



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.08 p.m. – 3.10 p.m.

Gibraltar, Thursday, 18th May 2023

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The Gibraltar Parliament

The Parliament met at 3.08 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

Adjournment

Clerk: Meeting of Parliament, Thursday, 18th May 2023.

Mr Speaker: The Hon. Steven Linares.

5

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I have the honour to move that this House do now adjourn to Tuesday, 23rd May at 3 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, 23rd May at 3 p.m.

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I now put the question, which is that this House do now adjourn to Tuesday, 23rd May at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 23rd May at 3 p.m.

The House adjourned at 3.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.07 p.m. – 5.54 p.m.

Gibraltar, Tuesday, 23rd May 2023

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The Gibraltar Parliament

The Parliament met at 3.07 p.m.

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

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

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Tuesday, 23rd May 2023.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th and 16th March 2023.

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Mr Speaker: May I sign the Minutes as correct?

Members: Aye.

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Challenge to Speaker's authority and suggestion of impartiality by Hon. R M Clinton – Clarification by Mr Speaker

Clerk: (iii) Communications from the Chair – the Hon. Mr Speaker.

10

Mr Speaker: On 20th April 2023, in the course of an interview on a *Viewpoint* programme on GBC, the Hon. Daniel Feetham was asked to comment on an incident which took place in Parliament on 26th November 2022. This related to an accusation by the Hon. Roy Clinton that I had not been completely impartial when dealing with an expression used by the Hon. Sir Joe Bossano – ‘Well, look, he can either believe it or he can lump it’ – when answering a supplementary question posed by the Hon. Damon Bossino. For the sake of completeness, I shall now proceed to inform Parliament of all the facts of this matter, so that it can be included for the record in *Hansard*.

15

Given the very serious nature of the Hon. Roy Clinton's accusation, I discussed the matter personally with the Speaker of the House of Commons, Sir Lindsay Hoyle, and it was proposed that I should refer this to his legal counsel. I provided the relevant extract from *Hansard*. A reply was received on 19th December 2022 as follows:

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1. In general, I do not think the phrase ‘he can lump it’, if used in the House of Commons, would ordinarily be viewed as unparliamentary and warranting intervention by the Chair. In this instance, it appears that the Member who used the phrase had already tried various other means of making his point and resorted to this as perhaps an inelegant but not necessarily unparliamentary way of driving home his point.
2. I can see nothing in Mr Speaker Farrell's response which could be considered out of order. He is apparently trying to explain the context in which the comment was made, no doubt in an effort to reduce tensions in the

Chamber, and his comments about Members are respectful and measured. He does not appear to be taking a side in the substantive issue under discussion.

3. While it is orderly for a Member to raise a point of order seeking clarification about a decision or ruling from the Chair, it is not for Members to challenge the authority of the Speaker, and in particular the Speaker's impartiality should not be questioned. Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. *Erskine May* says that reflections on the character of the Speaker or accusations of partiality in the discharge of their duties have attracted the penal powers of the Commons.

25 Upon receipt of this advice from the House of Commons, I opted to deal with the matter internally. I spoke to hon. Members Clinton and Bossino in the presence of the Hon. the Leader of the Opposition behind the Speaker's Chair.

**Code of Conduct for Members of the Gibraltar Parliament and Ministerial Code,
amendments and revisions –
Ruling by Mr Speaker**

Mr Speaker: For my second intervention, on 15th March 2023 the Hon. Roy Clinton raised a point of order and sought a ruling in connection with the laying on the table by the Hon. the Chief Minister of two documents, namely the Code of Conduct for Members of the Gibraltar Parliament and the Ministerial Code.

30 The Hon. Roy Clinton's argument centred on his view that under Standing Order 12, the tabling of such documents was not the appropriate mechanism for their formal adoption and that this should be done by resolution of the House. The Hon. the Leader of the Opposition, in supporting the hon. Member's position, pointed to the relevance of sections 36 and 39 of the Constitution.

35 The Hon. Roy Clinton recognised that the Hon. the Chief Minister had, on reflection, changed his position, and this subsequently led to a motion being moved the following day, giving effect by way of resolution to the Code of Conduct for Members of the Gibraltar Parliament. This procedure was not applied in respect of the Ministerial Code. In coming to his decision, the Hon. the Chief Minister had relied on the recommendations made in the Report to Parliament on Democratic and Parliamentary Reform of January 2013. At my request, the Hon. Roy Clinton wrote
40 to me, setting out the arguments in support of his request for a ruling. I provided the Hon. the Chief Minister with a copy of such.

In considering this matter, I have looked into the various procedures followed in the House in the past and the current practice in the House of Commons.

45 On 19th April 1979, several amendments to Standing Rules and Orders were approved by resolution of the House. On 31st October 1979, the House approved by motion the report of a Select Committee which contained recommendations for the creation of a Register of Members' Interests. On 2nd March 2007, revised Standing Rules and Orders were approved by resolution of the House following the coming into operation of the new Constitution. On 15th February 2013, the Report to Parliament on Democratic and Parliamentary Reform was tabled. It contained a
50 number of recommendations, including two which referred to the Code of Conduct for Members of Parliament and the Ministerial Code. In the case of the former, it was recommended that a code should be drafted and that Parliament should determine its introduction by resolution. In the case of the latter, it was recommended that a review of the Code should be conducted and that it should be drawn up along the lines applicable to Ministers in the United Kingdom and that it
55 should be kept under periodical review.

The position in the House of Commons in the context of the Codes is as follows. The Code of conduct for Members of Parliament is owned by the House in the sense that it is formally agreed by the House, and the House as a whole has to approve changes to it. By contrast, the Ministerial Code is not owned by Parliament. It is the responsibility of the Prime Minister and is approved by

60 the Prime Minister. It is not laid before Parliament, although the Code and its enforceability has been debated in the House of Commons.

In view of the foregoing, I rule that (1) amendments to or the revision of the Code of Conduct for Members of the Gibraltar Parliament and (2) amendments to or the revision of the Standing Rules and Orders of the Gibraltar Parliament can only be given effect by resolution of the House
65 after presentation of the appropriate motion.

In respect of the Ministerial Code, if I were to follow the procedure in the House of Commons and rule that the Code is a matter for the Hon. the Chief Minister, this would conflict with section 11 of the Code, which states that the Ministerial Code shall be subject to annual review by the Gibraltar Parliament. I therefore rule that changes to the Ministerial Code should be treated
70 in the same way as for the Code of Conduct for Members of the Gibraltar Parliament.

That ends my interventions.

Tribute to Ernest Britto

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, thank you, as ever, for those rulings on various
75 matters.

Before we begin today's session, I rise in sadness to pay tribute to the late Ernest Britto. Ernest, as those of us who had the pleasure of knowing him well knew, was a man of many talents. Although he is, of course, best known to us in this House for his time in Gibraltar politics, hon. Members will know that Mr Britto also enjoyed a long and successful military career. I think in the
80 old days we used to call him the hon. and gallant Mr Britto as a result. Following that very successful military career, Ernest sought and obtained a seat in this House in 1988 with the AACR, and then he became a Minister from 1996 with the GSD until 2011. He held various portfolios, including the portfolios for health, the environment and the other thing that was very close to his heart, sport.

In his younger years, Ernest was also an avid sportsman and, as a result of his military career perhaps, he discovered a talent for rifle shooting and went on to represent Gibraltar at the 1978 and 1982 Commonwealth Games. Indeed, he earned the happy moniker, in one of Gibraltar's
85 weeklies, of '*Ernestito mata monos*' because he was charged, whilst he was a member of the Royal Gibraltar Regiment, with the shooting of apes when the numbers were getting too large and the regiment was in charge of that. He and I often enjoyed referring to that moniker behind the
90 Speaker's Chair when we were enjoying coffee or tea in the afternoon. In 1988 he was also elected the President of the Gibraltar Target Shooting Association and President of the Gibraltar Commonwealth Games Association.

But beyond all of those achievements in this House and outside of this House, if there is one
95 quality that I will remember Ernest Britto for, it is his humanity and his friendship, because across the floor of the House, when I was first elected and I was starting to do this adversarial thing that we call politics, I found in Ernest Britto a friend and somebody who was always ready to extend the hand of his experience to help along somebody who was on the opposite side but with whom he could get along. That non-partisan nature is what I think makes Ernest Britto somebody who
100 will be kindly and well-remembered across the floor of the House, across the political divide. I know that if Juan Carlos Perez were still with us he would be referring to Ernest Britto as a friend, and I cannot think of one more dyed in the wool of one side or the other, but both of them people who reached across and had friendships across the floor of the House, and that must be a man's greatest quality.

105 And so, on behalf of His Majesty's Government of Gibraltar and the people of Gibraltar, I now, in this place, once again express my most heartfelt and sincere condolences to Ernest's wife

Madeleine and to his children Germaine and Keith, as well to as all his grandchildren and his many family and friends. If I may say so, Mr Speaker, I thought that Germaine's tribute in the Cathedral on the occasion of the funeral was extraordinarily moving.

110 Mr Speaker, after tributes from other Members of the House, I invite the House to observe a minute's silence in Mr Britto's memory. (*Banging on desks*)

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

115 **Hon. K Azopardi:** Mr Speaker, on behalf of the Members of the Opposition, I associate myself with the remarks of the Chief Minister.

Ernest was not just a colleague but a friend of mine and of many Members on this side of the House, and indeed Members on that side of the House. He was not just a politician; he was a politician, a military man and a sportsman and excelled in all those fields. He always liked to say, when we were Members of the House together, that he was the only Member of the House who was honourable and gallant, and indeed he was a gallant politician as well as gallant because of his military career.

120 I rise with a mark of sadness, not just noting Ernest's passing but noting that he is now the third member of the 1996 team I served in who has regrettably passed, after the late Bernard Linares and the late Hubert Corby. Years pass and it takes its toll on humanity. Ernest suffered, as his family did, towards the end of his years because of his condition, and anyone who had engagement with Ernest as a friend and colleague felt that suffering, which his family did much more closely, of course.

125 In politics he was one of the original band of people who came together after 1992 to build the platform that led to the GSD succeeding in the 1996 election. He served as deputy leader of the party between 1992 and 1995. In government, he served in several ministerial posts, as the Chief Minister has said, and excelled in all of them. His particular love of sport showed every time he had to do something ministerial in the sporting field, as indeed was marked in Germaine's lovely tribute to him in the Cathedral, as the Chief Minister has said.

130 Certainly we join the Members of the Government in offering our condolences and reflecting on his death, offering our condolences to Madeleine and all his family.

Mr Speaker: The Hon. the Deputy Chief Minister.

140 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I had the pleasure and privilege of serving with Ernest Britto in this House from 1999 when I was first elected until 2011 when he retired. I was very saddened to learn of his passing because he was in many ways a real parliamentarian, what you would expect a parliamentarian to be, and somebody who behaved in that way certainly in all the dealings that I had with him.

145 As the House knows, he was an ardent supporter of the Commonwealth Parliamentary Association, and indeed on two occasions he served on the committee of the international board of that organisation. In fact, in 1999, just a few weeks after I was first elected, and probably because nobody else wanted to go, I ended up travelling with him to the Caribbean, to a Commonwealth Parliamentary Association conference. I think that is where we hit it off and where we became, I would like to think, good friends. I remember he rescued us from a large creature that suddenly appeared one day. His military training, I think, helped to fend off the advances of this particular large, reptile creature that appeared in the doorway of our hotel one morning.

150 He was always polite, helpful, courteous and, I would like to think, a consensus politician, somebody who wanted to get things done by agreement rather than by conflict. In that role, he would sometimes call me and we would have discussions on the phone about issues which were current. I valued those discussions; as I said, I had just been elected to this House. He was, as the Chief Minister has rightly said, a very human face to politics.

I would like to express my sincere condolences to his wife and to his family. May he rest in peace.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you.

165 It is with a heavy heart and profound respect that we bid farewell to Ernest Britto, a stalwart of Gibraltar politics and a former MP of the AACR and then the Gibraltar Social Democrats.

Ernest Britto will be remembered for his tenacity and his political courage. He rose to prominence during a period of significant upheaval and change for Gibraltar in the late 1980s and 1990s. It was a time when our land was in disarray and grappling with socio-political and economic challenges, a time of tension and great polarisation in which being in opposition was only for the brave. Ernest Britto stepped forward in the spirit of service and embraced the responsibility to guide Gibraltar towards stability. His courage, like that of many of his peers, shone like a beacon during those tumultuous years, never shying away from making tough decisions or standing firm on principles that he believed would better Gibraltar. His unwavering commitment to serve was clear, a testament to his conviction and unyielding spirit. The contributions of his generation during those chaotic years are the bedrock upon which our current stability is founded.

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Personally, I will always remember Ernest Britto with his charm and that twinkle in his eye, despite being rather unwell in the last years that I did see him.

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Today, we stand united in grief but also in gratitude for Ernest Britto's life and legacy. As we remember him, let us also remember and strive to emulate his courage, his service and his deep love of Gibraltar.

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I extend my condolences to his beloved wife, children and grandchildren. May he rest in peace. Thank you.

Mr Speaker: The Hon. Minister Cortes.

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I knew Ernest Britto in another context, as he was Minister for Environment for quite a number of years when I worked in that field. I was, at the same time, working with him as Director of the Botanic Gardens and adviser to him, and also running GONHS and giving him grief on some issues, but the relationship was always excellent. He always respected my opinion, my point of view, and we worked very well together and made a lot of progress during the years when he was Minister for the Environment.

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When towards the end of his political career I decided to stand for election, he actually, in a subtle way, as Ernest would do, encouraged me and was one of the first to congratulate me when I was elected as a Minister, even though I stood against his party. But that is the kind of man Ernest Britto was.

200

I just want to add my own personal experience to the other words spoken in this House in expressing my own personal condolences, because we spent a lot of time together, working together, and it was a pleasure and an honour to do that.

205

Thank you, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

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

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It must be really touching for Ernest's family to hear the nice words being said about him, especially because it has come through straight away that everyone coincides in having recognised those qualities in Ernest.

I first ended up having quite a close personal and professional relationship with Ernest prior to any interest he may have expressed in politics. We go back to 1974, which is almost 50 years ago,

210 when I first joined what at the time was the Gibraltar Regiment, now a royal regiment, and Ernest
was already a captain, already the adjutant of the regiment. He also served as an honorary ADC
to His Excellency the Governor, and I think he did that in respect of successive Governors. Ernest
certainly came across as someone who knew his position of authority within the military ranks,
but it did not deter him from stretching out his hand of friendship, like the Deputy Chief Minister
215 has said, in his way of offering advice, and he would rather resolve things through mutual
discussion and agree to disagree, if need be at the end of the day, but always in a gentlemanlike
manner.

He was always well noted for his ability in sport, not only, as the Chief Minister has rightly said,
his achievements in being Gibraltar's top shooter and therefore representative in successive
220 Commonwealth Games, but he also made up part of the team of the Gibraltar Regiment playing
hockey in the old N.O.P. grounds when it used to be tarmac, and even there he always had advice
to give on how to get the best effect on the ball on a hard tarmac type of surface.

That friendship, that closeness with Ernest, eventually led to ... I do not know whether he
bribed me or coerced me or not, but he had an interest in amateur dramatics and we ended up
225 performing on at least three or four occasions in the annual drama festival, in which Ernest was
always an outstanding actor. I do not think he quite made the top prize of best actor that year,
but certainly he was very much in the running and certainly was a top performer and had a leading
role in those plays on more than one occasion at the drama festival. Whatever certificate I may
still have at home that says I was part of a winning play, I would not say it is to be shared equally;
230 I would say that more than 50% of that goes to someone like Ernest for not only his own personal
performance, but he managed to get the best, by hook or by crook, out of anybody else who was
participating in any event with him.

With those happy memories of regimental days, plus all those happy memories that have been
expressed across the floor of his parliamentary days, his family can continue to be rightly proud
235 of him. May we eventually, one day, meet together and go back on parade with Ernest leading at
the front. The last honorary position he held was as president of the Gibraltar branch of the British
Legion, so all those who have ever had to wear a military uniform will certainly be called to parade
and be inspected by Ernest, who I am sure will continue to extend his hand of friendship.

Thank you, Mr Speaker.

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Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I too associate myself with all the words that hon. Gentlemen
and also the hon. Lady to my left have said about Ernest Britto.

245 We served together from 2007 to 2011 in government. He had been in government for
16 years. He could very easily have retired and simply left politics in 2011, but he opted to stay
with the GSD as part of the GSD executive; in fact, he was the Chairman of the GSD. I found him
phenomenally helpful and encouraging during my time as Leader of the Opposition and I
personally will never forget that.

250 One of the things that has not been mentioned is that Ernest Britto was somebody who had a
real sense of humour. There was one incident that was probably his favourite, because when I
spoke to him he would often refer back to it, which shows the character of the man, that he did
not mind looking at himself and also poking fun at himself. He was not the kind of guy who would
take himself seriously. It was the incident that occurred when we were in government, when after
255 the session had been adjourned he asked who was going to be attending the dinner for the GSB,
I think it was. Luis Montiel said, 'I am going to be attending,' and Ernest Britto said, 'Well, don't
let Peter find out because *'te va cortar el cocote,'* or words to that effect. What he had not realised
was that the microphones were still on and it had been broadcast to people in Gibraltar. He would
often refer back to that and have a laugh about it, and I think that is the measure of the kind of
260 individual we are talking about – not somebody who was afraid of also laughing at himself.

May I also join with other Members of this House to offer my condolences to his family and all his friends.

265 **Hon. Chief Minister:** Mr Speaker, if others have finished their tributes, I would now invite the House to observe a minute's silence in honour of Ernst Britto.

Members observed a minute's silence.

PAPERS TO BE LAID

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

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Police Authority Annual Policing Plan for 2023 and 2024.

Mr Speaker: Ordered to lie.

275 **Clerk:** The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I have the honour to lay on the table the Heritage and Antiquities Advisory Council Parliamentary Report for 2018-19, 2020, 2021 and 2022.

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

Clerk: The Hon. the Minister for Business, Tourism and the Port.

285 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** I have the honour to lay on the table the Audited Accounts of the Gibraltar Port Authority for the year ended 31st March 2016.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

BUSINESS, TOURISM AND THE PORT

Q406/2023 Airport toilets – Repairs

290 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 406/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the toilets at the Airport be fixed?

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

295 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the short answer is that the toilets are not broken, nor have they been. To my knowledge, there have not been reports in the media or any written complaints regarding broken toilets. We check these daily and if any faults are found they are rectified as soon as possible. If the hon. Member can tell me which specific toilets he is referring to, I will be happy to have them checked out.

300 **Hon. D J Bossino:** Mr Speaker, I am happy to answer the hon. Member's question, although I am the one who is meant to be asking the questions.

305 The toilets that are broken are in the Airport. That is the only information I have. I have not seen them myself. It is information that has been reliably passed on to me by various sources. Can I ask him, therefore, to check his facts? I think he will establish that he is wrong and in fact the toilets are currently broken. *(Interjection by Hon. Chief Minister)*

Hon. V Daryanani: Absolutely. When he asked the question, he said he was – *(Interjection by Hon. Chief Minister)* First of all, let me tell him there are 19 separate toilets in the Airport. I am sure they are not all broken, and from the last information we had, none were broken. If there was some sort of fault in one of them it would have been fixed, but if there was any major fault it would have been brought to my attention. When they are fixed, they are fixed. They do not ask the Minister whether they should fix a toilet; they just get on with it and fix it.

315 **Hon. D J Bossino:** Mr Speaker, he may deal with this matter flippantly, as he deals with most of the matters that are raised across the floor of the House by me. Is he telling me that of the 19 toilets that he says the Airport has ...? I sense that he is qualifying his answers slightly. I ask him, therefore, to confirm that he is saying that as the position currently stands ...

320 At the end of the day, this is an important entry and exit point for Gibraltar, and he is presiding over entry points and exit points in Gibraltar. The cruise terminal is a case in point and the Frontier entrance is a case in point, which are in, quite frankly, a dilapidated state and it is an indictment on his running of his Ministry.

Let me ask him this: can he confirm to me here and now that he is telling us that all 19 toilets are in proper working order and do not require to be fixed?

325 **Hon. V Daryanani:** Yes, sir.

Chief Minister (Hon. F R Picardo): Evidence [inaudible] out of order.

330 **Mr Speaker:** Next question. *(Interjection by Hon. D J Bossino)* Next question, please.

Hon. Chief Minister: No, you said you were reliably informed.

Mr Speaker: Next question.

335 **Hon. D J Bossino:** Based on evidence, hence why it is reliable.

Hon. Chief Minister: *[inaudible]* provided.

340 **Mr Speaker:** Next question!

Clerk: Question number –

Mr Speaker: Yes.

345 **Hon. Chief Minister:** Mr Speaker, the Hon. Mr Bossino is saying from a sedentary position that
the Minister is misleading the House and that he has information to show that this fundamental
issue, which is the state of repair of the 19 toilets at Gibraltar Airport, is not correct. Given that it
is now 45 minutes after the House started and we have started to deal with this issue, if the hon.
350 Member has evidence to show that the information provided to the Minister, which the Minister
is providing to the House, is incorrect, would he care to share it with us, or is it that he has no such
information?

Hon. D J Bossino: Mr Speaker, if the hon. Member is misleading the House, an appropriate
motion will be brought to this House to that effect (*Interjection*) with the evidence in support.
355 This is a very important issue. It seems that the Hon. the Chief Minister who leads the
Government is taking the same attitude as the Minister. I am not surprised by his attitude.

Mr Speaker: Right, that is enough. (*Interjection by Hon. D J Bossino*) Please resume your seat.
Next question.

360 **Clerk:** Question 407/2023. (*Interjection by Hon. Chief Minister*) The Hon. D J Bossino.
(*Interjection by Hon. Chief Minister*)

Hon. D J Bossino: Well, urinals at the bus stop.

365 **Mr Speaker:** Please, I ask the Chief Minister to calm down and also the hon. Damon Bossino.
Next question.

Q407/2023
Met Office strike –
Measures to prevent closure of Airport

Hon. D J Bossino: I will take your advice, Mr Speaker.
What measures, if any, can be introduced by the Government to prevent a repeat closure of
370 Gibraltar Airport as a result of a Met Office strike?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Met Office
375 is contracted by the Ministry of Defence to provide meteorological services at Gibraltar Airport.
The Government, by means of the RAF Gibraltar Commercial User Agreement, has a contract with
the MoD to provide aeronautical services at Gibraltar Airport.

As can be seen by this explanation, the Government has no direct contractual agreement with
the Met Office and thus has very little scope to be able to influence matters in this respect.
380 However, the Government has reminded the MoD of its contractual obligations as a result of the
Commercial User Agreement. The Government has and will continue to withhold payments due
to the MoD for services under the Agreement on all days that services are not provided.

The Government has raised the issue with UK Ministers, as well as with the Commander British
Forces.

385 **Hon. D J Bossino:** Mr Speaker, in exchanges that we have had across the floor of the House in
the past in relation to this issue as a result of other issues that have provoked the closure of the
Airport, the Hon. Chief Minister has stood up and provided responses and replies which are very
similar to the one that the hon. Member has just provided.

390 Just by way of clarification, is it the position of the Gibraltar Government, as a result of the contractual arrangements that it has with the MoD, that each time the Airport is shut – for whatever reason, including on this occasion a strike by the Met Office, which was a UK-wide strike as I understand it, which had a ripple effect on Gibraltar – to withhold the fees that are paid under that commercial arrangement? Is that the position?

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Chief Minister (Hon. F R Picardo): Yes, Mr Speaker.

Hon. D J Bossino: And other than that lever that can be pulled by the Government, and he also said by way, presumably, of making representations to government ministers, is there any other thing that the Government has within its disposal to exert pressure so that this type of situation does not repeat itself?

400 It seems that for one reason or another – and I understand that there are myriad different reasons and causes – Gibraltar Airport has been shut more often than not. At least on an anecdotal basis, that is something that people are telling me and we can see it from the reporting that we are getting. It just seems to be that Gibraltar Airport, for one reason or another, is being shut. Is there anything else that the Gibraltar Government can do to try to prevent a repetition of this situation?

Hon. Chief Minister: No, Mr Speaker, because the Government is not all powerful and we do not control the Airport.

410 It is absolutely to mislead the House to say that the Airport has been shut more often than not. Those are the words that the hon. Gentleman used. The Airport may have been shut on three or four days in the past 180. That is not more often than not, but of course if a parliamentarian gets up and says that Gibraltar Airport has been shut more often than not, it is not helpful to attract airlines to Gibraltar Airport, especially if it is just four days out of 180. So what the hon. Gentleman needs to reflect on is whether he wants, simply for the purposes of trying to catch a headline in the morning, to do permanent damage to Gibraltar Airport and our ability to operate more airlines. If he does, as he indicated a moment ago by his actions that he wants to ... whether he can continue to do so.

420 In terms of the substance, we do not handle Met Office services, we do not handle air traffic control services, and in fact, as is well known, it is only possible for an airfield of the characteristics of Gibraltar Airport to operate because it is an RAF airport subject to the control of the Military Aviation Authority and not a civilian airport subject to the civilian aviation authorities. Under the Gibraltar Constitution, the Government of Gibraltar has no responsibility for military matters, only for civilian matters. Therein lies the answer to the hon. Gentleman's question, an answer that I wager he knew before he asked.

Hon. D J Bossino: Mr Speaker, is it always going to be the case that when we are asking questions from this side of the House ...? The hon. Member always seems to suggest that I act in any way which is not on a bona fide basis. If it is when I ask the hon. Member about his trips to Morocco, he tells me to stop because it is not in the national interest. If it is when I ask something which is highly topical and affects directly our economy, he says I had better shut up because, if not, it may have an effect in terms of new airlines coming to Gibraltar. Or if I say something it may have an impact on his negotiations with the EU in relation to Gibexit. Come on, let's get real.

435 Let me ask him this in relation to the substance of this issue, in relation to this particular incident, which was the Met Office strike in the UK. According to press reports, in the past when this has happened, Gibraltar Airport has been safeguarded in terms of closure because Met Office personnel have been able to come to Gibraltar and man Gibraltar's Airport and therefore allow flights to continue, because at the end of the day Gibraltar Airport, in the scheme of things, in terms of the wider UK, is a relatively small airport when compared to the London airports, like Gatwick and Heathrow. So why is it that in this case we were not able to provide that type of

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service? Have they made inquiries of the MoD in relation to this? And can we get a bit more belt-and-braces assurances from the MoD that we get that type of service should there be a future strike of the Met Office?

445 Can I ask the Minister to respond on this occasion? I see that once again the Chief Minister is responding on his behalf.

Hon. Chief Minister: I am not going to respond on behalf of the Minister, Mr Speaker, I am going to respond on my own behalf for a simple reason. The person who was the Chief Minister of Gibraltar when he joined that party, Sir Peter Caruana, took responsibility for something called the Customer and User Agreement, which is signed by the Chief Minister of Gibraltar with the MoD, and when it is reviewed it comes to me for review. Therefore, all of the things that the hon. Gentleman is raising relate to my responsibilities, not the Hon. Minister's, because the Airport is in part touristic but it is also a fundamental artery used for Gibraltar more widely. And so the Airport, qua airport, is not the responsibility of the Minister. It is not just a touristic asset. It is an asset which successive Governments of Gibraltar, including the GSD when they were in government – indeed, they were the first to sign the Customer and User Agreement – decided should be something that should be dealt with out of 6 Convent Place. So all of the issues relating to the Met Office strike and to the air traffic controllers' issues relate to my responsibility and my interchanges with the CBF. That is just to deal, Mr Speaker, with the sideswipe that he makes at the end, before he sits down, that I am going to answer on behalf of the Minister and not on my own behalf because this is my responsibility, and he is now taking it beyond tourism – first of all.

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Second, of course CBF in Gibraltar, the Government in Gibraltar, were both seeking to ensure that if it were possible we would have Met Office staff flown to Gibraltar to ensure that the Airport in Gibraltar could remain open. It was not possible and there were a number of operational reasons why it was not possible beyond any pressing that could be done by a Government of Gibraltar. That is to say if the alleged incompetents that are today in government, as the hon. Gentleman sees it, had been replaced by the alleged Senecas sitting opposite us, doing the magnificent job that they will allegedly do if they are ever in government, they would have had the same success in seeking to bring over Met Office staff to Gibraltar to cover on this occasion, for reasons which I cannot disclose across the floor of the House, but I am happy to tell him later because he will know, as I have just told him and he will remember, that this is an RAF airport. The RAF operates a number of different airports and there are a number of different operational imperatives applicable in respect of different airports at different times. Needless to say, there are many different theatres of military operation, not all of which are fed through Gibraltar at a particular time. On that basis, it was not possible on this occasion for us to obtain Met Office staff to come to Gibraltar to continue the operations of Gibraltar Airport. If it had been humanly possible with the advocacy of CBF in Gibraltar and the Government of Gibraltar – of whatever partisan complexion, because I am sure that all of us would have acted in the same way – then the Airport would have remained open, as it has in fact remained open more often than not.

Hon. D J Bossino: Mr Speaker –

Mr Speaker: No, please resume your seat.

485 Does the Hon. Leader of the Opposition wish to ...? Yes.

Hon. K Azopardi: If I may, can I just ask, because the Hon. the Chief Minister says they have other responsibilities in other air terminals and so on ...? It was reported at the time that this happened – or at least it was implicit in one of the reports – that the Met resources were somehow deployed from Gibraltar to concentrate on ensuring that Heathrow continued to work. In the discussions with the Government, was that an issue that came up and was verified in terms of what had happened? Is it that the resources were not deployed to other RAF terminals elsewhere, but rather to ensure that Heathrow in fact continued to work?

495 **Hon. Chief Minister:** That is not the information we had, Mr Speaker. We had the information about other RAF facilities.

500 **Hon. K Azopardi:** If I may, can I invite the Hon. Chief Minister to perhaps look at what was reported in the press on that issue? I believe it came from comments that had been made by the MoD itself. He may want to verify it in his discussions with the CBF, in particular to ensure that this does not happen again, that we are not just left lame, as it were, not because of military issues but rather because they are simply choosing to prefer other air terminals and not ours.

505 **Hon. Chief Minister:** Mr Speaker, when I saw that I took the matter up. I think it is an interpretation of how things have been expressed, but I have seen the source information and I am satisfied that the source information – not the commentary, the source information – is the information that is correct. I do not act on the basis of what I read in newspapers when I have the source information and I can see how things are being translated, or indeed, on some occasions, traduced.

510 **Mr Speaker:** Next question.

Q408/2023
Cruise passenger tours to Spain –
Measures to prevent

Clerk: Question 408/2023. The Hon. D J Bossino.

515 **Hon. D J Bossino:** Does the Government plan to introduce any measures following the recent excursion to La Linea of cruise liner passengers on a vessel which had docked in Gibraltar?

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

520 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, this tour for 20 cruise passengers was organised by a local cruise agent. The Government was not aware of this. We were not asked for permission and neither should they need to do so.

Since this came out publicly, I have spoken to the agents and expressed my concern. Their explanation was fair and I have asked to be kept abreast of these tours if there is any further interest.

525 **Hon. D J Bossino:** The hon. Member talks about the operator not having to seek the Government's consent – I think is the word he used – in relation to possible tours outside of Gibraltar, and I think he is absolutely right if the Government of Gibraltar should continue on the basis that the private sector should do more or less, within certain parameters, what it likes in order to earn profit. But then he talks about expressing a concern. The question really is what is
530 the Government's policy in relation to this? When he says he has a concern, what concern does he have? And if I may, Mr Speaker, how does he seek to address that concern? It could have been perfectly plausible for him to have said, 'I have no concern about this.' In fact, the Government could take the view that this is not necessarily a bad thing so long as the vessels dock in Gibraltar, but he said he has a concern in relation to this and I would ask him to expand on that, and what
535 concern, in fact, he does have.

Hon. V Daryanani: Mr Speaker, I am always concerned when a tourist comes to Gibraltar and does not spend all his time here. That is what I am referring to.

540 We need to look at the wider picture here. Insofar as this cruise company is concerned, they have four calls coming to Gibraltar. This is information that I am sure he has, because I am sure he read the article in the *Chronicle* on 5th May in which the actual agents said that there were four cruise calls and there was interest from them to have something different, in Spain. They had other events, held here in Gibraltar, and there were 20 passengers who decided they wanted to go to La Linea.

545 We have to look at it in many ways. The agent thinks not exceeding 90 passengers will go to Spain with those four cruise calls, but on the whole we will probably have 3,900 passengers coming to Gibraltar from ships that dock in Spain. This will happen at frontier towns because people come in and will want to perhaps go across and have a look at what else there is on offer. It is the same as somebody coming on a plane, deciding to stay in Gibraltar, spending five nights here but venturing to La Linea for one night's dinner. We cannot stop them from doing that. We
550 cannot say, 'If you come to Gibraltar, you cannot go to La Linea for dinner.' But it is still concerning for me, because I would rather they stay in Gibraltar, so when I speak of concern, that is the concern I speak of.

555 **Hon. D J Bossino:** What the hon. Member is saying is that he has no concern whatsoever that on this occasion, or indeed on possible future occasions, Gibraltar will not be able to continue to provide a sufficiently attractive offering so that people who are on those vessels and dock in Gibraltar will want to come to see Gibraltar. At the end of the day, even if the hon. Member did absolutely no marketing, even if the hon. Member decided not to sell Gibraltar at all, people would
560 still come here on the basis that it is the famous Rock of Gibraltar with all his historical sites and all the rest of it. Is he able to confirm that he has absolutely no concerns, because this is something which is within his remit and within the Government's remit in terms of – as I have said before, in debates with him over the television and in this House – sprucing up and cleaning up Gibraltar to ensure that Gibraltar continues to be the attractive place it should be?

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Hon. V Daryanani: We are constantly making Gibraltar more attractive and we will continue to do so, Mr Speaker.

A Member: Hear, hear.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, just picking up from this interchange, I understand the reasons the Minister has explained about a frontier town perhaps always being attractive on the other side. There are questions that I have posed relating to the issue of litter and rubbish and how Gibraltar looks.
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Can I just ask does the Ministry of Tourism actually explore and perhaps liaise with the Ministry of the Environment at all in terms of what other factors might just be leading to this exodus – for lack of a better word – of tourists visiting La Linea? Does it just close itself in and say, 'We're doing everything we can,' or do they actually talk and say, 'Look, there could be other reasons – can we all work together and try to clean up Gibraltar and do different things?' There are many complaints, in that area of Waterport, of the smell and the grime. Do they talk about this? Do they try to improve the product, at least?
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585 **Hon. V Daryanani:** Mr Speaker, I have just said that we are continuously trying to improve the product and we are continuously trying to make sure that Gibraltar is clean. Let me tell the hon. Lady that there is absolutely no exodus whatsoever. We are talking about 20 people here. We have millions of people coming into Gibraltar from Spain. That is an exodus, but not 20 people going to La Linea for a meal.

590 **Mr Speaker:** Next question.

Hon. D J Bossino: Mr Speaker –

Mr Speaker: No. Please resume your seat.
595 Next question. (*Interjection by Hon. D J Bossino*) No. Next question.

Q409/2023

**Seatrade Cruise Global Conference in Miami –
Delegation, cost, meetings, new business secured, duration**

Clerk: Question 409/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the following details relating to the recent visit to the
Seatrade Cruise Global Conference in Miami: (i) who compromised the Government's delegation;
600 (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.

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 duration of
the trip was five days. We continue to engage with all cruise lines to increase calls and to try to
extend the duration of their stay in Gibraltar. We also spoke to two new cruise lines who hope to
launch in the coming years and made them aware of what Gibraltar offers.

610 The rest of the information requested by the hon. Member is in the public domain. I refer him
to my press release dated 11th April 2023 and statistics on the Government website.

Hon. D J Bossino: Mr Speaker, I do have a copy of the press release that he refers to, and I will
ask him some questions arising from that. I have not had access to the information which he says
615 is on the website. I will check it, and perhaps I may be able to ask questions arising from that at
the next meeting of the House.

In relation to that last point, can I ask him when that information was uploaded?

Hon. V Daryanani: Before he asked the question, Mr Speaker – before I received the question.
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Hon. D J Bossino: Okay, well, that is a matter of record. I think the information is set out as to
when it was uploaded and that will be checked because it has been a fact that on previous
occasions when we have filed questions the information has been uploaded and then the hon.
Members stand up and say that the information is publicly available. It has happened in the past.

625 Mr Speaker, the hon. Member in his statement states that he 'put forward our case for
increased calls and set out our ambitions with the industry'. Can he be more specific rather than
being so wordy and not coming up with specific proposals in relation to this area? What is his case
and what are his ambitions?

Hon. V Daryanani: Mr Speaker, in this press release [inaudible] we met 25 cruise lines, so we
had 25 meetings. Does he really expect me to give him a blow by blow account of each and every
meeting I had and what I had to say to the cruise lines? Does he expect me to tell him publicly
630 what I discuss with other cruise lines? I have told him this before.

635 The thing is – and I say this with the greatest of respect to him – I know he likes to fight about everything, but that is not what I am here to do. My job is to sell Gibraltar, to do my best and bring as many cruise lines to Gibraltar ...

640 Having said that, what he needs to understand is that there is huge competition out there in the cruising sector. There are ports coming out from all over the place, ports that have had nothing to do with cruising before, but now they are in the business of cruising because they see that it is a lucrative business. We need to be out there selling Gibraltar constantly, constantly showing our vision, constantly showing what ambition we have, and I can tell him that is why ... I can only give a summary in a press release and I cannot give him a blow by blow account of 25 meetings that I held.

645 **Hon. D J Bossino:** The hon. Member, each time he opens his mouth, honestly just makes me more and more concerned about the direction of his Department in that area of policy – really, Mr Speaker. I have not asked for a blow by blow account of the supposed 25 meetings he has held. I do not want that. I have asked him simply for his case and the ambitions that he relayed to them, and his vision, at that meeting. He has come up with absolute shallow waffle, and that makes me very concerned.

650 Is he at least able to provide this House with information about the two new cruise liners that are coming, which he says he has managed to secure for Gibraltar? If not the names, is he able to give us an indication of their size in terms of passenger numbers and that type of thing, and when he expects these two new cruise liners that he boasts will be coming to Gibraltar Port?

