? We only have information in relation to one.

Hon. S E Linares: We only engage with the developer, not the contractor.

2520 **Hon. D J Bossino:** Fine, but he has referred to a contractor. Does he not have the name of the contractor?

Chief Minister (Hon. F R Picardo): Mr Speaker, it would be unusual to have the contractor before the planning permission because you have not got permission to build the thing yet. The engagement with the contractor is once the planning permission is provided, because a lot of that will be about the internal layout etc.

Hon. D J Bossino: Is he saying that at this stage the Government does not know who the contractor will be?

2530 **Hon. Chief Minister:** Not that we do not know who the contractor will be, but that we are not engaging with the contractor. We are engaging with the developer until the developer formally engages the contractor. That formal engagement has not happened yet, and so it would be premature to talk about the contractor at this stage. *(Interjection by Hon. D J Bossino)* Potentially – very unlikely, but potentially.

2535 **Hon. E J Reyes:** Mr Speaker, coming back to my original question, it is certainly good news that the Laguna Youth Club is moving back to premises within its estate. Can I ask: in comparison to the size of the premises that the youth club used to previously operate from, is the new building – which has to incorporate, now, houses and parking and so on ... will this actually give more internal and secluded external area to the youth club users, or will they lose out in favour of the flats and the parking spaces?

2540 **Hon. S E Linares:** Mr Speaker, I can guarantee the hon. Member that what has been planned will be big areas outside and a big area inside, which the Youth Team, the Tennis Association and everybody we have engaged with are very satisfied with, the excellent youth club that will be there at the Laguna.

2545 **Hon. E J Reyes:** I am glad to hear that, Mr Speaker. I know perhaps I am being a bit liberal, but does the Minister have any information in respect of the temporary premises that are being occupied by the Laguna Youth Club, which actually is physically inside the Glacis Youth Club? Will those premises remain as used, for youth services, or does he have any other plans envisaged for them?

2555 **Hon. S E Linares:** Mr Speaker, the hon. Member remembers that used to be the St Theresa's Parish Hall, which used to belong to the Church – or at least the Church used to hire it out, or whatever. It used to be Father Charlie's storeroom, where he used to store every single piece of furniture he could find, and it was full up to the brim with furniture.

2560 What we did, because of the demand for schools, which we are so proud of having – two magnificent schools, which are St Anne's School and Notre Dame School – is we moved the Laguna from where it was originally ... I always was of the opinion that whilst we were doing construction and all the schools, it was imperative that we had, at least, premises for the youth club. That is why we moved the youth club to the Glacis estate. I am pleased that at least during the years that there has been construction, there has been a lot of work being done by the Youth Service in that youth club.

2565 Now I am happy to say that they are going to get a purpose-built youth club which will have all the amenities that they need, and it will be obviously much better than the Glacis estate one. What will happen to the storeroom, or whatever, as in where it is now, I do not know. The hon. Member will probably have to put a specific question on that, to find out what is going to happen after we leave the Glacis estate old Parish Hall.

2570

Hon. E J Reyes: I am grateful for that. The Minister has been as informative as he can be. I am sure, given the way the Minister finished his answer, Mr Speaker might allow me, say in four months' time, to ask the question as a follow-up because the Minister is obviously saying he does not know at this particular stage what is going to happen with those premises.

2575

Hon. S E Linares: Mr Speaker, I would assume they would go back to Father Charlie, who is the original owner, but again, I am just speculating. It used to belong to the Church, so ...

2580

Hon. E J Reyes: I accept that. Just a small clarification for the record: it does not belong to the Church. I am talking as a primary source of evidence in that respect. Going back to the 1980s, it was something that was licensed out to the Church. We are grateful to Father Charlie, the current parish priest, or priest in charge of St Theresa's, for his co-operation with Youth Services. I do not think there would be a major uproar if it goes back to community use, even if under the management or chairmanship of Charlie, but technically it does not belong to them. It is a Government property within a Government housing estate, which the Government is legally entitled to use for whatever purposes the Government of the day may decide.

2585

Mr Speaker: Next question.

2590

Clerk: Question – *(Interjection by Hon. D J Bossino)*

Mr Speaker: He has a supplementary.

2595

Hon. D J Bossino: Yes – a supplementary, though, Mr Speaker? There is a lot of information that I think requires quite a number of supplementaries in the answer that the hon. Member has given. There is a way of doing this. I will have something like four or five, but I think it is in the public interest to have this information coming out here today, rather than wait until the next session of the House.

2600

Mr Speaker: Is the hon. Member not pre-empting the replies? Remember that a supplementary flows from a reply given to an earlier supplementary. Please continue with the supplementaries.

2605

Hon. D J Bossino: Thank you, Mr Speaker.
This clearly has Government support. The hon. Member has provided us with the answer in relation to this development. This is a company which is featuring in respect of many other developments and is the subject of further questions on the Order Paper, Community Supply and Services Ltd. Can I ask him, firstly, who is going to be paying for this development?

2610

Hon. Chief Minister: Mr Speaker, the Minister with responsibility for the National Economic Plan is not here today. I do not think it is something that the Hon. Minister for Youth should be dealing with. If the hon. Gentleman wants to ask when Mr Bossano is here, he will be here tomorrow. He has just landed in Gibraltar now.

2615

Hon. D J Bossino: Mr Speaker, I do not have the power or authority to organise how the Government answers the questions. The question has been laid. I do not think it identified any particular Minister, but the Minister for Housing is the Minister who has given the answer. If, with Mr Speaker's permission, one can be allowed to ask that question when the Hon. the Minister for Economic Development is present in the House, then I am willing to take that route.

2620

Hon. Chief Minister: Mr Speaker, what he can do, which would be in order, is lay a question in respect of that company, and then the person with responsibility would be able to answer it.

2625 This is arising out of an answer because the hon. Gentleman has referred to the application to the DPC which is signed by that company, but the question is about the youth club, not about the company that is developing it.

Hon. D J Bossino: With respect, the hon. Member has answered two questions. My question is not in relation to the youth club, it is in relation to the new residential building, and I think, given that the hon. Member has not provided that answer, it flows from that answer that I am entitled to ask who is going to be paying for it.

2630 I am surprised that neither the Minister nor the Minister responsible for Finance are able to answer this question in the House and they need to wait for Sir Joe to land in Gibraltar and answer the question for them.

2635 **Hon. Chief Minister:** That is not what he has been told, Mr Speaker. First of all, he does not have to wait for Sir Joe to land in Gibraltar because Sir Joe has landed in Gibraltar. Second, it is not that we cannot answer, it is that the person with responsibility for that is not here. The issue that is being raised, about a youth club and about the building in which the youth club is going to be housed, has been answered by the Minister with responsibility for youth, but he is asking about a particular company and the person with that responsibility is not here. If the hon. Gentleman wants to be formalistic about it, he should simply file a question at the next meeting of the House about that company.

2645 **Hon. D J Bossino:** Mr Speaker, let's try ... (*Interjection*) Yes, the cost of the development, which I think arises from it, but we have the answer we have had, and I suppose we need to accept it.

Mr Speaker, what type of construction will it be? Is it a modular type of construction, like in relation to the other developments at Coaling Island?

2650 **Hon. S E Linares:** Mr Speaker, it is going through the planning stage and the Chief Minister has just said that we still do not know the contractor. How can I now state what type of building the construction is going to be?

2655 May I also say, in relation to the previous thing the hon. Member has asked who the building is expected to house, so the question is specific to who it is going to house, not who is going to build it, how much it is going to cost and all that. The hon. Member can put all these questions, but it says who is it going to house. I said it will house pensioners and I read out who it is going to house, so I have answered the question.

2660 **Hon. D J Bossino:** The hon. Member has not answered the question as to the type of construction. He does not have that information available, and that is fine. (*Interjection*)

Mr Speaker, all these questions are supplementary. I am entitled to ask them and they arise from the answers given. You would have expected the Minister to be properly briefed and not to have to pray in aid another Minister who is obviously the individual who is the architect behind all of this, and not any of them here present.

2665 But anyway, Mr Speaker, the third question. Third time lucky, maybe. How many units are envisaged to be built?

2670 **Hon. Chief Minister:** Mr Speaker, it is a bit rich, coming from an Opposition where we have seen many of the Members asking questions in respect of individuals who are not here, that they should be referring to a Minister who is not here because his questions were not listed for today and he was travelling because he is out doing his ministerial business.

It is not a question of the hon. Member being briefed or not being briefed, it is a question of what are the questions that they asked. Now he is going off to ask us about the type of construction. Well, they could ask me about any of the projects that I am responsible for. I could be entirely properly briefed on any one of those subjects and I might not be able to tell them

2675 which type of joist the engineers are going to use in the context of the particular building. The
hon. Gentleman is asking a question that can be said to arise because it relates to the same subject
matter, but which goes to the engineering aspects of the development. I cannot think that it is
appropriate to criticise a Member for not being properly briefed simply because you do not have
that level of detail and simply say it is because another Minister is the architect. That is, frankly,
2680 not fair and I do not think it is conducive to elucidating information – which the hon. Gentleman
has not been told he will not have; he has just been told to ask for it and then we will bring it. If
the hon. Gentleman asks what type of construction is going to be used, the hon. Member will get
from the relevant individual what type of construction is going to be used, and it might, if it were
to be modular, not be simply the type that is going to be used in Coaling Island; it might be the
2685 type that have been used in many other places.

Therefore, Mr Speaker, I think that we have provided the answers. We are properly briefed.
There is no question of the hon. Gentleman being able to suggest that we are waiting for another
Minister to be able to provide the answers because he is the architect. It is that they are asking
about an area of responsibility which he has said, already, publicly, and they know he is dealing
2690 with because we are the only ones with a post-Brexit National Economic Plan and he is the
Minister with responsibility for it.

Mr Speaker: I do not think that the Hon. Minister could have anticipated all these rather
technical questions, but I do understand you want an answer, so either you speak to the Minister
2695 and give him the questions that you wish to put and he can provide that in his own time, or you
wait to tomorrow, or you submit the questions in the December meeting of the House. Those are
the three options.

Hon. D J Bossino: Mr Speaker, I will wait until tomorrow. If I am allowed to do that, I will wait
2700 until tomorrow, but I think we need to be careful about one thing. We need to be careful about
not being lulled by the Hon. the Leader of the House into the characterisation that these questions
are in any way so detailed, going into the engineering of it, that the hon. Members opposite, any
of them – how many of them are there in the House today? – are not able to answer and that they
need to wait for Sir Joe.

2705 I had no intention of pointing out, as he suggested earlier, Sir Joe Bossano's non-presence in
the House. I had absolutely no intention of doing that. (*Interjection*) No, I asked the question and
he, the Hon. Minister for Housing, has decided to answer it. That is not anything to do with us. So
he should have been here ready to answer the obvious questions which arise from the answer
that he has given. It is not correct for the hon. Member –

2710 **Hon. Chief Minister:** Point of order. (**Hon. D J Bossino:** No –) Point of order, Mr Speaker. My
point of order is this. You, Mr Speaker, have ruled that the Hon. Minister could not have
anticipated the question, and the hon. Gentleman, in what he is saying now, is, in my submission
to you, challenging your ruling. You have already ruled on whether that was an issue that arose
2715 from that question, and you have ruled it was not.

Hon. D J Bossino: Mr Speaker, in response to the point of order, may I ask for your confirmation
that what, in my view, was simply a remark and an opinion over the dicta, and not a ruling, as he
again is trying to characterise it, to put you on the spot ... That was not a ruling, Mr Speaker, as far
2720 as I am concerned.

Mr Speaker: I could very easily call it a ruling, but in this instance I think I have to come back
to what I said earlier on, that the Hon. Minister could not possibly have anticipated the
supplementaries. Of course, one piece of information that he gave was the name of the developer,
2725 which is what you, hon. Member, were hoping he would disclose, which meant that you would

then press for all that information, but I think it is rather unfair to ask the Hon. Minister to respond in that respect.

2730 I do not want to make it a ruling, but you must understand what I am saying, and if you want the information you have the option. I am sure the Hon. Minister would not mind providing the information if you give him the supplementaries behind the Speaker's Chair and he can give the information to you in due course. Or, although it has never been done before, we might change the practice and allow in this instance for the hon. Member to ask the Hon. Minister responsible. Or, ideally, you can come back in December and ask the questions afresh in the form of individual questions which are the supplementaries which you have prepared for this particular question.

2735

Hon. Chief Minister: Mr Speaker, thank you.

2740 The practice has built up in this House – I know not under which rule – of hon. Members in the Opposition frequently saying to you, 'Can I go back to a Question 405?' the day after Question 405 was answered, or hours after Question 405 was answered. So they can avail themselves of the latitude that you have given them in that respect. I am surprised the hon. Gentleman feels otherwise.

2745 Secondly, Mr Speaker, I am surprised at the approach that the hon. Gentleman has taken, referring to your rulings as being potentially not deciding a particular issue. The practice under *Erskine May* is that when the Speaker speaks, his word is law. That is to say you do not have to be asked to make a ruling on something for what you have decided to have been decided – that is to say *res judicata*, Mr Speaker – and therefore you have decided that what the hon. Gentleman was being asked for did not arise from his question. There is no *obiter* element to that. It is a ruling, whether you call it a ruling or not. And when you tell us to sit down, you do not get up and say, 'Well, Mr Speaker, can I ask you to rule that you are asking me to sit down?' Your word is law.

2750 That is the way that this match is run.

2755 **Mr Speaker:** I have to say again that in all the time that I have watched the proceedings of the House of Commons, I rarely have ever seen a Member of Parliament challenge the Speaker. Rarely. Here, it has become a matter of course. This is not something that has happened during my time, this has been going on for years, but it is now coming back to haunt this place.