655 **Hon. V Daryanani:** First of all, Mr Speaker, I never said that I have secured two new cruise lines. I refer him to the answer that I gave him: ‘We also spoke to two new cruise lines who hope to launch in the coming years and made them aware of what Gibraltar offers.’ He should retract that because I have at no point said that we have secured two new cruise lines.

660 My vision is set out in our manifesto of the last elections, which the people decided to vote on. That is for starters. I am working extremely hard, like I said, with our CEO, Mr Bossino, to make sure that Gibraltar has as many cruise lines as possible and extended hours of stay at our port.

665 **Mr Speaker:** Next question.

Hon. D J Bossino: I am not sure the hon. Member has –

Mr Speaker: I said – (*Interjection by Hon. D J Bossino*) Resume –

670 **Hon. D J Bossino:** I am not certain the hon. Member has answered the question.

Hon. V Daryanani: Mr Speaker, he said he has not even read it.

675 **Hon. D J Bossino:** Oh, right, okay, yes.

Mr Speaker: Next question.

Q410/2023

OS35 –

Cost of clean-up operation and recovery of costs

Hon. K Azopardi: Mr Speaker, what is the cost of the pollution clean-up operation in respect of the OS35 to 10th May 2023, and can the Government update the House on the prospects of recovery of these costs?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Gibraltar Port Authority has accumulated a total cost of £7,132,641.10 to date in expenses in dealing with and responding to the 0535 incident. We have also received to date an initial payment of
685 £981,124.45 on account, and are aware that a separate payment has been made to the Gibraltar Supreme Court for the purpose of establishing a limitation fund. This separate payment into the Supreme Court and the use of these funds are all subject to a court case which is still ongoing. Due to that, I will not be making any further comment on the matter.

690 **Hon. K Azopardi:** Mr Speaker, can I ask how much the separate payment made into the Supreme Court ... what was the quantum of that?

Hon. V Daryanani: Mr Speaker, the matter being subject to court proceedings, I would rather not make that across the floor of the House, but I am happy to speak to him behind the Speaker's
695 Chair and give him further detail.

Hon. K Azopardi: I will take up his offer. I assume there is no confidentiality in that, necessarily, but if it is subject to some confidentiality regime of the court proceedings, then of course we are happy to – Yes, I am happy to give way.
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Chief Minister (Hon. F R Picardo): Mr Speaker, I tend to agree. I think that was a payment into court made on the basis of an order in open court, not in chambers, so I think it is shareable across the floor of the House.

705 **Hon. V Daryanani:** Mr Speaker, the figure received was £14.2 million.

Hon. K Azopardi: £14.2 million is the payment into court and the expenses are £7.1 million, so can I just ask ...? Hearing what the Minister has said – that there is that money in court and there is going to be a dispute, which he does not want to discuss, and I accept that and perhaps we can
710 have a word behind the Speaker's Chair about that – insofar as the £981,000 which has been paid, can I assume there was no dispute and it is accepted?

Hon. V Daryanani: Yes, that is correct. The amount that was paid was not in dispute and the £14.2 million is in dispute, and that is why there are court proceedings.
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Hon. K Azopardi: Testing, if I may – is his preface that he would rather not discuss openly the court proceedings? And if he does not want to answer this question for that reason, then perhaps we can have a word behind the Speaker's Chair. Am I to glean from what he has said that the dispute concerns the entire sum that has been paid into court? Is the Government hopeful that
720 insofar as the £7.1 million ...? Let me rephrase the question so that he understands what I am asking. That is why I am hopefully not treading into those issues that he is reticent to tread into. Is the balance of the £7.1 million beyond the £981,000 that has been paid ...? Is all of that balance in dispute, or is he hopeful that some of the £7.1 million is not subject to whatever is going on in court?
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Hon. V Daryanani: Mr Speaker, I would rather discuss this with him behind the Speaker's Chair, because I feel it is a little bit delicate.

Hon. K Azopardi: Again, this would be searchable information, so perhaps this will not cause
730 difficulty: the parties to the dispute in court would be who?

Hon. V Daryanani: Mr Speaker, the parties are the two owners of the respective vessels and the Attorney General.

735 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, thank you. I just want to ask two technical questions of the Minister. The first is what entity has paid the £7.1 million? Is it the Port Authority or the Government of Gibraltar, or some other entity? And secondly, the £7.1 million, has it been paid or is it an accrued cost?

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Hon. Chief Minister: Can I clarify the question? The hon. Gentleman has asked who has paid the costs so far and who has made the payment into court? (**Hon. R M Clinton:** No.) No? So what is the second question?

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Hon. R M Clinton: I wanted to know which entity or entities are making the payment or have made the payment or accrued the cost, and whether the cost is accrued or has been paid across already.

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Hon. V Daryanani: This has been paid from an advanced account of the Government General Account.

Hon. R M Clinton: So they are paid?

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Hon. V Daryanani: They are paid from an advanced account of the Government General Account.

Mr Speaker: Next question.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q411/2023

Domestic abuse manslaughter – Review of sentences

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Clerk: Question 411/2023. The Hon. D A Feetham.

Hon. D A Feetham: I refer to Question 28/2022 on the Lishman case and the recent changes to the law related to domestic abuse, will the Government also be conducting a review of sentences for manslaughter?

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Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, yes, sir.

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Hon. D A Feetham: And can she perhaps give some information to this House as to whether the review is under way or whether, alternatively, the review is to be undertaken?

Hon. Miss S J Sacramento: Mr Speaker, both. The hon. Gentleman will be aware that we recently made significant changes to legislation with respect to domestic abuse. That is what this

775 case was. This new legislation, as the hon. Gentleman knows – in fact, I once again thank the hon.
Gentleman for praising me on this piece of legislation – includes new offences relating to coercive
and controlling behaviour. They are now new criminal offences and they will also include threats
to disclose private sexual photographs and films with intent to cause distress, and strangulation
or suffocation, and setting out that consent to serious harm for sexual gratification is not a
780 defence. So, in relation to the first part of my answer, those are changes in the context of domestic
abuse cases that have already been made.

The hon. Gentleman may recall that last year in my Budget address I specifically said that I was
commissioning some changes to criminal legislation, so that will also form part of that. In relation
to the sentencing offences also committed by a perpetrator who is personally connected to the
785 victim, the hon. Gentleman needs to bear in mind that this will be considered initially by a working
group that I have set up on domestic abuse and they will then advise and inform the wider review
on criminal reform that I have just alluded to.

Hon. D A Feetham: Thank you to the Minister for that answer, but specifically in relation to
790 manslaughter, can she confirm that this specifically forms part of the review that is being
undertaken? That is one question.

If I ask the last one ... I will just wrap it up in one. Does she also not agree with me that given
the special circumstances of a small community like Gibraltar, where those circumstances may be
different to the circumstances and experiences of a large country like the United Kingdom and
795 how they deal with those who are found guilty of manslaughter, we should not be slavishly
following UK law in relation to sentences?

Hon. Miss S J Sacramento: Mr Speaker, I agree with the hon. Gentleman in that when it comes
to Gibraltar, some things that we do will be different to the UK. However, the courts have always
800 expressed a desire that we align ourselves to the UK when it comes to sentencing practice.

Sentencing is a matter for the courts. The hon. Gentleman knows that sentencing involves wide
parameters and when a court makes a decision in relation to sentencing, it will take into account
the facts and circumstances of the case, and it is for the court to decide where in those parameters
an appropriate sentence will fall. The hon. Gentleman will know, obviously, what the maximum
805 sentence for manslaughter is, so it is not an issue of reviewing the sentencing for the offence.
Ultimately, it is a matter that is in the hands of the court because the sentencing powers already
exist.

Hon. D A Feetham: I apologise, Mr Speaker – it just arises specifically out of that answer
810 because of course, at risk of not being flavour of the month in that particular part of Main Street,
in the Supreme Court, the reality of the situation is that it is for elected politicians – in other words,
those who are elected to this House by the people of Gibraltar – to set the policy, and it is for the
courts to apply that policy. That is the way the system has always worked. That is the way the
system works in the future. Therefore, if she – the hon. Lady; I apologise, I did not mean any
815 disrespect. If the hon. Lady agrees with us that something potentially has gone wrong with the
Lishman case and that perhaps ... I am not suggesting that the law ought to be changed, but that
it certainly ought to be reviewed ... then of course it is, does she not agree with me, within her
prerogative, and indeed her duty as a Minister to reflect on the sentencing guidelines and change
those sentencing guidelines if the Government felt that perhaps they were too lenient in the
820 circumstances of this type or any other type of case?

Hon. Miss S J Sacramento: Mr Speaker, I have informed the hon. Gentleman that there is a
general review on the criminal law and I have informed the hon. Gentleman that there is a specific
working group dedicated to looking at domestic abuse that will inform the wider group of the
825 criminal law review, so the answer to the hon. Gentleman's last question I answered in my
previous supplementary. The answer is yes, but as part of that we will also have input from the

830 courts, and ultimately, whereas we may need to look at our circumstances a little bit differently in Gibraltar, the courts prefer to follow the sentencing guidelines in the UK because they are already established. That does not mean we have to follow that strictly, but of course, because I have all the stakeholders who are looking into this, I need to wait for their advice and their guidance and the outcome of the review that I referred to in my first response.

Mr Speaker: Next question.

Q412/2023
Crime investigation –
Private consultants

Clerk: Question 412/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, in the last 10 years how many private consultants have the RGP or any other public body in Gibraltar contracted in order to investigate a potential crime?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, none.

845 **Hon. D A Feetham:** None, save for this private company that has been contracted in order to investigate, through the Northern Irish ex-police officer, the charges or investigation into the alleged issues with Mr McGrail?

850 **Hon. Miss S J Sacramento:** Mr Speaker, there are other questions on the Order Paper in relation to a specific person who has been engaged, so in relation to this other question the answer is none, but then there is a separate answer in relation to the other questions.

Hon. D A Feetham: I just do not understand. The answer is there is one in the last 10 years?

855 **Hon. Miss S J Sacramento:** Mr Speaker, but for the other two questions that are on the Order Paper that have been asked by the Opposition – the answer would have been one, but because there are two other questions the answer to this one is none, and then there will be an answer to the other two.

860 **Hon. D A Feetham:** I think for the purposes of *Hansard*, Mr Speaker, the answer is one, because of course I have asked for the last 10 years. I do not want to be difficult; it is just for the purpose of *Hansard*. I think the answer is one.

Hon. Miss S J Sacramento: Mr Speaker, the answer, of course, which the House will see from the answer to the other questions, will be one.

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Mr Speaker: Next question.

Q413/2023

**Mandatory drugs tests at HM Prison –
Number undertaken since 2011**

Clerk: Question 413/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many mandatory drugs tests have been undertaken at
870 HM Prison since the legislation allowing it was introduced, which, of course, was 2011?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J
875 Sacramento):** Mr Speaker, HM Prison is only undertaking a voluntary drug testing programme.
Mandatory drug testing is not being undertaken.

Hon. D A Feetham: Mr Speaker, this is a question that I have asked over a number of years,
even before Mr Speaker was occupying that Chair, and the answer I was given in the past was that
880 the Prison did not have the facilities at the time in order to conduct this type of test, but it was
the Government's intention to facilitate mandatory drug testing. In other words, the Government
thought that, as a policy, it was something that ought to be done. Can she say whether that policy
has changed or whether the Government is still in the process of resourcing the Prison in order to
allow the Prison to undertake mandatory drug testing?

Hon. Miss S J Sacramento: Mr Speaker, essentially it is both. There is a power in the Act that
allows for drug testing in prison to be undertaken. How that drug testing in prison is undertaken
is very much a matter for the Superintendent of Prison.
885

I have been giving this subject a lot of thought, because ultimately the intention of drug testing
890 in prison is about the reduction of the use of drugs. The view of the Prison is that the take-up of
the voluntary drug testing is successful to the extent that they prefer to undertake voluntary drug
testing over mandatory drug testing. The current take-up of voluntary drug testing in prison, I am
told, is 70%. That is up 10% from last year because the percentage last year was 60. In order to
achieve the objective, which is the reduction of the use of drugs in prison, the Prison, I think, is
895 overall quite successful in achieving this through the voluntary drug testing regime, and
sometimes an approach such as this can yield the results that you want, as opposed to forcing the
drug testing through mandatory drug testing.

Mandatory drug testing, of course, also requires additional investment because the chain of
custody procedure when it comes to mandatory drug testing changes is complex. This has been
900 the subject of discussion in our previous Parliament questions. We were looking at undertaking
the mandatory drug testing locally because it would be cheaper than the original option, which,
because of the chain of custody, was extortionately expensive, but because the success rate of
the voluntary drug testing has increased, the mandatory drug testing has not been among the
priorities that the Prison has had. All in all, I think the hon. Gentleman can agree that a 70% rate
905 of voluntary drug testing is, overall, quite good. It achieves the aim, and that is what it is about. It
is not about how we achieve it, it is the fact that it is being achieved, and if it is being done on a
voluntary basis, then I would dare say it is even better because it means that inmates are actually
engaging in the programme on a voluntary basis, as opposed to being forced to do it.

Hon. D A Feetham: Mr Speaker, there is a lot to unpack there, and I have a number of
supplementary questions with your leave.

The first question is does the Prison Service have the resources and the wherewithal to conduct
these mandatory drug tests?

915 **Hon. Miss S J Sacramento:** Mr Speaker, I am not quite sure what the hon. Gentleman means when he says, 'Does the Prison Service have the wherewithal?' When it comes to the resources, the Prison would not undertake the drug testing. It is something that would be outsourced by the Prison, so it would not be a question of *prison* resources, it would be a question of doing it *for* the Prison.

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Hon. D A Feetham: At the very least, can the Minister answer this? Are the facilities in place in order to allow the Prison Service to conduct mandatory drug testing should they think that is necessary in any given case?

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Hon. Miss S J Sacramento: Mr Speaker, yes, because the Prison has a clinic and it has a medical suite. I will go further for the hon. Gentleman, to pre-empt a further supplementary should it occur to him. In order to do that, there needs to be an element of training of prison officers who would be present at the time of the testing, and that was already under way when I last asked. It may be that that training is now complete.

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Hon. D A Feetham: Can she confirm beyond any doubt – if there is doubt, she can, of course, say it – that everything that needs to be in place is now in place for the Prison Service to conduct mandatory drug testing should the Superintendent of Prison or his officers feel that is necessary in any given situation?

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Hon. Miss S J Sacramento: Mr Speaker, no, it is not, and I said it in my first answer. I said that there were some requirements for the mandatory drug testing because mandatory drug testing requires a higher standard, and that because of the success rate of the voluntary drug testing, it had not been given priority by the Superintendent of Prison.

940

Having said that, the elements that are required in order to do this, I am pretty confident – the hon. Gentleman just asked me if I had any doubt, so I am going to say that I am pretty confident – are extremely advanced. This is about the actual testing, how we are going to test and where we are going to test. So we are quite advanced.

945

I am quite confident that if, say, for example, the Superintendent of Prison next week – next month, to be on the safe side – were to choose to commence mandatory drug testing in prison, he would do so, but at the moment he feels that voluntary drug testing is more successful because ultimately it allows, on a voluntary basis, for 70% of prisoners to remain drug free. At least 70%. It does not mean the other 30% are not, but we know that through positive engagement 70% are.

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Hon. D A Feetham: But of course we come back to the exchanges we had in relation to some of the answers the hon. Lady gave in relation to the court and the judges preferring English sentencing practice. I said then it is the Government that sets policy and it is for judges to essentially apply the law in accordance with that policy. Who is essentially setting policy in relation to mandatory drug testing? Is it the Government or is it the Superintendent of Prison?

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Hon. Miss S J Sacramento: Clearly, Mr Speaker, the Government sets policy and the departments give effect to the government policy, but in setting and devising policy the Government is guided and advised by its heads of department. In this particular case, the Prison has given priority to voluntary drug testing because they feel that is a better way of engaging a positive outcome with the prisoners. By running the scheme in this way, it means that prisoners have buy-in into the scheme and it also gives them an opportunity to do something that gives them a positive reward. This is a very operational decision and if the Superintendent of Prison feels that he wants to give this method a priority and he has a 70% uptake, which I think is good, then I will be guided and influenced by the Superintendent of Prison.

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Having said that, in parallel I also feel strongly that the provisions and the mechanisms for the mandatory drug testing should be in place should that be necessary, so I have specifically asked

the Prison to ensure that everything for the mandatory drug testing is in place. It is just that it is not as simple as one would think on the face of it, and it seems to be quite complicated. I have asked the question because I asked the question a while back and I asked for it to be in place, so if the hon. Gentleman is asking me as the Minister responsible for justice would I like mandatory drug testing in prison, the answer is I would like it to be available but I will be guided by the Superintendent of Prison as to which option he would prefer to take. That is not to say that I would not like everything else to be in place for the other thing.

Hon. D A Feetham: What would the hon. lady say to those hearing these exchanges who might want to put this criticism to the Minister, that it is all very well for the Minister to say, 'I would like to see it in operation,' – in other words, 'I would like the Prison to have this available' – but they have been in government now since 2011, and 11 years down the line, for this not to be available to the Prison Service does look like the Government does not really have any faith in this particular policy?

If that is so, at the end of the day they have been elected in order to govern and they can change the policy, but of course they have got to be clear and they have got to be straight when they explain the policy. This just does not seem – and does she agree with the criticism that I have posed? – as if the Government's heart is exactly in this.

Hon. Miss S J Sacramento: Mr Speaker, no, I do not agree because this is a matter of priorities and it is a question of the success rate and the buy-in.

It is very simple. When this question was first posed – and it was during COVID – and I was told that mandatory drug testing was not happening because it was extraordinarily expensive, because we had to send it out and that in itself was extremely expensive and there was delay, and all sorts of things that I was informed ... And this is operational, because the Government has made it a policy decision, so you are trying to hold officials to account as to why they have done it or why they have not. My question to the superintendent at the time was, 'Currently in Gibraltar we are taking in excess of 1,000 COVID tests on a daily basis; surely it cannot be that difficult to undertake it in Gibraltar – why are you sending it out of Gibraltar?' The person I was speaking to at the time ... it had not occurred to the person tasked with giving the government policy operational effect to have done it in Gibraltar. So then we started exploring it – doing it internally, doing it in house – and since then I have been asking the Superintendent of Prison and successive Superintendents of Prison to sort this out. It seems quite complex in that for some reason the Prison has not completed this process because there needed to be satisfaction in terms of the chain of custody, there needed to be training undertaken and there were several things that needed to be done.

But quite apart from that, even if that were in place, if the Superintendent of Prison prefers to undertake the voluntary drug testing because there are other benefits to this regime, such as giving inmates a positive opportunity to do something for which they are rewarded, and he feels that in the whole scheme of things this is better, I will be guided operationally by what the Superintendent of Prison needs to do. Ultimately, the running and the operation of the Prison is the responsibility of the Superintendent of Prison, and this is very much an operational decision that he undertakes.

Mr Speaker: The hon. Member.

Hon. E J Phillips: I am grateful, Mr Speaker. I will be very short.

As the Hon. Minister will know, there is a reward system in the Prison which encourages good behaviour within the Prison. Does the Minister understand that should an inmate or a prisoner receive a negative response in relation to a voluntary test, he is rewarded as a result of his negative test? As the Minister knows, there is a reward system within the Prison itself for good behaviour. So for those inmates and those persons serving a custodial sentence, should they be of good behaviour there are rewards meted out – for example, access to televisions etc. as an example of

1020 worldwide rewards by prisons, generally speaking. I will try to explain it so that she understands it – she seems to be confused. *(Interjection)* If I could just finish. If, for example, a prisoner produces a negative result, does that impact on any decision by the Superintendent to grant a reward?

1025 **Hon. Miss S J Sacramento:** Well, of course, Mr Speaker, and to clarify for the hon. Gentleman, I am not confused. He is contradicting himself in his question. The reward is for good behaviour, so how can a test that is not negative be good behaviour, and how can there be a reward that arises from it? *(Interjection by Hon. E J Phillips)* A positive or a negative? *(Interjection by Hon. E J Phillips)* Well, of course, Mr Speaker, that is what I have just said in all my supplementary questions, that the Prison prefers to undertake the voluntary drug testing regime because it gives
1030 the prisoners the opportunity to buy in and be rewarded. I said it in the first supplementary. It is the hon. Gentleman who is confused.

Mr D A Feetham: I just have one more.

1035 **Mr Speaker:** No, I think we really have now exhausted the subject, so we will move on, please.

Q414/2023
Hospital orders –
Number of patients, length of detention

Clerk: Question 414/2023. The Hon. D A Feetham.

1040 **Hon. D A Feetham:** Mr Speaker, how many patients in Gibraltar are currently subject to hospital orders, providing particulars of when they were admitted and the length of time they have been detained?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

1045 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, on the basis that there are only two and they could be identified, I shall pass this personal information to the hon. Gentlemen in confidence behind the Speaker's Chair.

Hon. D A Feetham: Mr Speaker, I am content with that answer, and bearing in mind that there is a decrease from the last time I asked the question, I have no supplementaries.

Q415/2023
Upper Rock –
Measures to prevent fires

1050 **Clerk:** Question 415/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, I obviously brought the rain with this particular question. This has been a particularly dry year. What is the Government or its agents doing in order to ensure there is appropriate protection against fires for residents of the Upper Rock?
1055

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Well, obviously, Mr Speaker, we made a drain!

1060 Upon commencement of the high-risk season, which commenced on 22nd May and runs through to the beginning of November, the GFRS conducts weekly inspections, every Friday. These consist of checking emergency water supplies, pressure and flow, tank levels, dry vegetation and overgrowth surrounding residential areas, which is of particular concern.

1065 **Hon. D A Feetham:** Mr Speaker, is there any truth in information that has come to me – I do not criticise it, I am not asking for that reason; it is just information only – that there are also potentially afoot engagements of Spanish emergency helicopter services and aviation services of the type that combat forest fires in Spain to also be on standby in relation to fires in the Upper Rock?

1070 **Hon. Miss S J Sacramento:** Mr Speaker, this is something that has been explored and, indeed, quite a long time ago. It is always good to make sure that we have contingency arrangements should things go beyond our capabilities, so the answer is yes, but it is just another arrangement that we would potentially have.

1075 **Hon. D A Feetham:** May I ask – and again, I am not criticising it because I actually think ... I am not an expert, of course, so I cannot say how effective they would be in the context of the Upper Rock rather than a flat situation – in the context of hills or flat forests, for example; I do not know, it has just occurred to me – but it seems to me like a sensible contingency. Is the Government saying that it has considered it, or that this is a contingency in a situation where there is a particularly ferocious fire in the Upper Rock, that those are resources that could be brought to bear to combat fires in the Upper Rock?

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Hon. Miss S J Sacramento: Mr Speaker, when there are fires or other such emergencies, help is always offered, and it works both ways – it is reciprocal. I know that the GFS, I think from a conversation we had over a year ago – explored this option as a contingency, but as the hon. Gentleman says, because of the landscape of our Upper Rock, and in particular because of the wind challenges, this, although considered as a contingency option, would probably not be ideal in many circumstances anyway. But it is always good to have these contacts, to have these dialogues and to have it as a measure should the need arise.

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1090 **Hon. D A Feetham:** And just finally, although I am not clear whether it is a contingency that is available to the Government or whether it is a contingency that has simply being considered and discussed ... I am sorry, Mr Speaker, I am not being churlish about this. It is just that I am not clear from the answer. Has the Government also considered, for example, having permanent tanks full of water in the Upper Rock that are essentially there as an emergency resource that would allow firefighters to tackle significant fires in the Upper Rock?

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1100 **Hon. Miss S J Sacramento:** Mr Speaker, there are, and that is what I referred to in my substantive answer when I said that checks are undertaken every Friday to check the tanks and to check that the tanks are full of water.

1105 **Hon. D A Feetham:** Perhaps the Minister can correct me if my understanding is incorrect. My understanding is that that is water that the rest of us use as potable water. I was not aware that those are tanks that are designated tanks for the purpose, and if that is the position, please could she confirm it?

Hon. Miss S J Sacramento: Mr Speaker, yes, and the GFRS work very closely with AquaGib to make sure that everything is in place should the need arise, in addition to GFRS also working very

1110 closely with the Ministry of Environment and all the relevant stakeholders. It is accepted that we have to be on high alert as from the end of May when the summer season starts, and that is why every Friday there is a check to make sure that all these provisions that need to be in place are in place. I think they should be commended for being so proactive and once a week checking that everything that needs to be in place is.

1115 **Mr Speaker:** Next question.

Q416-17/2023
GFRS heat fire training –
Number of hours and location since 2019

Clerk: Question 416/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state how many hours of heat fire training have been received by each GFRS firefighter, broken down on an annual basis since 2019.

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Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 417.

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Clerk: Question 417/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state the locations used in each case of heat fire training for GFRS fire fighters provided since 2019.

1130

Clerk: Answer the Hon. the Minister for Justice, Equality and Standards.

Hon. Miss S J Sacramento: Mr Speaker, GFRS the firefighters undergo specific hot wear and compartment fire behaviour training at the Fire Service College in London.

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Firefighter training is recorded in terms of frequency – for example, the number of breathing apparatus worn and within a specified timeframe – not in training hours.

Hon. D J Bossino: Mr Speaker, is she not able to provide the House with the specific information which was requested? The question is rather specific. It talks about how many hours in respect of each firefighter and the ... The locations she has answered, where she says that the compartment heat fire training is provided at the Fire Service College in London, but in relation to the first question I do not think she has provided a full answer.

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Hon. Miss S J Sacramento: That is because, Mr Speaker, the answer they have provided is that it is not calculated in hours. That is not how it is calculated, and therefore they do not have the answer. They have not given me the answer because that is not how it is kept.

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Hon. D J Bossino: Mr Speaker, that is a rather odd reply, in the sense that one would have thought that in an area which is so vitally important to the training of firefighters ... a proper audit and account is not made of how many hours they do.

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May I ask her this? Does the answer she has given to the House today now not totally contradict the answer she gave at the last meeting of the House – I think it was the last meeting of the House – when she said that heat fire training was conducted at Lathbury?

1155 **Hon. Miss S J Sacramento:** No, Mr Speaker, I said that training was undertaken at Lathbury. If
the hon. Gentleman will recall, at the last meeting of the House we were stuck on the particular
question for over 10 minutes and ... Well, I will tell the hon. Gentleman that I – (*Interjection by*
Hon. D J Bossino) Mr Speaker, the hon. Gentleman has said from a sedentary position that it does
not matter that we were stuck on a question for 10 minutes. The reason I say that is because we
1160 were speaking on the question for so long that lots of things were said and debated and other
supplementary questions were asked during that period, which broadened the scope of the
question. The hon. Gentleman will recall that the question posed on the last occasion referred to
training that would occur in the future.

1165 **Hon. D J Bossino:** Mr Speaker, I will check the *Hansard*. I do not think it is available for that
session – (*Interjection*) Exactly. I do not think it is available for that session yet, but we can always
look at the video or listen to the audio. I will go back and check. If I recall, I asked a very specific
question, which was about heat fire training, and I think assisted from a sedentary position by the
Hon. the Chief Minister she offered the reply that that training was provided at Lathbury. In fact,
the information I have is that – and I think she is now confirming – heat fire training is in fact not
1170 provided at Lathbury.

Is she satisfied, therefore, that she has ...? I was going to ask whether she is satisfied that the
firefighters are receiving adequate training, but actually one needs to take a step back. Is she
satisfied that she is getting sufficient information to come to a conclusion as to whether these
officers are receiving adequate firefighter training, which is so important for their role as
1175 firefighters?

Hon. Miss S J Sacramento: Mr Speaker, my information comes from the Chief Fire Officer, in
whom I have full faith, I and have no reason to question the information that he is providing.

1180 **Hon. D J Bossino:** Can I ask her to go back to the Chief Fire Officer and raise the point that I am
raising across the floor of the House? My understanding is that in order for there to be a proper
and adequate audit of the amount of training that firefighters receive, it should be calculated in
number of hours. She does not have that information. In fact, she has not provided this
information across the floor of the House, not because she is not willing to provide it, but rather
1185 worryingly it is because the relevant chief of department that she is seeking this information from
is not providing it to her. So can I ask her to check whether that information which she is being
given and is now imparting across the floor of the House is adequate?

1190 **Hon. Miss S J Sacramento:** Mr Speaker, let me clarify for the purposes of *Hansard* and anybody
listening that it is not a question that I do not have the information or we refuse to provide the
information. The answer that has been prepared is on the basis of the manner in which the
question was posed. My advice is that it is not calculated in hours, and therefore that is the
answer.

I will, in any event, take back that point for the hon. Gentleman and get some further
1195 information. If I had it now, I would give it to the hon. Gentleman, but I do not have it.

Mr Speaker: Final question.

1200 **Hon. D J Bossino:** Mr Speaker, the question was very specific and very particular. I would
encourage her to put the same question that I pose in this House to the Chief Fire Officer because
I am reliably told that this information is provided in number of hours and training is provided in
number of hours. I think this is important information. Many tall buildings are going up around
Gibraltar and it is important for the community here to understand that our firefighters are
receiving adequate training. I am reliably informed that dealing with carbonaceous fires is not
1205 available in sufficient numbers to our firefighters.

Can I ask her this specific question? Is it the Government's intention or policy to, at some point in the future, privatise this area of training?

Hon. Miss S J Sacramento: Mr Speaker, no.

1210

Mr Speaker: Move on now.

Q418-19/2023

**Former Chief Supt John McVea –
Payment for services**

Clerk: Question 418/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is former Chief Supt John McVea being paid for the provision of his services to or performance of his duties within the RGP at a rate of pay analogued to a particular rank of the RGP; and, if so, what is that rate of pay or analogue to a rank; and, if not, what is he being paid for his services to or performance of his duties within the RGP; and how are the moneys he is being paid calculated?

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Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 419.

Clerk: Question 419/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, how much has former Chief Supt John McVea or any entity in which he has an interest been paid for the provision of his services to or performance of his duties within the RGP from the commencement of his engagement, contract or appointment to 10th May 2023?

1230

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Hon. Miss S J Sacramento: Mr Speaker, since the commencement of appointment as a sworn member of the Royal Gibraltar Police until 10th May 2023, Mr McVea has been paid the total sum of £39,671.47.

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Former Chief Supt John McVea is a senior investigating officer who, having recently retired from the police service in Northern Ireland was sworn in as a Royal Gibraltar Police officer with full constabulary powers. His contractual arrangements were established following negotiations between the Commissioner of Police and the United Kingdom National Police Co-ordination Centre with terms of reference created for the various strands of investigation. He is remunerated at a rate of £500 a day.

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Hon. K Azopardi: I see. So there is a daily rate as opposed to a rate analogued to a specific rank within the RGP – is that correct?

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Hon. Miss S J Sacramento: Yes.

Hon. K Azopardi: And can I ask whether the daily rate is an all-in rate, or is there another rate in the contractual arrangements?

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1255 **Hon. Miss S J Sacramento:** Mr Speaker, this detail is not something that I have been involved in, nor that I have been consulted on, other than at the outset the Commissioner of Police being of the view that in the interest of independence and transparency of investigating the matter he would seek assistance from a police force outside the UK, and the only reason he mentioned it was to let me know that, obviously, by doing so, there would be a financial implication. But that is for the Commissioner of Police, as the controlling officer of that head, to negotiate. I have not been involved in the detail, nor do I have the answer to the question that the hon. Gentleman asks.

1260 **Hon. K Azopardi:** I was not suggesting that she had been involved in the negotiations. What I specifically asked her is to confirm ... When she says she does not have the answer to my question, my question in writing already should have caused someone to provide her the answer, so what I am asking her to confirm is ... She has given an indication that it is a daily rate of £500, so it is a daily rate and not an analogue to a rank in the RGP – yes or no? And if the answer to that is yes, 1265 is the £500 daily rate an all-inclusive rate, or is there another rate, beyond a daily rate, which is payable for other things, like if he were to work weekends or at another time of the day? How does it work? Is the contractual rate simply that £500 basic per day, or is he being paid a housing allowance? Are there other things being paid?

1270 **Hon. Miss S J Sacramento:** Mr Speaker, I have the breakdown of the total sum, and that includes the services, it includes accommodation, it includes subsistence and it includes flights. That is from the global sum that I gave the hon. Gentleman. In terms of the analogue rate, it is not analogued. I think, from exchanges that I have seen, the Police took the view that there was no other rank to analogue this person to.

1275 **Hon. K Azopardi:** And those payments are being paid to him directly, or to an entity which is owned or controlled by him? Can I ask the Minister to confirm also the length of the contractual arrangements? Is there a specific renewable date in mind, or is this an open-ended arrangement?

1280 **Hon. Miss S J Sacramento:** Mr Speaker, I am afraid I do not have that detail.

Mr Speaker: Is it something that you will be able to access?

1285 **Hon. Miss S J Sacramento:** Mr Speaker, I can certainly ask these questions.

1290 **Hon. K Azopardi:** If I may, Mr Speaker, Question 419 asks how much the former chief superintendent or an entity in which he has an interest is being paid. I would have thought that the information would have been provided as to whether the payments came to him directly or to an entity. I think it is within the reasonable purview of the question, so I would invite the hon. Lady to perhaps obtain that information and write to me on that basis.

I am assuming, but I am asking for confirmation, that the payments being made in relation to this contract are taxable and that tax is either being withheld at source or will be payable by the by the person receiving it. Is that correct?

1295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, discussing the tax affairs of any individual is not something we do across the floor of this House. It is not possible for us to do it. Any amount paid under Gibraltar law in respect of a contract, either for services or of services in Gibraltar for services provided in Gibraltar, is subject to tax. That is just the law of Gibraltar. There is no question of it being otherwise.

1300 These are not arrangements that we have been involved in. They are arrangements of which the hon. Member has been informed on the basis that she has set out. In respect of the details that the hon. Gentleman has sought which she does not have, she said she will ask the question,

but the Government is, for good reason, not involved in these arrangements or in the detail of them.

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Hon. K Azopardi: My final question, if I may: the Hon. Lady I think indicated to us that she had a breakdown of that £39,671. Would she be willing to provide that breakdown?

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Hon. Miss S J Sacramento: Mr Speaker, yes: for services, £24,500; for accommodation, £10,096; for subsistence, £3,418.50; and for flights, £1,656.97.

Mr Speaker: Next question.

Q420/2023
FPNs for traffic offences –
Numbers issued by year since 2021

Clerk: Question 420/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can Government provide a list to the House of the number of fixed penalty notices for traffic offences issued by the RGP in 2021, in 2022 and in 2023 to date?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, these statistics are recorded by the Royal Gibraltar Police in policing years, 1st April to 31st March.

A total of 2,172 fixed penalty notices were issued in 2020-21; 2,279 in 2021-22; 2,031 in 2022-23; and 124 were issued between 1st April 2023 and 2nd May 2023.

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Hon. Ms M D Hassan Nahon: Mr Speaker, could I ask the hon. Member to repeat the last number she said before the 124?

Hon. Miss S J Sacramento: Two thousand and thirty one.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I asked for 2021, 2022 and 2023, and the hon. Member has given me overlapping years. I do not quite understand from when to when. Her brackets are included, but from what I think I understand, the 2023 amount is higher than 2022 and 2021 pro rata. Would that be correct?

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Hon. Miss S J Sacramento: Mr Speaker, the Royal Gibraltar Police does not keep these statistics in calendar years, so in my substantive answer I very clearly said that the statistics are recorded by them in policing years, which run from 1st of April to 31st of March, the financial calendar as opposed to calendar years.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for clarifying that. In that case, I think it does sound like the number of fines has grown in the last policing year, so I would ask the hon. Member if we have seen more fines being deployed since there has been a hike in the amounts that people are set to pay, and why would this be.

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Hon. Miss S J Sacramento: Mr Speaker, if the Hon. Lady is trying correlate that there has been an increase in the fine that somebody pays with the increase of fines that occur, then I am sorry

1350 to say that, first of all, that argument does not make any sense, but if that is the argument that is
being put forward, that there are more fines this year because the fines have gone up, then it falls
flat on its face because if there are 124 issued in the period of a month, I have multiplied 124 by
12 and I get 1,488, so in fact it has halved.

1355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that, but we do not have the benefit of
knowing the five months before and how that correlates with 2023 to date, given that the policing
years do not run from January to December. So if the hon. Member is doing 124 by 12, that might
not be accurate either.

1360 **Hon. Miss S J Sacramento:** Well, no, Mr Speaker, but because I do not subscribe to conspiracy
theories, I am just trying to be helpful and practical on the basis of figures I have before me. If the
figures I have are figures for 12 months, then the best I can do is multiply the figure that I have for
a month by 12. The hon. Lady is trying to suggest that there is some kind of a conspiracy theory
that there are more fines because the value of the fine has increased, and that makes no sense,
but in any event the figures, on the face of it, do not show that the number of fines has gone up
anyway.

1365 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not actually suggesting anything. I come here
as a representative of the constituents who put things to me, and I am perfectly entitled to bring
them to this House. Conspiracy theories will never defy pure mathematics, but of course I
appreciate that, as the Member gives me dates that are not correlating with how I am trying simply
1370 to interpret the figures, I cannot make the argument or the question that I would like to make. So
I would ask her if perhaps when I do look at these figures month by month, I may come back to
the House with more visibility and ask any questions that might be left within this question.

1375 **Hon. K Azopardi:** Mr Speaker, may I just ask one question? Did the Hon. Minister say that for
2021-22 it was 2,279? Is that what she said? Okay, so perhaps she can help me with this. If she
picks up the Policing Plan, which was laid in the House about an hour ago, and to page 8, she will
see that the traffic fixed penalty notices at the bottom of the page for 2021-22 were 1,412 instead
of 2,279 reported to the House, and for 2022-23, 1,939, as opposed to the 2,032 reported to the
House in the answer to the hon. Lady, with a figure alongside saying that there is a 37% increase
1380 on last year. I would invite her, if I may, to go back to those who provided her those statistics and
ask how those statistics have been provided, given that the Policing Plan suggests completely
different numbers and a 37% increase on last year.

1385 **Hon. Miss S J Sacramento:** Mr Speaker, I will ask for clarification because there is a disparity
and I wonder whether it relates to something that may be potentially classed as something else
and appears as another statistic elsewhere on another page, because that is what it sounds like it
could be.

1390 **Hon. K Azopardi:** May I ask as well, are the statistics provided to her when she has provided
an answer to the question of the hon. Lady provided by the Police or by her Department?

Hon. Miss S J Sacramento: Mr Speaker, by the Police.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q421/2023

**Gibraltar Archivist –
Expected date of new appointment**

1395 **Clerk:** Question 421/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will it be expected that the new Gibraltar archivist will be appointed?

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

1400

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Gibraltar Archivist retired on 26th March 2023. The process to recruit a new archivist will be commencing shortly. The post is currently being filled on an acting basis by staff from the Gibraltar National Archives.

1405

Hon. D J Bossino: The obvious supplementary to that reply is whether the Minister has an idea as to when he expects the substantive position to be filled. And may I ask, when he says staff, how many individuals are discharging the archivist's role on an acting basis?

1410

Hon. Dr J J Garcia: Mr Speaker, there is one person acting in one post, so it is one person who is employed at the Archives. In terms of the timescale, this is taken over by the Civil Service and the administration, so I do not know exactly when their process will commence. I have been told it will commence shortly.

Mr Speaker: Next question.

Q422/2023

**Rooke site –
Premium paid**

1415 **Clerk:** Question 422/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has the premium on the Rooke site been paid?

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

1420

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government has entered into a memorandum of understanding with the successful developer of the Rooke site for a total cash premium of £30,025,000. A deposit of £3 million has now been paid.

1425

Hon. K Azopardi: Mr Speaker, the successful developer I think is Carlton Properties, or something like that. When I last asked the question in the House in relation to when they were at planning permission stage – it was either my question or my hon. colleague on my left here – I think the answer given was that the Government expected to award the tender once the planning permission was paid, and presumably once that happens the premium is payable. Or is it that contractually the premium is not yet payable? Can he perhaps give us a bit of information as to why there has been a payment of £3 million and not the entire premium yet? And when is the entire premium expected?

1430

1435 **Hon. Dr J J Garcia:** Mr Speaker, the premium, although some developments are different, tends
to be paid once the developer has the security of having planning permission, because it may not
happen and then you have to refund the premium. In this instance there are three elements to it.
One is a deposit, which is normal and is paid in the course of most of these situations. We expect
a second payment to be paid within the next six weeks or so, and that payment would be
1440 £17 million. And then the balance of the £30 million would be paid ... Let me just check, but I think
it will be paid within 14 days of the receipt of the full planning permit.

Hon. K Azopardi: Mr Speaker, I am grateful for the hon. Member's indication. I had not
understood they had obtained outline, which I think is the right situation, but they are still to
obtain full planning. Are any aspects of the payments returnable if they do not obtain the full
1445 planning permit? Is that part of the arrangements with the prospective developer?

Hon. Dr J J Garcia: Mr Speaker, if there is no planning permission, then there is no development
and obviously there would be no premium, and we will be obliged to return the premium in those
1450 circumstances.

Hon. K Azopardi: My final question, if I may, Mr Speaker. The Hon. Minister mentioned that
they had signed an MoU. Are they intending to sign a development licence or a building lease at
any time before full planning, or is the Government going to wait until full planning is obtained
before they sign that?
1455

Hon. Dr J J Garcia: Mr Speaker, at this stage we are not entering into a building lease yet, but I
think, as I said earlier, the developer would want the security of having outlined planning –
remember there were certain conditions attached last time, which they are now looking at – and
then having full planning permission before the full amount has been paid.
1460

Mr Speaker: On final supplementary from the Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. If I may ask the Hon. Minister two things: first, the
date on which the £3 million deposit was paid; and second, in the memorandum of understanding,
1465 does that include the provision of a new fire station and police station?

Hon. Dr J J Garcia: Mr Speaker, I think I explained last time that one thing the Government was
considering is taking more cash from them and then using that to build the new fire station and
the new police station. That is what is happening on this occasion as well. *(Interjection)* I am afraid
1470 I do not have the date with me, but I believe it was in March 2023 that they paid the £3 million.

Mr Speaker: Next question.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q332/2023

Europa Sports Complex –
Manning and management levels

Clerk: Question 332/2023. The Hon. E J Reyes.

1475 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 114/2023, can Government update this House in respect of the progress made to permanently settle the management and manning levels at Europa Sports Complex?

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

1480 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the answer I have, which is that a contract is now ready to be signed by stakeholders and this will taking place very shortly, has been overtaken because this was prepared for Thursday when we came here. I can tell the hon. Member that it has already been signed and they will be up and running as from Friday.

1485 **Hon. E J Reyes:** Mr Speaker, it is good news to hear that it seems to have been signed and settled. Is there any way that I can get sight of what the arrangements or the contractual procedures are and so on, so that one is aware of how the thing should operate?

1490 **Hon. S E Linares:** Mr Speaker, there are two parties to this, and therefore I would have to go back to the other party to see if they are happy for the contract to be made available to the hon. Member. The hon. Member already knows, because it is public knowledge that it was going to be run by a trust, and the trust is basically the sports that have their home there, so I will have to consult with them to see how far they want me to disclose to the hon. Member the contract that we have done with them.

1495 **Hon. E J Reyes:** I understand what the Hon. Minister is saying, Mr Speaker. However, when he does, if he wishes to talk to that party and so on, may I just stress that this is public property on which we have entered into arrangements and so on? There may or may not be consequences or expenses in respect of funding from the public purse, so as much information as possible should be made public. I can wait patiently if the Minister needs to double check some things, and if we can get it on good relationship terms with the trust so much better, but I do expect there to be some accountability to this House for what the final settlement has at long last been.

1500 **Hon. S E Linares:** Mr Speaker, I totally agree with the hon. Member and therefore, once I get back to them, they will let me know exactly how much they want me to disclose.

Mr Speaker: Next question.

**Q333/2023
Europa Sports Complex –
Ball-stop netting**

1510 **Clerk:** Question 333/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide an update in respect of the still ongoing works to provide a permanent solution to the ball-stop netting at Europa sportsgrounds?

1515 **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 permanent ball-stop netting has been completed on all elevations. The last phase was completed two months ago.

1520 **Hon. E J Reyes:** Mr Speaker, I do not doubt that the Minister has been told it has been completed, but I was there the weekend before last and the nets were a sorry sight to be seen. I can provide to him behind the Speaker's Chair, because I do not think it is permissible across this table ... I just took general photographs of the cricket games that I was watching. Certainly I personally witnessed first-hand the ball going over the dropped-down nets, especially the ones at
1525 the side where the cafeteria is. So I think the Minister may not be as up to date with information, or something had suddenly happened overnight, the day before I turned up. It certainly was not something that one can say just required minor repair. It looked in a really dilapidated state.

Hon. S E Linares: Mr Speaker, it could well be that they did not put them up, but I will definitely
1530 go over there and find out exactly what the hon. Member is saying, because not only does it concern him, it concerns me more than anybody else, but this is the information that I have been given.

Mr Speaker: Next question.

Q334/2023
Lathbury Barracks Sports Complex –
Indoor swimming pool

1535 **Clerk:** Question 334/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details in respect of the availability and public usage of the indoor swimming pool at Lathbury Barracks Sports Complex?

1540 **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, I am glad to report that the Lathbury Sports Complex swimming pool is being used by the Gibraltar Amateur Swimming Association (GASA) since 10th May. We are finalising the arrangements for general
1545 public usage in terms of staffing in order to ensure a safe environment, but the facility will be available to members of the public imminently.

Hon. E J Reyes: Indeed, Mr Speaker, I think I can equally rejoice with the Minister that at long last we seem to have settled this. I am glad to see that GASA now has use of the facilities, which
1550 leads me on to ... With your leave, Mr Speaker, I can ask for it formally at the next meeting. That would then have released some of the GASA bookings – let's call it that – at the Harbour Views Road facility and so on, so perhaps that ... I know the Minister often says that some information is available on the website, but that, at least from my last check, was not available. And on the public one, does the Minister commit himself that since it is going to happen imminently,
1555 announcements will be made so that the public is made as aware as possible, not just on the website but through other public announcements to encourage people to go and practice this healthy sport and improve their own health as a consequence?

Hon. S E Linares: Mr Speaker, I will gladly go public and tell all the people that they can use this
1560 magnificent pool. For a start, the hon. Member must realise that we had a 25 m pool with six lanes, which is the pool that is currently running, which is the GSLA-run pool, but I must also tell the hon. Member that the Lathbury pool is not only equivalent to a two-25 m pool, because it is a 50 m pool and it can be divided into two, but it has also eight lanes, so the capacity of the new pool is about two and a half times the capacity that we have currently in the old GSLA pool. So yes, there

1565 are already timetables that are being sorted by the GSLA in order for the public to be able to use this magnificent pool, and I hope the whole of Gibraltar will be able to use it. We are now looking at the triathlon people being able to use the new pool as well, so it is a question of ... We have GASA in there. We now will expand so that everybody can use the pool.

1570 **Hon. E J Reyes:** Thank you, Mr Speaker. Just out of respect to your predecessor, who had been my maths teacher, a 25 m pool that becomes 50 m does double the capacity, and when six lanes convert into eight, that is an increase of two over six, which is a third, which if multiplied by the other 25 m becomes two thirds, or 0.66 in decimal places. Just out of sheer curiosity, to show your predecessor Speaker that he did manage to teach me at least some very basic mathematics.

1575

Hon. S E Linares: Glad that he confers with me that I said 2.5 and it is 2.66. Thank you.

Mr Speaker: Next question.

Q335-37/2023

Employment tribunal chairpersons –

Number; claims awaiting appointment; appointments re claims filed in last four years

Clerk: Question 335/2023. The Hon. D A Feetham.

1580

Hon. D A Feetham: How many Employment Tribunal chairpersons are there?

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

1585

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question with Questions 336 and 337.

Clerk: Question 336/2023. The Hon. D A Feetham.

1590

Hon. D A Feetham: How many claims filed with the Employment Tribunal are awaiting the appointment of a chairperson and when were those claims first filed?

Clerk: Question 337/2023. The Hon. D A Feetham.

1595

Hon. D A Feetham: In relation to claims filed in the Employment Tribunal over the last four years, please provide a breakdown of who is the appointed chairperson.

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

1600

Hon. S E Linares: Mr Speaker, in answer to Question 335, there are currently nine Employment Tribunal chairpersons.

1605

In answer to Question 336, the total number of claims filed with the Employment Tribunal awaiting the appointment of a chairperson stands at 49. Claims awaiting appointment of chairperson by date claim received are as follows: 2020 – October one, November two; 2021 – January one, February two, April one, June one, July three, August three, September three, October four, November two and December one; 2022 – February one, March one, May three, June nine, July five, August three, September one, November one and December one. I will obviously pass this to the hon. Member, so no need to take notes – it is just that I need to read it.

1610 In answer to Question 337, the hon. Member can find the information relating to the
appointment of chairpersons on the HMGoG laws of Gibraltar website, Employment Tribunal
Judgements page. I will not read it. It is <https://www.gibraltarlaws.gov.gi/industrials>. I will pass it
on for the hon. Member to be able to see it on the website.

1615 **Hon. D A Feetham:** Mr Speaker, just one supplementary on Question 335 whilst I look at the
information, because I did not quite understand the answer to Question 337, but let me have a
look at it.

1620 The answer to Question 335 was nine – how many Employment Tribunal chairpersons are
there? I thought there were six permanent chairpersons appointed by the Government, so does
that mean there are an extra three who are essentially ad hoc chairpersons of the tribunal, or do
I have it wrong and the nine are permanent ones?

1625 **Hon. S E Linares:** Mr Speaker, this was gazetted recently. I do not have to go through the names
of the people, but there are nine. This was announced by way of press release as well, Press
Release 109/2023 which was issued on 31st March. The hon. Member could well be right that
there are six permanent and three doubling up if we need more cases, but there have been nine
gazetted to be able to do more cases.

1630 **Hon. K Azopardi:** Mr Speaker, can I just ask this? They gazetted nine chairpersons on
31st March. Six weeks later he says there are 49 claims still awaiting the appointment of a
chairperson. When I saw the news that they had unblocked the appointment of chairpersons and
I saw that photograph of all the chairpersons, I thought finally we are going to get the appointment
of chairpersons. When I have previously asked this question in the House, I was told there were
about 59 claims that were awaiting the appointment of a chairperson. In the breakdown of
1635 monthly claims he has been given, we are talking about two or three claims a month, so we are
really not breaking the back of the problem six weeks later with the appointment of nine
chairpersons if we are still hovering around the figure of 50 claims awaiting chairpersons, some of
which date back to 2020 and 2021.

1640 So can I suggest that the Minister perhaps ask when the tribunal expects to appoint
chairpersons to all these outstanding claims? And does he agree that given there was a reason
given for the fact that these claims were not being determined and employees or former
employees were awaiting resolution of these employment claims and it is an important matter for
them for these resolutions to happen – that matter has been addressed by the Government by
the appointment of chairpersons – does he agree with me that it is important, therefore, that this
backlog of claims be dealt with by the appointment of chairpersons as soon as possible?

1645 **Hon. S E Linares:** Mr Speaker, I am glad to say that it was 59 and now we have 49, so we have
done 10 in this time. I think it will go faster by taking off the backlog, but I completely agree with
the hon. Member that the sooner we can take the backlog off ... I am sure that even before the
end of the year we will be able to take all this backlog off. It has been there and now we are doing
1650 something about it.

1655 **Hon. D A Feetham:** Mr Speaker, has the Hon. Minister undertaken an analysis of how many of
the Employment Tribunal chairpersons are actually sitting in cases? Let me explain why I ask the
question. Professionally I come across, for example, Joey Nuñez, somebody who does quite a lot
of these cases, and it just struck me that we could have a situation here whereby people essentially
can market themselves as being Employment Tribunal chairpersons but then may not be doing
their bit in doing the cases, and the burden of the cases then falls on one or two individuals. That
is the reason why I have asked this series of questions. That is the analysis that I wanted to
undertake, because obviously then my next question would have been does the Minister think it

1660 is a good idea to push some of these guys who have the title to also do a bit of the work? Has he done that analysis?

Chief Minister (Hon. F R Picardo): Mr Speaker, that is a gross assumption based on no evidence whatsoever. The hon. Gentleman has been told that nine chairpersons have been appointed and the list has gone down by 10. What makes him think that it is just one person who is doing all the work, that one has not been appointed to each chairperson and that that rate is going to deliver, as the Hon. Minister said a moment ago, a complete elimination of the backlog in the next six months?

1670 If the hon. Gentleman has evidence to suggest that there is only one person carrying the burden and all the other appointees have sought appointment simply for the purposes of marketing themselves as chairmen of the Employment Tribunal, that is one thing, but it is quite another to say that he has an analysis based on no evidence whatsoever. But given that it comes from him, I am not surprised.

1675 **Hon. D A Feetham:** He could start an argument in an empty room, I have to say.

Hon. Chief Minister: Just try thinking about it.

1680 **Hon. D A Feetham:** Absolutely, just thinking about me. *(Interjections)* Listen, *(Interjections)* if the hon. Gentleman could simply ignore me, I would be more worried than the answer that he has provided, I have to say.

1685 Mr Speaker, I have not conducted the analysis. I am asking the question to be able to conduct the analysis. I have not made the positive assertion that that is what is happening. I have said anecdotally I see one individual and I just want to know whether the workload is being spread around. That is all. Therefore, has the Minister undertaken the analysis to see whether the workload is being spread around and everybody is doing their fair bit? I am not suggesting that they are not.

1690 **Hon. Chief Minister:** Mr Speaker, in that context, if you appoint nine people to a job six weeks ago, there is a list of 59 things to do, and in six weeks you have reduced it to 49, the hon. Gentleman will understand that it is not logical to be prompted to do an analysis of the sort that he is suggesting, so I suggest we stop wasting our time.

1695 **Hon. D A Feetham:** Does the Hon. Chief Minister speak from personal knowledge? Does he know that the workload has been spread around amongst these individual chairpersons?

Hon. Chief Minister: Yes, sir.

Mr Speaker: Next question.

Q338/2023

Government housing stock – Reasons for notices to quit

1700 **Clerk:** Question 338/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in relation to the answer provided to Question 444/2022, could the Minister provide a brief description of the reasons for the notices to quit?

1705 **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 reasons for the notices to quit were all notice of termination of tenancy issued by the Housing Department under the provisions of section 8(1) or section 8(6) of the Housing Act 2007.

1710

Hon. D A Feetham: Mr Speaker, I am afraid that my memory of section 8 ... Is section 8 the one about trespassers? Could he perhaps enlighten the House and give a brief description of what underpins section 8(1) and (6)?

1715

Hon. S E Linares: Mr Speaker, I will read it for the hon. Member. (*Interjection*) Notice of termination of tenancy. That is the one. You have just mentioned notice of termination. In the law it says notice termination of tenancy. Section 8(1) reads ... And then section 8(6) is another arm of what we need to use.

1720

Hon. D A Feetham: It strikes me as odd, a termination of the tenancy. Termination of the tenancy on what grounds? With government tenants it is very rare for a tenancy to end, unless of course somebody buys a flat somewhere, in which case he surrenders the lease – there is no termination – or alternatively, if somebody dies, and of course that vacates the tenancy. I am just unclear, and this is the reason why I asked this question. Why are these notices to quit being sent? Technically, he says it is termination of the tenancy, but on what basis? I just do not understand.

1725

Hon. S E Linares: Mr Speaker, it is spelt out in section 8(1) and (6). The hon. Member just needs to read section 8(1) and (6) and he has all the basis of why a notice of termination is given to the tenant. I will read him section 8(1):

If the Principal Housing Officer has reason to believe that a tenant has not been or will not be able to be in personal occupation of the public housing for the number of days required under section 6

1730

– which is 270 days; I will give him that for free –

and the tenant has not terminated the tenancy agreement, he may, with the approval of the Committee and of the Minister, serve notice of termination of tenancy on the tenant,

So that is one arm, and I said section 8(1) and 8(6), so there is still 8(2), 8(3), 8(4) and 8(5).

Mr Speaker: Next question.

Q339/2023

Trespassers in government-owned housing – Number of court proceedings issued

Clerk: Question 339/2023. The Hon. D A Feetham.

1735

Hon. D A Feetham: Mr Speaker, in the last four years how many court proceedings were issued against individuals in government-owned flats/homes who the Government considered to be trespassers?

1740

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

1745 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Housing Department issued the following number of complaints with the Magistrates Court under the provisions of section 14 of the Housing Act 2007: six in 2020, seven in 2021, none in 2022, and none in 2023.

1750 **Hon. D A Feetham:** If the Minister has drilled down in relation to these numbers – six and seven in 2020 and 2021 – are these in the main people who, for example, continue to live there after a family member who is the main tenant dies and they remain in the flat? Or are these people who are breaking into flats and essentially are trespassers? Or is it a combination of both or other factors?

Hon. S E Linares: All those factors.

1755 **Hon. D A Feetham:** Does the Minister mean all those factors both? In other words, deceased and people coming into flats, or are there other circumstances, as well as those?

1760 **Hon. S E Linares:** Moved into grandparent's house, was living in the house when they are not supposed to be there, moved into sister's tenancy – these are the things that are being spelled out here.

Hon. D A Feetham: May I have the schedule that the Hon. Minister said he was going to be sending over in our direction, so that I can have a look at it?

1765 **Mr Speaker:** That was in answer to Question 337, where the Hon. Minister ...

Hon. S E Linares: Mr Speaker, it also includes the website link on that page.

Mr Speaker: Next question.

Q340/2023
Glacis Estate –
Plans for alternative access

1770 **Clerk:** Question 340/2023. The Hon. D J Bossino.

Hon. D J Bossino: What plans does the Government have in respect of an alternative access to Glacis Estate?

1775 **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, I am not aware of any need currently to provide an alternative access to Glacis Estate.

1780 **Hon. D J Bossino:** Mr Speaker, if I can assist the hon. Member, what has been brought to my attention is that the Glacis Estate Tenants' Association was in discussions with the Government, I think in the person of the Hon. the Chief Minister, when certain proposals were put in order to allow, in effect, a left access from Glacis Road into Glacis Estate. At the moment, there is a prohibition because of the shortness of the payment coming from the Frontier in the southern
1785 direction. They came up with proposals, which initially the Government found attractive, which would have meant the movement of the bus stop and all the rest of it, but then an alternative was

suggested, which was to create a road behind the Royal Ocean Spa development when the St Anne's School gym would be demolished for the new development that is going there.

1790 The reason why I ask this is because it appears that that particular alternative, which the tenants' association found attractive and, I think, the Government also, does not feature in the plans filed by TNG Global. So I put all of that to him to give him an opportunity to reply. It may be that the Government has changed its mind, or maybe he can happily confirm that it has not and it intends to proceed on the basis that I have just suggested in my rather long question.

1795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the reason the answer that has been given is the answer that has been given is because the question is about plans that the Government has in respect of an alternative access, and the Government has no plans, itself, for an alternative access to Glacis Estate. The Government continues to consider that the route between Royal Ocean Plaza and the new Bayside development should be explored and will be pursuing those matters through the Traffic Commission and the DPC in the context of the outline planning application from TNG.

1805 **Hon. D J Bossino:** Sorry, Mr Speaker, just so I have understood the answer and for the benefit of those watching and listening, and for the sake of the *Hansard*, is it the Government's position that it intends to create that road? As things stand now, as I said earlier, the plans filed with the Development and Planning Commission very clearly do not allow for that. There is what seems to be a massive flowerbed obstructing the possibility of the creation of that very short piece of road which would provide a solution in terms of that particular access for residents in that particular estate.

1810 **Hon. Chief Minister:** Again, Mr Speaker, the hon. Member is asking a question about the Government's plans and then reflecting on what the Government's plans may be by looking at TNG's plans as filed. I have already told him what the Government's view is in respect of those plans and how we intend to pursue it.

Adjournment

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am very conscious that I have to recess the House. If the hon. Gentleman is going to go back ... I really need to recess the House now, so he will have to ask his questions tomorrow. If there is one more question to the Minister which we can pursue –

1820 **Hon. D A Feetham:** One to the Minister on the schedule.

Hon. Chief Minister: There is one more? You have one more question?

Hon. D A Feetham: Yes, I have –

1825 **Hon. Chief Minister:** Yes, you have one more question. If we start going back and forward, we are not going to finish in time and I am afraid Ministers have another ...

Mr Speaker, in that case, I move that the House should now adjourn tomorrow at three o'clock in the afternoon.

1830 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Wednesday, 24th May at 3 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 24th May at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

1835

This House will now adjourn to Wednesday, 24th May at 3 p.m.

The House adjourned at 5.54 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 5.45 p.m.

Gibraltar, Wednesday, 24th May 2023

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<i>The House adjourned at 5.45 p.m.</i>	46

The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

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

Questions for Oral Answer

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q337/2023

Employment Tribunal chairpersons appointed to claims filed in last four years – Supplementary question

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 1/2021.

5 **Clerk:** Meeting of Parliament, Wednesday, 24th May 2023.

Mr Speaker: The position as we left it yesterday was that the Hon. Daniel Feetham wished to put in a supplementary regarding Question 337.

10 **Hon. D A Feetham:** Mr Speaker, yes. The answer that was provided to Question 337 was ... I was referred to the Employment Tribunal judgments page. Of course, if I did the exercise of all those judgments, I could discern who the chairperson was in relation to all those judgments, but the question was in relation to claims filed. It is not judgments, its claims filed, and I think the Hon. Minister informed me yesterday that he would have the answer today.

15 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I also looked on the website with my PA to see what exactly the hon. Member was on about, and he is right to say that in the judgments they sign off and we all know then who is the chairperson for that case. When it is to do with filing a case, it is not known and it is not published who the chairperson is until the case is starting. Therefore, I cannot really give you the name of the chairperson before the case is heard, until the case starts. What the hon. Member has, which was the question, is ... the Chairperson who gives the judgment will sign off the judgment and therefore the hon. Member can know who the chairperson is, but not the one before, until it is given to someone, the case.

25 **Hon. D A Feetham:** That is an unsatisfactory answer. I do not want to start the afternoon by saying that, but it is.

I understand that when you file something, not automatically does it go to a chairman. I understand that, but a chairman is appointed at some point after the claim is filed. There is a difference between that appointment at that stage and the judgment. Earlier than the judgment you will know who the chairperson is, and therefore, if it is that, for example, that information is

not easily ascertainable through the database that the Government has, maybe that is an answer, but it may be susceptible to criticism because you should be able to ascertain this information from that database.

35 I am sorry to say that the answer is not satisfactory for the reasons that I have explained. Is there, for example, a database from which you can extrapolate the information as to which person has been appointed as chairman in a particular case? If there is, then of course you ought to be able to answer this question.

40 **Hon. S E Linares:** Well, at the moment there obviously is not, and therefore what I will do is go back and ask why they are not putting it beforehand. That is what the hon. Member wants, that if there is a case filed in the database before the case even starts, they will say the chairman is A or B. That is what you want – correct?

45 **Hon. D A Feetham:** Maybe it is the language that the Hon. Minister is using when he says the case ‘starts’. The case starts when it is filed, okay? The chairperson is appointed prior to the hearing starting. Sometimes it will take a year and a half from when a chairperson is appointed to the actual hearing of the case.

The appointment of a chairperson in every single case, I think, is gazetted. The answer the Hon. Minister could provide me if he was unhelpful would be go back to every single gazette that has been published and do the calculation, but of course we are amongst friends and I would hope that that is not the answer that he would provide me. But because it is gazetted, there has to be some form of database that will tell the Department how many cases are ongoing and who is the chairperson in each of those cases.

50 I do not even require disclosure of the name of the case. What I want to do is the analysis of who has been appointed in these various cases, as I explained yesterday, to just do an analysis as to whether the burden is falling on any particular person or not. That is the reason why I have asked this question.

60 **Hon. S E Linares:** Mr Speaker, I will go back and see if that is possible.

Mr Speaker: Next question.

Q337/2023
Hargraves Parade –
Plans

Clerk: Question 341/2023. The Hon. D J Bossino.

65 **Hon. D J Bossino:** What plans does the Government have in respect of Hargraves Parade?

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

70 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are no specific plans at this moment in time.

Hon. D J Bossino: The hon. Member says ‘at this moment in time’. He gives the impression that there may be something in the offing. If it assists him, the reason why I ask is because information has come to Members on this side of the House that the Government is seriously considering demolishing that area. He is frowning, so I suppose he will not be able to confirm that what I have just told him is correct, but can he comment any further beyond his prepared reply?

Hon. S E Linares: Mr Speaker, no, because at this moment in time there is not anything to my knowledge. I have not heard of demolishing or taking the place away. It is run by the GSLA. It is one of the properties where children play football, and they use it on a constant basis. I have not
80 seen any plans or anything, which is what I have just answered.

Hon. D J Bossino: I thought that I had correctly identified the location, so to that extent his answer is helpful because it may be that we are talking at cross purposes. The question raised was in relation to the building opposite, which is a residential building. I think they are government
85 tenancies. In fact, there is a company, Wonderworks Media, which I think had a registered office there. It was in relation to that particular building block that the question was geared. It appears that the hon. Member thought I was talking about the Parade, where people play football, the football pitch. Can he expand further, now that I have clarified what I am talking about? I think that is the correct address, in fact.

Hon. S E Linares: Well, Mr Speaker, it is not the correct address. The Parade, as I took it, is the grounds in the middle, where the children play and all that. The hon. Member now has identified that it is the one on the south of the Parade, on which I do not have the information but I could
90 go back and ask for it. The hon. Member has stated the Parade. I do not know about the others, but that could be another question that the hon. Member can put next time.

Hon. D J Bossino: Yes, Mr Speaker, if I may, I will double check on the information in terms of the accuracy or otherwise of the address that I set out in the question formally filed, but I really
100 do think it was accurate. I took it from a Companies House search that we carried out in respect of the company I mentioned earlier. I may need to pose a further question should there be any change. If not, I may pose exactly the same question, but at least the hon. Member will be advised of what it is I am talking about.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, I am afraid that would not be in keeping
105 with the Rules or acceptable. He cannot pose exactly the same question within six months. The Rules specifically say (*Interjection by Hon. D J Bossino*) that you cannot. What you can do is put the address of the property that he is referring to in the question, and then it will not be exactly the same question.

Hon. D J Bossino: Mr Speaker, that is exactly the point I have made. All I am saying is that the
110 question may have to be posed and drafted in exactly the same way if, once I have double checked, the address is exactly the same. So in effect, it will be a different question because that is the way it has been interpreted by the hon. Member opposite, because I am talking about the building, as he put it, to the south of Hargraves Parade, but I will check. It may be that as a result of my
115 checking, the drafting will be impacted and it may be a different wording, so it would be a different question.

Hon. F R Picardo: Mr Speaker, the question is a very straightforward one: what plans does the
120 Government have in respect of Hargraves Parade? Hargraves Parade is a place. He has had an answer in respect of Hargraves Parade. He has told us that he thinks he has got it wrong in respect of Hargraves Parade and that he will find the right address of the place that he is believing is going to be demolished.

The answer could have been simply to deprecate the hon. Gentleman and show him how
125 foolish it was. You cannot demolish a parade. That is his question: are we going to demolish a parade? Well, no, Mr Speaker, as long as his question has the address of the place he says now is the place concerned, but it cannot be the Parade because he has had his answer in respect of the Parade.

130 **Mr Speaker:** With respect, I think you should investigate the address, and then, once we have identified the correct address, you will come to me and I will have a look at it and I will decide.

Hon. D J Bossino: Mr Speaker, I understand that all it requires is the addition, I am told by my colleagues here, of a 9 before Hargraves Parade.

135 **Mr Speaker:** Next question.

TRANSPORT

Q343-44/2023

Decibel levels –

Maximum allowable for vehicles; monitoring

Clerk: Question 343/2023. The Hon. E J Phillips.

140 **Hon. E J Phillips:** Mr Speaker, can the Government confirm if there is a maximum allowable decibel level for vehicles travelling on our roads?

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

145 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 344.

Hon. E J Phillips: Mr Speaker, can the Government state what processes are in place to monitor decibel levels?

150 **Clerk:** Answer, the Hon. the Minister for Transport.

Hon. P J Balban: Mr Speaker, all vehicles registered in Gibraltar since 2008 are EU type approved and would therefore be subject to stringent standards on manufacture. This means that decibel readings for any such vehicles should be within prescribed EU approved levels.

155 As the hon. Member will be aware, since 2008 we require motor vehicles to be in possession of a Certificate of EU Conformity (CoC) and/or a Single Vehicle Type Approval Certificate. Although I am advised that there is no statutory maximum allowed decibel level, there are guidelines used by the Licensing Authority (DVLD). Furthermore, the motor vehicle's CoC shows the decibel level at manufacture so a retrofit exhaust would need to conform to the original standard. Motor vehicles emitting higher levels than the said original standard would be non-compliant and in breach of the Motor Vehicles Test Regulations 1987. Motor vehicles found to be emitting high noise levels may also be summoned by the Commissioner of Police to undergo a test of compliance under the provisions of the Traffic Act 2005. Any such test would be undertaken at the DVLD using specialised decibel test equipment. Pre-2008 motor vehicles that are not in possession of a Certificate of EU Conformity or a Single Vehicle Type Approval Certificate would undergo an age-related test if found to be emitting high noise levels whilst driven on our roads, or at periodic roadworthiness test inspections, in other words the MOT test.

165 Therefore Mr Speaker, the relevant statutory authorities to monitor decibel levels for vehicles being driven on our roads that would ordinarily be considered a traffic offence would be the Royal Gibraltar Police; otherwise, whenever a motor vehicle undergoes its periodic roadworthiness test.

170 **Hon. E J Phillips:** Mr Speaker, I know he said there is no statutory level in Gibraltar, but he referred to the manufacturing standard level when it is assessed at ... Does he know what that decibel standard is?

175 **Hon. P J Balban:** No, Mr Speaker, I do not know what that decimal standard is. What we are saying is there are two scenarios. One is pre-2008 and one is post-2008. If it is post-2008, the assumption is that the vehicle that was purchased came through via the European Channel and would meet the criteria and requirements of those vehicles, so they would obviously be imported into Gibraltar and used. If it is pre-2008, because those standards were not the same, the MoD goes back and checks the year of that vehicle. If the vehicle was manufactured in 2000, then they
180 would be expected to conform to the noise levels of a vehicle manufactured in that year.

Hon. E J Phillips: My Lord – apologies, I was transported somewhere else and I have just elevated you for a period, Mr Speaker!

185 Mr Speaker, my understanding is that EC Regulation 540/2014 applies a legal sound limit in the United Kingdom of 72 dB for cars manufactured from 2016 onwards. Is he saying that we do not have that similar legal sound limit that was implemented in the United Kingdom, in Gibraltar? When I trawled through the Gibraltar Laws website, I could not find that regulation.

190 **Hon. P J Balban:** Mr Speaker, all EU directives were transposed, so I would assume ... I would really need to seek advice whether the number 72 is actually there. One thing that we have to be ... It is not – then obviously you know more than I do. Yes, okay.

Hon. E J Phillips: One of the complaints that I receive from constituents is in relation to loud, noisy exhausts, and that is why I have put that question, so that we can ascertain what processes are in place and actually what is the limit, so that we can deal with it.
195

As he may know, the European Union – and, indeed, the United Kingdom, in fact – is looking at lowering that decibel level to 68 as from 2026 onwards. What I am trying to get at is whether the Government, if they are still on that side of the House later on this year or at the beginning of next year, will follow that same trajectory insofar as that limit is concerned, so that we can give some reassurance to members of the public that this issue is being carefully monitored and that we are trying to reduce the noisy exhausts that drive around and irritate members of our community.
200

Chief Minister (Hon. F R Picardo): Mr Speaker, whichever Government is on this side of the House, it will be the Government of Gibraltar. Whichever administration will be up to the people of Gibraltar to decide later this year.
205

The question is a little more complex than the hon. Gentleman might at first blush have realised. If there is a treaty between us and the European Union on the creation of, in effect, a single market in goods, then the standards relating to goods – and cars would be a good – would be the European standard, at least. There would be nothing stopping us going to the UK standard, but we would have to at least comply with the European standard. If we do not have a single market in goods with the European Union, then we would have to consider whether we want the flexibility to be able to have goods transit through Gibraltar or be in Gibraltar that are not meeting the standards of the EU or the UK. At first blush, there is no reason to want cars that are below European standards to be in Gibraltar, but there may be a market in sales beyond Gibraltar which we might want to exploit in those circumstances. So it would require a policy consideration at the time that the decision came to be made in light of the international obligations such as they may be at that time.
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220 **Hon. E J Phillips:** That is very helpful, to see the wider context, as he puts it. One of the points I would like to make, and maybe he can help me with this question as well, is it seems to me from

my own research – and I am sure that the Minister for Transport’s team will go back and look at this – that if we have not followed the standards that the European Union has sought to impose on member states and we are not following the standards that the United Kingdom, which is also following the EU standard that was referred to by the Minister for Transport, why haven’t we done that (1) since that EU regulation came in; and (2) that is why I was trying to find out what the standard was here at home.

Do we have these noisy cars on the road? And what are we going to do about it? Are we going to decide our own standard in respect of that decibel level? The reason why it is at 72 currently and why they want to bring it down to 68 is because the EC regulation actually sets out in detail the damage that noisy exhaust does to people’s health, so I would have thought it is a major issue, in terms of transport and looking after the health of members of our community, to drive down that decibel level in motor cars. That is the type of question I am trying to ask here.

Hon. F R Picardo: Mr Speaker, the reason he may not have been able to find reference to it, although the Government is aware and has confirmed that all EU directives which were required to be transposed by the date of our departure from the European Union were transposed, is that we were not in the single market in goods at the time we left the European Union. It is very likely that this particular directive might have been interpreted as being related to the single market in goods, although standards applicable to goods for sale in the European Union was something that did apply to Gibraltar, and therefore the hon. Gentleman opposite might remember the controversy surrounding Article 100A directives. I do not know whether he is aware of that. Article 100A directives deal with standards of goods on the market but not relating to the sale of goods and the free movement of goods, and Article 100A directives were deemed to apply to Gibraltar, so it depends whether the relevant directive was an Article 100A-type directive or not.

Having said that, in all the time I have been in politics I have received many complaints about noisy bikes, but I have never received complaints about a noisy car. I have received complaints about cars that spew out black smoke, but I have not received complaints about cars that make noise, so I would be interested to hear from him the type of vehicle that is being referred to. Is it a modified exhaust etc?

Certainly the Collector of Customs does not permit, unless there is an exercise of discretion in exceptional circumstances, the importation into Gibraltar of any vehicle that is not EU compliant, in any event. So vehicles have, for the period that the Hon. Minister has suggested – indeed, longer – all had to be EU compliant in order to be able to be imported into Gibraltar, whether they are public service vehicles or private vehicles. Therefore, whether directly through the application of our law in the transposition of the relevant directive or by dint of the fact that the importation would not have been permitted unless the vehicle complied with EU standards, those standards have applied.

I do not see a reason why we would not want to apply a higher standard even in the future, but for the reasons I have indicated, I think it is for the policymakers at the time to make that policy consideration in light of the relevant international obligations, such as they may be.

Mr Speaker: Next question.

Q345/2023
Cycling helmets –
Policy re compulsory wearing

Clerk: Question 345/2023. The Hon. E J Phillips.

265 **Hon. E J Phillips:** Mr Speaker, can the Government state its policy on the compulsory wearing of helmets by cyclists on our roads?

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

270 **Minister for Transport (Hon. P J Balban):** Mr Speaker, there are four countries in the world that require and enforce the universal use of cycle helmets. These are Argentina, Cyprus, Australia and New Zealand. There are a few jurisdictions where partial rules apply. Furthermore, a few countries have legislated for mandatory helmet use but do not enforce these laws.