The reality is that if I say something, you should not challenge unless I made a rather big error – then I am quite happy to listen. But frankly, you should not be challenging. I have given you, now, options. So let's refocus, choose the option and then hopefully we will get where you want to get.

2760 **Hon. D J Bossino:** Mr Speaker, there was absolutely no intention of challenging you. I was simply getting up because of the characterisation of the Leader of the House's remarks. That is the only point I made, and I stand by it, with all due respect.

2765 There was a question in the melee which had nothing to do with what the Hon. Chief Minister describes as a technical question that he is unable to answer and the Minister could not possibly have thought I was going to ask. But the question was asked, and I think surely that is a question the hon. Member can answer, which is how many units? The question was asked. Is that something which the hon. Member does not have available to him?

2770 **Mr Speaker:** If the Minister is unable to answer the question because he does not have the information, that is his answer – full stop. And if later on you wish to pursue it, then you can ask the question in December. It is very simple, with respect.

2775 **Hon. D J Bossino:** Mr Speaker, no challenge on my part, but was there an answer? Is the answer to the specific question as to how many units we are talking about here given? Is the answer 'I do not have this information with me – the Hon. Sir Joe Bossano will answer'?

Mr Speaker: We are not even going to go down that stage now.

What you are going to answer is his question. Do you have the information? No. Then what we do is next time round, in December, they ask the question first.

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Hon. Chief Minister: Mr Speaker –

Mr Speaker: We are not even going to go down tomorrow now. This man, the Hon. Minister, will give an answer. The answer is that he does not know, or he has not got the information. He has not got the information: fine.

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Hon. Chief Minister: Thank you.

Mr Speaker, I want to record, because this is hugely important, that in standing up, the hon. Gentleman once again, as *Hansard* will show, has challenged that your ruling is your ruling, and I think that it is hugely important, whether we are on the receiving end of rulings or not, that we accept your rulings are rulings – full stop. We might sometimes not like them, but my advice to the hon. Gentleman is that in the run of play we usually get 50/50 each, and just to accept that.

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Hon. D J Bossino: But, Mr Speaker, no. Why is the hon. Member doing your job? That is what he is doing. He is doing your job. *(Interjections)* No. He is putting –

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Mr Speaker: I have to say that that is below the belt.

To you. You cannot say that. You cannot accuse the Speaker of toeing the line or accepting what the Chief Minister has said as the way forward. It is absolutely out of order. It is out of order.

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I am going to try to refer to you what I told Members – if I can find it – in October. I have not got it here, but one of the things I said – and it was as a result of the issue we had with the Hon. Daniel Feetham – was that you cannot challenge the Speaker. It is disrespectful and unacceptable. You just cannot do that. It is not done in the House of Commons; it should not happen here. I know it has been happening for years on end. I know it happened with the last Speaker, Speaker Canepa, and he had difficulties because there were challenges left, right and centre, and even before that, but frankly it is not acceptable. No challenges.

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What I am saying is that if you have an issue with any decision I take, then please come and see me. We will deal with it behind the Speaker's Chair, or you write to me. We are here for a purpose and the purpose is for the Government to be held to account by the Opposition for its actions, the answers that it gives, its policies etc. I allow that. That is how it should be. The Government have got to account for what they do in this Parliament. That I allow, but if an hon. Member is unable to answer the question because, in his estimation or anticipation, that potential question was not brought into play – *(Interjection)* then you need to accept and not try to build something out of virtually nothing.

2810

As I said, there are the two ways forward now – not three, two. *(Interjection)* No, because you ... Either you speak to the Hon. Minister and seek the information behind the Speaker's Chair, and then I will give you the opportunity in December to ask further supplementaries on it, or you come back in December and ask those supplementaries as questions. I think that is pretty fair.

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Hon. D J Bossino: Mr Speaker, simply to make the point that there is absolutely no intention on my part to challenge you. That was not the intention. I do not think, in fairness, that that is what I did. But if I may ask one –?

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Mr Speaker: I am grateful for that.

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Hon. D J Bossino: May I ask one question? I think there can be very little doubt that arises from the answer he has given, and let's see if this, now, on the fifth occasion, he is able to answer. He said, as I understood it, that the policy in relation to the allocation of these pensioner flats is now going to be relaxed, opened to include those individuals who are benefiting currently from the

2830 Government's housing scheme. Can he tell us what the policy is going to be in relation to the sale of those flats? Presumably they would be downsizing. Does he have that information available to him on what the policy is and can they sell at market prices, things like that, or will that be subject to some control?

2835 **Hon. S E Linares:** Mr Speaker, I refer the hon. Member to the answer I gave before, which I am going to repeat. The residential building at Laguna Youth Club is a purpose-built facility to accommodate pensioners. To date, these types of apartments have only been made available for locals who were eligible to apply under the housing scheme. These apartments will initially be offered to local pensioners who, in their day, purchased affordable houses such as Montagu
2840 Gardens and all the others from the Government and now wish to downsize and relocate to purpose-built facilities that will cater for their needs.

It is very clear who we are targeting, the people who are going to have the opportunity. I hasten to say the hon. Member Mr Reyes will be able to buy his house because he came to this House and said, 'I would like to buy a pensioner flat as well.' He came here and he said it. He will be able
2845 to buy, if he wants to. This is the type of market that we are looking at.

Hon. D J Bossino: With all due respect to him, he has read out the answer again. I paraphrased in my introduction to my supplementary question what I understood to be the answer, and I think I have understood it correctly. What I am talking about are the sale terms, whether there is going
2850 to be any control in relation to the sales. And so, when those individuals want to – as he puts it and I set it out for him in my preliminary to the question – downsize, how can they do it? Is there going to be any control in relation to that? That was my question. He has not answered it.

Hon. Chief Minister: Mr Speaker, if that is his question –
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Hon. D J Bossino: Yes, it is.

Hon. Chief Minister: – then the characterisation that he made of the answer was not, in our view, accurate.

2860 First of all, the apartments will be available for sale, so this is a different situation to the situation where we develop housing for rental for pensioners, where somebody is renting from us a larger property and we move them to a smaller rental so they release the larger property. This is a property that will be made available for sale. The criteria of who they will be sold to will be published, so that people understand what the opportunity is. The price will be published. The
2865 resale price and any potential entailment of the obligation to sell back to the developer will also be published and is being developed as we speak. Whether that entails the potential to hand to the Government a property in ownership of the pensioner rather than sell, or whether there will be restrictions on to whom the pensioner's property will have to have been sold ... All of that is to be developed and published in the same way as we published the criteria for eligibility for
2870 purchasing affordable housing, which hon. Members will have seen in the press releases that we issued at the time, which set out the priorities and who would have first priority etc. All of that is to be settled and published, so that anybody who is interested will see objectively what that criteria is.

2875 **Hon. D J Bossino:** One further supplementary. I am grateful for the reply. I understand that this is full criteria which will be set out in writing when the appropriate time comes, and on that basis perhaps the Minister's reply was simply an overview of what may happen, but he specifically mentioned those who currently enjoy affordable housing. When he talks about the possibility – and that piqued my interest in terms of those individuals who may surrender their ownership of
2880 the privately owned flats – would that be limited to those who perhaps own on a 100% basis those schemes in the affordable homes, or can it be anybody else?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is giving an overview and I am giving an overview because the specific criteria will be set out.

2885 It is potentially not something that will be limited to people who are in affordable housing. Affordable housing comes into play as the manner in which a lot of our community ended up as homeowners rather than as renters from the Government, or renters from third parties, because if you are renting from the Government or if you are renting from a third party, you are eligible to be on the housing waiting list and therefore you are eligible for a pensioner flat. We have a large rump of people since the what we might call Bossano home ownership revolution of the late
2890 1980s, who, instead of relying on the Government to rent, bought, and those people who bought are getting just as old as the people who rented. The people who rented are able to move to a pensioner flat because they release a larger flat to the Government, and those who buy are sitting on potentially a very attractive capital gain but they then cannot sell to downsize without using all of their capital, or potentially, in an unattractive way, tying up all of their capital late in life. So the
2895 opportunity is to provide something for those types of people who unencumbered the Government from housing them by buying privately and who now would not be able to put all of their capital gain to work to buy something smaller.

This is not an easy criterion. I think we have debated it a little bit in this House; we have debated it a lot internally. We are trying to set it out in a way that is fair. Talking about affordable housing
2900 is the shorthand, but it is actually something that is likely to be available to anybody who is of pensionable age, is a homeowner and is downsizing, but the Government may need to curtail how the gain is realised or may be advised that we cannot curtail how the gain is realised on affordable property which you own 100% or which you own 50% of, non-affordable property that you own entirely, etc.

2905 So it is a moving feast. The policy is being developed. My view is that the only way we will be able to have a policy is if we have an imperfect policy, because there are no perfect policies. As we know from the criteria for affordable housing, whenever you finally think that you have made the right decision and you put it out in writing, 30 other instances come up which you considered but you had to deal with and you had to put another group in priority. So we will do that. We will
2910 set it out as the manner in which these properties will become eligible for purchase by pensioners. I hope hon. Members will agree that we will be doing our best to ensure that these types of persons are able to purchase these properties with the right level of priority and in the right way, as we have debated in this House in some instances, which I hope, when we set it out, will not curtail the very generous offer that the hon. Member made across the floor of the House that
2915 certainly Edwin Reyes will be able to buy. We are talking about that type of purchaser of affordable housing in the past.

Hon. D J Bossino: Mr Speaker, there is one question which I think is also of public interest, and when people hear the reports about this question and answer session will be asking themselves. I appreciate that the Government may not be able to have that information available to them.
2920

Simply to add an aside, I think it was the Canepa administration that started with home ownership, but it was at the tail end. But anyway, that is a historical point. Clearly, Sir Joe Bossano, in his first administration, went ahead with that policy with much greater vigour.

The question is this: does he have an idea as to timings as to when these still unknown units
2925 will be completed and available for sale? Presumably, around about that time is when we will know what the criteria will be in terms of actual access and purchase of these units.

2930 **Hon. Chief Minister:** Mr Speaker, I was talking about affordable housing. We can have a debate, if the hon. Gentleman likes, about Brympton and vineyards and when they were brought into the affordable housing net, when the bankruptcy of Brympton happened and how it was saved and all the rest of it. I think anybody who looks at the history of Gibraltar will say that even though in his mid-century he has become extraordinarily *arisco* when it comes to Sir Joe Bossano, his initial approach when he was in his teens, which was to praise him for the affordable housing revolution in Gibraltar, was the right one.

2935 As to timings, I have an idea of timing but I do not want to commit. I do not want to say it is going to happen in three months because if it happens in four months I will be told I was trying to mislead the House.

2940 This is something we have to get right. The process of application to the DPC has already commenced. I would actually venture to say that we are likely putting our toe in the water with this because I think we are going to find that this is an area of potential growth. I think that we need to ensure that with this we also provide for circulation. So I will put out there that I think what should happen is that people should buy for their lifetimes and that the estate of those individuals should be made whole once they no longer need that property, which is likely to happen either because they go to a nursing home or they pass away. They get back what they invested with some, perhaps, cost of money, but that property then becomes available again for 2945 the same type of individual. Otherwise what you end up with is that you have developed properties for pensioners to buy that, when the pensioners die, are filled by the teenage grandsons of the pensioners. So, in order to ensure that it is always a pensioner flat, when the pensioner dies the flat has to be once again put into the pool of pensioners. But the pensioner's family and estate should not lose out, so they should have the money back that they invested in 2950 there, plus, perhaps – and I am giving hon. Members my thinking; we may end up with something completely different – either the cost of money over that period ... Say, for example the pensioner has had that flat for 20 years. You look at what interest rates or inflation have been in that period and you say, 'You bought it for £100,000, the estate now gets £160,000,' although the market value of that property might then be £½ million. Or you say, 'You get 5% a year for every year that 2955 you live here, and if you live here for 20 years somehow ...' But it then has to come back into the development estate, so that it is then available for the next pensioner, because that is what is going to create the circularity.

2960 Hon. Members might or might not recall the, in many respects excellent, speech that the former Chief Minister gave as his valedictory in the Budget for 2015, I believe, where he said one of the things that Gibraltar needs to resolve is that at some stage you have to stop building affordable property because you run out of space. Even if you reclaim to – forget the three-mile limit – the 12 mile limit, you eventually run out of space. So how do you create that circularity in the market? This is not a perfect way of doing so, but it is a way of putting our toe in the water to start to create an element of circularity in the market. If you are offering something which is the sort of one-bedroom which we would otherwise be renting, so that people are releasing their 2965 properties and perhaps not at top market capital value, perhaps they can get less All of those are the things that we have to put into the equation.

2970 I am giving the hon. Member, very honestly, my thinking. He has seen my policy guts on this, but we have not yet fixed on any particular issue to be able to deliver something that we think is important. I think both sides of the House would agree, even if we then disagree on the priorities and how you would set out the criteria. But I think we have all agreed that this is something that needs to be addressed in some way, not just for the Hon. Mr Reyes.

Mr Speaker: Next question.

Q443/2022
Skateboard park –
Plans to relocate

2975 **Clerk:** Question 443/2022. The Hon. E J Reyes.

Hon. E J Reyes: Does Government have any plans to relocate the skateboard park which was previously open at the north-east end of Victoria Stadium complex?

2980 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, His Majesty's Government of Gibraltar has plans to relocate the skate park to the park that will replace the existing Romney Hut car park. I am sure the hon. Member knows where that is. The Skate Park Association is already aware of this and is working with Government.

2985 **Hon. E J Reyes:** Does the does the Minister have a timeframe by when we should see this actually happening?

2990 **Hon. S E Linares:** Since it is in conjunction with the park, I cannot ... They are together, so whenever the park is going to happen – which we are all hoping is soon – it will be done.