275 The cycle helmet debate is an extremely interesting one for anyone who wishes to embark on reading the massive amounts of literature on this subject. Before taking a position on this matter, it is necessary to look hard at the evidence and research and take advice from other nations. As we always say in cycling policy, we should not reinvent the bicycle wheel but must feel free to take advantage of the knowledge and experience of those who are much further ahead on that bicycle journey than we are.

280 Although the literature in this respect is vast, I will just refer to Cycling UK as the oldest national cycling charity, looking after cyclists since 1878, whose views are shared by the European Cycling Federation (ECF), and the World Cycling Alliance, whose president is well known to all of us, Sir Graham Watson. The common view shared between these organisations, as indeed most others worldwide, is that, and I quote from Cycling UK:

There is no justification for making helmet-wearing compulsory: it could undermine levels of cycle use and, in any case, the effectiveness of helmets is far from clear.

285 I will continue to use Cycling UK as my reference for my reply:

Cycling UK is opposed to both cycle helmet laws and to helmet promotion campaigns because these are almost certainly detrimental to public health. Evidence shows that the health benefits of cycling are so much greater than the relatively low risks involved, that even if these measures caused only a very small reduction in cycle use, this would still almost certainly mean far more lives being lost through physical inactivity than helmets could possibly save, however effective.

In any case, there are serious doubts about the effectiveness of helmets. They are, and can only be, designed to withstand minor knocks and falls, not serious traffic collisions. Some evidence suggests they may in fact increase the risk of cyclists having falls or collisions in the first place, or suffering neck injuries.

Neither enforced helmet laws nor promotion campaigns have been shown to reduce serious head injuries, except by reducing cycling. The remaining cyclists do not gain any detectable reduction in risk, and they may lose some of the benefits from 'safety in numbers'.

So instead of focusing on helmets, health and road safety professionals and others should promote cycling as a safe, normal, aspirational and enjoyable activity, using helmet-free role-models and imagery. Individual cyclists may sometimes choose to use helmets, either for confidence or because of the type of cycling they are doing. However, they should not feel under any pressure to wear them. For the sake of our health, it is more important to encourage people of all ages to cycle, than to make an issue of whether they use a helmet when doing so.

In the UK, the life years gained due to cycling's health benefits outweigh the life-years lost through injuries by around 20:1. Mile for mile, the slim chances of being killed whilst cycling are about the same as those for walking, and on average, one cyclist is killed on Britain's roads for every 29 million miles travelled by cycle.

Enforced helmet laws have consistently caused substantial reductions in cycle use (e.g. 30-40% in Perth, Western Australia). They have also increased the proportion of the remaining cyclists who wear helmets, yet the safety of these cyclists has not improved relative to other road user groups (e.g. in New Zealand).

Even if helmets could prevent all cyclist injuries (including non-head injuries), a UK helmet law would only have to reduce the level of cycle use by about 4.7% to shorten more lives through inactivity than helmets themselves could possible save.

Standards only require cycle helmets to withstand the sort of impact that a rider is likely to suffer if they fall from their cycle from a stationary position (about 12 mph). They are not and cannot be designed to withstand impacts with faster-moving cars, let alone lorries.

Cycling typically accounts for 7-8% of the head injuries for which children are admitted to English hospitals – just a quarter of these to parts of the head that a helmet might protect.

Government and other bodies concerned with health or road safety should simply aim to encourage people to cycle, regardless of whether or not they choose to wear helmets when doing so.

Enforced helmet laws cause deep and enduring reductions in cycle use, undermining its very substantial health and other benefits. Given that the risks of cycling are low – they are not greatly different from those of walking or other forms of active recreation – even a very small reduction in cycle use would be counter-productive to health and other public policy objectives, regardless of the effectiveness or otherwise of helmets. In practice, this disbenefit is potentially very substantial, not least because the deterrent effect is likely to be strongest among key target groups for physical activity promotion, e.g. women, teenagers, less well-off communities and ethnic minority groups.

Cycle helmets have in any case not been shown to be an effective way to reduce cyclists' injury risks. Indeed they might even be counter-productive, by encouraging drivers or cyclists to behave less cautiously, and/or by increasing the risks of neck and other injuries. By deterring people from cycling, they may also reduce the benefits that cyclists gain from 'safety in numbers'.

Enforcing helmet laws would require levels of police activity that would be grossly disproportionate to any possible benefits. Conversely, unenforced helmet laws make no long-term difference to helmet use, and therefore cannot provide benefits in any case.

Road safety policies should prioritise measures that reduce the risks that deter people from cycling – traffic speeds, hostile roads and junctions, dangerous or irresponsible driving, and lorries – and offering high quality cycle training for people of all ages, to give them the confidence and skills to ride safely on the roads.

Individuals should be free to make their own decisions about whether or not to wear helmets, with parents making these decisions in the case of younger children. Their decisions should be informed by clear information about the uncertainties over the benefits or otherwise of helmets.

Cycling UK supports politicians, celebrities and other role-models who choose to cycle un-helmeted. Far from 'acting irresponsibly', they help to boost the perception of cycling as a normal, safe, aspirational and stylish activity that anyone can do in whatever clothes they normally wear.

Schools, employers and the organisers of non-sporting cycling events (e.g. sponsored rides) should not impose helmet rules for their pupils, staff and participants respectively. These rules are not justified in terms of health and safety, they are likely to reduce both the numbers and the diversity of people who take part in cycling, and they may in some circumstances be illegal.

Mr Speaker, the ECF, founded in 1983, is an independent non-profit association and the European umbrella federation of civil society organisations advocating and working for more and better cycling. They harness the power of the European cycling movements to promote cycling as a sustainable and healthy means of transport and leisure. The ECF is not against helmets and recognises that some people feel more comfortable cycling with a helmet. However, the ECF is against claims that portray cycling as far more dangerous than it is and portraying helmets as offering far more protection than they do. For the record, the Ministry for Transport is a member of the ECF Cities and Regions Network.

The ECF's position on cycling helmets is as follows. Cyclists typically live longer and healthier lives. Serious head injuries are rare and the evidence in favour of helmet wearing and helmet laws is weak. The main effect of helmet laws has not been to improve cyclists' safety but to discourage cycling, undermining its health and other benefits. The ECF therefore calls upon authorities to focus on well-established measures to promote cycling and cyclists' well-being, recognise that the benefits of cycling far outweigh the risks, and refrain from promoting or enforcing helmet wearing without sound evidence that this would be beneficial and cost-effective compared to other safety initiatives.

I have a very keen eye on everything that involves cycling as an alternative means of travel. I am always keeping up with developments and constantly networking with technical professionals in this field. The Government of Gibraltar follows the advice of world experts and fully supports and endorses the views of the major players in this field. Therefore, the Government does not agree with the compulsory wearing of cycling helmets. The wearing of bicycle helmets should be down to personal choice, and in the case of young children, the choice of their parents or carers.

Hon. E J Phillips: Mr Speaker, there was a lot in that answer that might require unpacking, but I will try to stick to some of the general principles that he set out in the answer, and with a little bit of leniency I might need to ask a few more questions that I would ordinarily ask in relation to this particular subject.

As the hon. Gentleman will recall, we have had a number of engagements on this particular issue. I completely understand that the jury is out and there is debate on the question as to

315 whether a country or an administration should impose the wearing of helmets. In fact, I think on his side of the House there is a division on helmet wearing. I think the Hon. the Chief Minister himself and his Excellency the Governor when they have their jaunts up the Rock wear helmets, whilst he is well known not to, which I ... I will get to the question.

320 **Chief Minister (Hon. F R Picardo):** Will you just give way for a second?

Hon. E J Phillips: Yes.

Hon. F R Picardo: By choice, but not implying that it should be compulsory.

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Hon. E J Phillips: I accept that, and of course the Chief Minister is leading by example in relation to that. That is his view, of course. (*Interjection*) Let me finish the question. Perhaps if you can answer it then.

330 He has recited a lot of the evidence that peddles the view that there should be no compulsory laws to force people to wear helmets within our community, but what he must accept is that bike helmets are the effective strategy to prevent traumatic brain injury in cycling accidents. That is a fact, Mr Speaker, and I would ask that he accept that. Can he accept that?

335 **Hon. P J Balban:** Mr Speaker, just to take up the point 'leads by example', obviously that is via your standards. You think someone who wears a helmet, especially in a position perhaps like us ... We should be wearing helmets because we have to set an example? The example I am setting is one that ... I have total trust in what I do. I feel safe on the roads and there is no need to impose something. Cyclists have the choice. You can choose to wear a helmet. There is no law that stops you from wearing a helmet. The evidence is saying we should not impose.

340 There are certain accidents where if the cyclist falls on his head ... Because the helmets only protects the top of your head, if you get doored as you are cycling along and you get hit in the face, obviously there is nothing a helmet will do. So the next thing the Member wishes to push for is a full-face helmet, like a motorcycle helmet, just in case you get hit from the front?

345 What you have to look at is the evidence. Yes, if you are going to have a serious accident and land on the crown of your head, if you are wearing a helmet you have a better chance of survival. But if you look at the statistics and see how many people actually are affected by that and see how many pedestrians, statistically, suffer head injuries as a result of living on the streets like cyclists live on the streets, then you will see that the statistics are not that different. In fact, more people driving cars suffer head injuries – and fatal head injuries – statistically than people on bicycles. So what we are saying is should we all be wearing helmets? Cyclists – it is a question of risk – people in cars, people walking? Recently there was a tragic accident and a pedestrian was killed. Should we all be wearing a helmet when we are walking, just in case we are statistically unlucky and get hit by something?

350 I am not anti-helmets. In fact, I will wear a helmet when I feel unsafe. When I am doing a sport, when I am mountain biking or racing on a road I feel I want to wear a helmet, but when I am cycling to work and back at 10 kmph there is absolutely no need, and the evidence suggests that. I am quoting from the major players worldwide. I am not against cycling helmets; it is that the evidence is not there.

360 **Hon. E J Phillips:** Mr Speaker, I know that this could turn into a debate about whether or not we impose legislation in relation to compulsory wearing of helmets, and I do not want to do that, so I will keep these questions quite tight, and if we feel on this side of the House – and I am sure that it would – be welcomed by that side of the House that we have that debate, then I will put a motion in and we can then have a wider discussion on the question, which I think would be helpful.

365 Just one thing. He mentions helmets and I know in relation to the ones that he may have used himself, or others ... He is aware, is he not, that a hundred helmet manufacturers now have

developed and are producing and distributing multi-directional impact protection systems within helmets? So it does not matter which side you fall on, whether you are stationary or whether you have a head-on collision on the crown, these helmets now are being designed specifically to cater for any side impact at all. He has questioned the utility of the helmets based on the actual injuries sustained and the point at which there is a collision. Helmets nowadays are constructed for multiple areas of injury across the neck and the head. I would encourage him to look at the research in relation to what is described as Mips. That is the direction of travel – to use another pun – in relation to this issue. Has he heard of Mips?

And just linked to that, the Government has legislated for the compulsory wearing of helmets on e-scooters. He said, 'Should everyone walking around wear a helmet?' Well, clearly not, obviously, but how does he rationalise the e-scooter policy with cycling when cyclists may well be moving faster than e-scooters? Can he just rationalise that argument for me?

Hon. P J Balban: Mr Speaker, we have enjoyed conversations about this and I will be repeating what I have told him in a personal capacity, so that people in Gibraltar can actually hear what is going on.

Obviously you have googled it. You have looked at Mips, which – (*Interjection by Hon. E J Phillips*) Yes, but are you a cyclist? Do you cycle? Do you cycle to work? It is very easy to google and look at the latest helmet technology. Maybe we should be encouraging people, or in fact legislating for everyone to wear a Mips – pedestrian, car driver, cyclist and e-scooter user – then we would all be protected. Then we go to war like the jousters in the old days with the horses. I do not go to the street to battle on a bicycle. I use a bicycle to get from A to B, and statistically it is a safe thing to do.

My knowledge comes from numerous conferences, from engaging and networking with the professionals, with people who are not individuals; they are part of organisations, associations, world bodies, alliances. This is not just the Member of the Opposition going on to Google and saying, 'Oh, look, Mips ...' The hon. Member was saying have a debate. These things are common in cities that are not cycling cities, and this is what we are; these debates are something of cities which ... These debates do not happen in Amsterdam or in Holland. Cyclists do not waste time with these sorts of things. A debate for what? If you want to wear a helmet, you can wear a helmet. If you feel safe wearing a helmet, wear one. What you cannot do is impose on others. This is what we are saying. Everyone has the right to decide what they want to do. So it is fine to promote – you can do a health promotion, you can do what you want – but what we are saying is you have to accept that is counterproductive. We are just embarking on trying to get people to opt for cycling as one of the alternative modes of transport, and statistically we know that imposing a cycling helmet on someone is detrimental, so we are trying to kill it off in its embryonic stages, which is what we want.

With e-scooters – I knew you were going to come to e-scooters – it is absolutely normal. E-scooters, because of the nature of the device, have a high centre of gravity. They have tiny wheels, they are unstable. The research shows that there is 7% to 10% more chance of injury on a scooter than there is on a bicycle. It is a passive form of transport; it is a motor vehicle, it is driven by an engine. A bicycle is driven by a person. For you to keep up 25 kmph on a bicycle ... Try it. I will lend you a bicycle and you can try it. Keep going at 25 kmph for 20 km. You cannot do it. You can on an e-scooter, so the risks are completely different in that respect. I have looked at the research and it was gauged that it was something which was important to try to help and protect people in that respect, and the evidence supports it, but not when it comes to bicycles.

Hon. E J Phillips: [*Inaudible*] ... I should be doing and what he should be doing as Minister for Transport is having an exhaustive, extensive research process in relation to that. I am happy to work across this side of the House with him on this particular issue so we can analyse the evidence together, look at it, look at the structure of our roads and actually ascertain, maybe as a joint approach, whether helmets should be used more frequently in our community, whether

420 compulsorily or otherwise, but they are vulnerable road users, as he knows, and he referenced that in his tweet. So does he agree with that?

425 **Hon. P J Balban:** Mr Speaker, cyclists and pedestrians. Pedestrians are the most vulnerable on a road, so do we protect pedestrians as well? Do they wear armour to go into the street? Okay, so cyclists are the second most vulnerable. What makes a cyclist and a pedestrian vulnerable? The drivers. The fifteen or twenty thousand drivers in Gibraltar make the cyclist and the pedestrian vulnerable, so should we be looking at how people drive and how they speed or how they think of a car as an extension of their body, as opposed to a machine which is capable of killing? Of course they are vulnerable. A child is even more vulnerable, so do we protect a child with unnecessary armour? No, we do not.

430 For us to have a debate on cycling helmets ... We are saying how many people cycle in Gibraltar, how many people cycle to work in Gibraltar? So we are saying let's put it to the vote. Let's ask the 30,000 drivers what they think cyclists should do. Let's ask them should the cyclists wear helmets. What about cars? It just does not make sense. You are dictating in a sector of the community, and most of the cyclists in Gibraltar – sport cyclists – wear helmets anyway because they choose to.
435 So all you are doing is pinpointing the commuter riders, exactly the ones we want to encourage so that people do not use their cars as much. That is what we want. We should be encouraging people to cycle, and unfortunately, statistically the research shows that by imposing cycling helmets you do the opposite. This is fact, and it is my job ... What I want to see is a greener Gibraltar, a healthier Gibraltar, people trying to opt for better modes of transport, and if it is walking, even better; walking, cycling, whatever, but not the private car. This is what we should be tackling. We have had this conversation before. We need to try to encourage people to change their mindset – so just when we are trying to change people's mindset, we want to enforce upon them cycle helmets. *(Interjection)*

440 I have replied about the policy of the Government, and the policy of the Government is as the rest of the world, except four countries. So we either spearhead this and become the fifth and say, 'Wow, look, we have broken records – we are the fifth country,' or we do as others do because of the research out there.

445 The last comment I will make is he or she who wants to wear a helmet is not stopped from doing so. I think that is the key message. It is a non-issue.

450 **Mr Speaker:** Next question.

Q346/2023
Active Travel Strategy and pop-up cycle lanes –
Update

Clerk: Question 346/2023. The Hon. E J Phillips.

455 **Hon. E J Phillips:** Mr Speaker, can the Government update this House on its Active Travel Strategy and when pop-up cycle lanes will be rolled out?

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

460 **Minister for Transport (Hon. P J Balban):** We will not be needing many pop-up cycle lanes if we keep on talking about compulsory helmet wearing, I will tell you that.

Mr Speaker, pop-up cycle lanes have already been rolled out at the Frontier. Pop-up cycle lanes are used as a tool to verify the efficiency and suitability of future, potential, more permanent cycle infrastructure.

465 **Hon. E J Phillips:** I think it was ungenerous for him to start off the answer to that question with the suggestion that that is what we are trying to do, which is adverse to his policy. He knows we engage and we have a constructive relationship when it comes to this question.

470 Insofar as the identification of those lanes, are we having a consistent colour code? My understanding is that they are different through Kingsway than they are envisaged to be in other places in Gibraltar, in terms of the travel strategy that he has disclosed to me and shown to members of the community to canvass their views. Will it be consistently identified?

475 **Hon. P J Balban:** Mr Speaker, there is no need to have a specific colour code for the whole of Gibraltar. Kingsway is a project which was carried out before our time. It was done with certain specifications. We could not change anything about that project. Red in nature and red as a colour is a colour of warning. It is a colour that we have to be aware of. It is a no-entry sign, a stop sign. In traffic nomenclature and signage, red is a warning. So personally – and I share the opinion of many others – red for bicycle lanes really is a colour which ... Even the psychological testing on colours on infrastructure shows that it is not the best colour for infrastructure. We look at blues, we look at greens, we look at things that are more passive, and you see in other places sometimes where there is a conflict and where a bicycle lane that is blue leads into an area that is shared with a car, for example, sometimes they choose to paint that box in red or they choose to add some other sort of combination, so people are aware something has changed, something is different – be careful.

480 The transport strategy was very clear from the start that we were choosing blue for our lanes and that is the colour that we felt was best, but it does not really matter, as I have seen in cities where they have in certain places green and in other places red, and in places like Sevilla, which has decided to change path and gone from I think it is blue to green, and slowly they alter those colours. So there is no such issue in that respect.

490 **Mr Speaker:** Next question.

Q347-48/2023

Parking spaces –

Number lost in last two years; rationale for removing spaces at Bayside Road

Clerk: Question 347/2023. The Hon. E J Phillips.

495 **Hon. E J Phillips:** Can the Government state the number of parking spaces that have been lost over the last 24 months resulting from the Government's policy to reduce car use?

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

500 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 348.

Clerk: Question 348/2023. The Hon. E J Phillips.

505 **Hon. E J Phillips:** Can the Government confirm the rationale for removing parking spaces at Bayside Road?

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

Hon. P J Balban: Mr Speaker, since May 2021, 24 months ago, there have been a number of pedestrian enhancements rolled out by the Ministry for Transport, as well as provision for sustainable modes of transport parking areas where one car parking space was removed at Line Wall Road to allow the space to be used by 10 bicycles and e-scooters in the heart of town for parking. This potentially means 10 fewer polluting vehicles on our roads.

The removal of 13 spaces at South Barrack Ramp has provided a safe passage for pedestrians, especially school children to and from the main school in the area, thus improving pedestrian accessibility to and from the school, bus stops and residential properties.

Eleven Residential Parking Scheme Zone 3 spaces at Prince Edward's Road were removed and relocated within the ex-Queen's Cinema car park to allow for a new demarcated footpath from Hargraves sports pitch to Forty Steps. The western section of this road has been segregated to allow for the safe passage of pedestrians, an area where it is deemed necessary to connect other existing footpaths in the Upper Town, as well as providing safe access to clubs and out-of-school activities.

Five Residential Parking Scheme Zone 3 spaces at Europa Road, close to the Garrison Gym, were removed and relocated on Windmill Hill Road to allow for the introduction of a segregated footpath in an area lacking pedestrian infrastructure due to the existing constraints on road widths in this location.

Bayside Road will see the loss of 18 free parking spaces, 15 pay and display spaces, two loading and unloading bays and five motorcycle parking spaces. This is as per the plans contained within the Gibraltar Active Travel Strategy released to the public in January 2023 for the introduction of the proposed cycle lanes. You must note, Mr Speaker, that more parking loss is envisaged in this area due to the upcoming developments in the area if approved by the DPC. However, this area is well serviced with ample parking within covered public car parking facilities such as World Trade Centre, Devil's Tower multi-storey car park and Ocean Spa Plaza, therefore the impact is minimum. The proposed developments are also catering for public car parking facilities.

Lastly, Glacis Road will see a loss of seven pay and display parking spaces and seven free parking spaces. However, four loading and unloading bays are to be re-provided to cater for the residents and businesses in this location, which also includes the re-provision of the motorcycle bay by Portland House.

In answer to Question 348, the removal of parking spaces at Bayside Road is in conjunction with the proposed plans contained within the Gibraltar Active Travel Strategy to introduce sustainable forms of transport infrastructure in Gibraltar.

Hon. E J Phillips: I am grateful for that answer by the Hon. Minister. I think, in conclusion, it is right that there is a drive towards reducing numbers of publicly available parking spaces, because I think what he said is that there are alternatives for members of the public to park their cars, should they wish to continue to use them, in other spaces. So he is satisfied, is he not, as Minister for Transport, that what some members of the public feel is a parking loss and a detriment to them ... that there are alternative locations for the parking of their vehicles available to them? Is that what he is saying?

Hon. P J Balban: Mr Speaker, there are certain locations where there is ample parking of different types. So where maybe we have lost free parking spaces, which are free for all, including people who are not resident in Gibraltar, there are areas now which can be paid for, so anyone can use the paid parking. For example, if we talk about Bayside Road, we have Ocean Spa Plaza, we have World Trade Centre and we have, within close proximity, Devil's Tower Road car park as well. So there is ample parking for people who want to use the facilities, and even when the GFA has the stadium down there, they will also be able to park.

Inevitably and invariably there will be some loss of parking spaces. You cannot make an omelette without breaking eggs. Do we want a sustainable future for Gibraltar? Do we want to encourage people to walk using more comfortable and safer pavements, to try cycling as an

560 alternative? Do we? Or do we want to proliferate car ownership by producing more parking
spaces? When we can, we have tried to balance things out, and we have got rid of some parking
spaces we have tried our best, if it is possible, to give parking spaces somewhere nearby, but it
has not always been possible and it will not always be possible. This is why, when I brought it to
the Members opposite – which I am very grateful for – and gave them the opportunity to see the
565 transfer plan, I said very clearly this is not something that we have to be at odds on. This is
something we have to do together, because if I am going to say I am going to get rid of, eventually,
so many parking spaces in Gibraltar and the other side is going to say, ‘Paul, you shouldn’t be
taking ...’ Where are we going to build the bicycle lanes? On stilts above? So I think in that respect,
we must share that common ground.

570 The residential parking scheme is not yet completed, there are still a few more zones to do,
but the whole idea of that plan was that once it is completed, everyone who lives in Gibraltar will
be able to park within the zones, and that should liberate a lot of parking spaces which are lost,
which are free parking spaces for people who do not live in Gibraltar. So that would be the final ...

575 We have done studies, we have looked, and Gibraltar has a lot of car parking spaces. As we
build and people buy and move into their new affordable homes, they go into these homes with
covered parking spaces. It is just a shame that people choose to buy another car to put in that
space, as opposed to saying, ‘I will just have one car.’ But this is our challenge, I think – our
challenge in common.

580 **Hon. E J Phillips:** I accept that it is a challenge in common and I am grateful that he shared the
Active Travel Strategy with Members on this side of the House. He talks about unity between the
Government and the Opposition on this particular question and I share a lot in common with what
he says. But of course, one of the things that we may not have in common is the way in which he
does it, and that is the reason why we have these arguments, sometimes, and questions put
585 before the House.

I just wanted to find out from him what level of buy-in he is getting from the community. It is
all well and good he and I agreeing on something – more cycle use, for example – but ultimately,
when you lose 62 car parking spaces, which is what my hon. Friend here to my right added them
to ... What kind of communication or participation does he have in talking to people about the
590 reasons for the loss and persuading them and giving them the confidence to use other forms of
transportation? That is principally the most important thing here.

The success of his project will depend on people buying into his vision. Not only that, but also
how do we provide for those people who are unable to participate in his vision – the elderly, for
instance? That is a big one coming from members of the community to me, who say, ‘I cannot be
595 expected in my late 70s to be getting on a bicycle, cycling down to Morrisons and taking my
shopping back home, for example, or going somewhere else where I can park in town and have
easy access.’ We have to think about everyone in our community when we are trying to get to
that vision and achieve that vision that he is trying to achieve. I just want to know what level of
consultation he is personally doing with service users and those people who may have lost that
600 type of facility in terms of those 62 parking spaces, because I think that is the most important
thing here.

605 **Hon. P J Balban:** Mr Speaker, does the hon. Member genuinely and honestly think that I expect
everyone, of all ages, to be cycling to Morrisons, regardless of their medical condition or their
ability in terms of mobility? That is quite a statement to make.

Remember, cycling is not for everyone, but neither is driving for everyone because some
people get to a certain age and cannot drive anymore because of eyesight or whatever. So what
happens is that for those who want to cycle – and there are many people who do, because I am
stopped ... You get all of this firing on social media of certain groups of people who keep on hitting
610 the same minority group, and I am told continuously by people who follow and aspire that they
want to see me achieving my goals. This is not the reality.

615 Just having more people walking and cycling means fewer cars on the road, which means that the few people who need to use their cars will hopefully be able to use them a lot more comfortably. Our problem is not car use. If we all had one car per household and we used it ... For how long does a car remain parked? We have all got cars here when we spend endless hours in Parliament. Those cars are parked up somewhere. We are not using them. What is really the use of our cars in our lives? Very, very little, so why do we need four or five of these cars? We do not.

620 The whole point of this is that those who want to cycle ... and there are many people who stop me and say, 'I would cycle but I genuinely feel worried, I do not feel safe. Please, if you can create these cycle lanes, I will go out on a bicycle and I will take my children. At least I will try it out. Then, if I feel unsafe on a bicycle, I will not.' There are a lot of people, and you will be surprised, people of all ages and all walks of life. So what we want to do is just encourage.

625 I keep telling people we have a port, we have an airport, we have a free bus service, we have taxis, we have roads, we have everything, we have pavements – what don't we have in Gibraltar? Gibraltar always wants to have a bit of everything. We do not have cycle lanes. Our cyclists are on the road with the cars. Why can't we enjoy ...? It is just like telling people, 'Walk on the road – get off the pavement and give it to the car.' Let cars park on the pavement – that will sort out our parking problems – and let the pedestrian just walk on the road.

630 This is what we are trying to do. We are trying to make people choose this mode of transport. The hon. Member says, 'No, we would do it differently.' Well, I am very interested. This is why I shared it with him. If new ideas across the floor of the House are 'We will build bridges, overpasses and underpasses', maybe if we had millions and millions of pounds to spend on it ... Other cities have done that in certain areas, but Gibraltar is very small – either we build the bicycle lane 20 cm further that way, or we just do not do it.

635 I can assure you that the research I have done on this is vast, and every time I go away to a conference I come back with other ways of doing the same thing. I genuinely believe in this, not just because I cycle, because if I did not cycle I would still ... It is because I think this is where cities are going.

640 **Hon. E J Phillips:** Given the loss of the 62 parking spaces, I wonder whether he has this information to hand: what loss of parking spaces does he expect in the next 12 months?

645 **Hon. P J Balban:** Mr Speaker, I would not be able to tell you exactly because, remember, there will be an election before the 12 months and we do not know, obviously, what will happen. I can only talk of the next few months. I do not know when the election is going to be, whether it is going to be two, three, four months, or what.

650 There will still be a few more parking spaces to lose, but not an awful lot more. Now I am looking at something they call bicycle streets, which gives us options to be able to lose not as many parking spaces on roads, if that is what we want. Again, remember this is a policy thing. What do we want? Do we want to proliferate the car and create bicycle streets, or do we want to create segregated bicycle lanes? There are options for us to do other things. As we roll things out, I am happy for the hon. Gentleman to ask me the same question and I will give him a rundown on how many parking spaces, but I do not see it as something negative, losing parking. There is no other way of doing this.

655

Mr Speaker: Next question.

Q349/2023
Willis's Road car park –
Automatic doors

Clerk: Question 349/2023. The Hon. E J Phillips.

660 **Hon. E J Phillips:** Mr Speaker, can the Government state how long the automatic doors at Moorish Castle car park have been broken and left open?

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

665 **Minister for Transport (Hon. P J Balban):** Mr Speaker, although the hon. Member has referred to the car park as Moorish Castle car park, the said is officially known and referred to as Willis's Road car park.

670 Upon enquiring with Gibraltar Parking Management Services Ltd as Government's appointed agents for the management and maintenance of government-owned car parks, we are advised that the doors may have now reached their end of life. I am advised that this is being actively looked into and we envisage that they will be replaced in coming months.

675 **Hon. E J Phillips:** Mr Speaker, I think I asked how long they had been broken and left open. I think that was the question I asked. I appreciate that it is end of life for these doors, but I did ask how long they have been in that state, effectively.

Hon. P J Balban: Mr Speaker, I was unable to get that information for reasons which I am happy to speak to the gentleman about behind the Speaker's Chair. *(Interjection by Hon. E J Phillips)* Because the person responsible for giving us these statistics is no longer with us, so we have had difficulty in getting the information required.

Q350/2023
Europa Advance Road –
Completion of works

680 **Clerk:** Question 350/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, when does the Government envisage that the repairs at Europa Advance Road will be complete?

685 **Clerk:** Answer, the Hon. the Minister for Transport.

690 **Minister for Transport (Hon. P J Balban):** Mr Speaker, the works at Europa Advance Road will be completed once the pipe within Powers Drive has been replaced. AquaGib are currently working on this replacement and it is expected that this will take a further two months to complete.

Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q352/2023
School intranet problems –
Update

Clerk: Question 352/2023. The Hon. E J Reyes.

695 **Hon. E J Reyes:** Can Government provide an update on any further works done, since the answer provided to Question 149/2023, to resolve several schools' intranet problems?

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, to address the connectivity issues within the schools caused by the dissemination of passwords, an additional system has been implemented. This system effectively prevents unauthorised devices from connecting to and disrupting Wi-Fi and other network services. The system was rolled out in February, and so far a total of 3,840 device, including iPads, laptops and authorised personal devices belonging to teachers and staff, have been successfully onboarded. However, there are still some schools that require their devices to be enrolled on the system. These schools include St Joseph's, St Anne's, the College, St Bernard's and the Hebrew School. To ensure a smooth transition, we are actively collaborating with the Department of Education to address any initial challenges that may arise during this implementation phase. ITLD'S goal is to mitigate any teething issues and provide uninterrupted connectivity for all schools.

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Hon. E J Reyes: I am glad to hear that in a good number of our schools we seem to have overcome the problems.

The Minister has kindly listed the schools that still have not ... Does he have, hopefully, an estimated date by when they should be problem free? I know we are at the tail end of the current academic year, and having come from the teaching profession myself, I ... Everyone is keeping their fingers crossed that come the start of the 2023-24 academic year, everything will be in perfect order. I do not know what feedback, timing wise, the Minister has.

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Hon. A J Isola: Mr Speaker, I am informed that it will take approximately one week for each of the schools, so it is certainly our ambition that by the end of this academic year everything will have been completed, to start in September with everything in full working order.

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Mr Speaker: Next question.

Q353/2023
Water quality –
Independent analysis

Clerk: Question 353/2023. The Hon. E J Reyes.

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Hon. E J Phillips: For the record, it is my question. I am happy to ask it, and I am sure the record will be corrected.

Can the Government confirm whether or not it conducts independent analysis of our water quality?

720 **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): That is a much better-looking Mr Reyes, Mr Speaker. *(Interjection by Hon. E J Reyes)*

725 The current process for the analysis of water quality is that AquaGib, under contract with HMGoG, performs analysis to ensure that water quality is within parameters set by the Environment Agency Gibraltar (EAG). These parameters are set in accordance with the Gibraltar Public Health Act, which transposes EU Directive 98/83/EC on water quality parameters, and EAG consultation with the Drinking Water Inspectorate in the United Kingdom. As part of the agreement with the EAG, AquaGib performs audit checking of its sample process, which is sent to
730 Northumbrian Water in the UK, which then reports back on the validity of AquaGib's samples and results.

Mr Speaker: Next question.

Q354/2023

Escalator outside Hospital – Night-time operation

735 **Clerk:** Question 354/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, can the Government state why the escalator outside the Hospital is constantly running at night without sensors to provide for a power down/up option?

740 **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 escalator outside the Hospital previously had sensors operating but these were removed after two accidents which have occurred. After liaising with Otis, the maintenance service provider, an immediate decision was made to remove the rapid start/stop system due to
745 these incidents. Discussions with Otis are still ongoing as to the best options moving forward.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer. One would have thought actually, insofar as conserving energy and going into a hospital ... I understand that there have been accidents, as he has described, but the rationale for the change now to removing them permanently and having that on ...
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I just wonder how many accidents did take place. Did he say two in his answer? I assume that those accidents were investigated to see whether they may have been contributed to by the individuals themselves. Is it the mechanism? I do not want to go into too much detail. Is it the escalator itself?
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One would have thought this is normal. They are all over the world. He knows, as I do, when you travel, in airports and throughout all parts of business life there are escalators in buildings that have this feature in order to power down and have a power-saving option. I wonder what his view is on that, because clearly that is what we should be doing, conserving that energy, right?
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Hon. A J Isola: Mr Speaker, I empathise with what the hon. Member is saying and you would have thought that we would not have these accidents, but having had two accidents, one of which was more serious than the other, the decision was taken to just remove the possibility of it happening again to some of our senior citizens as they are approach the Hospital.

765 The inevitable consequence will be that we are looking to switch these off at say eight in the evening and put them back on at seven in the morning, which will conserve the energy that we should not be throwing away by having them continuously running. That is a far simpler and easier option than somebody manually switching them off in the evening and put them back on in the morning if we cannot have the stop/start, because we are not going to have them running all night with no use. That seems to be the direction of travel we are discussing now with Otis, the managers.

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Mr Speaker: Next question.

Q355/2023
Obesity –
Rate in Gibraltar

Clerk: Question 355/2023. The Hon. E J Phillips.

775 **Hon. E J Phillip:** Mr Speaker, can the Government state the rate of obesity in the community?

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

780 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, according to the 2021 health and lifestyle survey carried out by Public Health, 28.9% of the population are obese.

785 **Hon. E J Phillips:** Mr Speaker, that is, no doubt, a concerning statistic for the Minister for Health. I do understand that these reports often identify trends, particularly in public health, where over the many years that we have seen these reports, whether they have been published or not ... I have not seen this particular report on the website yet; I do not know what the reason is for that. I am grateful for the answer because otherwise he would have said, 'Do it yourself and read it, please, Mr Phillips.' I wonder, what is Public Health doing about promoting public health more strongly?

790 I went to the GHA board meeting, along with my colleague Mr Clinton, to hear from Prof. Geoghegan what has been happening in the GHA more recently. I think he characterised it as the good, the bad and the ugly – not good, not so ugly, but something in the middle. I was just wondering what Public Health are doing to encourage more healthy activity and healthy lifestyles, given that very concerning figure.

795 **Hon. A J Isola:** Mr Speaker, the Public Health Department is doing a number of things to reduce the rates of obesity, but the first thing I must say is that this is obviously the survey in 2021 – COVID – so it was self-reported and it was on the telephone, as opposed to what it would have been previously. There were 606 members of the community who self-reported their own weight. So the first point is data – do we have good enough data? – and that is one of the areas where Public Health is working to better determine what the actual rate of obesity is and how serious the problem is, or is not. So that is the first aspect. The second aspect is they have undertaken a scoping exercise, reviewing the drivers of obesity within the cultural context of Gibraltar to see if that will help them to develop a strategy moving forward in terms of what lessons they can learn from that scoping exercise.

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They are also doing some considerable stakeholder engagement. They are meeting with the different parts – mental health leads, dietitian leads – within the GHA in order to have a multidisciplinary approach as to what they can do in terms of coming up with a more sustainable

810 strategy, including, of course, the surgeons, and what pathways and audits they have with the NICE standards. The Department of Education is also engaged with our schools in terms of education and what information we can give to our students of all ages in terms of the risk and the dangers of obesity within our community.

815 They are also engaged with a range of research projects exploring some of the drivers – food health servings, sugar content and all these other things that are important in terms of seeking to tackle obesity.

820 My own view is that the first point I made, in terms of data, is perhaps the most important to get an accurate and real picture of how serious or not the problem is, and then hopefully be able to pinpoint the areas where that is and attack those particular areas, rather than a generic scattergun approach across the whole of the community. I am hopeful that that will begin to develop a better way forward.

825 **Hon. E J Phillips:** One brief question, because I think it feeds in exactly. I entirely agree with what he says about this being driven by data analysis. My understanding is that during COVID there was a very strong argument in favour of collection of data because we were jabbing everyone in the arm, so we could then assess weight by comparison to height. I thought at the time that that was the Government's intention, that there was going to be a significant data-gathering exercise to get those data points, as he has articulated. Did that not happen? I understand now that this was a survey done by telephone, given COVID, but I took it from the previous Minister for Health and engagement with the then Public Health Director that this was
830 going to be a concerted effort to get a snapshot of the health of the population by taking those very basic measurements so that we could inform the next report and indeed have a better analysis of the state of the nation's health.

835 **Hon. A J Isola:** Mr Speaker, I will check that. I know when I went to have my COVID jabs, nobody asked me my height or my weight – otherwise, they would have discovered that I was obese – so I do not know to what extent that may or may not have happened; perhaps with younger members of our community. But there is a general across-the-GHA drive to get better data across a whole load of areas, and I know that Public Health is particularly keen in this area too, for obvious reasons, as we have discussed. I will check on that point and come back to him.

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Mr Speaker: Next question.

Q356-57/2023

Hip and knee replacement surgery – St Bernard's Hospital waiting times

Clerk: Question 356/2023. The Hon. E J Phillips.

845 **Hon. E J Phillip:** Mr Speaker, can the Government state the waiting times for partial or full hip replacement surgery at St Bernard's Hospital?

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

850 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 357.

Clerk: Question 357/2023. The Hon. E J Phillips.