Q444-45/2022
Government housing stock –
Notices to quit and proceedings

Clerk: Question 444/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2995 **Hon. E J Reyes:** How many notices to quit has the Government issued to tenants, licensees or trespassers of Government housing stock in the last six years, identifying (a) the category – that is tenants, licensees and trespassers; and (b) the year?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

3000 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this together with Question 445.

Clerk: Question 445/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

3005 **Hon. E J Reyes:** How many proceedings have been issued by the Government to tenants, licensees or trespassers of Government housing stock in the last six years, identifying (a) the category – that is tenants, licensees and trespassers; (b) the year; (c) which court proceedings were issued in; and (d) the outcome in brief terms?

3010 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Hon. S E Linares: Mr Speaker, in answer to Question 444, notices to quit can only be issued to tenant or licence holders. Trespassers are simply trespassers and can, therefore, not be issued with a notice to quit.

3015 Nonetheless, the information being sought by the hon. Member going back so long is a very laborious and intensive task, and it would not be possible to provide accurate information to the House for anything over three years. The information I can provide is as follows: 20 notices to quit were issued to tenants and licensees in 2020; 18 notices to quit were issued to tenants and licensees in 2021; 17 notices to quit were issued to tenants and licensees in 2022.

3020 In reply to Question 445/2022, I now hand to the hon. Member a schedule with the information requested.

Answer to Q444/2022

Year	Category Tenant/Licensee	Proceeding Location	Outcome
2020	24	7 proceedings withdrawn	
		15 were successfully completed without the need to go to court	Tenancy Terminated
		1 in the Magistrates	Court Eviction
		1 Tribunal	Restoration Notice issued was Upheld
2021	18	7 proceedings withdrawn	
		10 were completed without the need to go to court	Tenancy Terminated
		1 to the tribunal and later to the Magistrates	the magistrates overturned the tribunals decision
2022	28	3 proceedings withdrawn	
		13 were completed without the need to go to court	11 Tenancies Terminated & 2 repayment agreements reached
		3 to the tribunal	x2 are ongoing, x1 Termination of Tenancy Notice issued was overturned by the tribunal
		1 referred back to the Tribunal by the Magistrates	Ongoing
		8 ongoing	7 Evictions ongoing & 1 rent recovery proceeding ongoing

Year	Category Trespasser	Proceeding Location	Outcome
2020	3	3 Magistrates	Eviction
2021	7	5 were completed without the need to go to court	Evictions
		1 currently under Judicial Review	Ongoing
2022	0	1 Magistrates	Ongoing

3025 **Hon. E J Reyes:** Mr Speaker, can I ask, in the meantime, why is it not possible to provide the figures requested under Question 444 beyond the three years? I am presuming that the Housing Department must keep some records – at least a copy in their file – of who has been issued with a notice to quit, even if the Minister has to add that there could be a small discrepancy, but at least an indication ... I do not know – I am not legally trained – so perhaps one of the colleagues on that side can enlighten me.

3030 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was very interested to see the answer to the question the hon. Gentleman asked, so I was very pleased to see that we had a schedule which provided it, but I understand that the difficulty in providing it for earlier years is that it has to be done on a file by file basis. There is not a file ... This may sound peculiar, but there was not one in Adolfo Canepa’s time, in Joe Bossano’s time or in Peter Caruana’s time that is the file of notices to quit or eviction notices. The notices go into each of the relevant files, so if Roy has been given notice to quit, it goes in his file, and if Fabian has been given notice to quit, it goes in his file. You would have to literally go through all the files to find the relevant notices to quit.

3035 I think what we can agree to do, if it is helpful – and I think it will be helpful to everyone – is if hon. Members are interested in this information – I certainly am – I think we could agree to keep this information going now and add it to the Government statistics page from now on, so that it continues to accumulate and we have a statistic going forward, even though we cannot have it going back.

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Hon. E J Reyes: I am extremely grateful for that explanation. Yes, I concur wholeheartedly with the Chief Minister. I think we should ensure that this statistic is now being kept properly.

3045 As the Chief Minister will appreciate, although I had a bit of information on this question ... Due to his absence from Gibraltar, Mr Feetham is not able to be here today. Should it so happen that Mr Feetham has a particular case, or something, I am sure the Chief Minister and the Minister for Housing would not mind if Mr Feetham then wrote to them directly if he wanted to pinpoint a particular case.

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Hon. S E Linares: No problem, Mr Speaker.

Hon. D J Bossino: Mr Speaker, I have a question. Presumably, following on from the Hon. the Chief Minister's reply, we are able to have that information from 2020 because the filing system has changed. I think that is the implication of what he said, and maybe they can confirm whether that understanding is correct.

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3060 Secondly, when he talks about it being too laborious to obtain that information over the period we sought, which is the six-year period, is it laborious in the sense that you have to provide the answer within the limited time period from when we file the questions to when you need to prepare the answer to this House? Would it be less laborious if the Department had more time to look into that and provide that information?

Hon. Chief Minister: The hon. Gentleman, I think, needs to reflect on the answer that I have given him. Certainly in the time available it becomes impossible, but to have somebody just going through files, pulling them out of storage and going through files just to obtain a statistic going back ... We would have to do a cost-benefit analysis and I think we would probably all agree that we want people to be doing the work that needs to be done today – and to maintain this statistic, I agree, because I think it is a helpful one to have, but to have somebody just going back for the statistical purpose, unless there is a very good reason to do so I think would not be the best use of public resources.

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3075 As Mr Reyes has said, if Mr Feetham believes that there is a good public interest reason for doing so, then we will consider it, but at the moment I would have thought that we have provided. We have employed the resources in the time available and we will have the information going forward.

Hon. D J Bossino: Does he have a comment to make in relation to the numbers that he does have? And perhaps he may be aware anecdotally, given the portfolio he holds as the Minister for Housing ... are these numbers average numbers which do not raise an eyebrow? Can he comment on the numbers?

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Hon. Chief Minister: I have been involved in housing for 10 years. Hon. Members on this side of the House have had different responsibilities. I can tell him that there is a fairly regular drumbeat of people telling us of properties that are empty and us going to check them. At the same time, without relying on what people tell us – and I assume it was the same in their time – we also get the opportunity to check through meter readings, which we do every couple of years, because you need the meter readings to accumulate and you need to also then discount people who are genuinely away from Gibraltar for good reasons.

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3090 The principal reason for eviction is people not using the home, but then of course you might find that somebody has not been in the home because they have been in Calpe House for eight months, so you then withdraw the eviction notice. Or there may be other reasons why there have been difficulties with the meter. In some instances, the meter may be blocked and we have not been able to charge amounts due, but the meter reading is coming up as zero and there is a problem with the meter.

3095 Then there are instances of people who are staying in a property that they are not entitled to stay in – for example, a grandchild in a property that is in the name of a now deceased grandfather. As Hon. Members will know, the law provides that a child of a person who is a tenant is able to

not inherit but be registered under the Housing Act as a tenant. So a child could, in some instances, stay – or be moved to a more appropriate property, if that property is too large – when the parent is deceased, but a grandchild or a nephew, or somebody who is not related but who was living there and did not have permission to live there would not be able to continue to live there. In some instances, that has been with notice to the Department, so they are not trespassers and they have to be given a notice of eviction. In many instances, that is resolved by adequately housing that person in the right size property, not in the size of property that they were in.

That is the drumbeat of things. You then have periods where you have, as the hon. Gentleman knows we are dealing with now, instances of large numbers of anti-social behaviour, so you have perhaps a spike of eviction notices related to that, but even that evens out over the years, so you are not seeing huge spikes.

I would say, ironically, that it is in the years when affordable housing is developed that people are leaving government tenancies to go to affordable homes, that you are then left with people behind in government tenancies who should not be staying in that government tenancy, where you then have more eviction notices and you are producing the churn that you need to produce, which you might not otherwise be able to produce.

I hope that is helpful.

Mr Speaker: Next question.

I believe that the Hon. Edwin Reyes had a supplementary, which I did not see.

Hon. E J Reyes: Thank you, Mr Speaker, it is a very short thing.

In the table that the Minister kindly provided in the answer to Question 445, most of it is self-explanatory, except for in the year 2020 when it says ‘Proceeding location 1 Tribunal’. Then the outcome is ‘Restoration Notice issued was upheld’. If it is a government property restoration notice issue by Government itself, there is no straight logic. If the Minister does not have the answer now, I can wait for it at some other stage in the proceedings of the House, and then, with Mr Speaker’s leave, he can provide us with the answer.

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Mr Speaker: May I suggest that in the future the principal questioner should complete all his questions before allowing a colleague to come in and ask their questions? Otherwise, we get the issue here, where I decided no more questions, when you were the principal questioner. Okay?

Hon. S E Linares: Mr Speaker, I think if I remember correctly, this was a case that went to the Tribunal. The client, I think, wanted to take it further as an appeal to the Magistrates Court. The judge ruled that it had to go back to the Tribunal and the Tribunal just upheld the restoration notice. It was to do with something that you are knocking down, that you are actually **4.40.42** Before you do anything in a government house, you have to go to a Lands panel and there is a process. I think it was something ... If the hon. Member can write to me, or whatever, I can give him exactly what it is, but if I remember correctly, it was something to do with that. Somebody had done a wall or something, or knocked down a wall, and they were taken to the Tribunal. Then they wanted to take it to court and then they wanted to come back. So it is one of those.

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Q446-47/2022

ETB –

**Number and nationality of Gibraltar residents registered unemployed;
number and nationality of persons not registered but seeking employment**

Clerk: Question 446/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

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Hon. E J Reyes: How many Gibraltar residents are registered with the ETB as unemployed, and what are their nationalities?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this together with Question 447.

Clerk: Question 447/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

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Hon. E J Reyes: How many people, if any, are registered with the ETB as searching for a job but not registered unemployed, and what are their nationalities?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

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Hon. S E Linares: Mr Speaker, with respect to Question 446/2022, the hon. Gentleman is well aware – when I talk about the ‘hon. Member’ I talk about the hon. Member who asked the question, as opposed to Mr Reyes – that it is the practice of successive Employment Ministers to relay the unemployment figures on a quarterly average. In accordance, therefore, with this established practice, I am happy to advise you that the quarterly average at the end of the third quarter of 2022 was 22.

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Hon. E J Reyes: Mr Speaker, I understand the Minister was trying to explain his answer and he says at the end of the third quarter there was an average of 22, but the original question asks for nationalities. Does he have a breakdown of those?

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And whilst I am on my feet, is there any answer to the question that was joined up, which was Question 447?

Hon. S E Linares: Mr Speaker, I have a note here – because I remember asking about the nationalities but there was an issue on that – and it says persons registered with the Department of Employment who are searching for a job are registered as unemployed, as the register is kept in accordance with Regulation 15(2) of the Employment Act. The Department of Employment provides services to any person in registered employment in Gibraltar who may wish to seek alternative employment, who requires support and guidance in CV writing, interview skills and application. But it does not answer the hon. Member’s question, which is the nationality. I remember asking, but there was an issue why they did not want to give the nationality and it is to do, I think, with the issue of quarterly ... At one given point are we having a French person on the list or a Spanish person on the list?

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Hon. Member: It is an average figure.

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Hon. S E Linares: Because it is an average figure, it is very difficult to ascertain the nationality at one given point of the list, yes.

Q454/2022
Mid-Harbours parking –
Plans for unoccupied spaces

Clerk: Question 454/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Does the Government have any plans to deal with parking spaces which lie unoccupied in the Mid-Harbours estate?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, once the review of the Housing Act is complete, together with the Housing Allocation Scheme and tenancy agreements, the available parking spaces from households who do not need parking, do not want parking or do not meet the requirements to be allocated a parking space, will be rented out to tenants of the estate who wish to have a second parking space, at a higher level of rent. The same policy will apply in other housing estates going forward.

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Hon. D J Bossino: Mr Speaker, the question was more specific than that. It arises, as I understand it from residents there, that there are empty parking spaces. The question was in relation to that.

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I understand what he wishes to do once the relevant legislation – and subsidiary legislation, presumably – and the tenancy agreements are reviewed, but the question was the current ... If you take a snapshot now ... I do not have the number, maybe he does, but there are parking spaces which remain empty, unless the intention is that those will be dealt with after the review of the various legislation and agreements he mentioned earlier.

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Hon. S E Linares: Mr Speaker, again, I asked that question because I know the issues. The Housing Department only issues monthly licences for the second parking space. That means the ones that are empty for whatever reason that I stated before ... if they are empty, they would want to have a second parking space, and there is only one parking space per household. It is likely that those which are available because the tenants do not require them or may do so in future ... Therefore, the licence agreement issued to those for the second parking space – this is especially appertaining to Mid-Harbours, by the way – would have these terminated and allocated to the tenant now eligible. So it becomes an issue where, for example, as the hon. Member knows, people who are in arrears will not have a parking space and therefore there might be an empty parking space which we then allocate to somebody who is ... The second parking space has to be on a monthly licensing basis because somebody might come and say, 'I am paying, now, my arrears and I want my parking.' So these are the issues that crop up, but we are now trying to clear it and make it clear when we do all the reviews that we are doing.

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Hon. D J Bossino: I suppose the more coalface type of document that I can imagine in the list he gave me would be the tenancy agreements. Can he confirm – because I may have misunderstood him – that the intention is to review the tenancy agreements to fine tune those aspects, presumably to give the Government more power to address these issues? Is that understanding correct?

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Hon. S E Linares: That is one of them.

Hon. D J Bossino: In relation to the Housing Act – I know it has been the subject of questions in the House before – can he give us an indication as to when he thinks that is likely to be ready to be put before the House?

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Hon. S E Linares: I could say the lifetime of this Parliament, which is very short already, but yes, very soon.

3235 **Hon. K Azopardi:** Can I just ask on the parking spaces, does the Minister have an idea of how many parking spaces we are talking about? And in terms of the process that he was indicating would be followed to give people an option of how to do that, how will that process be done? Is that going to be some kind of invitation to a ballot, or something like that?

3240 **Hon. S E Linares:** I would guess that it would be people coming to the Department, showing interest, and obviously, if we have more interest than we have parking we would have to do a ballot or a raffle or whatever, to try to give the people the parking. It depends on the number. We might have one parking space and 20 wanting the same parking space, and then that creates a problem.

3245 **Hon. K Azopardi:** He did not answer the first part, which is does he have a number.

Hon. S E Linares: I do not have a specific number, but I would reckon ... Does the hon. Member want the number in Harbour Views only?

3250 **Hon. K Azopardi:** Mid-Harbours.

Hon. S E Linares: Mid-Harbours, sorry. I would like to say a specific number, but it is a very small percentage of the people who live there because usually we are talking about people who are in arrears, mainly, and we are following the arrears very hard and very seriously and we want to get ... So there is not a lot, but if the hon. Member wants, I can give him the specific number when I can get it.

Q455/2022
Chilton Court –
Refurbishment programme

Clerk: Question 455/2022. The Hon. D J Bossino.

3260 **Hon. D J Bossino:** Further to the replies given by the Minister for Housing with regard to the refurbishment of Chilton Court, please provide a detailed commitment as to when the refurbishment programme is to start and what it will entail.

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

3265 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the refurbishment of Chilton Court is something to which the GSLP Liberal Government is committed and on which we did not enjoy support from the Opposition. The refurbishment will require spending public money, something the Opposition repeatedly ask us not to do, but we will proceed with the refurbishment of Chilton Court in coming months.

3270 Additional maintenance is also being deployed in estates to make up for degradation during the pandemic period. We have been visiting estates for some time now, to see for ourselves the works that have to be done and how to prioritise these works. We will continue to do so and ensure that all our tenants have the living environment we would wish for ourselves.

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Hon. D J Bossino: Mr Speaker, if that was not ... It is a legitimate political response that he has given. We certainly do not agree with it, we certainly say it is absolutely not accurate, but I think it was a very shallow attempt on his part at making a hitting-below-the-belt type of political statement. But that is fine. I have no issue with that, just simply to point out that it is totally and
3280 utterly inaccurate that we do not support any initiative by the Government or that we would not do it in Government, in terms of refurbishment of that estate.

That estate, I am told by residents, is one of those which are completely and utterly forgotten, if I may say, by this Government. There has been, they tell me, not even a lick of paint in most of the estates. I know there are some sections of the external walls of some of the blocks which have
3285 been painted. I saw that for myself and some of my colleagues, but certainly the inside of many of those blocks and the external areas of many of those blocks, the playground area and all of that, the communal areas, are in a really dire state. Many of the tenants there are at the end of their tether and they are desperate.

But I welcome some aspects of his reply. He says that in coming months the refurbishments are going to be commencing, but may I ask him specifically, because I do not think he has been sufficiently detailed – I asked him for the detail – what exactly he intends to do? At least, if I can put it in these terms, can he simply arrange for the blocks, both internally and externally, to be painted?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has given an answer which I find really quite remarkable. He said earlier that this is a place for political debate, and then he is surprised when he gets an answer that is a political answer, which is the sort of thing that he was treating us to before.

He says, 'I am told by the tenants that there has not even been a lick of paint,' only to correct himself in his very next sentence and say, 'although I saw that some of the buildings had been painted'. So I do not know whether he is giving the lie to the things that he was told, because what we have said is that Chilton Court has not benefitted from a refurbishment but will benefit from a refurbishment.

The problem we would have is if we took the attitude that they took in government, which is to say a lick of paint is a refurbishment. We happen to think that this requires much more than a lick of paint. A lick of paint is, as people say in Spanish, *pan por hoy y hambre por mañana* – bread today but hunger tomorrow – because it is just a lick of paint. What these buildings need is what we have done in the other estates, where we have added longevity to the buildings by a full and proper refurbishment. That is what we are intending to do in this estate, which is not a forgotten
3305 estate, it is an estate we have not been able to deal with yet because the Government, when it was elected in 2011, found itself in possession of every estate in Gibraltar needing a refurbishment. That includes Bishop Canilla House, which they built, but which was having serious problems of water ingress. That includes the largest estates in Gibraltar – Moorish Castle, Laguna estate, Glacis estate, Alameda estate. We are now moving to continue with the others, but we had the hiatus of the pandemic and we had the gutting of our public finances through the pandemic.

They, in one breath, say, 'Stop spending, do not perform your manifesto commitments,' which is what they say, and if they say they do not say it, they just have to look at *Hansard* to see the number of times they have said it – in particular, Mr Feetham – and at the same time, 'Why haven't you done this?'

We are going to continue with our timetable of delivering things, which includes delivering for the people at Chilton Court. I am delighted that they are taking an interest in the people of Chilton Court. We are taking an interest in the people of Chilton Court and the people of Chilton Court will have the benefit, like everybody else in government tenancies, of a Government that is investing in the government housing stock, not selling it, in particular in respect of the post-war stock, which is what they did.

Hon. D J Bossino: Mr Speaker, that was a political reply. That was a highly charged political response. We are not going to have a debate about the public financing issues. We are not going to have that debate.

3330 What he has not answered is the detail of the type of refurbishment that is going to be undertaken.

And secondly, if I may ask, when does he think that the entire refurbishment programme, and whatever that may entail in terms of the detail, is likely to be completed?

3335 **Hon. Chief Minister:** Mr Speaker, I do not understand what it is that makes my statements highly charged political statements and his anything other than the same. He was defending, a few hours ago, that this is a place for highly charged political statements, so I do not know which persona he is adopting right now. *(Interjection by Hon. D J Bossino)* Well, Mr Speaker, his question is a highly charged political question.

3340 I want to be very clear. I do not understand how the hon. Gentleman thinks that he can say – and this is not about politics, this is about logic – that we are not going to have the public finance debate, but is asking me what type of refurbishment we are going to do and when it is going to be completed. Does he think that we pay for refurbishments with oranges and bananas? We pay for refurbishments with taxpayers' money from the public finance pot, which is severely depleted because of the pandemic. If they do not accept that the depletion of the public finance pot is from the pandemic, they would have to say it is because of the projects. The projects that we have done, which they call extravagant and lavish, were in very great measure inclusive of the refurbishments of the estates, on which we spent over £100 million. So, by having the debate about the refurbishment of Chilton Court, we are having a debate about the public finances.

3350 What I am telling him is that we are ensuring that with less money we are continuing to do a less ambitious programme of refurbishment and that Chilton Court is one that is coming up for refurbishment. When we have a timetable and a programme which we can say we will pursue, we will announce it, and that will include a commencement date and a termination date.

3355 **Hon. D J Bossino:** Mr Speaker, again, I am not going to enter into the debate.

When the hon. Member to whom the question was posed, who is the Minister responsible for housing, was asked this question, he said 'in the coming months'. Is 'in the coming months' the commencement, when he expects the thing to start, or does he expect it to commence and also finish in the coming months?

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Hon. Chief Minister: It is the commencement, Mr Speaker. That is what it says – it says 'commence in the coming months', and as the Minister with responsibility for paying for the refurbishment, I am delighted to answer him.

Q456/2022
Government estates –
Schedule of cleaning of communal areas

Clerk: Question 456/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the cleaning schedule for communal areas in government estates.

Clerk: Answer. the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the cleaning schedule for the communal areas known as 'El Turno' takes place under a contract with Britannia Cleaning Ltd, servicing government rental blocks eight hours once a week during the whole year. This is in keeping with the contract that was in place with Master Services and which
3375 Britannia took over.

Hon. D J Bossino: Sorry, I do not know how this works. Eight hours every week, did he say, during the whole year? Is that in respect of each block? He mentioned *El Turno*. Can I take it, from that, that it is in relation to each block in each government estate? Is that correct? He is saying
3380 yes. Thanks to the Hon. Minister for saying yes from a sedentary position. The question is: is he satisfied that that is sufficient in order to keep the estates in a proper state of cleanliness?

Hon. S E Linares: Mr Speaker, I can tell the hon. Member that I am, if not micromanaging it ... I have to micromanage it because I am really interested in the contract being done, and therefore
3385 I visit the estates with the owner or the directors of Britannia to make sure that they do their work. If they do not, we will follow it up, but if they do, they do. Sometimes it happens that they do their job very thoroughly and people actually then foul the place that has just been cleaned. That happens quite a lot. Therefore, we are trying to do a sort of – and I am probably going a bit too far – campaign in which people have to have civic pride in where they live. We can do as much
3390 as we can in *El Turno*, cleaning the stairs, cleaning the patios and cleaning everything, but then if you get ... And we have had it while I have been there, where somebody comes out with a dog and the dog does all its business where it has just been cleaned, and therefore it is virtually, sometimes, impossible to keep it 100% clean. It is called civic pride. But look, when the contract is not being fulfilled, the Housing Department, the Housing Works Agency, myself, my Ministry
3395 will go there and we will call the directors and say, 'Why hasn't this been cleaned? Go and clean it.' So we are on top of it, until we are satisfied that it is as clean as it should be.

Hon. D J Bossino: I hear what he says in relation to civic pride, and he is absolutely right, but there are other things that we have witnessed, which suggest otherwise, things that suggest that
3400 it is somewhat more permanent, and it seems to be an endemic problem in some of the areas. From his answer, I detect that he needs to be intensely reviewing the contractual arrangements with this particular company, but he is shaking his head and I will give him an opportunity to reply.

The basic question is: why is there a need for the Minister for Housing to have to, as he puts it, micromanage a contractual relationship?
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Hon. S E Linares: Because I care for the tenants and therefore I go there regularly to make sure that the tenants are living in the places that they should be living well, clean, without anti-social behaviour – because I care about my tenants. I do not go once in a blue moon when there is an election coming round. I am there constantly, making sure that all the tenants have what they
3410 deserve. That is why I micromanage it. I am the sort of person ... I feel for them, I go there, I see if there is something wrong. I meet the Tenants' Association very regularly and all the issues that have come in Chilton ... I am already aware of them all and we try to action them. We make sure that we go there. We are doing the parking areas. All the parking areas – we are looking at how best to do it for the people who live there. That is why I have to micromanage, and if I have to
3415 continue micromanaging, I will do.

Hon. D J Bossino: And that is commendable on the hon. Member, if what he tells us is true. One of the issues which have come through loud and clear in the meetings that I have been recently having is that there seems to be, in many of these things, a disconnect between ... not
3420 just necessarily directed at him, but certainly his Department. As I understand it, there should be housing managers who should be listening to people's concerns and addressing them.

3425 I know it goes slightly outside the scope of this question, which deals specifically in relation to cleanliness, but there are other issues that I am sure he is aware of – lifts broken and lights broken in communal areas, which take absolutely ages to be fixed. Despite his laudable approach to this and despite his micromanaging, as he says, which is never necessarily a good thing, is there something which systematically needs to be addressed in order to have these issues addressed and dealt with more efficiently and appropriately?

3430 **Chief Minister (Hon. F R Picardo):** Mr Speaker, let me take the hon. Gentleman up on the issue of the lift. I was in Mid-Harbours last week. I hold my clinics there in the social centre, and last week I did not just want to help my clients, I wanted to see some of the areas which the hon. Gentleman had asked me to come and check and to ensure that I would approve certain changes that are required to make the cleaning of areas easier – for example, tiles in the lift halls, which will make the area easier to clean, because when they built it, they did not build it with tiles, so you end up with a painted wall which is almost impossible to clean.

3435 One of the comments to me was ‘When is the lift in Bow Wave House going to be fixed? It takes ages.’ So I said, ‘What is going on with the lift in Bow Wave House?’ Usually, when lifts break, we have a contract and they can be fixed immediately. Well, when hon. Members developed it, the saltwater tank is above the lift. It leaks into the lift, so it is impossible to operate the lift or even repair it until it dries out, every time. So, one of the ways to ensure that we do not have lifts that have that problem is never to have them in government property again.

3440 **Hon. D J Bossino:** Again, a political point, and that is fine. That is absolutely fine – and you are not being called to order. That is fine. But can I just –

3445 **Mr Speaker:** Excuse me. Please resume your seat. I expect an apology because it is the second time that you have had a dig at me, and that is wrong, absolutely.

We are now going to proceed to the next question.

Q457/2022
Government housing estates –
Security cameras

3450 **Clerk:** Question 457/2022. The Hon. D J Bossino.

Hon. D J Bossino: Who monitors the security cameras installed in housing estates to ensure that anti-social behaviour is dealt with?

3455 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

3460 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, CCTV cameras situated in lift cabins at Laguna estate and Glacis estate are not monitored by way of live feed. The footage recorded on them is retrieved when there is a need by the Housing Department for the purposes of crime prevention, anti-social behaviour and/or prosecution. This footage is subsequently provided as supporting evidence when reported to the relevant authorities for their action.

3465 CCTV cameras in pensioner blocks are also not continuously monitored, but a feed is provided to the warden’s office for security purposes at Bishop Canilla House, Albert Risso House and Charles Bruzon House. The footage of these would also be retrieved by the Housing Department when there is a need for the purposes of crime prevention, anti-social behaviour and/or prosecution.

The ones at Seamaster Lodge are fully managed by the Mons Calpe Mews estate managers. Access to these is provided to the Housing Department as and when required.

3470 With regard to Mid-Harbours estate, these CCTV cameras provide a live feed to the Royal Gibraltar Police and are not under the remit of the Housing Department.

It is important to note that the Department of the Environment also places time-lapse cameras in housing estates on an ad hoc basis in order to tackle fly tipping.

3475 Additional cameras with additional monitoring are, unfortunately, having to be considered in some estates. The Government will make announcements about such additional camera feeds as soon as it is able to.