855 **Hon. E J Phillip:** Mr Speaker, can the Government state the waiting times for knee replacements at St Bernard's Hospital?

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

860 **Hon. A J Isola:** Mr Speaker, the current waiting time for partial or full hip replacement surgery is 10 months. The current waiting time for knee replacement surgery is 10.5 months.

The GHA is presently working on reducing waiting lists across the board. An announcement will be made in due course. I have informed the House before that we have been working with the GHA for some time in terms of what we are going to be doing in trying to reduce some of these waiting times. Work is actively progressing on this front and I hope to be able to say something shortly in respect of that.

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Hon. E J Phillips: I am grateful for that because I think it is the primary question that is asked of me by, in the main, those more elderly members of our community, but increasingly I am seeing a number of people in their 40s and 50s approaching me, given the concern, because these are very painful conditions for people of a certain age, and now younger, I am given to understand. Obviously 10 months is a very long time to wait, particularly when there has been a very large lead-up time as well insofar as diagnosis, which is what I am understanding as well from this particular issue.

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Does he know when he will be making an announcement as to how they are going to drive down that figure? It would give a lot of people in our community who are waiting for this specific type of hip and knee surgery a lot of reassurance that they are going to be seen to. It is one that does crop up with me very regularly, I must say, Mr Speaker.

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Hon. A J Isola: Mr Speaker, a number of points arise from that question. I think I often say this when we talk about waiting times, that we have, actually, even with 10 months, which we believe is longer than it should be, a very good waiting time compared to the UK, where there are some 6 million people on waiting lists, with 8,500 just for these sorts of operations, with a waiting time average of over two years. We are at 10 months, they are over 24 months.

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Notwithstanding that, what are we doing about it? Well, everyone who has passed the assessment that the hon. Member has referred to ... There are some pending the assessment, but those who have been assessed and told they are going to be operated on, almost all of them have by now received an operation date. You will have heard from other answers in relation to operations, and also you will have heard at the GHA public meeting that there are a large number of operations cancelled by the patients themselves.

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You will also have learnt about the launch of the new TSSU, which comes into action in about a month's time – and I would be very happy to show the hon. Member around, if he would like to go and have a look at it – which will also deal with cancelled operations, which will no longer happen, and will also increase the efficiency of theatre, leaving aside the fact that we are soon going to have a fifth theatre opening at St Bernard's Hospital. So the ability of the TSSU now to turn around equipment which can be sterilised means that you will not just have one a day – you can have two and maybe even three of that particular kind of operation using that equipment on the same day.

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So there is an awful lot of work going on to reduce waiting times, which are already pretty good. Where we also have a parallel work stream going on is on the assessments, people waiting – they have been referred and are waiting for the assessment – and we have a separate proposal as to how we are going to be tackling those, which I think the hon. Member will be very pleased to hear, as and when we are able to announce it.

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So I would say to those who are waiting that it is very much work in progress. They should have received a date for their operation to happen maybe this year or early next year. We are very

905 much on the road to recovery in terms of trying to reduce those waiting lists even further than they currently are at.

Mr Speaker: The Hon. Edwin Reyes.

910 **Hon. E J Reyes:** I thank the Minister for bringing the public at large a bit more up to date on that. It is interesting that the Minister said it is more or less an average of 10 months, or 10.5 months in the case of a knee replacement. Then he qualified it by saying post-assessment. A problem experienced by some patients is that they are deemed highly likely to need knee or hip replacements by their GP, who says, 'I will pass the information on to the consultant concerned.
915 You will hear back from them.' I have a particular case in mind of someone who has waited over six months and not heard anything back. That person then made some enquiries and was able to contact, eventually, some department or other at the Hospital and was told the waiting list for the assessment is about two years in length. It is a bit contradictory with the 10 months, so the Minister might, if I can beg him, wish to look into that. I think he already hinted in his answer that
920 he is trying to tackle the problem.

The other problem is we all know what patients can be like and how nervous some people can get. Is there a system that the Minister is aware of where once the orthopaedic department or whoever receives a request from a GP to have a particular patient assessed ... at least a routine letter or note is sent to that person saying their name is down on the list, just to reassure the
925 patient that they are down on the list and an appointment will be forthcoming as soon as possible? It leaves people a bit in limbo: has the paperwork gone from the Primary Care Centre to the specialist unit in the Hospital? That is what brings a big problem, and the uncertainty creates an amount of nervousness, especially ... I think unfortunately it tends to be the more elderly members of our population who end up needing knee and hip replacements. I do not know whether the
930 Minister would, please, for the patients' sake, be able to look into that.

Hon. A J Isola: Mr Speaker, I can assure the hon. Member that the GHA is all over this. I can tell him that the assessments we have are actively being followed through. I can tell the hon. Member that as a general rule of thumb, if we have a hundred people to be assessed, the normal
935 percentage of those who will require an operation is 25%, so the numbers needing an operation are actually very low compared to the numbers pending an assessment, because there are other ways of dealing with it. I did more than hint, I said there was a parallel workstream, in my answer to his colleague, that will be dealing specifically with the assessments. In other words, we have the number that are pending an operation, that have already been assessed and referred and are
940 now going to be operated on, and we have those that are pending the assessment, and both workstreams are being worked on actively by the GHA.

If I can help my hon. Friend in terms of the numbers, waiting times are currently, as I mentioned to my hon. Friend, 10 months for hips and 10.5 knees. In 2019 it was four months, in 2020 it was six months, in 2021 it was seven months. So that increase is the COVID increase that we are trying
945 to recover from to bring the waiting times to what we all consider to be a reasonable level, which is far less than the 10 currently.

So yes, it is actively being worked on, and I am comfortable that we are working in the right way to reduce that as far as we possibly and reasonably can.

950 **Mr Speaker:** Next question.

Q358/2023

**Drug overdose and excess alcohol consumption –
Numbers presenting at A&E**

Clerk: Question 358/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, can the Government confirm the number of people presenting at A&E/hospital as a result of drug overdose or because of excess alcohol?

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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, the number of people presenting at A&E as a result of drug overdose or excess alcohol this year up to 15th May 2023 is 46.

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Hon. E J Phillips: That is from 1st January to ...? I am grateful. Thank you. Does the Minister have a breakdown between drug overdose and excess alcohol?

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Hon. A J Isola: Yes, Mr Speaker, 11 in respect of excess alcohol and 35 in respect of drugs.

Hon. E J Phillips: And does the Minister have a further breakdown insofar as the types of drugs that were consumed in order to induce overdose?

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Hon. A J Isola: Mr Speaker, I do not have that breakdown, but I would think I am able to get it for him if he would like that.

Q359-60/2023

**Abortion –
Number performed locally; education and support available**

Clerk: Question 359/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, how many abortions have been performed locally since the House passed the legislation providing for the same?

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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, I will answer this question together with Question 360.

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Clerk: Question 360/2023. The Hon. E J Phillips.

Hon. E J Phillip: Mr Speaker, since the referendum on abortion and the coming into force of new laws making provision for the same, what exactly has been done in terms of education and support for members of our community who are considering pregnancy termination?

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

990 **Hon. A J Isola:** Mr Speaker, a total of 77 abortions have been performed since the House passed the legislation.

In terms of education and support, the GHA provides a comprehensive informational guide on abortion care that is accessible to the public via the GHA website. There is also a confidential telephone line for people to call for advice and support, in addition to individual counselling and support being available when a woman is considering an abortion.

1000 **Hon. E J Phillips:** Insofar as that comprehensive guide, what level of aftercare is available for women who have undergone terminations of pregnancy at the Hospital insofar as medical and surgical aftercare? Clearly there are going to be, in some cases, very significant impacts as a result of terminations, not only to mental health and the support that the women rightly require at that point, but also in relation to very specific medical and surgical issues that arise in the context of terminations as well. Does he have a bit more information as to the level of aftercare afforded to women in those circumstances?

1005 **Hon. A J Isola:** Mr Speaker, I believe the GHA Well Person Clinic at the Primary Care Centre is available to them throughout. Obviously the GHA is available to them throughout. They have consultations post, obviously, and those are given by appointment. If they need anything else, they would come through the Primary Care Centre, like anybody else. I am guessing there, so I would have to get more information to give you the specifics of what actually happens to individuals because I do not have that here with me.

1015 **Hon. E J Phillips:** Just one question, and if he does not know the answer, that is fine, we can pick this up in correspondence with each other. Is it the case that there is an automatic process of aftercare, that the patient is recalled to the Hospital for that check-up, or is it based on the need of the individual? I say this because termination, for almost all women, is a very difficult decision in the first place, but also during the process and after. Is there a very strong nexus between the GHA and the individual patient insofar as that follow-up is concerned, or is it just on the basis that if a particular patient feels they need support – medical, surgical or indeed the mental health support that is required – it is on the patient to come forward? I am just trying to ascertain the level of involvement from the GHA.

1025 **Hon. A J Isola:** Mr Speaker, when people are discharged from hospital they are given a plan, and I would expect it to apply here as I would to any other form of clinical intervention with any of the people we care for. So my answer to that I very strongly believe would be yes, but I will confirm that to him.

Q361-62/2023

Provision of goods and services to GHA – Companies contracted; price

Clerk: Question 361/2023. The Hon. E J Phillips.

1030 **Hon. E J Phillip:** Can the Government state in full the names of the companies that contract with the Government and/or the GHA for the provision of goods and services to the GHA?

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 question together with Question 362.

1035 **Clerk:** Question 361/2023. The Hon. E J Phillips.

Hon. E J Phillip: Can the Government state of those companies that contract with the Government and/or the GHA for the provision of goods and services the contract price?

1040 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, there are many contracts which are entered into by the GHA for goods and services including provisions, foods, clinical equipment, staff, and industrial equipment. In the time available it has not been possible to detail the firms, but if the hon. Member is more specific in the area he is interested in, this will facilitate further information being provided.

We do not make prices for contracts public, as this is commercially sensitive information.

Hon. E J Phillips: Mr Speaker, just in relation to those contracts that are awarded by tender, are those figures made public? They are not in the case of the GHA?

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Hon. A J Isola: Names only.

Hon. E J Phillips: Names only. I am grateful.

Given what he said in answer to Question 361, I appreciate that the Minister might need further time to gather that data. Clearly the question has been framed in a fairly expansive way, I understand that, but the answer is not we cannot provide it or it is an excessive question that we cannot deal with; I think it is the time. I am happy – if the Minister can give me an indication as to the time that he or his Department will require to give me that information – to wait, rather than ask the question again. Is he prepared to accept that accommodation in order to provide that information?

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Hon. A J Isola: Mr Speaker, I would have to ascertain from the GHA the amount of time it would take. The hon. Member will understand that we buy things every day of the week, so whenever I give the information it is inaccurate as from the following day. Whether it is equipment or supplies, some of them may be on a rolling contract, some of them may be individual contracts.

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As the hon. Member will know, we buy potatoes, carrots and onions. Those are normally in one contract, but there will be many other different contracts which relate to the production of food by the Hospital. The same with industrial equipment, the same with services – many of our locums are on contract. So in terms of trying to go through that mass, it would take a team a very long period of time to go through the many hundreds of contracts and, where there is not a written contract, to put in place an understanding of what that contractual relationship is, because there will be services or goods, money being paid.

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If he can tell me what he is after, that would make it very much more doable within a reasonable timeframe. Otherwise, I would ask the GHA whenever they can to get that information for me, but I would not guess what time it would take to come back with anything that is tangible and readable for him. I hope you understand the nature ... There are 1,300 staff in the Hospital. To give you an idea, we have 400 people who come in every day to the Primary Care Centre, 100 to A&E, 440 a month into the minor injuries, plus the rest of the Hospital. We are consuming every day of the week in large volumes, not all under rolling contracts, and so that is a huge number of contracts. So if he can help by indicating what he is particularly looking at, I am very happy to make arrangements do that in a far shorter timeframe than I would if he says everything, because that is almost undoable.

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Hon. E J Phillips: I have listened very carefully to the answer to the question. I think all I was asking for are the names of the companies that contract with the GHA. I appreciate that I have not stipulated written contracts. I am quite surprised that there are contracts that do not have a

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1090 written basis. (*Interjection by Hon. A J Isola*) It is quite surprising, but obviously I know that before he was Minister for Health there was a real issue about controlling expenditure within the GHA, for obvious reasons, and I know it was the Hon. Neil Costa, when he was in this House ... His mission at the time was to deliver efficiencies within the GHA.

1095 I would have thought this type of information would be readily available, but I know he does not have the answer, given the stated reason for that, and I will try my best to break it down into categories that might be easily digestible for his Department, so that we can get this information in the House. But I am grateful for the answer.

1100 **Hon. A J Isola:** Of course there is and has been a drive to document and contract everything that we buy or use. I can give the hon. Member one example. We ordered, about a week ago, some equipment for the ophthalmology unit to be able to do cataract operations, because the current one is end of life and we have to make sure we have the replacement ready by the time that end of life is reached. That contract was signed after the equipment was ordered because we wanted to guarantee that it was going to arrive by a particular date. When you are dealing with life and death, you do not have the luxury of being a lawyer and saying, 'I am not doing it until the document is signed.'

1105 So I think we have to have an element of understanding, which is why I said that every day of the week it will be out of date the day after, because things happen the day before. It is very much a live environment, and that is the point I am trying to make, that it is continuously moving. So if he can guide me in a particular direction, that would be a lot easier.

Mr Speaker: Next question.

Q363-364/2023
Barclaycard and Revolut –
Withdrawal of services from Gibraltar

1110 **Clerk:** Question 363/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the outcome of its discussions with Barclaycard given its recent decision to withdraw its services from Gibraltar residents but not to those of the Isle of Man or the Channel Islands?

1115 Before I sit down, I would just like to mention I declared an interest when I submitted the question as being one of those clients affected.

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

1120 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 364.

Clerk: Question 364/2023. The Hon. R M Clinton.

1125 **Hon. R M Clinton:** Mr Speaker, can the Government advise whether it has been in touch with Revolut over its decision to suspend opening new accounts for Gibraltar residents?

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

1130 **Hon. A J Isola:** Mr Speaker, the Government has been in touch with the relevant counterparts in the United Kingdom government reference both Barclaycard and Revolut and is awaiting definitive feedback.

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

1135 I have a copy of the letter that Barclays has sent out to customers in Gibraltar. What they say is you need to provide a UK address, and they define a UK address as England, Scotland, Wales and Northern Ireland. Apparently residents of the Channel Islands and the Isle of Man got a similar letter, and then that was rescinded. But the letter that has been sent to account holders in Gibraltar says:

If you do not update your UK address, your card will unfortunately stop working on or after 30th May 2023 and we will close your account on or shortly after 21st June 2023.

1140 So there is a very tight timeframe in which, if there is any scope, to suspend this decision. Otherwise there will be a lot of people – although I cannot say, hand on heart, how many in Gibraltar, but I imagine a sizeable number – who will effectively be deprived of the facility of the card, which many people have had for years – certainly I have had mine for more than 30 years – with not much in the way of an alternative. There is that time pressure and I just wonder if the UK
1145 government is fully cognisant of the fact that there really is very little time left to either have a reversal of the decision from Barclaycard or complete confirmation from Barclaycard that they are not going to change their minds.

Hon. A J Isola: Mr Speaker, the point that we have we have raised quite firmly is precisely the
1150 point the hon. Member makes, that it is the discriminatory aspect of it. If they had removed the Crown Dependencies, then we would all be in the same boat together, however difficult that was to stomach. The challenge comes in that they are treating the Crown Dependencies differently to Gibraltar, and that is precisely the point we have made to Treasury, who are taking it up with a number of different people through the Barclaycard chain. You know what big organisations are
1155 like, they are big beasts and they do not move very quickly, and when they do, they do move very quickly, as they have done in this instance with the card. So to turn that around is difficult.

If I am going to be honest, I very much hope they do, but with the length of time it is taking, it seems to be less and less likely that there is going to be a change in that direction. But we are certainly pressing Treasury. They are fully aware of the consequences of this, in terms of the
1160 number of people who have been using them for 30 or 40 years and who will no longer have access to something they have become very accustomed to. In terms of financial services, there is an obligation to look after your client, and that is something we have also asked them to consider.

I have had a number of reports back from them in terms of the different people we have
1165 spoken to, because they started at the sanctions to check that it was not ... They did not know anything about it, so we knew that it was not linked to that, and they have followed through the different departments of Barclays to find the appropriate decision makers.

All I can tell the hon. Member is that as soon as I hear back from them I will be in touch with
1170 him to update him on the position, but there is absolutely nothing more I can do. We discussed this on a television programme recently. These commercial decisions of firms are one of the major reasons why we took the decision to set up the Gibraltar National Bank, so that we were safe from these sorts of decisions. But there are obviously still other things that we need to do to ring fence ourselves from some of the services like these, for which, as I also mentioned, we are looking at options as well.

1175 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister and I sincerely hope that the UK Treasury have some success in impressing upon Barclays their responsibility to treat us fairly, as their customers, as they are doing with the Isle of Man and the Channel Islands.

1180 Just one question – and the Minister may or may not be able to answer – specifically on the Barclaycard, and then I just want to ask one supplementary on Revolut. The Minister is a lawyer, obviously. Given the conditionality of this letter, does he have a view as to whether this is actually a formal termination notice under their terms and conditions of two months' notice, given the conditionality of the nature of the letter, i.e. give an address or else? Is that something the Government has looked at, as to whether this is the correct form of termination letter to clients?

1185 **Hon. A J Isola:** Mr Speaker, the Government has not looked at that point and I do not think the Government would have any locus to do it. I have considered myself whether they are complying with or breaching their own terms and conditions. I would have thought they would have been carefully looked at by their lawyers before they issued the letter, to ensure that they were in compliance with the terms and conditions. I will ask that question, but I as I say, I do not have a view.

Mr Speaker: The Hon. Roy Clinton, do you want to continue with the Revolut thing?

1195 **Hon. D A Feetham:** If I can be allowed?

Mr Speaker: Yes, of course.

1200 **Hon. D A Feetham:** My own personal experience: I have had a Barclaycard since I was at university. In fact, my account has been suspended, even before the deadline they provided. I provided an alternative address because I do have a place in England as well, and yet they suspended the account, which was very odd. I am just making the point that the Hon. Minister perhaps could consider this as well. It is very odd, because the emails that were sent to everybody in Gibraltar were not predicated on the basis that you had to be tax resident in the UK; it was just an alternative address, a UK address. Habitually banks will provide services to people who may have an address within the jurisdiction but are actually tax resident or habitually resident elsewhere. That is the reality. I have made my own enquiries with Barclays and have not had a satisfactory answer, but that is the reason, I think, why my friend has been asking the question, because he knows that from my own experience they never respected the deadline.

1210 **Hon. A J Isola:** Yes, I was not aware of people, having given UK addresses, being suspended in any event. I was not aware of that. I am aware of a number of people who have sought to engage with Barclaycard, and it is nigh on impossible. I have been sent some reports that were sent through a chat line on the Barclaycard website which are quite unhelpful. So I will again raise that point in terms of the suspension as well. There is no mention of tax or residency, it is simply a UK address, so I am surprised that the hon. Member has had that issue.

1220 **Mr Speaker:** Mr Speaker, I will just move on to the question about Revolut – I never did have a card, so I have nothing to declare in that respect. Is the Minister aware of any particular angle in respect of Revolut? I have read in the financial press that Revolut is going through growing pains and I can speculate as to why they may cease taking on new customers in certain jurisdictions. I just wondered if the Minister has any insight as to why Gibraltar.

1225 **Hon. A J Isola:** Mr Speaker, no. The Revolut statement was very curious in the fact that it said they will review it in a couple of weeks, which I thought was very odd in terms of the statement they made, for the next few weeks. Simultaneously with that, there are rumblings in the UK as to whether they will be licensed or not by the regulator in the UK, and it seems they will not be. I do

1230 not know why they issued the statement in the way they did, or whether they anticipate any change in allowing people back in. The Revolut one obviously stops new clients but respects the existing cardholders, which is different to the Barclaycard one, where in the Crown Dependencies they are able to stay but they are not taking any new clients; with us, they are not even allowing you to stay. I think these are the differences that are what we believe to be most unfair, and that is what we are working on with the UK government.

Q365/2023

**Mount Alvernia, Dr Giraldi and St Martin's –
Number of staff through recruitment agencies**

Clerk: Question 365/2023. The Hon. D A Feetham.

1235 **Hon. D A Feetham:** Mr Speaker, as at the date the question is posed, how many people who work in Mount Alvernia, Dr Giraldi and St Martin's are employed by recruitment agencies, providing details of the agencies in question?

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, there are a total of six staff members working at Mount Alvernia employed by recruitment agencies, two staff members employed via Meddoc, one staff member via Med Cleaning Services and three staff members via ABC Cleaning.

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There are a total of 56 staff members working at the Dr Giraldi Home employed by recruitment agencies, 13 staff members employed via Meddoc, 39 staff members via ADA and four staff members via WE CARE.

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There are a total of 19 staff members working at St Martin's employed by recruitment agencies, five linked through supported employment and 14 agency workers contracted via Gibraltar Joinery and Building Services.

Q366/2023

**St Bernadette's –
Plans to purchase new bus**

Clerk: Question 366/2023. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government have plans to purchase a new bus for use at the St Bernadette's centre?

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

1260 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, yes, sir. I am informed that the Care Agency is looking into purchasing options with local suppliers to replace the current bus at St Bernadette's. The current bus is 16 years old and is beyond economical repair. The cost of repairs is approximately £12,000 and it is therefore not financially feasible to repair this one.

1265 I am informed by the Care Agency that the hon. Member can be reassured that the service of transporting service users to the centre and back home has not been disrupted, as alternative arrangements are in place in the interim.

1270 **Hon. D J Bossino:** Mr Speaker, I can vouch for that as somebody who has, as he can imagine, for obvious reasons, direct contact with that particular service. The reason why I raise it is because it is obvious for me and from complaints I receive from ... well, not users but certainly the helpers and bus drivers, that the buses – there are more than one – currently in use are in a very dilapidated and rickety state, to be as diplomatic as possible.

1275 Is he able to provide further information as to when he thinks the new bus will be purchased and functioning? And secondly, if I may, Mr Speaker, is he able to provide information to this House as to the likely cost of that?

1280 **Hon. A J Isola:** Mr Speaker, we are currently going through a tendering process with the suppliers of vehicles, so I do not have a price for him, and that has not been evaluated yet, so I cannot give him a delivery time either, I am afraid. At this moment in time they have invited the prices and they are waiting the prices, and then the order will be placed once the most competitive and suitable vehicle is identified. Will it be leased or will it be purchased outright? These are the sorts of things that are currently under consideration.

1285 **Hon. D J Bossino:** I will not hold him to it – I know this is information which will be of interest to certain individuals and certainly to me – but is he aware, maybe even from experience, or is he able to give us some form of rough timeline? I know he has set out the process, but maybe he has an idea of what he would expect, the period of time we are likely to be looking at.

1290 **Hon. A J Isola:** No, I do not have that, but what I can tell the hon. Member is that it is urgent for us and consequently in the pricing models, delivery times will be a relevant factor in terms of looking at which order is made.

1295 **Hon. D J Bossino:** Finally, Mr Speaker, he talked about one bus. I understand that there may be a requirement for two. This I say only anecdotally, so I do not say it with any authority. Is he aware that the need of this particular centre is just for one new bus? Is that the position? I understood that they may require two.

1300 **Hon. A J Isola:** Mr Speaker, I am not sure what the requirement is, but what I can tell him is that in my meetings with Care Agency we have discussed a number of vehicles and I am not able to recall if one of those vehicles is also for Saint Bernadette's or not. I do not want to put my foot in it, because it may be and it may not be, so I will ask the question as to whether one of the other vehicles we have been discussing with the Care Agency relates to Saint Bernadette's, or not. We have talked about other vehicles and I do not know if they are for Saint Bernadette's or not, so I do not want to give wrong information. I will get the answer to that and come back to him.

1305 **Mr Speaker:** Next question.

Q367/2023
Crutches and fracture boots –
GHA returns policy

Clerk: Question 367/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the crutches and fracture boots returns policy at GHA?

1310 **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 GHA issues crutches and fracture boots through various departments on the basis of clinical need.

1315 The fracture boots are single-patient use, due to infection-control measures. For this reason, the public are advised to dispose of them when they are no longer needed and not return them to the Hospital.

1320 With respect to crutches, the GHA does encourage patients to return them to the physiotherapy department. The GHA is in the process of identifying a drop-off zone within the department. Crutches are then returned and checked that they are fit for purpose. They are then cleaned and reissued, where appropriate.

Hon. K Azopardi: Mr Speaker, I welcome that clarification by the Minister. The purpose of the question was because I was getting information that both in the case of fracture boots and indeed
1325 crutches, people were being told not to return them. So clearly that policy is not the case in relation to crutches, and perhaps that message should be more consistently deployed by those who are communicating with patients, because I am aware of some patients being told that crutches do not need to be returned.

1330 In relation to fracture boots, I understand the distinction he makes in terms that they have taken the view as a matter of policy, presumably based on advice, that as an infection control measure they are single use, but what is that based on? If it is acceptable to return crutches, why isn't it acceptable to return fracture boots? I am not understanding it, because presumably measures can be taken to cleanse anything nowadays in the sophisticated environment that we live in.

1335 **Hon. A J Isola:** Mr Speaker, I do not know the answer to that question as to why fracture boots for infection purposes cannot be returned but crutches can. I would have thought you could put them into one of our brand new sterilisers and that should do the trick, but that is the advice that obviously the GHA have had and that is reflected in the policy. I will enquire as to why it is fine for
1340 crutches to be returned, but not for ... I am guessing there is some good reason for that to happen, but I do not know what that good reason is, I am afraid.

Hon. K Azopardi: I would welcome that, Mr Speaker, not only because it seems to me massively environmentally unfriendly, because the fracture boots are plastic, normally to just chuck them if
1345 you if you cannot deal with it, but also because from my own initial inquiries – of course I am no expert in the field and that is why I field the question – it seemed to me that the NHS policy on fracture boots is not the same and that they do return them. So he may want to make inquiries and I would invite him to do so.

1350 **Hon. A J Isola:** Mr Speaker, I am grateful to the hon. Member and I certainly will.

Q368-69/2023
Rheumatology service –
Plans to improve; numbers treated for rheumatoid arthritis

Clerk: Question 368/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, are there any plans to improve the rheumatology service available to patients?

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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, I will answer this question together with Question 369.

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Clerk: Question 368/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many patients has the GHA treated for rheumatoid arthritis in the calendar years 2021 and 2022, broken down by years?

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Hon. A J Isola: Mr Speaker, the rheumatology service is currently being delivered by an experienced NHS consultant who provides both regular telemedicine consultations and regular face-to-face clinical sessions at St Bernard's Hospital. The service is additionally supported by a resident team, including a clinical nurse specialist and a non-consultant hospital doctor. The Clinical Director for Medicine and the Medical Director are looking at various ways of developing this service further. The GHA is also in the process of advertising for a substantive rheumatology consultant.

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The number of patients treated for rheumatoid arthritis broken down by years is as follows: 2021, 213; 2022, 240.

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Hon. K Azopardi: Mr Speaker, when he says there is a clinical nurse specialist, is this a nurse specifically trained in rheumatology?

Hon. A J Isola: Mr Speaker, no, I do not believe that is the case, not from what I have in front of me.

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Hon. K Azopardi: Mr Speaker, that was indeed my information, so I was asking for confirmation. Obviously it is welcome news that the GHA is considering the substantive appointment of a permanent consultant rheumatologist, which is, I think, what he said. We would want to see if the Government has any idea of the timescale of that appointment.

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At the moment, I understand that the visiting rheumatologist comes every three months or so, and although, as he says, he does conduct virtual consultations with patients, it is not the same. He will understand also that the patients are given specific medication which needs to be monitored by the rheumatologist. Sometimes it is a bit of a mixed bag to get advice from other doctors, so it would be welcome, certainly, for there to be a substantive consultant in that area.

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Also, we would like to hear more information perhaps from the Minister on whether, given the clinical nurse specialist is perhaps not specifically trained in rheumatology, there are also plans afoot about the training of nurses in this area.

Hon. A J Isola: Mr Speaker, I think in the answer the hon. Member will have gleaned, from the reference that the Clinical Director for Medicine and the Medical Director are looking at various ways of developing this service further, an implicit acceptance that we could do better, and that is what they are seeking to do.

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I think the appointment of the substantive rheumatology consultant is an important step and obviously that will only happen if he has the appropriate necessary support staff to enable him to do the work he needs to do, or she needs to do, so I think the work that is being done ... The three months visit – I am not sure, I thought they were less than three months, but the face-to-face visits are supplemented by the telemedicine consultations, which I agree are not as good as face to face, and that is obviously what has led to the decision being taken to advertise the position of

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1405 substantive consultant in that respect. So I am hopeful that we will improve in terms of our delivery to those patients who are suffering from rheumatoid arthritis and other diseases, and I hope that we will be in a position to do that shortly.

In respect of the qualification of the clinical nurse specialist, I will enquire to determine whether he or she is or is not.

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Hon. K Azopardi: And finally, Mr Speaker, in terms of physio in rheumatology, again my understanding is – and the Minister will correct me if I am wrong – that there is no physio support for rheumatology patients, or at least not as satisfactory as they would expect. Of course, he will understand that given the nature of the condition – it affects joints – physio support is quite important. Can I invite him, when he enquires about the nurse, to also enquire about physio if he does not have the information in front of him now?

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Hon. A J Isola: Mr Speaker, I would fully expect physio support to be available, but not perhaps to the degree that the hon. Member has made reference to. I will get that confirmation and respond to him because I do not have the information to be able to confirm that in front of me.

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Q370-71/2023

Spanish ambulance services –

Entities contracted and financial terms; cost in 2022 and 2023

Clerk: Question 370/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, with which entity or entities have the Government or GHA contracted the supply of ambulance services in Spain for Gibraltar patients and what are the financial terms of that or those contracts and the duration of those contracts?

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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, I will answer this question together with Question 371.

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Clerk: Question 371/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: What was the cost payable by the Government or GHA for the supply of ambulance services in Spain for Gibraltar patients in 2022 and 2023 up to and including 30th April 2023?

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

Hon. A J Isola: Mr Speaker, the GHA contracts the services of three Spanish ambulance providers. These are Ambulancias Andalucía S Coop, Helicopteros Sanitarios SA and Socorrismo y Servicios SL. These providers are engaged based on each company's commercial tariff rates. They are used by the GHA on an ad hoc basis as and when required.

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The total costs of the supply of ambulance services in Spain for Gibraltar patients were as follows: 2022, £392,322; to April 2023, £202,863.

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Hon. K Azopardi: Mr Speaker, just exploring the answer to Question 370, if I may first, so I understand ... From what he has said – and again, he will correct me – there is not a specific arrangement with these three operators beyond their standard tariffs. In other words, they will

1450 have arrangements and the GHA calls on these three operators to use ambulances and it is at whatever rates they provide them to everybody else. This is not a specific, unique, tailored arrangement for the GHA. Is that correct?

1455 **Hon. A J Isola:** No, Mr Speaker, the reference to those rates is that there is not a formal arrangement with the three of them, the same. What the GHA is working towards is to have one set of terms and conditions and the three of them can operate within those terms and conditions. They are currently working through a new contract for all three suppliers on the same basis, because there will be instances where one is going to take longer than another. If you can wait, you wait; if you cannot, you need to go to the next one along, to make sure you get them during
1460 the time that you need them. Those arrangements are currently under discussion between the GHA and the three different providers.

These ambulances are normally not emergency ambulances, they are normally non-emergency transfers. However, they do act as backup to the GHA if it is out on an emergency. Obviously, since
1465 Brexit the issues of non-EU nationals working in Spain on an ambulance is problematic and the arrangements that have been entered into enable that to happen in cases of emergency but nothing else, hence the need for these contracts.

Hon. K Azopardi: And to be clear, these costs that are being incurred in 2022 and 2023, the
1470 £392,000 in 2022 and the £202,000 in the first four months of this year – that, to a very large extent, presumably is responsive to the fact that Gibraltar ambulances are no longer able to cross the Frontier with our patients because of the decisions made in Spain. Is that correct?

Hon. A J Isola: Mr Speaker, as a result of the withdrawal of the United Kingdom from the European Union, ambulance drivers in Spain – I guess the same would be in Portugal if you are
1475 trying to get to a Portuguese hospital – are not able to work in Spain because they do not have the appropriate registration and qualifications. So in those cases where we have pre-planned visits to Spanish hospitals from Gibraltar patients, an arrangement is entered into with one of these three ambulance providers for them to come and do the transfer to and from. As I said, the Gibraltar ambulance is still operating in emergency cases.

1480 **Hon. K Azopardi:** Mr Speaker, I wonder if he has a breakdown of the numbers provided by the three providers. I wonder if he has it. If he does not have it, perhaps it would be helpful for him to write to us.

In terms of the 2023 cost, which is a four-month cost, over four months it is more than half of
1485 the cost for the entire year 2022, so just projecting it forward, you could end up quite easily, if that third of the year is reflective, at a figure in excess of £600,000. Is that a cost that we would hope to address if there is a treaty concluded with the EU?

Hon. A J Isola: Mr Speaker, I am not going to speculate as to what would or would not be
1490 covered by a treaty. These are costs that are incurred as a result of our departure from the European Union and obviously, in the interests of patients, it is cost that we necessarily have to incur.

Hon. K Azopardi: Perhaps I did not phrase my question properly. What I was really getting at
1495 is in the event that there is a treaty concluded, is it within the scope of what is being discussed and negotiated that we should return to the situation we had before, where our ambulances were allowed to cross the border with our patients?

Chief Minister (Hon. F R Picardo): Mr Speaker, for the reasons I have already indicated, it is
1500 not in any of our interests that we should discuss the detail of what is being negotiated. The hon. Gentleman knows, as the public knows, that we are looking at an extraordinary level of fluidity in

1505 respect of persons and in respect of goods, if we can agree that, but I do not think it is in our interest at this stage to go into any greater detail or indeed to set out expectations in public that other negotiating parties would then know we would have to achieve in order to have achieved what we have said publicly we were going to achieve.

1510 **Hon. K Azopardi:** Mr Speaker, can I ask about the contractual arrangements, if I may, assuming these continue as they are? Did I understand his explanation that the GHA is reviewing the current arrangements in the hope to standardise arrangements with the three providers, with perhaps one form of contract and one form of rates? Is that really what he was saying?

1515 **Hon. A J Isola:** Yes, Mr Speaker. The GHA is presently in discussion with the three providers to enter into an agreement common to all of them, based on an ambulance service contract heads of terms which would be drafted by the GHA.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q374/2023

Governor's Lookout Scout Activity Centre and Campsite – Works carried out and cost

Clerk: Question 374/2023. The Hon. E J Reyes.

1520 **Hon. E J Reyes:** Can the Government provide details of works carried out, together with related costs, during the financial year 2022-23 at Governor's Lookout Scout Activity Centre and Campsite as indicated they would do through answer to Question 21/2023?

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

1525 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the costs during the financial year 2022-23 at Governor's Lookout Scout Activity Centre and Campsite were £27,582.55. These costs relate to the completion of the perimeter security installation, general maintenance and upkeep of this, which totalled £22,233.60, and repairs to damages caused as a result of a break-in during the Christmas period,
1530 which was £5,348.95.

Hon. E J Reyes: Mr Speaker, because of my hearing difficulties, can the Minister please repeat the figure he gave in the initial part of his answer, in respect of the costs?

1535 **Hon. Prof. J E Cortes:** Mr Speaker, the Scouts may have done other works raising their own funds, but the costs that the Government provided for were £27,582.55.

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

1540 I do not think it would be correct for me to go into further questions looking forward, because some of it could be subject to what is in the confidential Estimates Book, so we will leave that for the Budget debate, with your leave, Mr Speaker, so that we make sure we are in keeping with the details provided.

Q375/2023

**St Martin's School hydrotherapy pool –
Whether now fully operational**

Clerk: Question 375/2023. The Hon. E J Reyes.

1545 **Hon. E J Reyes:** Further to the answer provided to Question 138/2023, can Government confirm that the hydrotherapy pool at St Martin's School is now fully operational?

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

1550 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I am pleased to reply that the necessary works have been completed and the water testing results were received last Friday, confirming that it is now fit and ready for use. Arrangements will now be made with the relevant professionals for hydrotherapy to be available.

1555 **Hon. E J Reyes:** So, Mr Speaker, the good news is that following the water testing and so on, it is ready for use – but it is not actually in use yet. I think the Minister has hinted that it is probably going to be imminent. Perhaps I can pressure him a bit more for a date.

1560 **Hon. Prof. J E Cortes:** Mr Speaker, it was important to make sure that the system was working, that the water quality was correct, and the test only came in last Friday. There are meetings going ahead this week – they may have already been held – with physiotherapy and the other professionals who have to manage the children who use the pool, and those protocols are being sorted out – also, the GSLA, which kindly will be looking after the maintenance of the pool. Those arrangements are being made, so I am expecting that use will be made very soon indeed and I am
1565 happy to share that information when it actually happens.

Mr Speaker: Next question.

Q376/2023

**Cleaning materials in schools –
Reason for shortage**

Clerk: Question 376/2023. The Hon. E J Reyes.

1570 **Hon. E J Reyes:** Can Government offer an explanation as to why there seems to have been a shortage of cleaning materials in schools during the current academic year?

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

1575 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I am informed that towards the end of the financial year some cleaning material orders were reduced as a result of increased product cost. This was done administratively by conscientious staff, but was corrected as soon as it came to my notice.

1580 There is now a system to ensure that this does not happen again. In any case, we have included provision in the Estimates soon to be before this House of an increase of £10,000 to this particular budget.

1585 **Hon. E J Reyes:** I am glad to hear that explanation, Mr Speaker, but can I perhaps try to get out of the Minister, when he says they were conscientious staff who tried their best possible not to be overdrawn on the budget, is he referring to the head teachers of particular schools or he is referring to perhaps a senior clerical officer at the Department of Education who handles the thing? I am trying to get at whether it happened across the board, generically, or it was just individual head teachers taking individual decisions.