Hon. D J Bossino: I am grateful to the hon. Member. In some respects, that encapsulates the point that has been made to me, that it all seems rather bureaucratic and confusing. In other words, I think the result that we all want to achieve is that anti-social behaviour of whatever kind is dealt with, but I am told that enforcement becomes an issue because of that confusion, in the sense that one department or one authority says, 'It is not me, it is Environment,' and Environment says ...

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I am grateful for his reply and I know that each estate will have its own separate systems, but is there ...? I do not know whether the way that I have put it to him in this question ... This is the question: would he agree that it is accurate, or would he deny its accuracy in terms of what I have been told when I visited the various estates?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I hope that I will be able to strike a more concordant note with the hon. Gentleman now. He and I, I think, will be equally saddened at the thought that we need to apparently live in a society, today, where we have constant CCTV camera monitoring of common areas because people are unable to act in community in those areas. That is why the hon. Gentleman has referred to him a pilot project that he and I are working on together to bring CCTV to some of our estates in a permanently monitored way.

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The CCTV that is there now is there to deal with problems when they occur. The Minister for the Environment has static cameras that take pictures, but it is not video, and you have some other video in some other areas, but I do not think that any of us want to live in a society where we need to be permanently monitored all the time, not for the prevention of serious crime, where, of course, it would be an important evidential tool, but simply so that people do not allow their dogs to do their business, or throw things etc.

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Let me give him the example I have been dealing with. There is a rubbish dump in Laguna estate. That rubbish dump is cleaned regularly. It is clean, almost, as a whistle. Inside, it has the rubbish receptacles. Responsible tenants go into the rubbish dump and put the rubbish into the receptacle. Irresponsible tenants, whether it is full or empty, do not even bother to open the door; they dump their rubbish outside. So the place has just been cleaned, it is clean as a whistle, and the tenant, with his rubbish bag, instead of opening the door, going up two steps – it has no more than two steps – and putting his rubbish in the rubbish receptacle, puts his rubbish outside of the door. The seagull, the monkey, the stray dog or the stray cat comes and opens the rubbish receptacle: rubbish all over the place. The whole area was clean five minutes ago, and now it is strewn with rubbish because a tenant decided to simply put his rubbish bag outside the door.

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The Laguna Estate Tenants' Association says to us, 'We are working with Britannia. We know it is clean, we know it is clean inside. We see the person come and put this out there, and this needs to be monitored,' It is for that sort of issue that we are having to consider permanent CCTV in all the estates – because of the guy who comes and decides that he is going to urinate in the brand new lift. A dog is bad enough, but that a human being should do it and that we should require in society, the community that he and I were brought up in, that so many of our great Gibraltarian counterparts out there have been brought up in ... that there are a few who do this, who require us all to be subjected to constant CCTV monitoring – which we are going to have to do a pilot programme on – is really worse than a disappointment. It is worse than a disappointment, and I

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3520 do not think that the 99% of people who behave properly in the community deserve to be
constantly monitored on CCTV, although many of them say, 'We give up – we are going to have
to,' and that is what we are going to try to do.

It is a huge deception, because of course people then come to the estate, see rubbish strewn
everywhere at four o'clock in the afternoon and say the estate has not been cleaned. The estate
was like a whistle at 10 o'clock when this irresponsible person decided to do that. It is shocking
3525 that we are going have to do that in relation to dog poo, dog piss, rubbish left outside rubbish
dumps, human excrement and waste and other littering, graffiti of brand new, refurbished
estates, where people think it is sensible to waste money that they say they do not have buying a
can of spray to paint male genitalia on a wall. What is funny or positive about that, and what
contribution to Gibraltar do you make if you do that? We are now going to have to set up a camera
3530 to monitor that person, to ensure that they can stick their hands in their bleeding pockets instead
of littering, fouling or graffiti-ing, to make the environment which we have spent hundreds of
millions of taxpayers' money ensuring is to the standard that the Gibraltarian deserves.

I hope there is – and I am sure there is – concert around this House that this is unacceptable
behaviour because there is concert in the estates, in the vast majority of good Gibraltarians who
3535 live in those estates, that this is a small minority that is ruining it for everyone, that they do not
deserve the homes that they have and they will be evicted from those estates, and those who
remain behind appreciate what they have and I am sure that we appreciate that they realise that
and they do not deserve to be put through what they are being put through. (*Banging on desks*)

3540 **Hon. D J Bossino:** Can I just say, Mr Speaker, that he can be assured that there is absolute
concert, in the way he put it, around this House in relation to the points he has just made and he
will recall that the question arises precisely because of what has been put to me by the 99.9% of
the individuals who are law-abiding, good residents and want to go about their lives in a normal
way and not behave, in effect, like vandals – well, they are vandals; it is not effectively vandals,
3545 they are vandals and I concur wholeheartedly with what the Hon. the Leader of the House has just
said.

He mentioned a pilot scheme. I must say I did not catch it from the prepared reply from the
Minister. I may have missed it, but can I ask him, as a supplementary to that point, Mr Speaker,
when he thinks that pilot scheme is likely to start? And is it going to be set up in all of the
3550 Government estates, or are there particular estates which are giving rise to particular problems?

Hon. Chief Minister: Mr Speaker, I am grateful for his agreement on this. I think it is important
that the whole House should be united on this and we should not allow party politics to interfere
here.

3555 The reference is in the last line of the prepared sentence – I am surprised he missed it:
'Additional cameras with additional monitoring are, unfortunately, having to be considered in
some estates. The Government will make announcements about such additional camera feeds as
soon as it is able to.'

The hon. Member and I are going to one of the estates for this purpose, in order to be briefed
3560 on what is proposed, and we do not know yet whether we will be able to agree it. There are civil
liberties issues that we have to consider and there are issues of cost that we have to consider. All
of those things will be relevant. It is not going to be done in all the estates – it would not be a pilot
otherwise. It gets rolled out in one, to see whether it works. And then, if it works, potentially it
gets rolled out to the other estates.

3565 If I may take all of his questions in relation to this together, in one estate, eight hours per block
per week is more than enough for that block to be looking fantastic, sparkling – spick and span, as
the hon. Gentleman says from a sedentary position. In another block, 80 hours a week would not
be enough, not because the 30 tenants in the block are pigs, but because one or two tenants in
the block are utter pigs, ruining it for everyone. In some estates you do not need CCTV at all, and
3570 in some estates, in some areas, you need more CCTV than you have in central London.

Those are the issues that we are grappling with, and I invite the hon. Gentleman to grapple with them with us, rather than in competition with us, because the only ones who win are the vandals if they think that they can push us in one direction or another when we should all be united for the 99.9%.

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Mr Speaker: Next question.

Q458/2022
Pensioner flats –
Eligibility

Clerk: Question 458/2022. The Hon. D J Bossino.

3580 **Hon. D J Bossino:** I think this question may have been answered in relation to the Laguna estate one, but please provide details of the Government's policy with regard to eligibility for pensioner flats.

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

3585 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** No, it has not been answered, because the hon. Member asked about the other. This is the eligibility of government – *(Interjection by Hon. D J Bossino)* Okay, yes.

An applicant who is on the housing waiting list and is over the age of 60 automatically becomes eligible to be allocated a flat in a pensioner block.

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3595 **Hon. D J Bossino:** The reason why I referred to the question in relation to the projects being carried out in Laguna estate is because, there, there has been flexibility in terms of some of the policy as just outlined by the hon. Member – the Hon. the Chief Minister is shaking his head, so I may have misunderstood the Government's position – because it has been widened, just to finish the point, to those who are in the 50/50 housing.

3600 It is an issue which has been brought to my attention some years ago ... but only recently, and I am raising it on behalf of one particular constituent, but I think it applies across the board. In other words, if you have an individual like in this case, she made inquiries, I think probably of his Department – and if I may, Mr Speaker, just read a very short ... The point that was being made to me ... This is the information that she was provided with, and it says 'Allocation of pensioners' housing for someone who currently resides in a non-government dwelling ...' She was informed that 'pensioners flats are only allocated to those persons who will vacate a government house. Others will have to go on the allocation list,' which I imagine is the housing waiting list.

3605 I hear that the Hon. Chief Minister, from a sedentary position is saying that that is absolutely not true, but I will just give him or the hon. Member an opportunity to reply to the points I have raised.

3610 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to forget about the issue of the Laguna estates pensioner flats that we were talking about earlier. That is the development of pensioner flats for sale to people who are eligible because they are pensioners who own property in Gibraltar. That is what we were talking about there. That is different. This question he has asked *(Interjection)* is about tenancy. Exactly. It is about Charles Bruzon, Sea Master Lodge, the ground floor flats at Gib 5, Sir William Jackson Grove and the other ones that we have – Albert Risso House, etc. I can tell the hon. Gentleman that there are a number of instances of which we are
3615 aware where people who have not been government tenants, who have been renting in the

private sector, have gone ... They are renting in the private sector, they are on the housing waiting list, they are over 60, so they become eligible for a government property and the government property they get is an over-60, as long as their family composition is in keeping with a pensioner flat. Why? You can be over 60 and still have a child who is age six or seven. You might still have a growing family, so you do not have to have a pensioner flat, but you are eligible for a pensioner flat if you are on the housing waiting list and over 60, which is what this tells him, whether you are in government accommodation or not in government accommodation.

The reality is that the best management of the housing waiting list also involves offering people who are pensioners and are in large government properties as rentals a move to a pensioner flat so that you then release the five-bedroom that they are sitting in, sometimes alone or just with one partner, to a family that has three or four children. The trickle-down that that means is that if they were in a three-bedroom, the person who has two children goes into the three bedroom etc. and you see all of that trickling down. But there are many instances ... I remember when the hon. Lady was Minister for Housing, when the hon. Gentleman was Minister for Housing, where we have seen people move from private sector renting to a public sector pensioner flat. You cannot go from the private sector, owning, to a public sector pensioner flat, because you are not eligible to go on the housing list. You are the owner of private property, so you are not eligible. You have to be in the private sector, renting and eligible, or in the public sector, renting and eligible, and then you go into a pensioner flat.

That is the criteria and that is how it works, but forget the Laguna issue because that is for a different issue that we were dealing with earlier, which is people who have bought in the private sector and want to move and downsize again through purchase, rather than through rental. I hope that is helpful. I will give him an example with the names and surnames of people he will know who moved in that way from private rental in College Lane to government pensioner rental at Sea Master Lodge, I seem to recall.

Hon. D J Bossino: Actually, I had a recorded conversation with somebody who suggested that this was the case, which I found a bit odd, but never, ever a situation where somebody privately is a title holder, privately owns a flat. I think, though, the way it was put to me is that there is some sort of arrangement where they would sell the flat to the Government – that is what I was told, just hear me out – and then, as a result of that exchange, that individual is entitled to the pensioner flat.

Hon. Chief Minister: No, Mr Speaker, in the context of somebody who has been in the private sector as an owner and therefore not eligible to go on the government housing waiting list, in I think one or two instances – maybe just one at the moment – the Cabinet was asked to consider a policy because of certain circumstances, but we could not make it limited to circumstances where the person donated the property to the Government.

In this instance, we were dealing with a large property in an affordable housing estate of the Government, where the person had bought. The person, because of their personal circumstances, had no heirs and therefore had no interest in leaving the property, and said, 'I am prepared to gift the property to the Government, which the Government can then sell to a family that fits the criteria for eligibility for affordable housing, if the Government will give me a pensioner flat, for which I will pay rent.' So, on top of that, it was not a question of ... they will pay the established rent. In that circumstance, what the Cabinet decided was that, as a matter of policy, if we are going to get an asset which is an affordable property, which we can then sell to the people who would be eligible for affordable property, and this person gets a pensioner flat, that is fair enough and in those circumstances it would work. When we put that to others who have come to us, who have said, 'I want to sell and give the money to my children, but you house me,' it does not work, and that is why we are developing the alternative criteria of purchasers who sell but who purchase, not who are then given a tenancy.

Hon. D J Bossino: Then that flat is sold on, on affordable housing terms – is that understanding correct? It is not on a pure market ...? No? He says they only did it on one occasion, but is it government policy to do it in respect of others? Or is it just on a case by case basis?

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Hon. Chief Minister: No, the Government felt very uncomfortable in making a decision which was specific and not having a policy position, so what we took was the policy position that if you were prepared to hand over a property, at no cost to the Government, which the Government could put into housing stock or could sell through tender in the appropriate way – as the hon. Gentleman will know, there are people who are eligible for housing who would be prepared to buy from the Government if the Government could sell to them – then we would permit people, in those circumstances where they forgo ownership – and there are very limited circumstances where this would be relevant – to have a pensioner flat because the value to the taxpayer is great. You get to house someone, potentially you get to realise the value of the asset for the taxpayer as well, and they pay the rent because they could not expect not to pay the rent – the rent is not exactly the highest rent in the world and therefore it makes sense that the person should be committed to paying the rent.

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In those circumstances, the policy decision was made by the full Cabinet because we considered all of us together. The relevant Minister for Housing at the time, I think, was the hon. Lady and she wanted a policy decision from the whole Cabinet. We took that decision and I think it is the right decision. I am sure it will enjoy the hon. Member's support.

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Mr Speaker: Next question.

Q459/2022

Housing stock –

Whether sufficient to meet need

Clerk: Question 459/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Does the Government have enough housing stock to meet the needs of all applicants on the housing waiting list?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the Government is confident that there are enough houses in the current housing stock to meet the needs of our community despite the former administration having sold part of the post-war stock of property at rock-bottom prices when they needed to raise money. This was a particularly bad mood by Members opposite – move, sorry. *(Interjection)* Bad mood? We are all getting there! *(Laughter)* Once all the affordable homes have been built, those prioritised to purchase will be releasing a number of rental homes, which will go a long way to tackle those who are in real need of government accommodation.