1590 **Hon. Prof. J E Cortes:** Mr Speaker, this was centrally done, but it did not affect all the schools because some schools are smaller, have less demand and the orders are not so big.

Towards the end of the financial year, costs are going up, you have to meet your budgets, and therefore there was some reduction in some of the supplies. As soon as it came to me – and this is a system that will now be in place ... Supplies will not be reduced in future without referral to the Minister, so that there is not ... But I have to support the conscientiousness of the staff. It has now been resolved and, as a result, we have added to the budget for this coming financial year, which I am sure the hon. Member will welcome.

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Mr Speaker: Next question.

Q377/2023

College of Further Education classroom facilities – Provision after move from John Mackintosh Hall

1600 **Clerk:** Question 377/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of what classroom facilities will be made available to the College of Further Education for use as and when they move out of facilities currently being used at the John Mackintosh Hall complex?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Gibraltar College will be provided with the same number of classrooms currently being used at the John Mackintosh Hall complex. The classrooms will be provided within the existing College and new temporary outdoor buildings.

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Hon. E J Reyes: Perhaps using more layman's terms, when the Minister says temporary outdoor buildings ... what is colloquially known as portakabins – that sort of system?

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Hon. Prof. J E Cortes: Mr Speaker, these are lightweight buildings. It has been through the planning process. It was passed at the DPC last week, so the plans are public and I am very happy to make them available. There is also reconfiguration of the current College; it is not all new. It is going to be provided like for like.

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Hon. E J Reyes: Within the good news, the number of classrooms and so on ... If we give up two classrooms, are the other two being provided ... end up with more or less the same internal area, or is there a big loss in availability of space in which to set up learning materials for students?

1625 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, it has all been worked out and it is planned accordingly. The space used in the College annexe is not that large. It has been planned out and the plans are available, there in the public domain. This clearly is temporary because we are about to embark

on the new College at the Cross of Sacrifice site, so this is expected only to be in use for a short time.

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Mr Speaker: The Hon. Damon Bossino.

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Hon. D J Bossino: Mr Speaker, the hon. Member says this issue has been before the DPC. Are there any listed building related issues that impact on the expansion which is going to be going on that he has mentioned? He is shaking his head. I thought I would raise that point to give him an opportunity to explain the position.

Hon. Prof. J E Cortes: No, Mr Speaker, none of the listed fortifications are touched by the areas where this is happening.

Q378/2023

Bishop Fitzgerald and Governor's Meadow Schools – Completion dates and costs

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Clerk: Question 378/2023. The Hon. E J Reyes.

Hon. E J Reyes: Can Government update this House with estimated completion dates for the new Bishop Fitzgerald and Governor's Meadow Schools, together with details of costs so far and final estimated costs for these two new schools?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the target completion date for both schools is 18th June and they will open at their new sites at the start of next term. The costs are being met by the developer, Elford Ltd, and are estimated at £29.2 million for both.

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Hon. E J Reyes: Is the Department of Education, through government funding, going to incur any costs, for example in the kitting out of learning resources and so on that would come under Government of Gibraltar expenditure, or is the provision of learning resources within the classrooms already covered within the £29.2 million of the developer?

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Hon. Prof. J E Cortes: Mr Speaker, there will be some cost to Government, but nowhere near the level of the full construction and main kitting out, which is what the £29.2 million covers.

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Hon. E J Reyes: Thank you. So there will be some costs. Am I right in assuming that I could, by looking into it, find that information in the Government's estimates for the coming year because no expenditure has been incurred so far, so all the costs will be reflected in the estimates for the 2023-24 financial year?

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Hon. Prof. J E Cortes: I am not certain of that, Mr Speaker. I have to look into that. We are talking about loose items mainly, so it is not actual construction. There will be quite a number of legacy items being brought over from the old schools, the ones that are in good condition still. We are talking about loose items. It is likely in the Estimates Book, but I cannot recall exactly. I really do not want to mislead the hon. Member and I would rather find out and let him know during the course of the next couple of days.

1675 **Hon. E J Reyes:** Yes, I am content with that, Mr Speaker, if the Minister can find out. The reason why I ask is because in very similar terms when we spoke about the opening of Bayside and Westside, the Minister was able to provide details saying bricks and mortar is £x, and £x was the fitting of the classrooms. I am in no immediate hurry, but with an upcoming Appropriation Bill, if the Minister does have that information it will be extremely useful for both sides of the House.

1680 **Hon. Prof. J E Cortes:** Mr Speaker, it is a very different kind of project because it is being done by a private developer. There is interaction. I meet every two weeks to make sure that the project is on target, but the funding is different, so I really need to look into it in more detail and I am very happy to share it.

1685 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.
If my recollection is correct, I believe the arrangement that was entered into with the developer was that they would build this site in exchange for the St Anne's and old Bayside site. I am looking at Press Release 750/2021 and a figure of £21.2 million was mentioned. Is it that the
1690 Government now has to pay the difference between £21.2 million and the expected outturn of £29.2 million, which would indicate there will be £8 million that the Government has to pay the developer? Would I be correct in that assessment?

1695 **Hon. Prof. J E Cortes:** I do not think so, Mr Speaker. I think there were adjustments during the course of negotiations, but again I would need to consult. I would be very happy to provide that information. I am happy for the Hon. Mr Clinton to remind me later or drop me an email. I believe that that is not additional, but I need to find out.

1700 **Hon. K Azopardi:** Just following up from that, perhaps when he does ask, is it that the premium that was agreed in respect of the Bayside/St Anne's plot has been reduced by that sum to the extent that any cash that was going to be paid to the Government has been reduced by the added cost? Otherwise, there would have to be a renegotiation, as he says.

1705 **Hon. Prof. J E Cortes:** Mr Speaker, I need notice of that. It is not directly ... I can look into that certainly, but clearly it is not what I was asked, so I do not have that information here.

Mr Speaker: Next question.

Q379/2023
Takeaway and restaurant extraction filters –
Frequency of inspections

Clerk: Question 379/2023. The Hon. E J Phillips.

1710 **Hon. E J Reyes:** Mr Speaker, can the Government state how often the extraction filters on takeaways and restaurants are inspected by the relevant government department or agency?

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

1715 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, takeaways and restaurants with kitchen extraction systems are what the

Environmental Agency considers high-risk premises, which are inspected by environmental health officers every three months.

1720 As part of the routine food hygiene inspection, officers check extraction systems and their filters are cleaned and maintained to ensure the removal of hot air, smoke and fumes from cooking. Food business operators are required to maintain such systems to prevent grease and dirt build-up and to prevent cooking smells and noise from becoming a nuisance to those who live or work in close proximity.

1725 As and when required, or when there are particular concerns or complaints, the Environmental Agency works closely with the Gibraltar Fire and Rescue Service to provide further inspections.

Mr Speaker: Next question.

Q380/2023
Street cleanliness –
Number of complaints received

Clerk: Question 380/2023. The Hon. E J Phillips.

1730 **Hon. E J Phillips:** Mr Speaker, can the Government update this House on the number of complaints it has received in relation to street cleanliness?

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

1735 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, official complaints through our reporting channels, that is to say phone calls and emails, have been 14 in total. All complaints, whether they are made formally or informally, are followed up by the Department.

1740 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. He has obviously distinguished between formal and informal complaints, because obviously we all receive informal complaints from time to time. I do not know whether he has a running tally of informal complaints or whether they are logged in any way; sometimes informal complaints have a very strong basis and therefore should be actioned. I wondered whether he had any data on that.

1745 **Hon. Prof. J E Cortes:** Informal complaints are mainly what we pick up on social media. If any of the team in the Department or myself picks up a complaint on social media – Twitter, Facebook or whatever – we action it, but it is very hard to keep tabs on that. Unfortunately, people tend to use that medium. I do not mind them using it, they have every right to do so, but then they do not follow up with a formal complaint. And it is a little bit ad hoc because not everything on social media will be picked up by the Department, so I would encourage people ... If they want to put it on social media, they have every right to do so, but they should also follow the formal avenue because then we can log it better, action it better, and the reply might be more significant than the one I have had to give.

1755 **Hon. E J Phillips:** Mr Speaker, I understand the answer to the question. Of course the Government is reacting to social media. It is a form of media that is used these days for negative and positive reason, but I wonder whether the Government is doing much more than just listening to sometimes the echo chamber, as we have described it in this Chamber.

1760 I appreciate that many have expressed very serious concerns. Even yesterday, when I was walking up to Governor's Street, the centre bit between Cheers and Government Street was

strewn with rubbish, and this was 8.30 in the morning. That is just my example, but we receive many complaints, informal or formal complaints by email to us, and of course the Government receives those as well.

1765 I just wonder whether there is a more proactive way of dealing with this in terms of supervision of the contract that this community is paying millions for, because I think it is right, as the Government is held ultimately accountable insofar as that contract and the delivery of that service to our community. Of course we can point fingers at those doing the work outside the remit of the direct control of the Government, rather than the directors of the company doing the work,
1770 but is there any oversight, any scrutiny that the Government can put in place so that it can really have a proactive approach to street cleanliness, so that the complaints we see and the photographs we see can be a thing of the past – appreciating nothing in life is perfect, but at least have some form of proactive monitoring of street cleanliness in Gibraltar?

1775 **Hon. Prof. J E Cortes:** Mr Speaker, this exists. The Cleansing Department has environmental monitors, as has the Housing Department, and they are tasked with monitoring the cleaning and the effectiveness of the cleaning contract. So this exists. People are out and they will report anything that they spot to the cleaning company.

1780 As we know, something can be cleaned now and be dirty in half an hour's time, and that is the problem, so there is a lot of work that has to be done always in cleaning but also in hoping that people are not going to trash the place with trash, but there is a unit that does do that work.

Hon. E J Phillips: Mr Speaker, just one very small question. I have been very tempted, myself, when I am walking my dog in the morning, to post certain images of rubbish deposited – white goods, sofas, mattresses – in the area where there is a sign saying please take them somewhere else. The commendable work done by those enforcement officers who are attempting to get the evidence to ensure that these people are prosecuted for disposing very badly of sometimes dangerous materials on our streets needs to be dealt with. He agrees with me it must be a question of enforcement, but we have to stop this type of activity. It is very unsightly and in
1785 relation to tourism it must be doing a very damaging job, as has been seen recently.
1790

I wonder what other measures the Government will consider insofar as this, apart from increasing the penalty that should be imposed on people.

Hon. Prof. J E Cortes: There is a big issue of civic pride and we know that is the case. The penalties are being reviewed. I meet with a number of government departments and NGOs in what we call the Litter Committee – we last met a couple of weeks ago – and we are looking at increasing the penalties, so that is the first step we are going to take. I think this is done by regulations, so it is something that is going to be gazetted within the coming weeks, and we are looking at other legal aspects.
1795

1800 Obviously, education is a big thing and we cannot do enough to educate people. I would like to think that some of the posts on social media could be taken not just as a criticism of the state that people find it in, but also as pressure on those who carry out these activities and leave these goods and so on, for them to realise that it is not acceptable socially, no matter what side of the House you are on.

Q381/2023
Camp Bay public toilets –
Cost of renovation

1805 **Clerk:** Question 381/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the total cost to the taxpayer of the renovation of the public toilets at Camp Bay?

1810 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the total cost of the renovation of Camp Bay toilets was £169,579.43.

1815 **Hon. E J Phillips:** Mr Speaker, could he confirm how many toilets that comprised? It seems like a hell of a lot of money to spend on a toilet or two. I would be grateful if the Minister could give us a little bit more information about that.

1820 **Hon. Prof. J E Cortes:** No, Mr Speaker, Camp Bay is not one of the beaches I frequent, so I could not. I need to find out how many toilets we are providing. But construction costs these days are high, and this would have been the lowest of at least three quotes. This is what things cost.

Q382/2023

**Planning permission granted by DPC –
Benefits secured**

Q385/2023

**Abandoned and neglected buildings –
Incentives re repair and re-use**

Q386/2023

**Regeneration of Old Town –
Progress**

Q387/2023

**Social Security building –
Listing under Heritage and Antiquities Act**

Q388/2023

**Conservation and enhancement of heritage –
Government financial support**

Clerk: Question 382/2023. The Hon. E J Phillips.

1825 **Hon. E J Phillips:** Mr Speaker, can the Government confirm, out of all the developments completed over the last 12 years during their time in office or of those developments that are presently underway, what environmental planning gains or other additional public benefits have been secured by DPC granting planning permission of those said developments?

1830 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 385 to 388.

Clerk: Question 385/2023. The Hon. D J Bossino.

1835 **Hon. D J Bossino:** Which new incentives will be provided for the repair and re-use of abandoned and neglected buildings?

Clerk: Question 386/2023. The Hon. D J Bossino.

1840 **Hon. D J Bossino:** What progress has been made on the regeneration of the Old Town since the beautification of Castle Steps and Governor's Parade?

Clerk: Question 387/2023. The Hon. D J Bossino.

1845 **Hon. D J Bossino:** Will the Government consider listing the recently vacated Social Security building under the Heritage and Antiquities Act?

Clerk: Question 388/2023. The Hon. D J Bossino.

1850 **Hon. D J Bossino:** In what way will Government provide financial support to projects in order to conserve and enhance heritage?

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

1855 **Hon. Prof. J E Cortes:** Mr Speaker, in answer to Question 382, over the last 12 years we have introduced or strengthened a number of environmental planning requirements for all new developments. These include requirements for all demolitions, or rooftop extensions or replacements to conduct a bird and bat survey ahead of any works to safeguard these species; the requirement for new developments and extensions to introduce bird and bat nests throughout
1860 the development to increase urban biodiversity; increased protection for existing trees and the requirement for replacement of any affected; requirements for increased landscaping and green areas; landscaping consultations with the Department of the Environment to ensure that this increase is consistent with our climate objectives by ensuring that species are suited to our
1865 Mediterranean climate and prevailing weather conditions at the site; strengthening the energy performance requirements for new and existing buildings through the energy performance of building rules and, most recently, introducing the near-zero energy building standards, which require all new-builds to meet higher performance standards and include minimum percentages of renewable energy; requirements for the inclusion of minimum numbers of electric vehicle charging points in all new developments; requiring dust control plans and construction
1870 environmental management plans for all major developments; provision of green and brown roofs; biodiversity gain assessments and compensation for any potential loss of biodiversity; and provision of cycle lanes. In respect of additional public benefits, the planning process regularly involves discussion with applicants for designs to be modified in order to avoid or minimise overlooking of other properties, encroachment into public spaces etc.

1875 In answer to Question 385, this is an ongoing discussion we are having with interested parties, which include private property owners, heritage stakeholders and the town planners. At the moment, the cost of repairs is borne by the owner or occupier. We are seeing increasing commitment from the private sector to engage in urban renewal projects. Improvements to the façade of a building are eligible for tax relief, which are requested and approved, and notices for
1880 improvements are issued on a regular basis by the Environmental Agency or on behalf of the Urban Renewal Officer, who is based at Town Planning.

1885 In answer to Question 386, I have previously highlighted some of the projects we are working on, with more to follow in this financial year, including placing interpretation material throughout the Old Town. We are proposing improvements to the Landport tunnel area, the Moorish Castle gatehouse and the former prison. As I have just explained, the Urban Renewal Officer continues to survey the old town and to issue notices for remedial action, with considerable success. The

1890 new St Mary's School is a prime example of the best principles of urban renewal, giving new life
to a building while keeping its heritage value. If he has kept himself up to date, he will have seen
that the Government's example in renovating areas such as St Mary's and Governor's Parade and
inviting interest in areas such as Road to the Lines is leading to a cascade of privately funded
improvements in adjacent areas and further afield. There have been an increasing number of
private urban renewal projects going through the planning system, all of which are closely
scrutinised by DPC to ensure retention of the character of our Old Town.

1895 In relation to Question 387, the vacated Social Security building, this will be considered should
the Heritage and Antiquities Advisory Council so recommend.

1900 And finally, in answer to Question 388, as the hon. Member knows, a budget is allocated every
year to restore heritage sites. Recent and current examples include Southport Gates and the
Tower of Homage as well as the restoration of the Convent façade. This year will see a
continuation of such works, with funds allocated for heritage projects including the Mount and
the Northern Defences. Indirect support has been provided in relation to other developments
including Orange Bastion, North Gorge, the Ex-Casino development and St Mary's School by way
of advice provided by the Ministry of Heritage. We continue refurbishing many of our city plaques
as well as restoring and repainting our old street signs and installing interpretation panels which
1905 promote heritage. We work closely with many charities and volunteer groups, providing them
financial support. One example recently was Alabare, a former servicemen's charity which worked
on Lord Airey's Battery last year and on O'Hara's Battery a few weeks ago. We have other non-
government entities working at Princess Caroline's Battery and the surrounding area. These are
all supervised and financed by Government. The Gibraltar Heritage Trust is also supported
financially, both directly and by assisting their projects, as are the Museum and the Garrison
1910 Library.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to the hon. Member for that
answer. I am conscious that we all have a function to attend in a few moments, so with the benefit
of that first answer, I wonder whether we might now adjourn the House to tomorrow at three
o'clock in the afternoon, when we will commence with questions addressed to me, but after which
1915 we can continue with supplementaries to the Hon. Minister and others.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Thursday,
25th May at 3 p.m.

1920 I now put the question, which is that this House do now adjourn to Thursday, 25th May at
3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 25th May at 3 p.m.

The House adjourned at 5.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 6.48 p.m.

Gibraltar, Thursday, 25th May 2023

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The Gibraltar Parliament

The Parliament met at 3.06 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q435/2023

**Disposable vapes –
Number imported in last 10 years**

Clerk: Meeting of Parliament, Thursday, 25th May 2023. Answers to Questions.
Question 435/2022. The Hon. E J Philipps.

5 **Hon. E J Philipps:** Mr Speaker, can Government state how many disposable vapes have been imported in the last 10 years, separated by year?

Clerk: Answer, the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested is not available, as there is no legal requirement to collect this data. I have, nonetheless, asked Customs to keep a record as from this month.

15 **Hon. E J Philipps:** Just a related question to that. I am grateful that the Minister has now confirmed that we will be able to collect that data. I share with him, and the Minister for Financial Services actually, the need for collecting data so that we can make better decisions.

20 Does he share with me the concern of many in the community in relation to the unlawful disposal of these particular vapes? And is there anything that the Chief Minister might be able to help us with, insofar as policy, moving forward? He knows that Australia is moving very close to a full outright ban, which I do not think is something that the United Kingdom, our closest jurisdiction that reflects the laws that we have best here ... I wonder whether he might be able to help me with that point.

25 **Hon. F R Picardo:** Mr Speaker, as the hon. Gentleman knows, I have always found it difficult to understand what it is that persuades a mature adult to put a piece of paper with rolled-up, crushed leaves in its mouth, light it and proceed to allegedly enjoy it, knowing the damage it is doing to the respiratory system that keeps him or her alive. Vapes are an alternative to that, which does different damage to the respiratory system. It is now becoming clearer and clearer that small particles of plastic pass into the lung from vaping. I therefore believe it is important that we should
30 have data in order to be able to determine whether we need to make policy decisions of the sort

that the hon. Gentleman is making, not least from the point of view of the cost to the Health Services of these continued practices.

35 New Zealand has passed a law which provides that it becomes illegal to sell tobacco to people born after a particular date. That is to say anybody who has been smoking for their lifetime can continue to smoke, can stop smoking and start again; it is not a problem. But if you are born after a particular date, it is illegal to sell you tobacco or to provide you with tobacco. Those are the sorts of things that are extraordinarily progressive. I do not know whether we would ever go down that route, because there are potential civil liberties issues that arise, but that is the level of drastic action I think is necessary that we consider as policymakers if we are serious about saving people from themselves – civil liberties issues there – and indeed saving a lot of money for the Health Service in respect of the treatments that arise as a result of these practices.

Hon. E J Phillips: It is an interesting debate that we may well have if a Member of this House files a motion.

45 One of the interesting things I learnt last week from the GHA board, especially the Director of Public Health, who said very clearly that vapes, in effect, help those who are quitting smoking, so the damage is being done less to their lungs, but actually what she is finding is that younger and younger people are accessing vapes and that is damaging their lungs for exactly the reasons the Chief Minister has put forward. So the problem I suspect we will have in our community – and I wonder whether the Chief Minister may have a view on it – is the access that children are having to vapes. That is probably the most important challenge for us as a community, I would have thought, in respect of this particular activity.

Hon. F R Picardo: Yes, Mr Speaker, I agree, and indeed the hon. Gentleman knows that we passed legislation to prevent access by young people to vapes in the way that was becoming indiscriminate. Indeed, one of the answers the Hon. the Minister for Education gave, I think in recent months, was that we were procuring systems in order to detect the use of vapes in laboratories in the senior schools.

60 These are important issues. Young people sometimes do not know better. I do not say that out of any disrespect for young people, who are sometimes more visionary than we can be, stuck in our ways as we are, but when it comes to whether or not it is cool to do a thing, whether or not there is peer pressure applied, people might do things which it might not otherwise make sense to do. And so anything we can do to help young people in particular not to fall into the trap of early addiction in respect of vapes, tobacco or any other noxious substance we must do, I agree.

65

Mr Speaker: Next question.

Q436-37 and Q450/2023

Devil's Tower Road –

**Rational for slip road by E1 development;
modifications to avoid weekend chaos; cost of new roundabout**

Q449/2023

Eastern Beach parking –

Readiness for use by summer beachgoers

Clerk: Question 436/2023. The Hon. E J Phillips.

70 **Hon. E J Phillips:** Mr Speaker, can the Government explain in detail the rationale for the slip road by the E1 development?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 437, 449 and 450.

75 **Clerk:** Question 437/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government set out what modifications it has made to Devil's Tower Road to ensure that chaos does not return to our streets each long weekend?

80 **Clerk:** Question 449/2023. The Hon. D J Bossino.

Hon. D J Bossino: Will the Eastern Beach parking facility be made available for users of the beach this summer?

85 **Clerk:** Question 450/2023. The Hon. D J Bossino.

Hon. D J Bossino: What is the cost of the new Devil's Tower roundabout?

Clerk: Answer, the Hon. the Chief Minister.

90

Hon. F R Picardo: Mr Speaker, there is no slip road by the E1 development. The eastern end of Devil's Tower Road was realigned to tie in with the new roundabout constructed under the tunnel project. The redundant section of Devil's Tower Road has been retained as a means to access the E1 development and the future wine vaults project. There will be no through road along here.

95 The conversion of Devil's Tower Road into a dual carriageway in 2010 was part of the overall traffic management strategy to deal with increased traffic flows arising from the decision to build the runway tunnel. No further modifications have been made to Devil's Tower Road in that respect.

100 The Eastern Beach multi-storey car park will have its full parking capacity available for beach users in time for the bathing season.

The new Devil's Tower Road roundabout was included as part of the overall contract to build the tunnel, entered into by the former administration. Due to the protracted nature of the works on the latter, which have been undertaken over three different periods involving different contractors, it is not possible to provide an exact figure of cost. However, I am advised that the cost is approximately £750,000, but I want to record in *Hansard* that the figure is not exact.

110 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answers. I just wanted to further drill down into Question 437. I should have just one question. Obviously, the Chief Minister is aware, as we all are in this House, of a number of weeks ago, during a long weekend, the chaos that ensued on that particular stretch of road. As we confront another long weekend due in our community, many will be concerned about how they transit to Spain if they wish to go on holiday for that particular weekend. I was just wondering what was done before the tunnel was opened. I assume the Government has done a lot of work in terms of mitigation of traffic issues around Kingsway, and I just wondered whether this type of issue was anticipated from the outset and what the thinking was around traffic build-up in that area, in terms of the closure of Kingsway with the traffic lights that they have there. I just wonder whether there are any significant plans now to readdress those issues. We have heard of ambulances being stuck within those queues and whether they now can use the traditional route across the runway in those circumstances. I just wonder how the Government is reflecting on its experience of the opening of Kingsway and what modifications it might be thinking about now, so that we can communicate that to the community.

120

Hon. F R Picardo: Mr Speaker, first of all, we have to understand who is causing the chaos. Before we analyse the solution to the chaos we need to understand the cause of the malaise, and the cause of the malaise is the Frontier. At the Frontier, the cause of the malaise before our
125 departure from the European Union might rightly be said to be difficult Spanish frontier guards, and after our departure from the European Union, when Spanish frontier guards are not enforcing the Schengen Border Code to the full extent, it is Brexit that is causing that there have to be some checks even when the Schengen Border Code is not being enforced to its full extent. So that is the problem. The problem is the pinch point. The pinch point is the Frontier and the question of where
130 fault lies at the Frontier.

Then, when we analyse what happens after that, south from the Frontier, we need to remember what the position was before. I am grateful that the hon. Gentleman opened that part of the debate because it is important that we recall what Gibraltar could be like on a bad, rainy
135 Thursday afternoon after 3.30 when schools were out if, before leaving the European Union, we had a particularly difficult Spanish government. I recall a Spanish foreign minister of a particular name – who was appointed at the same time as we were elected – who loved causing merry hell in Gibraltar. I often remember the frontier queue reaching 6 Convent Place. I knew there was a frontier queue because there was traffic outside Convent Place beeping its horn, and I would then seek to ameliorate it in some way – and that was with the third lane operating on Winston
140 Churchill Avenue, with all of the traffic going down Winston Churchill Avenue, down Devil’s Tower Road, going into Eastern Beach, coming out of Eastern Beach, going up Devil’s Tower Road and then going up the rest of Winston Churchill Avenue, down Corral Road etc. and on to Queensway and Line Wall Road. So the queues got that bad.

That sort of chaos – and I am using the hon. Gentleman’s word – occurred regularly during the
145 week, even before we left the European Union and before we had the tunnel open. It could also occur during the weekend. It did not so often occur during the weekend for a simple reason: at the weekend, people have a choice of whether or not to go to Spain at a particular time. And so people would say *Hay mucha cola* – ‘There is too much of a queue, I will stay here,’ or ‘I will go later,’ or ‘I will make sure I leave earlier.’ There is that sort of choice. During the week, at 3.30
150 school is out, at five o’clock work is out, at six o’clock work is out – everybody is trying to get across at the same time. There was less choice. So the chaos that the hon. Gentleman refers to off’ occurred before we left the European Union, when it should not have occurred, and before we had a tunnel.

Cut forward to the opening of the tunnel. Hon. Gentlemen will forgive me for reminding them
155 that the plans that we have in place are the plans that they put in place, which were put in place by them in good faith and would have had to go through the test of electricity that every plan has to go through – that is to say interaction with reality. So you have a perfectly plausible plan provided for in the time that they were in government as to what would happen when the tunnel operated. The tunnel systems are designed at the time that they were in government, in good
160 faith, to deliver what is a very plausible plan. And then of course the first contact with reality requires that the plan should be tweaked and amended, and that is where we have been.

Hon. Members will also know that absent a long weekend, which I accept has not happened since he asked his question ... since the last weekend we have not had instances of that sort of
165 chaos because different mechanisms have been brought into play. Different types of contraflow have been tried, to work out which is the best contraflow. In other words, do you have one lane going south on Devil’s Tower Road with one clear lane of that dual carriageway? And do you queue in the tunnel or do you not queue in the tunnel? Or do you have two lanes of traffic going south on Devil’s Tower Road, going through, only one of them queuing in the tunnel, and a contraflow on the westerly-bound Devil’s Tower Road, which permits a clear route through a contraflow in
170 the tunnel to the area north of the runway but not going to Spain?

All of those different permutations had to be tried. It was our view that they must be tried and our view that we had to change the permutations that were provided for by the former administration, which required that both barriers come down at any time on each of the cores

175 Hon. Members will know that there are, at both ends of the tunnel, barriers that come down
related to the lights that he has referred to. The system put in place, which we inherited, was that
the lights went red for both lanes going in a particular direction and that the barriers came down
for both lanes going in a particular direction. That means that if you are not going to permit
180 queuing in the tunnel, you cannot bring down one barrier if you are queuing cars on the on the
right-hand side lane of one core and keep open the left-hand side of that core because the
software that they provided us with, you press the button, they both come down. It is not a
complicated thing; it just needs to be reprogrammed so that it is possible to control one lane in a
core and not have to control both lanes in the core at the same time. So all of those things were
being tried, and when we had the most recent frontier queue we tried the permutation which
involved queuing in the tunnel on one lane of one core, not queuing in the tunnel on the other
185 lane of that core, and keeping the other core divided in two with a contraflow, and that seemed
to work.

Why not queue in the tunnel? Well, the reason for not queuing in the tunnel is based on the
advice from the Fire Brigade relating to the Mont Blanc tunnel fire. The Mont Blanc tunnel is
190 40-odd kilometres long. There was a tragic incident there, where there was a fire. Many people
died. They could not get out of their cars. They could not get their cars to the end of the tunnel
because there was a huge fire. The Government's view is that in a tunnel – which is more of an
underpass than it is a tunnel – which is 500 m long, not 50,000 m long, which is what it would be
if it was close to the Mont Blanc tunnel, where you have the potential to keep one lane always
free, you can safely queue in one lane of one of the cores without having any of the risks
195 associated with the Mont Blanc tunnel fire because you can always get out of your lane with your
car. In those circumstances we have tried different permutations.

None of us here is an expert in traffic management. We are now advised by the same people
who would advise them if they were here, that what systems are being tested now and have been
tested, we say, successfully – we are told, at the last instance of queuing – should ensure that we
200 never see a case of the sort that we saw at the time of that long weekend unless the Frontier
completely seizes up and we still have people seeking to go into Spain.

On a Friday, if people are going on holiday and want to get out that night because they have a
hotel booking that night and they meet the traffic I referred the hon. Gentleman to earlier, that is
to say the weekday traffic – so on a Friday school is out at 3.30, work is out at five, at six and at
205 seven, and all of the Gibraltarian traffic to go behind enemy lines for the weekend starting on a
Friday ... If all of that meets at once ... well, you do not need me to tell you. You have got the Hon.
the Minister for Transport. That number of cars is a square peg that will not fit into a round hole
without a traffic jam of the proportions that we have seen many times before.

There is no administration that can fix that because there is no contraflow, there are no
210 barriers, there are no lights, there is no tunnel that can deal with that if you have a pinch point at
the top. So whether it is Caruana's tunnel or Picardo's tunnel, the reality is the same and we should
not pretend otherwise to people, because that is why people start to think that politicians are
dishonest, when they play games like that.

215 **Hon. E J Phillips:** I am very grateful for his analysis, I always am, but just one question, because
he talks about pinch points, and of course volume, although not in that definition a pinch point, is
a serious consideration. Likewise, the closure of the barriers at the Frontier when we originally
crossed the width of the runway. We have removed that pinch point and hopefully things should
improve with the technical improvements that he talks about and the constant testing of that
220 particular route across the Frontier.

A long-term solution to the problem is to try to discourage the frontier workforce from using
cars to come to Gibraltar, for a variety of different reasons – our green community, and it has
been echoed by the Minister for the Environment and the Minister for Transport for years,
because it seems to me that the volume of traffic ... our frontier workers who are using our roads
225 to bring their cars in and out every day, and also our citizens who wish to go on vacation on

weekends. So the long-term objective is to reduce the numbers of vehicles coming into Gibraltar by various means, such as park and ride, that have been spoken about in this House on numerous occasions. I wonder whether he might share his thoughts on how we might go about doing that and whether that is the Government's policy in trying to reduce the volume of traffic coming to Gibraltar from Spain.

Hon. Chief Minister: Mr Speaker, thank you. I think we are *ad idem*, as we might say in court – we are of one mind – but not on the use of park and ride, because park and ride I do not think avails us of any solution other than the cars come in from Spain and are just parked in a particular area, and in the context of what he is talking about, that area, that park and ride car park, is south of the tunnel and would still have to get itself out through the tunnel and would still be queuing in Devil's Tower Road. So I do not think that is the best location for a park and ride for that purpose. It is a good location for a park and ride for arrivals into Gibraltar by tourists and others who might want to visit Gibraltar, but not necessarily by frontier workers. I do not think it was ever designed, even by the former administration, with that in mind. The Hon. Minister for Transport has passed me ... A picture is worth a thousand words. I do not know whether he can see it. I am sure the Minister will happily send it to him by that modern device called WhatsApp. What we have here in this picture is a huge number of cross-frontier 'scooterees' and cyclists, and the runway shows us every day a huge number of cross-frontier workers coming in on foot, not just on bikes and scooters.

So it is fair to say that we should seek to further discourage the use of vehicles by cross-frontier workers. It is also fair to say that a very large number of cross-frontier workers already walk more than most people in Gibraltar do because they walk from Spain into Gibraltar, across the runway etc., and some of them use public transport to boot. What have we done already to encourage that? Well, the hon. Gentleman knows that we have introduced charges for parking in Gibraltar, that Gibraltarians – that is to say people with red ID cards – can park in multi-storey car parks, but others, even with workers' ID cards, have to pay. It is important that in seeking to encourage a particular activity by a third party, we recognise what it is that we are doing already to encourage that activity and the fruits of it, because I am sure that more people walk since we introduced the parking charges, more people might take a taxi or a bus since we introduced the parking charges because the taxi or the bus might be less than the parking fee. That is, I think, the most that we can commit to.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I am not sure how to pursue my question with regard to the new Devil's Tower roundabout because the Hon. Chief Minister premised his answer on the basis that it was an estimate – I think was the word he used – because in effect, if I recall, it is not a cost which is broken down. In other words, it forms part of the overall cost of the tunnel project. But he did offer a – (*Interjection*) He is saying from a sedentary position that it was not an exact sum, but he came up with a figure which is quite exact, £750,000, so at least we have a more-or-less figure, albeit not exact. But I will pursue it, subject to the caveat that he put forward during the course of his reply.

The information that I have received is that it was around £40,000 in terms of the soil costs at £2,000 per tonne. That was put to me as already a very expensive price tag. He has come up with a figure which is many times a multiple of that. Is he able to confirm that sum that I have just given him in relation to the cost of the soil? And can I ask him to provide a further breakdown in relation to that £750,000 for the construction of the roundabout? We will then need to deal – with your permission, Mr Speaker – with the maintenance costs thereof.

Hon. Chief Minister: Mr Speaker, I can assist him with the details I have, and maybe that would be helpful to him. The roundabout was designed in 2009. The reason it is so large is because it is

280 meant to cater for the volumes of traffic to and from Spain with an allowance for growth, including that which the Eastside may be expected to receive. The approximate breakdowns that I have are as follows: excavation and filling to formation level, £100,000; initial road resurfacing of base course and binder, £205,000; roundabout features and finishes including kerbs, lighting, topsoil and planting, £225,000; final road resurfacing, including the wearing course, £88,000; highway signage, £35,000; and contract preliminaries, £99,000.

285 **Hon. D J Bossino:** Mr Speaker, by way of second supplementary, he mentioned the design and he gave a date of 2009. What has been put to me as well is that the roundabout need not have been so large. In other words, he does say that the roundabout was that size not just because of the project that was then envisaged, but also because of, he said, the possible developments at the Eastside. The contrary point has been made to me that because there are now more
290 developments, which are the developments steered by the Members opposite, which were not ours and were not envisaged in 2009 when we were in government, the roundabouts ought to have been smaller and therefore cheaper. Does he have a comment to make in relation to that?

Hon. Chief Minister: Yes, Mr Speaker, of course – that his information is, as usual, completely
295 wrong, that the roundabout is the size that was designed in 2009, that the volume of traffic to the Eastside anticipated under the Sovereign Bay project was higher than the volume of traffic envisaged now because the massing proposed by the Multiplex Reuben Brothers project was actually much greater than the massing proposed now, and that therefore every single one of the premises that he has based his question on is entirely fallacious and wrong and he should roundly
300 chastise the person giving him the information, who, if they were a person with information and access to information at the time, has clearly forgotten most of the facts, and if they were not, is simply making it up.

Hon. D J Bossino: Mr Speaker, all of that is perfectly possible, but I will not take his word for it.
305 I will make further inquiries. I will certainly put on inquiry everything that ... He knows that everything that he says puts me on inquiry.

Can I ask him which company – or companies, because in his helpful response in relation to the breakdown it is possible that various companies were involved in the construction of the roundabout ... Can he provide me with details of which company/companies those were?
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Hon. Chief Minister: Mr Speaker, he knows that as to being put on inquiry by things we say, the feeling is entirely mutual. Every time he greets me with a good morning, I check my watch to ensure that noon has not passed, and then I check to ensure I still have my watch. (*Laughter*) But despite that, given the friendship that has joined us for so many years despite our current political
315 differences – I put it no higher or lower than that – he should know that the information I am giving him should put him on inquiry, not in relation to me but in relation to the people who provide me with the information, who are the technical people who prepare answers to questions. This is not something that a Minister makes up.

I do not have the names of the companies that provided the services. I imagine they are probably different companies. I am very happy, if he wants, to write to him with the details of which company did what in respect of the two, four, six things that I have told him, or I am quite happy for him to ask questions next time. (*Interjection*) Sorry? I am quite happy for him to ask questions next time. He is nowhere near answering questions, Mr Speaker, however much he might think he is. It is a matter for the people of Gibraltar, they can decide who should ask the
320 questions and who should answer the questions, but my gut does not tell me that he is going to be answering questions any time soon. I am happy to provide the answers next time, if he asks, but I have no doubt he will be put on inquiry as to what my gut feels, or not.
325

330 **Hon. D J Bossino:** Mr Speaker, this is a third question. I see the Speaker is already going towards pressing his microphone button.

Yes, let's agree that we are, as he says, mutually put on inquiry. I do exactly the same thing, and I will take the comment that he has made suggestive that I am a thief in the jest that he has imparted it. That is why I made sure that I did not stand up and ask for a point of order. One has to be philosophical, quite frankly. I have been to two funerals already this week, so this is a fact of life.

335 Mr Speaker, can I ask him one final question, which I alluded to in my first supplementary? Is he able to state which company and what the cost of maintenance of the roundabout is, going forward into the future?

340 **Hon. Chief Minister:** Mr Speaker, I am very grateful that he is going to take in the same jest that I am going to take his suggestion that I say things which need to be checked up on – that is to say that I say things which might not be true – the suggestion that I had to check whether I had my watch or not as he walked past, because we do have to be philosophical. We have both been at one of those funerals of an old friend, and there are more things in heaven and earth than are thought of in either of our philosophies, and we have to be alive to that in particular in this place.