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Hon. D J Bossino: Mr Speaker, this question arises from, I am sure he will know, a letter which was published by Action for Housing dated 26th October. There, Henry Pinner, the Chairman of that organisation, NGO, says:

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In April 2021 we shared a radio programme

– this is a letter addressed to the hon. Member –

which was presented by Ros Astengo Stengel of GBC and you said that you had enough housing stock to meet the needs of all those applicants on the waiting list.

3710 Putting aside the initial preamble, the remark that he made, does he not agree with me – and I am sure he will not – that he was ... how shall I put it ... less than frank in the comment he made, because anybody listening to that programme would have come to the conclusion that Mr Pinna certainly arrived at, which was that ...? In effect, he was saying that there is sufficient housing stock to house people now. That was certainly the implication of what he was saying. What he is
3715 saying is that once the affordable housing estates which the Government announced some time ago ... In respect of one of the phases in one of them and in respect of two of them, not one brick has yet been laid, and he knows that that is a subject of criticism on this side of the House. It is going to take many years before those people are able to ... I would ask him to comment on that, and I have one specific question which arises from the comment that Mr Pinna said in his letter.

3720 **Hon. S E Linares:** Mr Speaker, Mr Pinna, in the programme, was under the impression that I had the houses to deliver the next day. That was his issue. I have always argued that even if we were to build government rental accommodation, it would take four years to build. So whatever problem he says – and I have had this argument with him publicly and he wants me to have more
3725 programmes with him for me to argue the same point ... This is the issue that I have, that he writes to me ... I do not have any problem with Mr Pinna writing to me, but every time he writes to me, he writes to me on the same issue, which I have already answered publicly with him and everywhere.

We believe that we have enough government housing stock and we will have more and we will
3730 deal with the list because we have prioritised the selling of the affordable homes. The Cat 1s are the people who are releasing houses in government. Therefore, yes, it is going to take that little bit of time, but we will have to wait then, because then we get homes back to us, and we have to encourage young people to buy homes as well. That will help, as well, our housing stock, where if there is a family that is ... three smaller families living within one household, they will move to the
3735 affordable homes and they will be living in better conditions and they will not need housing.

All these issues we have discussed with Action for Housing. Like I said, I do not mind talking to
Mr Pinna, answering Mr Pinna, but he is always on about the same argument. The previous
administration, like I stated, sold flats for peanuts – yes, for peanuts, nothing, hardly anything –
and the people ... Now there are flats that are empty, which are inherited by people who have
3740 already got a house and we cannot do anything because they are lease holders. We cannot do anything. People come to me and say, 'There is an empty house in Alameda estate,' and I say, 'I cannot do anything. The GSD sold it.' So there are flats like that and I think it is also bad because ...

In answer to the question I said it is a bad move. Of course it is a bad move. Imagine trying to
create a management company of an estate, where the Government has to pay everything about
3745 the management company of a block, just because you have three tenants who have bought the house. It is nonsensical, that. What we are doing is if it is a whole, full block that is half empty and I can relocate people in that block, then it becomes available for the Government to sell. But I am confident that the current stock that we have is enough for our needs.

3750 **Hon. D J Bossino:** I am not going to come here and make a value judgement as to whether what he is saying is correct or not, because without figures and without numbers ... He is almost suggesting that the horrible, evil GSD is responsible for the housing problems in Gibraltar because we sold ... I am told, anecdotally, that there are not that many, so for him to use that as the excuse for the problems we are facing is, quite frankly, not acceptable. But be that as it may ...

3755 I must tell him also, by way of remark, that I am told by Mr Pinna that he does not answer these letters. He says that he has no issues in replying to him, or listening to him or meeting him, but this is what I am told by him.

Can I ask him a specific question, which arises from his letter and is relevant to the availability of housing stock? In his written answer to my question last month he talked about a further 92

3760 properties forming part of the Urban Renewal Project, which I imagine is to do with the Upper Town project that is going to impact on the Northern Defences and Road to the Lines and all that. I imagine that is what he meant. Mr Pinna asked for more clarification in relation to what he intends to do with these 92 properties. Is he able, here and now, to provide that clarification?

3765 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is important that we clarify what the position here is, because the hon. Gentleman, I think, needs to go away with the facts. He needs the facts in order to be able to deal with the issues.

The fact is that the question he asked the hon. Gentleman a moment ago cannot be based on any semblance of logic or reality. He said Henry Pinna and anyone listening would have believed that the hon. Gentleman was saying that he had the homes available to house people immediately, not having to wait until the affordable homes have been built. That is what he said. How can anybody have believed that? It is impossible. It is not even improbable, it is impossible, because otherwise what Henry Pinna, he says, believed and what listeners to the programme, he says, believed is that we have houses available and, for the sake of making people suffer, we are not giving them to them. Nobody believes that. Nobody believes that we have the houses available today and we are not giving them to people. Everybody understands that this is about creating a churn of homes.

The hon. Gentleman says he does not want to deal with the issue of the post-war houses sold, but this is fundamental because there is a dividing line between us and it is an important policy decision that people need to understand. We say we will build for rental for pensioners, so that we can create the churn in the rental estate of the Government. They took the view that they would sell the rental stock – the good rental stock, not the pre-war rental stock that we cannot afford to maintain, the post-war rental stock – at peanuts. For example, something like a property sold at £35,000 for 70 square meters is being sold at £500 per square metre when it costs in the region of £3,000, £4,000, £5,000, £6,000 or £7,000 to build that same property again. So their policy is to say to Mr Pinna – given that he has put these issues in his mouth – ‘Yes, we will build more for rental. We sold the post-war stock at £500 and we will replace it at £7,000 per square metre.’ That is absolute madness.

Our policy is to build affordable homes where people are given priority if they release tenancies, to build for pensioners who are in the government housing stock and release the larger properties, and in that way provide the homes for people for rental, and, in the urban renewal system that we have, hopefully also be able to provide affordable rentals in the Upper Town in the renewal scheme. Those things taken together are our policy. We think that works. There is a clear policy division between us. But what we cannot do is have the same dispute every month about the same issue. They have a policy, we have a policy; in the General Election will defend it. We hope to be able to show that when the churn happens, it deals with the housing waiting list as it has dealt with it before. The churn is delayed now because of the pandemic, which is what none of us want, but we certainly do not have or have ever given the impression knowingly or unknowingly that we have the housing stock available and we are simply not releasing it, in order to make people suffer. Nobody can pretend that we have ever said anything that could lead them to believe that.

Hon. S E Linares: Mr Speaker, just one more point, please. The hon. Member says that I do not answer Mr Pinna’s letters. He has just stated that Mr Pinna is saying ... Every single letter that Mr Pinna has written to me has been answered. If he does not like the answer, that is up to Mr Pinna, but every single letter ... He does not send us an email, he does it in printed form, he brings it by hand to my office and we do likewise to him and send emails to other people on the committee. So every single letter has been answered. The thing is he does not like the answer. It is not the answer he wants to get, but that is up to him. But I do answer every single letter.

3810 **Mr Speaker:** Next question.

TRANSPORT

Q460/2022

Pop-up cycle lanes –
Intention to install

Clerk: Question 460/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

3815 **Hon. K Azopardi:** Sorry, I was under the impression we were adjourning, so I ...

Chief Minister (Hon. F R Picardo): Mr Speaker, I thought we would have been finished by eight, but hon. Members ask the questions they want to ask ... There are four questions to the Minister for Transport, two to the Deputy Chief Minister and two to the hon. Lady, so our intention was to finish them today – we thought by eight, but it is taking a little longer.

Hon. K Azopardi: It is fine, we can be here as long as is necessary. I just thought there was a cut-off that the Chief Minister had indicated earlier, that is all. That is fine.

3825 Mr Speaker, can the Government state whether it will be installing pop-up cycle lanes in Gibraltar?

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

3830 **Minister for Transport (Hon. P J Balban):** Mr Speaker, there are a number of proposed locations for pop-up bicycle infrastructure. Pop-up bicycle lanes are used mainly to gauge the effectiveness and permanency of proposed bicycle lanes. Before a pop-up cycle lane is set up, there would have been reasonable study of the given area to check the viability of the location.

3835 Pop-up cycle lanes are a cheaper way of providing safe infrastructure, which can then be built upon and made permanent. Pop-up cycle lanes in small cities invariably mean that some parking spaces may need to be relocated, and this will always cause a backlash but the environmental and mobility benefits outweigh the inconvenience caused.

Hon. K Azopardi: Does the Minister have a sense of how many of these pop-up cycle lanes he would like to see around Gibraltar?

3840 **Hon. P J Balban:** Mr Speaker, it is a difficult question to answer, but off the top of my head, potentially every single area we look at within the scheme of things could become a pop-up bicycle lane before it becomes permanent infrastructure. So really it very much depends on how we wish to proceed, but I would envisage that there would be at least three different locations that we would consider.

Hon. K Azopardi: Would he advance where those three locations would be?

3850 **Hon. P J Balban:** Mr Speaker, as I said, potentially any of these locations could become pop-up bicycle infrastructure. For example, Bayside Road could be one we would consider. The reason why we would consider Bayside Road is because there is potentially a lot of development in that area, with the GFA stadium and with the other buildings going up shortly, so it would be futile and probably impractical and not worthwhile to lay down permanent infrastructure which then may need to be dug up.

Q461/2022

**Safe cycling in Gibraltar –
Whether report commissioned**

3855 **Clerk:** Question 461/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state whether it has commissioned a specific report on safe cycling in Gibraltar, given our unique road infrastructure?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the Ministry for Transport has now completed its strategic document for mobility in Gibraltar, specifically cycling and walking, and continues to work on a complete blueprint for bicycle lanes throughout Gibraltar.

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These documents build upon the Sustainable Traffic, Transport and Parking Plan. The ultimate aim of the strategic plan is to provide the necessary safe infrastructure that will help promote and encourage a greater uptake towards more sustainable modes of transport within our community. These documents are tabled for the next Cabinet meeting, where a presentation will seek the collective approval of Government. We hope to be able to make further announcements in due course.

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Hon. K Azopardi: If it is tabled for the next Cabinet meeting, would the Minister expect thereafter – subject to approval, obviously – that it would be published relatively soon after that?

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Hon. P J Balban: Mr Speaker, yes, once Cabinet approves the documents, then one thing I intend to do is to actually offer to share these across the House, so that we can ... I believe that cycling infrastructure and the future of mobility in Gibraltar lies in us working collectively, and in respect of being aware of our aims I would loathe to see something that we produce and publish being gunned down because there are things that could have been done differently. I wholeheartedly believe that what we have done is the best we can do in Gibraltar, and for that reason I am hoping for support on this plan and I am hoping to be able to share them before we make these documents public.

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Hon. K Azopardi: Certainly we would welcome that process because from this side of the House we are also committed to there being as much cycling as there can be for environmental and health effects.

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Clearly, it is difficult sometimes because of the unique features of Gibraltar, but I certainly welcome the Hon. Minister's invitation and we will take it up. I know this is not a question, Mr Speaker, but with your indulgence.

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Q462-63/2022

**1.5 m rule re cyclists –
Consultation; level of fine**

Clerk: Question 462/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the nature and breadth of its consultation on the 1.5 m rule in relation to cyclists?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 463.

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Clerk: Question 463/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Philipps.

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Hon. K Azopardi: Can the Government state the rationale for the imposition of a £300 fine for a contravention of the 1.5 metre rule and why it is significantly higher than the UK and other European countries?

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

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Hon. P J Balban: Mr Speaker, the hon. Gentleman asks questions and makes statements suggesting he cares about the safety of cyclists, so I do hope he supports our laws on overtaking.

The 1.5 m rule is a well-established law in many countries of the world and it applies to large metropolitan cities, as it does to smaller cities and towns. In fact, the smaller the size of the city, the more critical it is to guarantee the safety of one of the most vulnerable groups of road users, as street space will be limited as a result of size.

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A distance of 1.5m allows for an adequately safe, clear space between a faster-moving overtaking vehicle and a slower-moving bicycle. It conforms to the principles of road safety and public health and helps to encourage cycling by providing a safer urban environment for what is without doubt a green, sustainable and healthy alternative mode of transport, one that we need to embrace collectively as politicians, as political parties and indeed as a community.

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There is, in our mind, no need to consult on whether we should adopt the 1.5 m rule for cyclists, just as there should not be a need to consult on other public health measures such as banning smoking in enclosed public spaces. If we are really committed to a green Gibraltar, our climate change strategy and believe in the climate emergency, encouraging cycling and indeed walking should be a natural step in that direction.

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Gibraltar regulates laws and fines as deemed appropriate for this jurisdiction. The £300 fine is the standard fine used for all fixed penalty notice offences and is presently at this level following a recent and extensive overhaul of the financial penalty levels. Representations were made by the Commissioner of Police, in that the current penalty levels were not proving a sufficient deterrent to persons committing traffic offences. This was stated in our press release at the time when the increase of FPNs was announced.

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Hon. K Azopardi: Mr Speaker, does the Minister accept that while that may be a general rule, there are obviously places around Gibraltar where it is impossible, really, to safely overtake and give a 1.5 m ambit to some cyclists? Does he accept that, given the narrowness of the roads and the oncoming traffic?

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Hon. P J Balban: It is exactly for that reason that it was felt necessary to implement this 1.5 metre rule, because there are drivers ... If I give an example to illustrate the point, in Lovers Lane, for example, and Line Wall Road, I do not think there is sufficient distance for a car to overtake a cyclist. Having said that, if the cyclist is not confident and is worried or feels threatened by a car following close by, they could cycle even closer to the wall. In doing so, the car will undoubtedly overtake and in doing so it will risk, potentially, the life of the cyclist. So it is for this very reason. Clearly, on the roads where a car cannot overtake, in theory, you should not need to apply the 1.5 m rule because there is not a 1.5 m distance to overtake.

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Another example is Price Edward's Road. I heard comments on social media: 'How are we supposed to overtake bicycles down Prince Edward's Road?' Well, the whole point is that you do

not overtake a cyclist on Prince Edward's Road unless you can put the car on two wheels, as we have seen in the past.

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Hon. K Azopardi: But of course the logical consequence of that – and I am not arguing against the safety issue, because clearly there is a safety issue there, but it requires a cultural change, and clearly it will lead to backlog of traffic in certain respects if there are people cycling around.

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Hon. P J Balban: Mr Speaker, I think we need to put into perspective, as well, what our priorities are and what we are trying to achieve. If we want a green Gibraltar, if we want to encourage sustainable alternative modes of transport, then I think we need to support people who walk, people who cycle, even people who catch the bus, and if it means that you have to stay behind a cyclist for a little bit longer because it is safer for the cyclist, and that invariably means you are going to be held up in traffic a little bit longer, then I think it is well worthwhile. At the end of the day, with the size of Gibraltar, we are going to get there five minutes later. Sometimes I wonder, where are we going? Where do you expect to be going so fast? Eventually we will get there. I think that is an important point to make in that respect.

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As the Chief Minister was saying, which I will totally agree because I will cycle at a good speed because I find I am quite fit ... I could be cycling down Line Wall Road at 30 km per hour and a car will overtake me, regardless of what speed I am doing, because the notion is 'It is a bicycle and I will overtake because it cannot be doing the speed limit.' They are not looking at their speed limit. I think it is important to put things into perspective, and I think in a small town like Gibraltar there is no rush to get to places and we should give preference to the most vulnerable on our roads. That was the purpose of the Highway Code, to entrench and start that change – more than a cultural change; it is a change in mindset. You are right, and people I think already ... I experience this on a daily basis. I think cars predominantly have always been respectful, but even more so now. I see cars overtaking with greater distance. That gives us a lot more confidence and I think it gives especially parents with children and other groups who are not so confident on the street confidence perhaps to try cycling.

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Hon. K Azopardi: Finally, Mr Speaker, if I may, the Hon. Minister mentioned that he had had some discussions with the Commissioner of Police, who had made representations on the issue of the fines. Has there also been a conversation with the Commissioner of Police about the enforcement of the 1.5 m rule? I imagine it is a bit of a nightmare to enforce something like that evidentially. Has there been a discussion?

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Hon. P J Balban: Mr Speaker, the 1.5 m rule we do not expect ... You cannot actually physically go out there and measure the distance and say, 'You have overtaken that bicycle by 1.49 m and you are going to be fined.' Clearly it is something that is at the discretion of the law enforcers. I think if you consider 1.5 m is more or less ... In fact, 1.5 m is more or less the height of a person, so you need to leave that reasonable distance in overtaking. But if a law enforcer sees that a cyclist has been overtaken by ... I will sometimes be overtaken and I can physically touch the car with an open palm. That clearly is going to be no more than 30 cm. That is easy to police and I do not think we are going to be splitting hairs and saying, 'This is 1.35 m, as opposed ...' I think what we are looking at is a reasonable overtaking distance which we set, as other cities set, at 1.5 m, and it is up to the Police to use their discretion in this respect.

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Chief Minister (Hon. F R Picardo): Mr Speaker, if I could just be of assistance here because I have seen this debate raging on social media.

Let's be very clear. If you have overtaken on Lovers Lane, you did not have 1.35 m. It is not a difficult thing to prove. What happens is that the matter is not really likely to be taken any further unless you have hit the cyclist, but if you have hit the cyclist on Lovers Lane it does not require a tape measure to show that the person broke the rule that they had to have at least a 1.35 m berth.

4000 If you overtake at Water Gardens, where the cyclist is on one lane – there is a two-lane highway there – and you do not hit the cyclist, nobody is going to say, ‘Oh my God, he passed at 1.46 cm. Nobody is going to be prosecuted. But in instances where there is an accident and where the accident scene-of-crime people can come and measure, it will make it easier to prosecute these people.

4005 The question of reasonableness, the question of carelessness, the question of dangerous driving and the question of 1.5m are all questions of fact in evidence in any case, as the hon. Gentleman knows, and this will make it easier, not harder, to prove cases in certain circumstances which people might not be thinking of. This is not about whether you passed on Rock Hotel Hill, where you potentially have a clear lane one way or the other. So when you actually hit somebody on Lovers Lane ...

4010 I invite him to come with me in the mornings to cycle around Gibraltar. The Upper Rock is lovely. There is great respect between the cyclists, the monkeys and the people in cars – (**Hon. Member:** Barbary partridges.) There are more Barbary partridges than there are cyclists, that is for sure, and that is down to you – well done. But you try going round the Rock during the week at 7 a.m. and on Lovers Lane, *te estas jugando la vida* because people are whizzing past you – (*Interjection*) well, yes, but in cars and on electric scooters and all the rest of it – to stop at the roundabout by Trafalgar, where the cyclist who was passed will pass them.

4020 **Hon. P J Balban:** Mr Speaker, also it is very important that the Police have the tools required because, as you have said yourself, here the main issue and the word in question is respect. I think there has been a loss of respect on our roads, and I think for the Commissioner of Police that is one thing that he is very concerned about and we, as a Government, are very concerned about, as I am sure you are across the floor of the House as well. I think we can see this daily in terms of cars, motorbikes, e-scooters, cyclists, everyone. We see people passing red lights and not waiting for the light to turn red. It is happening more with this rush to get to places when really we live in a town. So again, I think the key thing is respect.

Q464/2022
Legal assistance –
Annual cost to Consolidated Fund

Clerk: Question 464/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

4030 **Hon. E J Reyes:** What is the total legal assistance cost to the Consolidated Fund in each of the last six years divided by areas of the law – for example, family law?

Clerk: Answer, the Hon. the Minister for Justice, Equality, Public Standards and Regulations.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the total legal assistance cost to the Consolidated Fund in each of the last six financial years, including the expenditure for the current financial year to date, is as follows: 2016-17, £453,275.01; 2017-18, £514,542.39; 2018-19, £642,880.85; 2019-21, to cover two financial years, £1,098,382.54; 2021-22, £903,117.78; and in the current financial year it is £612,670.94. I am not able to provide the hon. Member with a further breakdown by areas of the law, as this information is not kept in this way by the Supreme Court.

4035 **Hon. K Azopardi:** Mr Speaker, I am going back in my mind for my recollection. I cannot give you a precise date, but I do remember there was some debate internally in the Bar some years ago when we considered the issue of legal assistance reform, and there was some historical work

4040 that divided the legal assistance into practice areas. It may have been because at the time there
was some special work done by the Registrar of the Court – or not; I am not sure. But does the
Government agree – if they are not collating records at this time, and it may be a complex exercise
to go backwards – that it makes sense to try to categorise the work going forward? And if it is a
time-consuming exercise to go backwards, perhaps we can go backwards at least slowly, because
it would be useful when you plan legal assistance reform. For example, an obvious question that
would arise is why the increase in 2021-22? Of course, if the hon. Member does not have a
categorisation of the work, it would be impossible to answer that question, but does she agree
4045 that it would be useful to do that?

Hon. Miss S J Sacramento: Mr Speaker, indeed, I agree. In fact, I confess that I was surprised
to be informed that this breakdown has never been categorised in this way, so needless to say I
have already given the instruction that this be done going forward and that we start looking
4050 retrospectively, as and when this is possible, going back. But certainly going forward, this has
already commenced.

Hon. K Azopardi: And so it has commenced for future periods, meaning from the next financial
year, or from the current financial year going forward? There is no retrospective exercise that the
4055 Minister has commended should commence. Is that right? Have I understood her correctly?

Hon. Miss S J Sacramento: Mr Speaker, I do not think the hon. Member heard my reply. I said
that I have already given the instruction that they commence going forward and that they work
on it retrospectively as and when they can. So, as of last week when I realised that this is not being
4060 broken down, I have already asked for it to be broken down in the future as and when they can,
and obviously they will start retrospectively with this financial year. As soon as it is possible to
have it broken down for this financial year, then it will be. I am hoping that the information, at
least for this financial year, will not take that long, but it is obviously a very onerous task because
each financial year on average will relate to 250 to 300 submissions of legal assistance bills, so it
4065 is something that is quite laborious and needs to be undertaken properly.

Mr Speaker: Next question.

Q465/2022
Town Planning Department –
When to be fully staffed

Clerk: Question 465/2022. The Hon. D J Bossino.

4070 **Hon. D J Bossino:** When will the Government employ the full complement of staff at the Town
Planning Department, to include the Town Planner?

Clerk: Answer, the Hon. the Minister for Justice, Equality, Public Standards and Regulations.

4075 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, the recruitment of senior vacant posts, which includes the Town
Planner, has already begun and is ongoing. Recruitment for less senior posts can only commence
once the recruitment for the senior posts has been finalised.

4080 **Hon. D J Bossino:** As I understand it, the information I – *(Interjection by Hon. Miss S J Sacramento)* Is she able to advise ...? The information I have is that the complement has gone

down from seven to three. Are those the numbers we are talking about in terms of ...? I think that is the entire complement, excluding the Town Planner.

4085 Secondly, does she know when the process that she has kindly explained to the House is likely to complete and have those positions filled?

Hon. Miss S J Sacramento: Mr Speaker, insofar as the complement, the hon. Gentleman will need to look at the Estimates Book, which is where the complement is established. There is no point in us having this debate here. The complement is the complement that was approved by
4090 both sides during the Budget debate earlier on this year, so I do not understand the preamble to that supplementary.

In relation to the recruitment, as far as we are concerned, recruitment has commenced and that is an operational matter for the Human Resources Department of the Government. That is not a political matter.
4095

Hon. D J Bossino: Surely, as the Minister in charge you will have an idea of when such an important post as the Town Planner is going to be substantively filled.

I did look at the Budget Book at the time of preparing the question. What I am giving her is information that I have received, information which I can rely on as to the specific numbers. I have
4100 asked her to comment, she does not want to, and she takes me to the Budget. What I can tell her is that from my reading of the Budget Book the complement does not change. What I am telling her is how many positions are required to be filled. If she does not want to answer the question, that is up to her, but can I try again? Can she at least give me some indication as to when she thinks at least the Town Planner is going to be appointed on a substantive basis?
4105

Chief Minister (Hon. F R Picardo): Mr Speaker, I am the Minister with responsibility for the Civil Service and the Human Resources Department. The practice that we have is that we do not get involved in how a vacancy is filled, because if we did, hon. Members would be telling us that we were interfering with the running of the Civil Service. The involvement that we have is at Budget
4110 time, to approve the complement and we approve the complement. The complement is the complement that this House has approved. Now it is up to the Human Resources Department, with the Human Resources Manager and their interaction with the Public Services Commission – which we most certainly do not interfere with – filling the posts. That is a process. If I ventured to suggest that it is going to be done by next month, I would be accused of interfering with the PSC.
4115 If we do not, we are told that we are failing in our ministerial responsibilities.

All of us in our respective Departments seek that the Human Resources Department should deal with the vacancies that we have, which are approved and which are in the Book, as soon as possible. There are vacancies all the time; it is normal. There are retirements, there is more than one retirement in one Department etc. People then move up, they act, that creates vacancies.
4120 That is the issue we are dealing with. But there is nothing that the Government is doing to impede the filling of the vacancies as soon as possible, in keeping with the Human Resources Department interaction with the Public Services Commission, which is entirely independent of Government, at least whilst we have been in government.

Hon. D J Bossino: Can I ask him about information which came to me, which I certainly found alarming – maybe they do not, because they have a policy decision in relation to this – and give the hon. Members opposite the opportunity to put paid to the information that I have received, which is that there is a company called Wonderworks Media Ltd, which employs individuals and is offering, on hire, employees, 10 in particular in the Department which is impacted by this
4130 question. Can he make a comment in relation to that?

Hon. Chief Minister: Mr Speaker, I can confirm that when they were in government during a period when there was a lot of development, they outsourced from the Town Planning

4135 Department some of the work that the Town Planning Department did, to ensure that there were
no delays in the DPC. I am not able to give him any information about who and how, but certainly
we have said to the Town Planning Department that they can avail themselves of that assistance
from the private sector in the period whilst the vacancies are filled, exactly as they did in the time
when they were in Government, when they had a problem with the numbers of applications that
there were before the DPC and they had a difficulty in the Town Planning Department.

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Hon. D J Bossino: What does he refer in particular to outsourcing – if I may ask him that? And
secondly, if I may, Mr Speaker, when he talks about the private sector, can he confirm that the
company name I gave him is a company which is providing labour to this particular Department?
Wonderworks Media Ltd – the entire ownership of the shares is held, dare I say, once again, by
4145 Community Supplies and Services Ltd. Directors are Giovanni Bagu and Caine Sanchez, both of
whom I understand are government civil servants.

Hon. Chief Minister: Mr Speaker, let's be very clear. This is about clearing backlog. We are
doing it in exactly the same way they did it when they were in government, so given that he told
4150 us that the things they did should be regarded as a golden legacy, in this respect we are pursuing
their golden legacy, which is to say in the period whilst the vacancies are filled, if there is backlog,
in particular in relation to issues which relate to building control, if there is backlog in relation to
issues for preparation of projects for DPC, we are permitting the Town Planning Department to
use the private sector for those purposes to clear the backlog, exactly as they did.

4155

I do not have information about the precise company they are using, whether it is one company
or whether it is many companies they are using. I believe that they are using more than one
company. From what I know of projects that have come to me, I have seen that there are a number
of entities, in particular engineering practices, that are providing this assistance in respect of
building control – perfectly proper when they were in government, and something apparently
4160 nefarious now that we are in government. As usual, what was good for that goose is not good for
this gander, according to them.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q466-67/2022

Northern Defences refurbishment – Spend since 2014; number of visitors since commencement of works

Clerk: Question 466/2022. The Hon. D J Bossino.