345 I do not know which is the company that is doing the ... I assume what he means is the gardening. I do not know who it is. There is one company I do not want to mention across the floor of the House because it may not be, but I am sure it is, that does most of the Government's public planted areas. There is a contract with that company and that contract dates from the time before we were in office, but again, if he asks that question either at this or future meetings of the House, I will be delighted to answer it if the people of Gibraltar so determine that I should.

Hon. D J Bossino: Mr Speaker, I had a supplementary from my questions on the Order Paper because –

355

Mr Speaker: So you are going to be asking about Question 449?

Hon. D J Bossino: Yes, Mr Speaker, that is right. That is one of the ones that he grouped together.

360 In relation to the Eastern Beach car park, which, as Mr Speaker has just said, is Question 449, he said – and I am sure that beach users will be very happy to hear the answer, which is that the Eastern Beach parking facility will be made available to them for the summer ... If I can take him to the answer he provided me during the course of the meeting of the House of 19th January, where we were talking about eligibility, he expanded on it and he said:

we need to work out as a matter of policy how we provide for that, and we expect to be making a statement, which will be quite detailed, about people in the area and

365 – and this is where I emphasise –

the summer use of the car park etc., which we have not yet finalised.

I am assuming that he did not intend to provide that type of detailed information across the floor of the House pursuant to a question that I would be posing for him to answer, and that he intends to, at some point, make the detailed statement which he promised across the floor of the House. And if that understanding is the case, may I ask him when he expects to provide that statement?

370

Hon. Chief Minister: Mr Speaker, why use a few words when you can use many? Yes, I do intend to make the statement referred to. I am not yet able to give the exact date when I will, but

375 the fact is that the Eastern Beach car park will be available for Eastern Beach users for the period
of the summer months, as I have already indicated. That will be detailed more specifically in the
statement to come, which will also provide for parking arrangements for those who live around
Eastern Beach.

Hon. D J Bossino: Mr Speaker, I will use the words that I deem appropriate and I do it, I think,
380 to assist him, so that I can convey precisely what is going on in here, so that it can hopefully get
to him and he can understand fully and there can be no doubt as to what it is that I am asking.

Can I ask him what it is that is delaying the statement in relation to such an issue, given that he
promised this on 19th January and here we are, end of May, very close to the summer season, not
yet in a position to make a statement of that nature? Can I ask him what is the cause of the delay?
385

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is completely wrong in the premise of
his questions again, despite having eaten a fair dose of tongue for lunch, obviously. He assumes
that we are delaying and he assumes that we cannot make the statement. Far from it. We think
that there is a moment to make the statement, which is closer to the beginning of the bathing
390 season, when we have more accurate facts at our disposal because obviously we will then know
the exact number of parking spaces that will be available in the car park as the works come to an
end or are held for the period during the summer. And so there is no delay and the statement will
be made at the right moment before the opening of the bathing season. If we were to make the
statement too far before the opening of the bathing season, we would find that we would have
395 to make it again before the opening of the bathing season. For example, I remind him of the fact
that he, some months ago, asked us to tell him whether or not it was possible to put bins out on
a Saturday night, having forgotten the Government statement some years ago about not putting
bins out on a Saturday night. He has even forgotten that he had forgotten about putting the bins
out on a Saturday night. But so be it. I hope he accepts that the Government is going to make the
400 statement at the time not of its choosing, at the time when we are advised is the best moment to
do so to ensure that beach users and those who live around Eastern Beach will have the
information timeously in order to be able to use the information in the way that they need to be
able to park legally.

Hon. D J Bossino: Mr Speaker, what I find somewhat surprising in the reply is that at this stage
405 of the game the hon. Member has said that he is not yet aware of the number of parking spaces
which are going to be available. If I may, simply to widen the point because the question strictly
was about Eastern Beach users, but this will impact because he has said before, in answer to two
questions, that it will impact on the first phase purchasers of Hassan Centenary Terraces, who for
410 a period of time will be using that facility until, as he has explained, the second phase is complete
and then they will have their own parking spaces in that particular development available to them.
But is he telling us now and expecting us to accept and believe that he does not yet know how
many parking spaces are going to be available? What is determining that?

Hon. Chief Minister: Mr Speaker, I am very surprised that he is surprised. He obviously has
415 never really had regard to how construction contracts work, how the lay of land can change and
how that can affect the number of parking spaces.

What the Government wants to do is not just make political points for the sake of being heard,
the Government wants to actually improve the lives of people in the area and improve the lives
420 of beach users. What we want to do, therefore, is to maximise the number of car parking spaces
available for people who use Eastern Beach, for people who live in Beach View Terraces, for people
who live in E1, for people who live in Devil's Tower Road, and of course for people who live in
Hassan Centenary Terraces or will be living there after we start the completions during the months
of July, August, September etc. In doing so, we want to ensure that the works in the area – and
425 they are ancillary works in the area ... I suppose he does go around Gibraltar and he will have seen

430 that there are pavements being completed etc. That will make more spaces available, and therefore, in order to give an accurate number ... Accuracy is everything, because if I got it wrong by one space he would be getting up saying he is surprised that I got it wrong by one space. And so, in order to do the job that we have to do, in order to ensure that we are siding with the people who use Eastern Beach, who live in Devil's Tower Road, in E1, at Beach View Terraces, at Hassan Centenary Terraces, all of that area, we are going to do what we have to do to maximise the number of spaces available, even if that means that I cannot today tell the House what the number of parking spaces available is because I am fighting for more.

435 **Mr Speaker:** Next question.

Q438/2023
Principal Auditor's reports 2016-17 and 2017-18 –
Update re tabling

Clerk: Question 438/2023. The Hon. R M Clinton.

440 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update on the tabling of the Principal Auditor's reports for 2016-17 and 2017-18?

Clerk: Answer, the Hon. the Chief Minister.

445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Principal Auditor has informed my office that there are still a small number of amendments to be carried out on the financial statements for the year ended 31st March 2018. The Principal Auditor has further advised me that his reports on the Public Accounts of Gibraltar for the financial years 2016-17 and 2017-18 are practically finalised.

450 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for enquiring as to the status of these reports, but as we in this House have been enquiring – certainly on this side of the House; I am sure he has, as well, on his side of the House – after these reports for some time now, and in February we were still at the adjustment stage and now we are in May and it is almost done and 'soon' ... Does the Chief Minister have a sense of what the Principal Auditor means by 'soon'? Does he expect to be able to table it at the next session of this Parliament? I hear that the Principal Auditor may be reaching the end of his term of office and he may be due to retire, and I presume that we would all in this House like to have his reports before he retires.

460 **Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman is asking me to do is to crystal ball gaze. He is asking me to speculate, and an answer cannot be based on speculation if it is going to be accurate and if it is going to honour that I want to ensure I do not mislead this House. I am here as Chief Minister of Gibraltar, not as '*Rappel*' or any other soothsayer, Mr Speaker.

465 **Hon. R M Clinton:** Mr Speaker, I am not asking the Chief Minister to predict the future, (*Interjection*) otherwise I would ask him for the Euromillions numbers. All I ask is does he have a date. Has he been given any date by the Principal Auditor?

470 **Hon. Chief Minister:** Well, no, Mr Speaker, that is not what the hon. Gentleman asked me. If he had asked me whether I had been given a date, I would have said no. He asked me whether I had any idea as to what 'soon' could mean. That was to ask me to crystal ball gaze and I am not going to. I am not able or permitted to do that in the context of accuracy in this House.

Hon. R M Clinton: Mr Speaker, if these reports remain outstanding for much longer, is there anything that the Chief Minister thinks we as a House should be doing to request the Principal Auditor to expedite his work and present his reports? We have the power in this Parliament to summon people. Is it that we need to form a committee of the House and request the Principal Auditor to attend?

It is just getting to the point where it is frankly unacceptable that the last report was six years ago. We cannot in this House do our work of scrutiny, nor can the Government receive reports as to how various departments are operating without the work of the Principal Auditor's department. Does the Chief Minister have a view as to what would be the next step if these reports are not forthcoming by the next session?

Hon. Chief Minister: Mr Speaker, the Principal Auditor is constitutionally and statutorily independent, and any attempt to interfere with his independence, including his decision as to when he files his report, I think would be deprecated and should be deprecated. I have no view, therefore, as to what we should do next. I am not going to venture into speculating either as to what the potential parliamentary devices that might be used should or could be, because I believe that we should not be even appearing to interfere with the Principal Auditor's independence.

Mr Speaker: Next question.

Q439-40/2023
Historic 3% abatement –
Claims from retired public sector workers; settlements

Clerk: Question 439/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise whether it has received any claims from retired public sector workers in respect of the historic 3% abatement; and, if so, for which sectors and in what number?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 440.

Clerk: Question 440/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise whether it has settled any claims from retired public sector workers in respect of the historic 3% abatement; and, if so, for which sector and on what terms?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, there have been a total of 84 claims from retired public sector workers in respect of the historic 3% abatement. Of these, 68 claims were from the Gibraltar Fire and Rescue Service and 16 claims, to date, from the Royal Gibraltar Police.

All 68 claims from the Gibraltar Fire and Rescue Service retirees have been settled.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. If I can start with the 68 of the fire brigade, I did ask for the terms of the settlement. Is the Chief Minister in a position to advise the House of the terms of settlement?

Hon. Chief Minister: Mr Speaker, yes, sir. With effect from 1st July 2014, Her Majesty's Government of Gibraltar agreed the reinstatement of the 3% salary abatement to Gibraltar Fire and Rescue Service and Royal Gibraltar Police officers. It was subsequently agreed to extend this arrangement only to officers who had retired from the GFRS between 1st April 2013 and 30th June 520 2014. This included four GFRS retirees whose pension awards were revised with effect from 1st July 2014. That is to say the date on which the 3% salary abatement was reinstated for serving officers. The agreement was subsequently extended to all existing GFRS pensioners and/or GFRS service widows and orphans pension scheme pensioners who were active on 1st January 2020, who were 64 in total, with their pension awards being revised as from that date. The 16 claims 525 received to date from retired officers from the Royal Gibraltar Police are currently under consideration.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the expansion of his answer. In terms of the 16 police officer claims, what is the difference between their claim and the fire brigade claim? Is there any difference between the two? What would be the difference in settlement? 530

Hon. Chief Minister: Mr Speaker, I am not sighted on the detail of the difference, but I believe it is substantially different and that is why different treatment has been given to the settlement. In one it was advised that the claims were affordable and in the other it was advised that the claims were not affordable, because of the different structure in the way that the abatement was dealt with, the period of the abatement and how it would be changed. That is the reason, and I understand that that reason has been provided to successive administrations of the Government of Gibraltar in relation to the claims made by Royal Gibraltar Police officers. 540

Hon. K Azopardi: Mr Speaker, can I just ask, on the RGP claims, the number of 16, is that a finite number? Those claims arise also from that point which he indexed on firefighters. I think he said something like they had retired from 1st July 2014. I think he said something like that. So is it also a group of people who retired from that point on, or is it a different date? And can I ask him, have there been analogous claims also from officers in the Prison Service? 545

Hon. Chief Minister: Mr Speaker, I do not have any claims from people in the Prison Service and I do not have any information with me which would tell me the answer to the hon. Gentleman's first question. 550

Mr Speaker: Next question.

Q441 and Q455-58/2023

Eastside project –

£90 million premium; Catalan Bay parking; construction of marina; location of relocated entities; commencement and completion dates of phases

Clerk: Question 441/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise whether the £90 million premium paid for the Eastside project is in any way refundable and/or were any extra benefits conceded to the developer to secure the premium on the last day of the financial year? 555

Clerk: Answer, the Hon. the Chief Minister.

560 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 455 to 458.

Clerk: Question 455/2023. The Hon. D J Bossino.

565 **Hon. D J Bossino:** Is the loss of parking spaces as a result of the cordoning off of the area on the reclaimed land by Catalan Bay expected to be replaced in time for the busy summer period?

Clerk: Question 456/2023. The Hon. D J Bossino.

570 **Hon. D J Bossino:** Does the Government support the construction of a marina as part of the Eastside project?

Clerk: Question 457/2023. The Hon. D J Bossino.

575 **Hon. D J Bossino:** Have all the entities been reallocated from the Eastside reclamation; and, if so, where?

Clerk: Question 458/2023. The Hon. D J Bossino.

580 **Hon. D J Bossino:** Please provide details of the commencement and completion dates of the Eastside project broken down into each of its phases.

Clerk: Answer, the Hon. the Chief Minister.

585 **Hon. Chief Minister:** Mr Speaker, as you would expect in an agreement as complicated as the one for the Eastside, being one which will endure for a number of years, there are a number of circumstances whereby termination is possible by both sides. I can assure you that there were no extra benefits conceded to the developer to secure the premium on the last day of the financial year. The negotiation was led for the Government by Mr Albert Mena and he is not known to concede benefits. The termination conditions have been one of the most difficult topics to deal with since these negotiations started. These have been carefully discussed and evolved over the
590 many months of detailed negotiation. These have been amended, in fact, during that period to adapt to the changing circumstances, for example the grant of outline planning permission. As you would expect, there are a number of circumstances that allow the developer to request a return of the premium. These include the Government not providing the leases to the land or the
595 grant of rights to develop, planning permission not being granted by the DPC in the form that has been presently indicated, and planning permission being curtailed in a way that makes the project not viable. There are, of course, a number of more detailed provisions, but it is not in the interest of Gibraltar or this project to provide this level of detail across the floor of the House at this stage.

600 The parking area on the reclaimed land by Catalan Bay is under the ownership and control of the Eastside developer. There is, nevertheless, an obligation on their part to provide a minimum of 250 parking spaces for general public use, with access and proximity to Catalan Bay, at all stages of the Eastside project. HMGoG will ensure that that obligation is met. The agreement over the Eastside is an extremely complex one that has taken many months of careful negotiation. The reason for this is having to cater for a transformational project that will span a number of years.
605 During the site's development and construction, the agreement will have to be flexible to cater for its impact on the area. In negotiating this agreement, both parties, the developer and Government, have therefore worked in partnership to seek to minimise that impact and cater for the fluid changes at the site as the development progresses. It must be understood that the precise order in which everything at the site will be done will necessarily evolve as and when issues
610 present themselves. The parties have committed to work together in good faith to address these issues. Prior to and until completion of the design and construction of the permanent car park

615 facility, which will provide for 500 parking spaces, TNG will, throughout all relevant stages of the development of the Eastside project, make a minimum of 250 parking spaces with access and proximity to the Eastside available for use by the general public at no cost within the Eastside area. That is exactly what was said in the press release. This number of 250 is in line with the number of parking spaces that were available previously at the site. Clearly the precise location of these spaces may need to change as parts of the site are developed and to ensure the health and safety of those using that parking, which is always our paramount concern.

620 The Eastside plot requires coastal protection measures to be built to allow the development to proceed. The developer proposes to achieve this by the construction of an arm that will protect the reclamation. HMGoG supports this, as it will deliver the necessary protection whilst at the same allowing the creation of various amenities, including a marina, within the sheltered waters behind it. Indeed, the administration represented by Members opposite had previously encouraged and supported a marina as part of the project, as is reflected in all the relevant material from the environmental statement passed at the time.

625 All entities which were present on the Eastside plot have been relocated. Some of these moved to the Brewery Crusher site, others to Coaling Island Wharf and one to the British Lines area.

The timings and phasing of the Eastside project are a matter for the developer to decide.

630 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. I will obviously restrict my supplementaries to my own question in respect of this whole project.

635 The Chief Minister says that the agreement is complex but there is the possibility of termination by both sides. I think this is something I would like to delve a bit more into. Can the Chief Minister contextualise this in terms of timeframe? When the termination is possible by TNG, is there a timeframe within which they have that ability to terminate, or is it open ended?

640 And in terms of the £90 million premium, are there any ...? I am trying to find the right words, Mr Speaker. Are there any conditions attached to that money in terms of the Government's ability to use it? In other words, is it in any way blocked? Is it held in an escrow account by the Government or the Government's lawyers, in that the Government may not have ready access to it? What sort of conditions has the developer put on that money to protect itself, to ensure it can get that premium back should the various conditions that it sought not be met?

645 Also, Mr Speaker, if I can just add one more to this, the Government talks about *its* terminating the deal, but if it does that, would the Chief Minister say it would be entitled to keep that £90 million premium; and, if so, on what grounds?

650 **Hon. Chief Minister:** Mr Speaker, there are no conditions attached to the payment of the £90 million. The £90 million is in the Government General Account, full stop. There is no escrow, there is no control of that money by the purchaser. The money is with the Government. The purchaser, who is represented by a hard-nosed businessman who does business around the world and does not lose money, does not believe that the Government of Gibraltar is a risk if it had to pay back £90 million, and therefore there is no question of the Government having been asked even to agree to keep the £90 million in an escrow account or otherwise, other than completely in its own control in the Government General Account, and the Government has given no undertaking not to spend the money in whatever way we consider is necessary or appropriate.

655 Indeed, I think it would be contra-parliamentary for us to have done so, because parliaments do not bind their successors and our successors would have been able to spend the money in the Government General Account, because it was not in escrow, because it was not subject to an agreement to be not spent in any particular way. So the hon. Gentleman is completely wrong to suggest that there is any control over that money. I am surprised that he has thought it necessary to ask. The Government has made an announcement that it has received £90 million. We have received £90 million, not subject to any control over that £90 million. Otherwise we would have been failing in our duty of candour to the general public to have said that we had received £90 million when we might only have received a notional payment of £90 million that we could not

665 use. It is in the Government General Account available to use for any purpose, without any control
by any third party, without any undertaking by the Government not to spend every penny if we
wanted to because we thought it was appropriate or it was necessary to do so.

670 Second, Mr Speaker, in the context of timing, there is no time in the document. There are
conditions in the document. It would be very strange to have a document that talked about a time
period in respect of a potential refund. What you have are conditions set up, which if not met
would give rise to a repayment. This should also not strike the hon. Gentleman as unusual because
675 in the context of the Multiplex deal and the Reuben deal, my administration negotiated the
repayment to them of their premium when they withdrew from the Sovereign Bay deal that they
had done with the GSD administration. So again, that amount was refunded and it was refunded
I think some seven or eight years after they had paid the money. But there are conditions set out,
680 as there were in the deal that the GSD administration did with the Multiplex Reuben Group, and
it is logical that that should be the case. In any commercial transaction for the sale of land you
would deal with those sorts of conditions, and in most instances the conditions relate, of course,
commercially and with the Government, to being able to build the scheme that you believe you
are going to be able to fund with the premium that you have paid and the construction costs that
685 you are estimating. So, here, the sweep of the conditions relate to being able to get planning
permission not for what the Government has agreed but for the type of massing that is agreed,
even though the DPC may require that they build it in a different way, a different shape, a different
height etc., but for the massing that has been agreed with the Government as landlord. The hon.
Gentleman looks at me quizzically. That has been the case under every administration of the
Government of Gibraltar since the AACR. Every administration that has done a development deal
has done it on that basis, so he should not think that there is anything new or to look quizzical
about in that context.

In the context of termination by the Government, there are some circumstances where the
Government can terminate and retain the premium.

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Hon. R M Clinton: Mr Speaker, I am grateful to Chief Minister for his answer. Obviously, I will
ask but I guess the Chief Minister will say it is confidential: would he release what those conditions
are for the termination refund of the premium?

695 Secondly, he did mention Mr Mena having negotiated the deal on behalf of the Government,
and I find that a bit surprising given that I believe he also works for the same firm as TNG. I think
TNG are their clients. I would have thought the Government would use somebody independent if
they felt the need to use a third party. And also, why didn't the Government itself negotiate with
the developer? What was the need to involve Mr Mena?

700 **Hon. Chief Minister:** Mr Speaker, for the reasons I gave in my first answer, I am not going to
disclose the conditions of termination.

705 Second, I am surprised that the hon. Gentleman is surprised, but obviously he has not thought
through what it was that could be happening. I did not say that Mr Mena was representing the
Government as a lawyer. The Government was represented by Isola & Isola. TNG was represented
by Hassans. Mr Mena had been the Financial Secretary who negotiated the deal with me. Chief
Ministers do not become involved in negotiating the detail of long commercial leases. Woe betide
a Chief Minister who thought that he could lock himself up in a room for the weeks that it took to
negotiate the detail of each clause of this lease, because you would not be able to turn your
attention to any of the other issues that relate to Gibraltar. Of course you negotiate the sweep of
710 the terms and conditions. That is what I did when we announced the heads of terms. I negotiated
that with Albert Mena, with Joseph Garcia and with the representatives of the TNG group who
were not their lawyers. Then the two sets of lawyers got into the room with one representative
of TNG and one representative of the Government. Who better to be the representative of the
Government than the Financial Secretary who had been involved in doing that work at the time
715 that he was Financial Secretary, now not as Financial Secretary but not as a lawyer either, because

he was not acting as a lawyer? We had lawyers acting for us, they had lawyers acting for them. Perfectly proper, perfectly straightforward, absolutely the right way to do things. Completely the wrong way to do things to have a Minister negotiating the detail of the lease – a waste of ministerial time if you were to go down that route.

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Hon. R M Clinton: Sorry, Mr Speaker, this will be my last question on this, but – (*Interjection*) I am just going to address the last matter that has arisen. The former Financial Secretary is just that, the *former* Financial Secretary. In what capacity was he acting on behalf of the Government? Was he engaged as a consultant, an agent of some sort? You have the Financial Secretary. Surely there would have been a handover, otherwise we would be employing financial secretaries who have retired ad infinitum, if they are not capable of handing over negotiations. In what capacity was Mr Mena employed?

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Hon. Chief Minister: Mr Speaker, as an agent, and it is completely improper to suggest that simply because the current Financial Secretary was not handling that negotiation and had had a handover, he was not capable of handling the negotiation. This negotiation is hugely detailed. I do not think the hon. Gentleman has even an iota of understanding of the level of detail that a negotiation of this sort entails if he thinks that it can be handed over successfully with a memo that sets out what was discussed at the time of the heads of terms. There is a huge amount of detail. Therefore, the Government appointed Mr Mena as agent to negotiate on our behalf as our representative, with our lawyers taking instructions from him and obviously him being in direct contact with us whilst we were sitting at the table in the treaty negotiation or elsewhere.

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It just is impossible to believe that hon. Members have any understanding of what a negotiation like this entails if they think that what I am referring them to is unusual. It would simply have been to drop the ball for Gibraltar not to have done it like we have done it and not to have led to the very successful outcome that we have secured for Gibraltar, which secures a project that is going to once again bring the GDP of Gibraltar to Gibraltar, as Sir Joe has said, over a development period of 10 years and delivers the biggest premium ever paid to the people of Gibraltar for land in Gibraltar, an area of land that when they were in opposition before 1996 they used to call a rat-infested tip. Not bad, £90 million for a rat-infested tip.

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

Hon. K Azopardi: Mr Speaker, I thought my hon. colleague was asking a very simple question: was Mr Mena paid or did he do it for free?

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Hon. Chief Minister: Mr Speaker, I am afraid that is not the question that I was asked by the hon. Member, but given that is the question I am being asked now, I am very happy to answer it. Of course he was paid.

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Hon. K Azopardi: Mr Speaker, can I ask on this question, Question 441? The Chief Minister has indicated that the £90 million premium is refundable. He has indicated it is subject to conditions etc. Is there any part of the £90 million that is not refundable? Can I ask him that? And in relation to the conditions, is the building of the marina one of the conditions which would trigger the ability of TNG to seek the refund of the premium if they cannot do it?

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Hon. Chief Minister: Mr Speaker, all or part of the £90 million is refundable, depending on which part of the mechanism for refunding part of the £90 million comes into play. I do not anticipate, however, that we will ever refund a penny of the £90 million, because I do not think that there will be any failure by the Government to comply with its obligations. Neither do I think that we will seek to forfeit the lease, because I do not think there is any chance that the purchaser, PA Global Foundation, is going to fail any of its obligations under the lease.

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770 As to the reasons why any part of the £90 million might be refundable, I have indicated already that the ones I have set out are the ones I have set out. The ones I am not prepared to set out do not include anything to do with the marina.

Mr Speaker: The Hon. Damon Bossino.

775 **Hon. D J Bossino:** Mr Speaker, if I can start with the parking ... He has rattled through quite a lengthy reply because there was a bunching of questions from my friend and from me. In relation to the car park he said, I think, that there are 250 parking spaces which are going to be made available for general use, and that must include users of the beach in summer, in particular, when it becomes very busy and it is in high demand. He also said that the precise location of those parking spaces is going to be determined by the pace and manner of construction. He mentioned
780 issues such as safety, which obviously are relevant. Given that we are now at the end of May and, as I said earlier, very close to the bathing season, and there does not seem to be, at least at this stage, much sign of movement in terms of construction in that area, is he not able to say that the area which was very quickly cordoned off about two or three months ago ... whether that area in particular is going to be made available to users for this summer, or at least, if not, that that area
785 has been identified for beach users?

Hon. Chief Minister: Mr Speaker, I think that the hon. Gentleman needs to once again consider the answer that I have given. I have told him that the same number of parking spaces that were available before are going to be available now, and therefore, if those other parking spaces were
790 available before, they will be available now, otherwise they will be provided. The number will be the number. But that is no longer something the Government delivers. It is something that the purchaser of the plot delivers and they will deliver it in keeping with their obligations under the lease. There is no reason to think that they will not. There is no reason to suggest to beach users that they will not have the same number of car parking spaces available that they had last time.
795 There is no reason to create the spectre of the possibility that maybe, perhaps, they will not have exactly the same number of parking spaces available that they have now. They will.

Hon. D J Bossino: Mr Speaker, let's premise this further question on a positive note, shall we? We welcome the news that the 250 parking spaces which were lost as a result of the cordoning
800 off of that particular area will be made available, and that is something which I assume has been negotiated in pursuance of this particular public interest issue by the Government in its negotiations with the developer. All I am asking him is, given the proximity of the dates that we are talking about, with the bathing season about to start in the next two or three weeks, if I am not mistaken, whether he, as Chief Minister of Gibraltar, is able to say where those parking spaces
805 are going to be provided ... not totally in the hands of the developer, and when he may decide. Does he know now? Is he advised now – maybe he does not have that information available to him now – where those 250 parking spaces are going to be made available?

Hon. Chief Minister: Mr Speaker, he is taking it in a particular direction: 'Does he, as Chief
810 Minister of Gibraltar, know where the parkings are going to be available?' The Chief Minister, the Deputy Chief Minister of Gibraltar in the last throes of a negotiation between the United Kingdom and the European Union, which involves Gibraltar and Spain also, for a treaty about our future relationship with the European Union, not in where we are going to park to go to the beach on a Saturday this bathing season.

815 We have negotiated a deal that does, as I have told him, ensure that 250 parking spaces are going to be available by the opening of the bathing season. I believe that will be in exactly the same area where they have been for all the past years, because there is no movement on the plot. I have not checked, Mr Speaker, and I have to tell him with the very greatest of respect, and I have to tell every Catalan Bay Beach user with the greatest of respect that they pay me and the Deputy

820 Chief Minister now to seek to bring home this important treaty for Gibraltar or to stand up to those who are proposing things which might mean we cannot bring the treaty home for Gibraltar, not to be checking about where the parking spaces are. But the parking spaces will be there and we have ensured there is a contractual obligation to provide them – 250, exactly as I have set out. But really, do we need to start thinking further in this House about where they are going to be?
825 As long as they are provided in the vicinity of Catalan Bay, as I have suggested, I do not see what the hon. Gentleman is trying to get at, other than to get up and ask me another question so that people outside this place can hear his voice. I understand it is an election year, but there are more important things to think about.

830 **Hon. D J Bossino:** Mr Speaker, he is employed by the people of Gibraltar not just to negotiate what is a very important treaty for our immediate medium- and long-term future. I have told him before that we wish him the greatest of success in that endeavour, but there is a question on the Order Paper, and instead of trying to, like he does on each occasion, belittle the questions that I ask, instead of trying to cast aspersions as to why I may be asking one question or another, and
835 making reference to being very close to a general election and that I am electioneering, all he needed to say was that he does not have that information available. I think he said his gut tells him (1) that he is going to win the election and (2) that he thinks it is going to be, as I suggested in part of my supplementary question, in the area that has just been cordoned off because there has been very little movement in relation to construction. But he does not have that information –
840 and I offered that to him. He does not have that information. He can relax, he does not have it. What he should not try to do is belittle the questions, which are important for people. And I am paid to do that.

Mr Speaker, if I may move on, we have had this point made before in relation to the arm of the marina. Let's for one minute put to one side the marina. He has already stated that the
845 Government supports the construction of the marina. I put to him in a previous meeting of the House the extent of the arm of the marina, and I think he assuaged the concerns as had been relayed to us on this side of the House that the co-ordinates of the arm are such that they reach all the way to what used to be the Caleta Palace Hotel, across the horizon. In other words, that if the construction of the arm as originally envisaged by the plans as submitted by the developer go
850 ahead and are approved as they stand, they will entirely block and blot the horizon from Catalan Bay village. I am further told that the hon. Member has had meetings with the individuals concerned within the Catalan Bay residents' population that that is not going to happen, but can I ask him please whether he has that information, what co-ordinates he has in relation to the length of the arm? As things stand, from the plans as they have been submitted it seems that
855 those individuals who have those concerns may be justified in those concerns.

Hon. Chief Minister: Mr Speaker, that was a very lengthy preamble to a question, a lengthy preamble that suggests that the treaty that we are negotiating, and indeed all the other things that we are doing, are as important as parking at Catalan Bay. Of course, that is not to say that
860 parking at Catalan Bay is not unimportant, but I wager if we did a straw poll of the people of Gibraltar and we asked them whether they thought it was as important and that we should spend 15 minutes on it in this Parliament, they would probably say not, especially given that we give it sufficient importance to have negotiated and ensured that there should be 250 parking spaces, the same number of parking spaces that was before available all of the time where they were
865 before in the vicinity of Catalan Bay.

I did not mention my gut on this occasion and I did not mention electioneering. That word came out of his mouth. I was simply reflecting on what he is doing in the cold reality of the chronology of the lifetime of this Parliament. That is the reality of what he is doing. We each pursue our politics in the way that we think is appropriate, but if you want to be Chief Minister,
870 the most important thing to pursue is not car parking at Catalan Bay – let's be clear – and we all know that what he wants to be is Chief Minister.

875 The question of the marina arm is one that we must ensure is not exploited for party political purposes. We are talking about a development that is hugely important for the socio-economic development of Gibraltar. We are talking about the development of a new city in Gibraltar, an Eastside city, and that has enjoyed support across the floor of the House, although we might have supported one permutation or another, but all of the permutations supported by the GSD involve a marina on the Eastside, all of them. So it would be a little to incur the wrath of those who say that politicians are cynical and change their positions just for the sake of changing their positions for the GSD now to come here to pretend that they might not be in favour of a marina at the area of the Eastside. It is one thing to be in favour of a marina and it is quite another to be in favour of any marina regardless of the damage it may do, and so for that reason I met with those who have an objection to the marina as they say they interpreted the plans that were published. I gave them an assurance, which I had received also from the developer, that it was utter nonsense to suggest that the marina arm published in the plans reached across the horizon of the opening of Catalan Bay to be vertical to where the Caleta Hotel had been. That assurance they have and I made that assurance public at the time, so I am surprised that in respect of something I have already made public I am being asked by the hon. Member. That is not to say that I have the co-ordinates here with me, because the co-ordinates would require me to give a degree north, a degree south, a degree east and a degree west in order to be able to say I have given the co-ordinates. I do not have the co-ordinates, but I have the indication I can give him, which is probably going to mean more to anyone than the co-ordinates. The indication is that the marina arm goes no further than the area of where La Mamela used to be, and that I understood was satisfactory, or more satisfactory, to residents of Catalan Bay and indeed to all residents of Gibraltar who use Catalan Bay and who love Catalan Bay.

895 There are other issues with the marina that have to be dealt with, and the environmental impact assessment deals with them. There are concerns of individuals in Catalan Bay, who I have said I will meet again on this subject and I will meet again. I saw one of them on television saying it was undemocratic – was the terminology he used – that I had not met them again because I had said I was going to meet them again. Well, look, it is not undemocratic. It is not an appropriate reference to the fact that I have not yet met them again because we have not yet had responses in the DPC as to the issues that relate to the marina etc. I will meet them when we have those because I am concerned that we should have a marina that applies the highest environmental standards and does not cause some of the problems that hon. Members will know some residents of Catalan Bay – by no measure the lion's share of them – have expressed about that potential marina. Indeed, the Minister for the Environment has shared the view with those residents of Catalan Bay that some of the things that they put are just environmentally incorrect and on some there is an environmental difference of opinion.

910 But please let us not fall into the hypocrisy at a political level which will lead to politicians being accused of cynicism, that the GSD today is going to say that they are the party that is against the marina at the Eastside, when I have the documents from Sovereign Bay which provided for a marina on the Eastside and they said that this was the best project in history. He stood for election in 2011 defending the Sovereign Bay project, saying this was one of the great legacies of the GSD. Here is the environmental statement. I have not pulled it from the file, it is still available online: 2005, a marina on the Eastside, GSD Government. Let's not fall into cynicism. This is what makes people deprecate politicians.

Mr Speaker: I think we have now exhausted –

Hon. D J Bossino: Mr Speaker –

Mr Speaker: No, we have exhausted the topic on this particular question. Can we go to the next –?

Hon. D J Bossino: Mr Speaker, if I may, can I ask one question on –

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Mr Speaker: I know, but the answer has been given. My judgement is that an answer has been given. We just cannot go around – (*Interjection by Hon. D J Bossino*) Well, one final, right?

Hon. D J Bossino: Very grateful. Mr Speaker, the hon. Member has stood up and has given a very long reply. Most of it, I venture to say, has been party political electioneering, (**Hon. Chief Minister:** Like yours.) and that is fine, as far as I am concerned, but then he should not criticise me for imputing that to me. This is a political Chamber, as both he and I have said in the past, and I think it is right and proper that we should express our political divergent views in this Chamber and the frustrations that people express to us on this side of the House about them on a daily basis and want to chuck them out as soon as possible. That frustration has to be portrayed and delivered here because at the end of the day this is a political Chamber.

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But can I ask him to do one thing? Can I ask him to check and put himself on enquiry about what has just come out of his mouth? Can I ask him to check, please – he may not be able to say so across the floor of the House now – that as I understand what he has said in reply, the information is that the arm, which is what the question was about by way of supplementary, does not extend across the horizon and the extent of that horizon as it affects Catalan Bay beach and village? It is very obvious from a layman's analysis of the plans as submitted by the developer at the DPC. If you draw a line from the tip of that arm all the way down, you get to where Caleta Palace used to be, which is the full extent of the beach. It is very clear and very obvious. That is one of the points of concern which would be assuaged if he were able to say why that is wrong. I know he is smiling and underlining, so I am sure he is going to come up with a killer blow, but so long as that killer blow is accurate and it assuages the concerns of those individuals who he knows have raised it with us, as they have raised it with him, then that is a good thing, we have achieved something good. So can I ask him to check that position, because that does not go to – we can mention the business because it is no longer in existence – La Mamela restaurant; it is certainly not the case. Can I ask him to confirm the position? And I would ask him, please, to provide, if not to me or not across the floor of the House, the co-ordinates to those individuals who have made that point in meetings with him and with Mr Cortes.

Hon. Chief Minister: Mr Speaker, I am smiling out of fondness for the hon. Gentleman because, for reasons he will recall better than anybody else in this House, he does take me back to the future when we go at each other hammer and tongs like this. I know that we both do it for good reason and we both enjoy it too, but it does feel like Bayside circa 1989 – and I say that with affection, not with deprecation. I am going to say the rest with deprecation.

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I have already given the assurance that the hon. Gentleman is asking me to give. He has, perhaps in a slip of the tongue, accepted that it is very clear and very obvious that it gets to the Caleta Hotel area on the basis of a layman's analysis. We are not here to do laymen's analysis. Laymen are free to do laymen's analysis. We are not here to do laymen's analysis. They can put a layman's concern to us, but I am giving him the satisfaction that I have given to those laymen based on checking with the technical officers of the Government, with the planning officers of the Government and with the developer, and indeed the developer itself has checked to ensure that any plans that it proceeds with do not do what it has been suggested the plans submitted do. So I can give the hon. Gentleman the further satisfaction that not only does the Government believe that the arm does not reach across the opening of Catalan Bay, which would not be a bay if that arm were to enclose it; the developer does not believe that that is what they are going to do and they are not going to do it. That is the assurance that I can give everybody in Gibraltar from this House, that we will not box in Catalan Bay, that the name of the business that he mentioned that I mentioned, which is La Mamela, is the maximum southerly extent of the arm. Those are the assurances we have been given. That is what the DPC has indicated it will agree. That is what the developer itself is saying they want to do. But in the context of trying to understand how, when

980 *he* was defending a government record, when *he* was standing for election to an administration that was in government, *they* were announcing a development which included a 300-boat marina – that is to say more than we have proposed – with a boutique cruise liner berth and terminal. I think that would have reached Ceuta, not the Caleta Hotel. So let's be clear, because what we do not want to do is, in defending the interests of the people that we represent, create cynicism about us in the people that we represent.

Mr Speaker: Shall we move on to the next ...?

985 **Hon. D J Bossino:** I had a question on [*Inaudible*]

Mr Speaker: Okay, so what we are talking about here is that there are supplementaries to come on Questions 457 and 458 – is that what you are referring to? All right, but I would ask you, when you pose your question, to contain the extent of your preamble.

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Hon. D J Bossino: Yes, I think in relation to Question 457, Mr Speaker, I had a reply which was full in the sense that I think he said that they have all been reallocated and he has given me the details of the new destinations, so unless I am wrong in that understanding – I did not take a full note – I think the reply was full and I do not think I need to seek to extract any further information from him in relation to that.