4165

Hon. D J Bossino: How much has the Government spent on the refurbishment works in respect
of the Northern Defences since 2014?

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

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will answer this question together
with Question 467.

Clerk: Question 467/2022. The Hon. D J Bossino.

4175

Hon. D J Bossino: How many visitors have there been to the Northern Defences since the Government started its refurbishment?

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

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Hon. Dr J J Garcia: Mr Speaker, as the hon. Member will know, the sum spent on the refurbishment of the Northern Defences since 2014 is a matter of public record with the information available in the Approved Estimates of Revenue and Expenditure.

4185 The Northern Defences has not formally opened as a tourist site because works are still ongoing. Therefore, there is presently no record of the actual visitor numbers.

Hon. D J Bossino: Can he give me some information as to when he expects the site to be opened to tourists? I am not sure ... I phrased the question as 2014, because I think that is the date when the refurbishment work started. Maybe he can assist me in confirming that, or otherwise, and giving me the precise date as to when the area was refurbished. But can he give me a precise date, and is the opening date in any way going to be impacted by the other works that he mentioned in his Budget speech and was a subject of questions in the last session of the House?

4195 **Hon. Dr J J Garcia:** Mr Speaker, I am told that effectively the date when clearing works actually commenced in earnest was 2016, not 2014. Though it may have been announced and some minor works may have been done, it was around 2016.

4200 The Government is in negotiation with an interested party. The hon. Member may recall that the management of the site in this context was put out to expressions of interest. I believe I am correct when I say there were three entities that replied and the Government is in negotiations with one of them to establish whether we can now formally set up that process of people actually being taken for tours in a formal and organised way – although I have to say the Heritage Trusts, I know, have taken a considerable number of people around.

4205 I am also told that a number of school groups ... for example, today, one of them was there visiting the site. The College of Further Education, which is carrying out work there now as part of a module on tourism and business, their students are regular visitors to the site. So this is not in a tourism context, but it is in terms of people going there and visiting. The other educational establishments – Bishop Fitzgerald School, St Bernard's, St Joseph's, St Anne's – have all gone to visit the site to learn more about the history and what the site actually offers. From overseas, we have had students and professors from University College London also very interested, groups of Danish students from Spain have also come over. NGOs, like I said – the Heritage Trust, the Nautilus Project. Military units – the Royal Engineers, the Royal Gibraltar Regiment, the Scots Guards, the Royal Irish Regiment, all these have been to the sites recently. Employees have also organised visits through their product manager, so we have, for example, Hassans, Bassadone Motors, the Gibraltar International Bank, PriceWaterhouse, Deloitte – all of those have organised visits through my office. And more recently we had the representatives of the American Battle Monuments Commission, who also were able to visit and enjoy what it offers, and Subterranea Britannica. And in June, obviously, His Royal Highness the Earl of Wessex, Prince Edward also visited Gibraltar, accompanied by His Excellency the Governor, myself and the project director, and I am asked to extend a visit to Members of the Opposition if they are interested in visiting.

4215 So the site is obviously open. People are free to go and visit and to walk across. We do not have a formal, official number of tourists because it is not open officially as a tourist site yet.

4225 **Hon. D J Bossino:** He may have slightly answered the question at the end, but my question was not tourists, it was visitors, and it would have been nice to have had those statistics, given the long list he has just read of people who have visited. My question was about visitors, so I think it would have been appropriate to have included them in a list.

4230 Just so I understand it, I think his initial answer is that the site has not been formally opened for tourists. What is preventing that, given that there was a refurbishment, as he corrected me, in 2016? That is now six years ago. No? Okay. And why is it that it has not been opened, basically for visitors to visit as and when they wish? I understand from what he tells me that that is the position in any event, but for whatever reason I just do not understand why it requires a formal opening. Is it a health and safety issue? Is there an access issue? Should that have been thought of before the refurbishment started? I am not sure.

4235

Hon. Dr J J Garcia: Mr Speaker, in a tourism context – normally in the context of our surveys, for example – the reference is to visitors, visitor arrivals, how many visitor arrivals by land, visitors by sea. His use of the word ‘visitors’ was taken in that context, but obviously the person who drafted the answer thought they would include more information in terms of visitors in general and not just visitors in the sense of tourism.

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I think it is fair to say the Government, from the moment we started work on that site and we took it on board as a project, some of which has been very much welcomed by the Heritage Trust and by the DPC when it went to planning in March, we said very clearly this is going to be a slow process. It may take years or indeed it might even take decades to happen in full – that is to say a full, entire refurbishment of the site.

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What has happened so far is that there have been some 11,000 square kilometres – tunnels, vaults, not just flat land, obviously – which have been cleared. There was a huge amount of rubbish – rubble, fridges, washing machines, mattresses and all sorts of utensils – which had been flung over the wall and which appeared on site, so the first task was a huge clearing exercise and that took some time. Bear in mind also that the site is restricted, that access is very difficult and that you cannot just take in three lorries and load. Things have to be done by hand and effectively by wheelbarrow, and Carl Viagas, who is the project director, and the team there have done a fantastic job in making sure that happens.

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The hon. Member may recall that in March the planning permission was also given by the DPC to allow the installation of some temporary stairs from Casemates, which allowed access into the site. Those stairs were not available before. The temporary stairs are still in place and people use them. The intention is to replace that with a more permanent, more fitting stone stairway, which is something that is in hand but actually has not happened as yet.

4255

So, to answer his question, the site is open. Tourists can visit. Formal tours organised by the Heritage Trust have happened. It is simply not open in the context of, for example, Moorish Castle, where somebody pays an entrance fee and they go in to visit it. This is open and people have access to it.

4260

Mr Speaker: Next question.

Q468/2022

Parliament building refurbishment works – Commencement date and cost

4265 **Clerk:** Question 468/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to when the refurbishment works to the Parliament building will commence and what the costs will be.

4270 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

4275 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, works to the Parliament building are expected to commence next week. The estimated cost for the external works is approximately £260,000. It is expected that this will be met by a contribution already agreed with the Parasol Foundation.

4280 **Hon. D J Bossino:** I am slightly surprised by that answer. The works are going to commence next week, he says. What effect will that have in terms of the sittings of the House expected in December? I think the answer is we will carry on here.

4285 **Hon. Dr J J Garcia:** Mr Speaker, this relates to external works. What they are talking about is developing some kind of scaffolding around the building to allow them to carry out intrusive investigations into the state and condition of the building. It is not something which is expected to interfere with meetings of the House.

4290 **Hon. D J Bossino:** I think the project envisages some internal works, not necessarily to the Chamber but from the meetings that some of us have had in his office when he has explained to us, now some years ago, that it will have an effect on the antechamber and, I think, where the cafeteria used to be. Can he confirm that that understanding is correct? He is nodding his head – for the sake of the *Hansard*.

In terms of the cost, which he has spelt out as £260,000 – and that is only in respect, I assume, of the external works, I think his answer was – can he give us information as to what contribution the Parasol Foundation is going to be making to that?

4295 **Hon. Dr J J Garcia:** Yes, Mr Speaker, £260,000 in respect of the external works. Then, as he rightly says, there are different phases – so this is not something which will happen all at once, there will be phases – and the next phase after that would be probably the installation of the internal lift. I think the works they want to do at the beginning will establish exactly the order and the speed with which everything else will follow.

4300 **Hon. D J Bossino:** The entirety of the cost is going to be met by the Parasol Foundation?

Hon. Dr J J Garcia: In relation to the external works, yes.

4305 **Hon. D J Bossino:** And in relation to the internal works?

Hon. Dr J J Garcia: We have not yet got to a detailed costing and design of those external works, so we will need to produce that first before we can take a decision on how to proceed with them.

4310 The hon. Member may recall that there is an entry, if I remember correctly, in the I&D in respect of the actual lift phase of the project, but we need to see whether we actually get to the stage where we do that, or not.

4315 **Hon. D J Bossino:** Does he expect that to start and commence within the remaining lifetime of this Parliament?

Hon. Dr J J Garcia: The way it was described to me is that really depends on what they find when they start the external works, and that may or may not delay everything else.

Mr Speaker: Next question.

4320 **Hon. K Azopardi:** Sorry. Can I just ask on this, so that we are understanding the scope of the works? Are the works that are being considered, the internal works, the same as the hon. Member consulted us on, or are these different works that we are talking about?

4325 **Hon. Dr J J Garcia:** Mr Speaker, the hon. Member will recall that we met in 2021, I think it was, when we gave them copies of the document on the internal designs that were being proposed. There were some alterations which they suggested, which were incorporated in future designs, but they were not anything which we could not take account of. Those designs went to Planning and received full planning permission in March of this year. Those are the internal works that we are talking about, so it is the entirety of the internal structure of the building, including the ground
4330 floors. This, as I said, is something that would happen in phases as the funding is made available and as the external works determine.

Hon. K Azopardi: The hon. Member will recall our conversation when I said to him that those works were only meaningful if there was then reform of the practices of the House, so perhaps he
4335 can take that also on board and I would invite him to do so.

Hon. Dr J J Garcia: Mr Speaker, yes, the hon. Member did say that, but that is a different debate, I think.

4340 **Mr Speaker:** Next question.

Q469-70/2022
National Archives –
Plans to increase access; permanent exhibition space

Clerk: Question 469/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what plans are there to increase public, physical and online
4345 access to our National Archives?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will answer this question together
4350 with Question 470.

Clerk: Question 470/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, does the Government intend to create a space to allow some of
4355 the so far temporary exhibitions on local history organised by the National Archives to be on permanent exhibition?

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

Hon. Dr J J Garcia: Mr Speaker, yes. The intention of the Government remains to use Duke of
4360 Kent House for this purpose in relation to the exhibitions.

There are plans to provide a larger reading room at the new, expanded archives at Duke of Kent House. In addition to this, the Government will continue with the digitisation programme, which has seen more information provided online, already, than ever before.

4365 **Hon. K Azopardi:** Mr Speaker, does the hon. Member have some kind of timescale for the Duke of Kent project? It has been talked about for some time. Obviously people do have access to the archives on request at the moment, but it would be much more useful and it would be a great resource for this community if people could have a place they could go to, to do their research.

4370 Secondly, Duke of Kent House for exhibitions strikes me as ... From the last time I went there, it does not strike me as a building that is big enough to host a lot of these exhibitions. There have been quite a number of these exhibitions, and I have to say they have been excellent, but it would be good to just keep those alive because I think it could be quite a tourist focus if we could find somewhere where you could locate these things.

4375 **Hon. Dr J J Garcia:** Mr Speaker, yes, I agree. The archivist and his team, and indeed the volunteers, have done a fantastic job with all the exhibitions that have taken place. I always felt myself, as the Government, that these needed a permanent home and I think in our manifesto we set out that we would like that home to be Duke of Kent House. It is actually much bigger than it looks from the outside because there are several levels to it and there are some behind also in a courtyard. It is all that area that we are looking at, which is half of that patio, if you like.

4380 Obviously, the more information you have online, the less people will need to go there in person. I accept at the moment there is a kind of dual arrangement. There is an arrangement where people make an appointment and they turn up at the archives. That is mainly exercised by people who come from outside Gibraltar, researchers or whatever who are going to be here for a limited period of time. And then there are others, mainly the people who usually make use of the archives, and there are some of them too, regulars, who simply turn up, so it may be that somebody turns up one day and there is no space because it is occupied by people who have appeared before them. When I asked for figures they told me that there are about 400 people – and they keep a record – who attend in person every year. That, if you remove weekends, would be one to two persons a day. There are six places where people can sit properly and comfortably and conduct their research. The intention is that the Duke of Kent facility will at least double those, with space available in other rooms in case it becomes necessary.

4390 As I said at the beginning, the more there is online, the less people need to turn up in person, but there are, I am told, at the moment, 8.59 terabytes of material online, which sounds huge to me. That includes population records of the civil population from 1301 to 1921. It includes military records. It includes all the evacuation section, which allows people to search for names, whether they were embarked on certain vessels and where they went and all the rest of it – surnames by ships, by addresses and by destination. There is also the video in honour of Her late Majesty Queen Elizabeth II, with parts of the exhibition that was used at that time. The Centennial City Council is also available online. The oldest document held at the archives, which is something called the Acta de Cabildo 1577 – an actual document – is also available online. People do not need to touch it or access it in any other way because it is already there. General Bland's Court of Inquiry of 1749 is all there and a 1911 Gibraltar film, the history of the Archives itself, the Referendum of 1967, a collection of vintage images, a timeline, the 50th anniversary of the Archives. The Victory in Europe, World War II, 1945 is also there. An exhibition on the closure of the Frontier can be viewed online as well. The 40th anniversary of the Falkland Islands exhibition can also be viewed online, and the ability to register as a member and get a history card which allows you to access the archives and then to have your favourites listed on that section is also available online. There is also a huge amount of statistics as well, which I will not go into.

4400 In terms of what comes next, which I think was actually his question, the priority plan, I am told, now is to digitise 18th and 19th-century records and collections, so that is 1700s and 1800s, all the local press that they hold at the Gibraltar National Archives. They also want to digitise that as the next step. That answers the question, Mr Speaker.

Adjournment

4415 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, what an excellent and historic note on which to seek to now recess the House until tomorrow at three o'clock in the afternoon, where I can give hon. Members an indication that my intention is to take, of course, my questions first – three o'clock on the third Thursday of the month – and then deal with questions to the Minister for the Environment and the Minister for Economic Stability and the Savings Bank.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 24th November at 3 p.m.

4425 I now put the question, which is that this House do now adjourn to Thursday, 24th November at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 24th November at 3 p.m.

The House adjourned at 9.54 p.m.