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In relation to Question 458, which was the details of the commencement and completion dates of each of the phases, the phases are set out in the plan, and I think he said – I stand to be corrected – that that is going to be totally and wholly determined by the developer. I think he is nodding his head. But is he able to expand that answer in any way? Whilst I accept what he is saying, does the Government not have an interest that certain phases should happen first? I appreciate that some of the phases are crucial for the construction of the bit in the middle, which I think is phase 4, which is where the land reclamation is going to be built, and presumably that is where the housing, the gardens and the green area are going to be constructed, but is he able to provide any further information on the details of the phasing now?

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Hon. Chief Minister: Mr Speaker, I want to be very clear. He is asking about the phasing, so perhaps if he understands how I have interpreted the question he might better agree with me in terms of what I am saying. What I am saying in respect of the phasing is in respect of the developer's development. So if they want to build the hotel first, they can decide to do that. If they want to build some of the luxury housing along the seafront first, they might decide to do that. There are deliverables and the hon. Gentleman knows what they are because they were in our press releases. Those deliverables, which are deliverables to the Government, do have to be delivered within a particular timescale. So, for example, there is affordable housing that needs to be delivered in ... That is not phasing. Those are deliverables to the Government. Those are part of what I called, I think during the course of the negotiation, I think in the course of the press releases and in the interviews, the additional considerations. So you have the £90 million, which is the cash, and then you have the additional consideration, which is the things that the developer has to do. Those are timed. Those have to be done within a particular period.

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But when the hon. Gentleman asks about phasing, phasing is about how the developer delivers his development, and those are really up to the developer to a very great extent because the Government does not want to get involved in that, insofar as we do not get involved in that in any development that the Government might provide land for in exchange for a premium. We do not want people to land bank, so there are longstop dates for things to be done because that is the right way to ensure that you stimulate development, but I must say to the hon. Gentleman I do not think we are dealing with a developer that is interested in land banking or is trying to avoid actually providing the development as soon as possible. I think that we are dealing with a developer who is hungry to develop in any event.

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1030 **Hon. D J Bossino:** Mr Speaker, I was thinking, the way that the hon. Member has put it, of deliverables. I can think of two immediate public interest issues which I am sure hon. Members opposite would want to see happening sooner rather than later. One is the removal of the unsightly rubble as soon as possible, and the other one is the construction of the affordable housing. The hon. Member does refer to the press release, which I assume is the one that was issued on 18th October announcing the project, which is a very lengthy and detailed press release, but I have not been able to identify ... I have not read it in a few weeks, but I have not been able to identify from a quick read now whether those deliverables are set out in any firm way in terms of dates. Is he able to provide that information, or am I asking the question on a wrong premise?

1040 **Hon. Chief Minister:** Mr Speaker, he is asking the question on the wrong premise based on the rubble because as I have already told him, before there is any development on the Eastside the coastal protection works have to be done, and the rubble, I have told him, is going to be used as part of the coastal protection works. So the rubble goes in the preliminary phase of the development of the plot. In fact, the removal of the rubble is an essential element for the development of the plot because it is put into the caissons that create the marina arm, the coastal protection arm. So that is the first one.

1045 Second, as I have indicated to him, there are timings which are relevant to the deliverables, so he cannot be barking up the wrong tree because he is asking me the thing that I told him was actually delivered against the timetable. I do not actually have here the exact timetable, which I can share with him if he wishes to write to me or if he wishes to ask the question next time, but the provision of the affordable housing and other aspects of the deliverables need to be provided within a particular period of time.

1055 **Hon. D J Bossino:** Just one very brief ... and I think by way of assistance, although I recall the last time I used that word he threw it back at me in the reply, so I say it with some trepidation, but by way of assistance, does he agree with me that that information in terms of timings on deliverables is not available in the announcing press release that I referred to, so I would need to file ...? I think that is information which is publicly available, in fact, but if not, I will ask a question at the next session of the House.

1060 **Hon. Chief Minister:** Mr Speaker, he is as useful as a chocolate teapot, as usual, but I am happy for him to ask the question if he wants it to be set out in *Hansard* because this is an important thing. I have not got it with me at the moment.

Mr Speaker: Let's go on to the next question.

Q442/2023
UK guaranteed £500 million facility –
Whether extended

1065 **Clerk:** Question 442/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the UK guaranteed £500 million loan facility, whose termination date is 3rd December 2023, has been extended; and, if so, under what terms?

1070 **Clerk:** Answer, the Hon. the Chief Minister.

1075 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I answer the hon. Gentleman, can I just say that my magnificent parliamentary team has provided the answer that I could not find in my papers. The TNG Global Foundation will construct the low-cost apartments within 36 months of the date of full planning permission. I hope that is helpful.

Hon. D J Bossino: *[Inaudible]* that's the position?

1080 **Hon. Chief Minister:** Yes. There may be others, but that is the one he asked me about.

Hon. D J Bossino: *[Inaudible]*

Hon. Chief Minister: Yes, that is the one he asked me about.

1085 **Hon. D J Bossino:** *[Inaudible]* yes, yes before that...

Hon. Chief Minister: Well, no, I thought you had asked me about the apartments.

Hon. D J Bossino: *[Inaudible]*

1090 **Hon. Chief Minister:** You asked me about those, too, yes.

Hon. D J Bossino: *[Inaudible]*

1095 **Hon. Chief Minister:** If you like, I suppose.

Hon. D J Bossino: *[Inaudible]*

Hon. Chief Minister: Mr Speaker –

1100 **Mr Speaker:** Yes, let's continue. Let's stop this banter.

Hon. Chief Minister: Mr Speaker, the position remains the same as my reply to Question 314/2023.

1105 **Hon. R M Clinton:** Mr Speaker, yes, his answer to Question 314/2023 was:

no update can be provided at this time. Discussions are ongoing and the House will be updated once these are finalised.

I can tell the House that discussions have progressed very well. I will, of course, update the House during my address at the Budget on the state of play ...

1110 We are now at the end of May and the clock is obviously ticking. Can the Chief Minister add anything at all to what he said – and this was back in March – as to where we are in the renegotiation of this loan? I think both parties will have recognised that this has to be negotiated, so I would have thought that as we are getting closer to December some ideas would be starting to gel and the Chief Minister would have a better idea as to what the UK's position is.

Can he answer at least one basic question, Mr Speaker, and that is: is the UK government prepared to renegotiate the loan?

1115 **Hon. Chief Minister:** Mr Speaker, I can answer that question, of course. The UK government is not renegotiating any loan. That is a completely false premise on which to base the question. There is a huge difference between a loan and a guarantee, a huge difference. If I had made that

mistake, Mr Clinton would be having my guts for garters in a way that would be rope for him for months.

1120 There is no question of the UK government renegotiating any loan, but I can tell him that I am very pleased with the progress that we have made in relation to the issues that relate to the guarantee and that I will be able to give the House a full update at the time I told him in answer to Question 314 I would give the House a full update, which is during the course of the Budget debate. During the course of the ceremonial events around the coronation, I even had the opportunity to discuss the matter very favourably with the Chancellor.

Hon. R M Clinton: Mr Speaker, just for the sake of absolute clarity, can I then take it from the Chief Minister that the UK government is prepared to renegotiate the guarantee?

1130 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Mr Speaker: Next question.

Q443-44/2023
UK guaranteed £500 million facility –
Whether extended

Clerk: Question 443/2023. The Hon. R M Clinton.

1135 **Hon. R M Clinton:** Mr Speaker, can the Government advise the number of registered PAYE taxpayers as at each of the following dates, being 31st March 2020, 31st March 2021, 31st March 2022 and 31st March 2023?

1140 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 444.

Clerk: Question 444/2023. The Hon. R M Clinton.

1145 **Hon. R M Clinton:** Mr Speaker, can the Government advise the breakdown of tax arrears as per table ITO.12 as at each of the following dates, being 31st March 2022 and 31st March 2023?

Clerk: Answer, the Hon. the Chief Minister.

1150 **Hon. Chief Minister:** Mr Speaker, regarding Question 444, table ITO.12 has now been updated on the government website. However, I now hand over a schedule with all the information requested.

Answer to Question 443/2023

The total number of registered PAYE taxpayers at each of the following dates is as follows:

Date	No of taxpayers
31 March 2020	38,354
31 March 2021	39,012
31 March 2022	36,848
31 March 2023	37,924

Answer to Question 444/2023

Breakdown of Tax Arrears as at 31 March 2022

	£ million
Individuals	5.5
Self-Employed	1.8
Companies	8.7
PAYE	7.2
TOTAL	23.2

Breakdown of Tax Arrears as at 31 March 2023

	£ million
Individuals	6.2
Self-Employed	2.4
Companies	6.1
PAYE	8.3
TOTAL	23.0

1155 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for providing a schedule. It does make life a lot easier this side of the House.

1160 The last numbers I found on the website were for 31st March 2021, and at that point the total arrears of tax was £23.6 million. In 2022 we see it was £23.2 million, and now in 2023 it is £23 million. That is not a huge movement in numbers and I am just surprised at the size of the PAYE arrears number. I would have thought that amount is deducted from employees and should be paid over quite promptly to the Government. Does the Chief Minister have any view on the management of this arrears number and why we should have such a large PAYE arrears number?

1165 **Hon. Chief Minister:** Mr Speaker, I am very happy with the management of the arrears because I think the people who are managing our arrears at the Central Arrears Unit are doing an excellent job – a Central Arrears Unit, as the hon. Gentleman knows, which was disbanded by the GSD when they were elected and was reinstated by the GSLP Liberals when we were elected. That is why the arrears have kept coming down. What we inherited was a much higher amount of arrears. The arrears are coming down year on year, and if the hon. Gentleman looks at the total amount ... he has accepted that it is lower this year than it was last year overall.

1170 Of course the numbers change, but you cannot simply say that the numbers are higher, because you do not have the proportions of taxpayers, for example. In the context of individuals, if the hon. Gentleman relates Answer 443 to Answer 444, he will see that the number of individuals in PAYE employment for 2022 was 36,800, with an arrears figure of £5.5 million. If he looks for the answer to why that figure may be up £0.7 million, from £5.5 million to £6.2 million, in 2023, he might find the answer in the fact that the number of individuals employed for PAYE purposes is up over a thousand, 37,900. So 36,800 people had an arrears figure of £5.5 million and 37.9 million people have an arrears figure of £6.2 million. The growth in the arrears is much smaller than the growth in the number of individuals employed, so more individuals employed as a proportion are keeping to their obligation to pay – or, indeed, employers, because it is the employer that pays the PAYE – and that analysis holds good also in respect of ... well, in fact, we do not have the number to do it for self-employed individuals. But in relation to companies, the arrears in respect of corporate taxation is down £2.6 million. It was £8.7 million in 2022; it is £6.1 million in 2023.

1185 So my thanks go to the people managing this areas because I think they are doing a good job. Of course, nobody should be in arrears. In some circumstances people fall into arrears for reasons that we might all say are understandable but unacceptable, and in most instances people fall into arrears for reasons that are just unacceptable, and that is why we thought it was right to reinstate

1190 the Central Arrears division that they had disbanded and why I think they are doing a very good job, and indeed why the Tax Office itself is doing a very good job in ensuring that arrears stay as low as they can stay.

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

1195 If I can go back to Question 443, which he has kindly given to us in a schedule, has the Chief Minister been given any kind of analysis as to the reasons for the movements in those numbers in terms of the increase and decrease over the various years, obviously from 39 to 36.8 and up to 37.9? I imagine COVID would have something to do with it at the beginning, between ... I would have thought it would have been earlier perhaps than these numbers suggest in 2020, but I am just asking does he have any analysis as to the reasons for the movements in the numbers of taxpayers?

1200 **Hon. Chief Minister:** Mr Speaker, not only do I have it, he has it. He has it in the Employment Survey report for those years, which will tell him exactly what those numbers represent.

1205 I will tell him what my own analysis of what those numbers represents is, namely that after 31st March 2020, a lot of people who are unregistered registered themselves because they wanted to receive BEAT, and a lot of companies that had unregistered labour registered that labour because they wanted those people to receive BEAT. That is the reality. And then it comes down because then you come into the post-COVID period, where people are actually starting to rationalise etc. within the confines of the rules that we, together, put in place to ensure that there were not mass redundancies of people. And then that starts to creep up as the general recovery from COVID happens, which is the number that we now have, which is the 37,900 figure, which is very close to the figure as it was in the pre-COVID period in March 2020. I think that speaks to a good recovery. It speaks to some quite disgraceful behaviour by people who were unregistered and registered themselves simply for the collection of BEAT and suggests to me that there may still be some people out there who are unregistered, doing the work that they used to do on an unregistered basis before BEAT became necessary.

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Mr Speaker: Next question.

Q445/2023
Spanish tax haven blacklist –
Update re removal

Clerk: Question 445/2023. The Hon. R M Clinton.

1220 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update as to Gibraltar's removal from Spain's tax haven blacklist?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government, in collaboration with the United Kingdom government, is currently in discussions with officials in Spain on the mechanics for the removal of Gibraltar from the Spanish blacklist, which is now agreed.

1230 **Hon. R M Clinton:** Mr Speaker, if I can refer the Chief Minister back to his answer to my Question 315 – and he did mention about timing – he said, and I quote:

Should the process not progress within a reasonable timescale, we will, more in sorrow than in anger, withdraw from the application of the treaty.

Is it in the Chief Minister's view – we are now at least two months past, from March – that we are still within a reasonable timescale?

Hon. Chief Minister: Obviously, Mr Speaker, otherwise I would have said so.

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Hon. R M Clinton: And can he share with the House a view as to when he would consider that reasonable timescale has expired?

Hon. Chief Minister: Yes, Mr Speaker, when I announce that we consider it has expired. The work that is being done is to determine with Spanish officials how the Spanish legislative process will deliver the result. It is a different legislative process to ours.

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

Hon. K Azopardi: Mr Speaker, can I just ask about the original answer that he gave? I think he said that there had been discussions which had progressed well, focusing on the mechanics for the removal of Gibraltar's inclusion on the Spanish tax list, and he then used the phrase 'which is now agreed'. Is he referring to a recent agreement in respect of the mechanics? Is that a recent development?

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Hon. Chief Minister: No, Mr Speaker, I am referring to the removal from the blacklist because the question is questioning whether there is an update. I just want to confirm that it is agreed that we are being removed from the blacklist, that the question is the mechanics for that process to take effect. I did not want to leave that in the air because I did not want hon. Members to think that there was a possibility that we might not be removed.

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Hon. K Azopardi: Mr Speaker, our removal from the blacklist we had understood was agreed as part of the Tax Treaty, so this is not a new agreement, this is a reference to the agreement initially, pursuant to the Tax Treaty, that there would be our removal. There has been no recent agreement which puts any kind of difference or nuance on the historic agreement. At the moment, the only update then, for clarification, is as to the mechanics of the removal. Is that what he is saying?

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Hon. Chief Minister: No, Mr Speaker, and as I have said before and he may not recall, when we announced the issue of the Tax Treaty we said that we would be removed after two years as long as there was agreed compliance by Gibraltar with the terms of the Tax Treaty. It is agreed that Gibraltar has complied and therefore it is agreed that Gibraltar will be removed from the blacklist, and the question is what are the mechanics for that to be delivered in the Spanish legislative process, which is different to ours. It is not by notice in the Gazette, as we would do it, it is actually the amendment of a primary piece of legislation, as I understand it, which is done in a particular way.

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Hon. K Azopardi: So is it that the mechanics have now been agreed? Is that what he is talking about?

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Hon. Chief Minister: The mechanics is what they are discussing. Mechanics is not susceptible to agreement. It is discussion about how it is going to happen, the Spanish legislative process etc.

1280 **Hon. K Azopardi:** Mr Speaker, while I appreciate the update, is it not the fact that we are not
much further down the road, other than there have been discussions? The document at the time
talked about our removal within two years of the entry into force. The two years of entry into
force was in March. We are now past the point of the two years of entry into force, so that has
not happened as envisaged. We are simply trying to probe the state of play, and it strikes us – and
perhaps he can clarify – that really all he is saying is that we are discussing the mechanics, but
1285 there is no end in sight at the moment, at least not an obvious one.

Hon. Chief Minister: Yes, Mr Speaker, there is an end in sight and within two years we secured
the agreement that we would be removed because we had complied with the provisions of the
Tax Treaty. That process has begun and that process will culminate within a reasonable period.
1290 And if it does not, we should all put *'el grito en el cielo'* and withdraw from the application of the
Tax Treaty.

So we are very satisfied that we are seeing the delivery of the other side of the obligation here.
If it were to go on for an extra few weeks or months but is in the process of happening and is
legitimately in the process of happening, is not in the process of being delayed, it would be foolish
1295 to have that prize, which is the removal from that blacklist, with all that it implies, put in jeopardy,
because it will be hugely important for Gibraltar.

I would urge the hon. Gentleman to think with his Gibraltar hat on, because if he were sitting
where I am sitting he would be doing exactly the same thing, not seeking to put a finger in the
wood and twist it, which will have no benefit for Gibraltar or its people.
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Hon. K Azopardi: Mr Speaker, I am not seeking to put anything on any wound, and I always try,
I think, when I ask my questions, to put my Gibraltar hat on.

He has just said in his answer that within two years they have managed to secure the
agreement of Spain to remove us from the blacklist, but that is not what the document says. What
was supposed to have been agreed in 2019 already was that Spain would remove Gibraltar within
1305 two years of its entry into force. That is what it says: from the unilateral declaration by the
Government of Spain on delisting for this purpose and within two years of its entry into force,
Spain will adopt the appropriate measures. So the agreement was already there. That is what we
were all told. They did not have to secure anything within the two years. The two years are now
1310 up. All we are asking for is clarification on where we are. And when he says there is an end in sight,
well, there is no obvious end in sight if we still do not have a date and we are past the two years.
That is all we are saying – and this is not asking the question with a Gibraltar hat on. I do not see
that.

1315 **Hon. Chief Minister:** Mr Speaker, obviously I do not see it that way, otherwise I would not have
put it to him as I did.

Mr Speaker: Next question.

Q446-48/2023

Public sector employment –

Vacancies in GDC, Civil Service, Government agencies and authorities

1320 **Clerk:** Question 446/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many jobs have been advertised within the GDC in 2023?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 447 and 448.

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Clerk: Question 447/2023. The Hon. D A Feetham.

Hon. D A Feetham: How many vacancies are there within the Civil Service?

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Clerk: Question 448/2023. The Hon. D A Feetham.

Hon. D A Feetham: How many vacancies are there, as at the date the question is posed, within government agencies and authorities, identifying the agency and authority?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, a total of four positions have been advertised within the GDC since 1st January 2023 to date.

There are a total of 187 vacant posts within the Civil Service as at 11th May 2023.

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The number of vacant posts within government agencies and authorities is as follows: at the BCA, one; at the Care Agency, 42; at the Care Agency Drug and Alcohol Rehabilitation Services, four; at ERS, seven; at GEA, 31; at GHA, 123; at Gibraltar Port Authority, three; at Gibraltar Sports and Leisure Authority, six; and at the Housing Works Agency, two.

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Mr Speaker: Next question.

Q451/2023

Government press releases – Deletion of archive

Clerk: Question 451/2023. The Hon. D J Bossino.

Hon. D J Bossino: Why has the Government deleted its archive of press releases issued by it from before 2020?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has not deleted its archive of press releases issued before 2020. As a result of the migration of the government website to a new internal platform, press releases were only kept visible for a period of three years. This has now been corrected and press releases are available online going back to 2014.

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Hon. D J Bossino: That was a temporary ... I was going to say glitch, but it is not really a glitch. It is just a temporary effect of the migration that he talks about. I ask him to confirm whether that understanding is correct.

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And secondly, by way of supplementary, why do the press releases only go from 2014, given that the hon. Gentlemen had been on that side of the House since 2011, and presumably they did so because of the implementation of their own policy?

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Hon. Chief Minister: Mr Speaker, yes, I think the migration took place in phases and some of the data moved later. That is why, for a period, it was not available.

Second, I think there was a wholesale change in 2014, and so on our website you have up to 2014 and I think on another website you find all the ones that predate that before there was the

1370 wholesale IT-style change as to hosting of data, but that older data still lives in some other place and it is searchable and you can find it. For example, we quickly found the press release from 2005 that related to the Eastside marina that the GSD backed.

Mr Speaker: Next question.

Q452/2023
Coronation celebrations –
Why low key

1375 **Clerk:** Question 452/2023. The Hon. D J Bossino.

Hon. D J Bossino: Why were the celebrations in Gibraltar for the King's coronation so low key?

Clerk: Answer, the Hon. the Chief Minister.

1380 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government does not agree with the hon. Gentleman's view that the celebrations in Gibraltar for the King's coronation were, in any way, low key. In fact, the following took place.

1385 An impressive coronation parade took place involving the three services led by the massed bands of the Royal Gibraltar Regiment together with members of the regiment, the Gibraltar Sea Scouts Pipe Band and the Band and Drums Association. Additionally, all of Gibraltar's essential services were involved. Indeed, I should say I believe it is the first time we have seen that sort of parade with the three services in Gibraltar – really a seminal moment of parade for His Majesty the King.

1390 Three cheers were called by His Excellency the Governor in Convent Place, exactly where King Charles had been proclaimed King in Gibraltar on 11th September.

Every single school in Gibraltar celebrated the coronation on 4th May, with visits by His Excellency the Governor, myself and Minister Cortes.

1395 A special commemorative 10p coin was handed to every single student in Gibraltar to ensure the occasion was properly marked – indeed, as the Treaty of Utrecht suggests, in perpetuity because people will have their coins forever.

Main Street was decorated – indeed, dare I say it, decked out – with bunting and Union Jack flags.

Large screens were erected in Casemates Square for the public to watch and listen to the coronation.

1400 His Excellency and I proudly attended the Coronation in London marking the representation of the Government and people of Gibraltar for the first time ever at a coronation of a British monarch and King of Gibraltar.

1405 **Hon. D J Bossino:** We will agree to disagree. I have known the hon. Gentleman long enough ... and he seems to be a shadow of his former self, not just in relation to his weight, because when I read his press release, which was issued back in January – I think at the time we already knew when the coronation was going to be held – he said the Gibraltar Government 'is planning a celebration fit for a king'. Given the hon. Gentleman is one for a party, and given his GMFs and all the rest of it, I expected something similar, but I suppose – and this is perhaps the political point to make – the real reason why it was, in our view, lacklustre, despite him trying to spin it in a different way, is because the Government simply has no money. Can I ask him to comment in relation to the things I have just said?

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Hon. Chief Minister: Mr Speaker, I am surprised that my physical appearance is the thing that
1415 the hon. Gentleman wants to start his question with. I assume that he does because he is doing it
in a way that is designed to be favourable rather than unfavourable. I will take the compliment. In
fact, I am two thirds of my former self, having lost one third of my body weight, and I am very
pleased to say that I am being closely followed by the Minister for the Environment, who is finally
1420 fulfilling his pledge, which he made when Minister for Health, to lead a healthier lifestyle and lose
weight. I would encourage other members of my team to do likewise, *(Interjection)* and indeed
everyone beyond this place.

The hon. Gentleman seems to have missed the guidance from the Palace and what the King
himself asked. What the Government did was tailor what we did in keeping with the guidance
from the Palace. In some areas in the United Kingdom, people organised some street parties. We
1425 sought advice on organising a street party here. We were going to organise a street party involving
children. The advice we had was that it was unsafe to do and that children should celebrate in
their schools, so the children celebrated in their schools and not in the streets because that was
the specific advice that we had.

On the GMFs, I am not surprised to hear him make reference to them because he and I enjoyed
1430 many GMFs. Indeed, Mr Feetham enjoyed many GMFs and ... Well, Mr Feetham did not quite
enjoy them – Mr Feetham turned up with his usual scowl – but Mr Bossino, as the photographic
evidence shows, turned up to stick his snout in the trough every time. We used to laugh about
that phrase. That is the only reason I have used it. I did not mean it in a negative style, only because
we have laughed about it together. *(Interjection)*

1435 Of course expense is an issue. Expense has to be an issue in everything that we do, and we
have to make sure that we look after the pennies so the pounds look after themselves. That is
how we have run Gibraltar in the past 12 years when there is – *(Interjection)* The hon. Gentleman
laughs because we spend more money. We spend more money on elderly residential services, we
spend more money on residential care services, we spend more money on our schools, we spend
1440 more money in our learning support assistants, we spend more money on our civil servants. We
spend more money. They complain we spend more money, but then they are never prepared to
say which money we should not spend, because they never want to annoy the learning support
assistants who would have to be dismissed if we adopted their austerity, all of the people who
would be disappointed if we were to lower their salaries in keeping with their positions.

1445 The Opposition also has to take into consideration and the hon. Gentleman has to remember
that it was a long weekend, and on the coronation, on the long weekend, the numbers of people
in Gibraltar might not have been the same as they were on the 4th when we organised the events
that we organised, when we organised the parade etc.

So in keeping with the directions from the King, we organised a party fit for this King, who I
1450 think is doing a magnificent job, is a visionary when it comes to the environment and has
demonstrated that for one reason he has been the best prepared person to take this role because
already he is doing Gibraltar and the rest of his kingdoms and domains proud.

Hon. DJ Bossino: No, sir, my lifting of a finger is because I have only asked one supplementary.
1455 Mr Speaker, as I said in relation to my first supplementary, we agree to disagree. I think an
opportunity was lost. There are many British expats up and down the coast. I think it could have
been, indeed, a touristic opportunity to have made more of the celebrations, but it was not to be
and it certainly was not, in our view, fit for a king, as the hon. Gentleman himself announced back
in January, but he is prone to hyperbole and that is it.

1460 He talks about bunting and other things. Can I ask him what the total cost of the rather
lacklustre celebrations was?

Hon. Chief Minister: Mr Speaker, it really is quite remarkable for the hon. Gentleman to fly in
the face of the guidance that came from the Palace as to how these events should be organised,
1465 which should not be ostentatious, which should be in keeping with the sign of the times.

1470 In the United Kingdom, there was concern that the cost involved there for the official events, which of course ran into the millions of pounds, should run into the lower millions of pounds because the King had so directed. So when you say 'fit for a king', you have to follow the King's advice. It is quite something to organise for a king something which a king has not asked you to do and in fact has asked you to avoid doing. Perhaps that is a demonstration of the loyalty of this side of the House.

1475 I do not have the figure with me as to the cost of the bunting etc., but if the hon. Gentleman asks, I am sure it can be provided. If he asks for it at the next House, it can be provided then, or if he wishes to write to me, I can provide it in writing.

Mr Speaker: Next question.

Q453-54/2023
Runway crossing –
Tourist transport access; fee payable to MoD

Clerk: Question 453/2023. The Hon. D J Bossino.

1480 **Hon. D J Bossino:** Has consideration been given to allowing special access for tourist transportation across the runway?

Clerk: Answer, the Hon. the Chief Minister.

1485 **Chief Minister (Hon. F R Picardo):** I will answer with Question 454.

Clerk: Question 454/2023. The Hon. D J Bossino.

1490 **Hon. D J Bossino:** Please state what the amount of the fee payable by the Gibraltar Government to the MoD in respect of the agreement to cross the runway is.

Clerk: Answer the Hon. the Chief Minister.

1495 **Hon. Chief Minister:** Mr Speaker, no consideration can be given by the Government for any special access to cross the runway, as the Government does not control the runway.

Additionally, payments of the fee payable by the Government to the MoD in respect of the agreement have started this year. However, we are not at liberty to give this information before the Budget debate later this year because it is a cost that starts this year, so we cannot debate it across the floor of the House yet.

1500 **Hon. D J Bossino:** I accept the answer in relation to the fee that the Government is paying the MoD for the occasional use that has to be now made – well, no, it was announced at the beginning – for crossing the runway.

1505 But in relation to the answer to the first question on the Order Paper, yes, it is correct that the MoD runs the runway – it is their runway – but surely the Government can make representations, as, indeed, it has done in relation to the arrangement that it has reached in connection with the crossing of that runway, to deal with this issue. The reason why we are asking that question is because it was witnessed by some of us, and others have reported to us that ... We have seen coaches full of tourists in one of those traffic jams, about two or three weeks ago, and they were just stuck there like the rest of the traffic. It just did not give a good impression of Gibraltar, so we just thought of asking the question and posing the question to the Government to see whether it

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would consider giving a special dispensation to that type of transport, so that the visitor experience to this place is as least disagreeable as possible on those occasions when there is a traffic jam.

1515 **Hon. Chief Minister:** Mr Speaker, the visitor experience is the same as when it was the runway that used to close because the traffic was backed up and the runway closed and the coaches were in the traffic jam on the runway. Now the traffic jam might be on the way to the tunnel instead of on the runway, but it is the same visitor experience, it does not change, because they are the same roads with the same capacity.

1520 The position I have set out already to the hon. Gentleman, at least in other meetings of the House, him or Mr Phillips, is that the MoD will not agree to have public service vehicles – and these would be foreign public service vehicles that the hon. Gentleman is referring to – crossing the runway. They will only agree to bicycles and scooters crossing the runway, not otherwise mechanised vehicles crossing the runway unless there is an emergency and the runway has to be
1525 reopened because the tunnel has to be closed; not closed for a moment, closed because of a fire, unable to reopen etc. That is the position taken by the Military Aviation Authority (MAA). They consider that is the safest way of ensuring the integrity of the runway and the absence of foreign objects on the runway.

1530 So it is not a question of desire or persuasion, it is a question of health and safety. Are we prepared, in order to have Spanish coaches crossing the runway, to risk – and that assessment of risk is not one we are able to make for ourselves, but subject to the MAA's decision as to risk ... when there is an alternative? Remember that we have always crossed the runway, but when there is an alternative the balance of risk changes, and it has changed.

1535 The decision makers and the risk assessors are the MAA. We have sought that they should change their position. They have come back to us saying that they will not. I have told him that I have said in this House before within three months that we had sought that public service vehicles should be able to cross the runway – it is the same question, but this one is asking that foreign public service vehicles should be able to cross the runway, and the answer is the same one because it is about public service vehicles.

1540 Mr Speaker, on the first point, as I have told him, we cannot debate it now but he has the information. It is in the Book; it is just that we cannot debate it.

Mr Speaker: Next question.

Q459-60/2023

Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views – Expected delivery dates for apartments; construction costs

1545 **Clerk:** Question 459/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state what are the current expected delivery dates for the apartments at Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views?

1550 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Question 460, Mr Speaker.

Clerk: Question 460/2023. The Hon. K Azopardi.

1555 **Hon. K Azopardi:** Mr Speaker, how do the awarded construction costs of the Bob Peliza Mews and Chatham Views developments compare with the original projected construction costs of each development or original tendered sum, if different?

Clerk: Answer, the Hon. the Chief Minister.

1560 **Hon. Chief Minister:** Mr Speaker, the first phase of Hassan Centenary Terraces is due to be completed towards the end of July 2023. The second phase is programmed for completion in May 2025. Chatham Views is due to be completed in November 2025. The first phase of Bob Peliza Mews is due for completion in June 2025 and the second phase in May 2026, subject to AquaGib Ltd's relocation being completed in accordance with the required handover date.

1565 No final awards of tenders were made and so there is no original tendered sum to compare with. The projected construction cost is not an accurate comparator to an awarded construction cost.

1570 **Hon. K Azopardi:** Mr Speaker, I hear the caveat he places that the original projected construction cost is not a comparator, but I have actually asked for what the original construction cost was, so does he have that information? That was my question. I was not asking him for his opinion as to whether it is an adequate comparator; I was making the comparison and I just wanted to have that information.

1575 **Hon. Chief Minister:** No, Mr Speaker, that was not the question. The question was *how* do the awarded construction costs compare with the original projected construction cost of each development. He did not ask what was the original projected construction cost, he asked how they compared, and that is why the answer is that they cannot compare because a projected construction cost is what you think it might cost. You then negotiate with a preferred tenderer. The price will go up or down; invariably it will go up considerably. To compare that original projected cost, which is not the negotiated cost with a final tenderer, with the final cost agreed today with a final tenderer is to compare apples with sweet potatoes. It does not make any sense, and that is what his question was. He did not say, 'What is the original projected construction cost?' He said, 'What is the comparison?'

1580 **Hon. K Azopardi:** Mr Speaker, I think anyone reading this question would understand that I was asking what the original projected construction costs were. Does he have them with him? Does he have the original projected construction cost of the development?

1590 **Hon. Chief Minister:** No, Mr Speaker.

Hon. K Azopardi: Mr Speaker, if he is saying it was a different question, I will ask him next time. He is saying it is a different question – is that right?

1595 **Hon. Chief Minister:** I am very clear, Mr Speaker, that it is a different question, because the question is how do the awarded construction costs compare with the original projected construction costs, which is asking for a difference. It is asking for a percentage; it is not asking what is the original projected construction cost. If he wants to ask me that question, he can ask me that question and we will provide the answer, of course, at the next meeting of the House. It will be a different question. He would not need any leave because it would be a completely different question.

1600 **Hon. K Azopardi:** I will ask him that question more specifically, if we are stuck on that nuance. The point is that presumably when the purchase prices were fixed and they went out to the market

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and people bought, it must have been against some kind of projection, and he will agree with me it was against some kind of projection, presumably.

1610 **Hon. Chief Minister:** A projection, Mr Speaker, but not an awarded construction price – a projection that also envisaged that the final construction price would be higher than the estimate that is usually made as to what construction costs would be. To try and compare that now to the actually negotiated, finally agreed, signed price is comparing apples with sweet potatoes, but if he wants to ask me what the projected cost is, we will have it, I am sure, and we will be able to provide it. We do not think that it is rational to compare it to today's final construction price.
1615 *[Inaudible]*

Mr Speaker: There is no need for that, Chief Minister.
The Hon. Damon Bossino.

1620 **Hon. D J Bossino:** Mr Speaker, as a supplementary to Question 459 he has given us dates in respect of each of the individual phases for each of the individual developments mentioned. Are those firm dates? The reason why I ask this is because it is only in relation to the second phase of Bob Peliza Mews. I have put an 'M' – I do not know whether he said March or May; I think it was May 2026. He said that that is dependent on the AquaGib reallocation issue that needs to be
1625 addressed. So can I ask him that by way of first supplementary? Are these all firm dates subject to the second phase of Bob Peliza Mews, which is dependent on this issue?

Hon. Chief Minister: Yes, Mr Speaker, those are firm dates, but the AquaGib relocation is subject to a required handover date. I also do not envisage that that will be delayed because I think that that has now been set in stone as well, so I am very clear that these are committed
1630 dates that will be delivered dates.

Hon. D J Bossino: Is he able to provide further information in relation to the AquaGib point as to when the facilities there are going to be reallocated? I draw comfort from the fact that he has said that this date is pretty much firm, but the reality is that in his first answer he qualified that slightly because of this issue. Is he able to provide any further information as to when that is likely
1635 to be resolved?

Hon. Chief Minister: It is resolved, Mr Speaker. It is just a question of it happening. It is resolved, it is in the process of being done and then demolition etc.
1640

Mr Speaker: Next question.

Q461/2023
Sir William Jackson Grove –
Extension of leases

Clerk: Question 461/2023. The Hon. K Azopardi.

1645 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the Government's policy or intention in respect of the possible extension of leases at Sir William Jackson Grove?

1650 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is no policy at present and no representations have been received from the management company for any extensions.

1655 **Hon. K Azopardi:** Mr Speaker, is the Government prepared to consider representations on the issue? They may not have received representations from the management committee, but I have certainly had discussions with a few people who have been asking me about that, and I have said, 'Well, I do not know what the position is, so I will ask the Government,' hence the question. So it seems to be at least bubbling under with some people. It may not have reached the management committee.

1660 **Hon. Chief Minister:** Well, Mr Speaker, they must be very specific concerns because, as the hon. Gentleman knows, people tend to go to an opposition after they have not had a positive reply from a government, but the Government does not have a record of having had any representations made whatsoever here. And of course the management company would be relevant because, as I recall, in respect of these leases I think that the subleases are for a day less than the head lease and it is the management company that holds the head lease, so there would have to be an extension of the head lease to the management company so that the management company could then provide the extensions of the subleases. There is no other way of doing it. The Government is open to those possibilities. There is no question of us not being open to those possibilities. We have done it in other areas, and therefore it would not require a policy change. It would require an approach from the management company or companies of the affordable estates, each or any of them, and the Government would be happy to take the advice of its land property agents as to valuation of an extension in order to be able to provide them with such extensions – coextensive extensions for the head lease and the subleases.

1675 **Mr Speaker:** Next question.

**Q462/2023
Small Boats Marina –
Sale of berths**

Clerk: Question 462/2023. The Hon. the Leader of the Opposition.

1680 **Hon. K Azopardi:** Mr Speaker, does the Government intend on selling berths at the Small Boats Marina?

Clerk: Answer, the Hon. the Chief Minister.

1685 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, I can confirm it is the intention to offer the berths at the Small Boats Marina for sale on the terms outlined in my previous Budget speech of 2021.

1690 **Hon. K Azopardi:** Mr Speaker, is that policy going to be in relation to ...? I cannot recall offhand what he said in July 2021. I do try to follow what he says slavishly, but not every single line and comma of his speeches, believe me, however much I try.

1695 Obviously the births there are mostly rented. I am not sure to what extent anybody has taken up that historic offer, or indeed whether the mechanics for that offer have been put in place. Can I ask him: has that policy that he announced back in 2021 been taken to fruition so that people are buying already, or is this something that still needs to be put in place so that people can take up that offer?

Hon. Chief Minister: Mr Speaker, I am not impressed – it was only 120 pages in 2021, so he should know it off by heart.

1700 The issues here are not insurmountable, but it has required the recasting of the type of lease/licence that would be given – sorry, the lease that would be given, rather than the licence that is presently awarded. We have been in discussion with the management company of the Small Boats Marina and with the land property agents of the Government to set out how to ensure this is done in a way that is orderly.

1705 Of course, the advantage to people is that at the moment they can sell their vessel but they cannot sell their berth. If they want to sell their vessel and the person who buys it does not have a berth, then the person has to put the vessel in a commercial marina or sail it to Spain if that is their preference. By buying your berth, you are in a position to be able to sell your boat and your berth when the time comes, subject to the usual caveats as to ensuring that the purchaser is a bona fide purchaser for good value and a desirable person. So those are the issues that are being worked out. We have to ensure that there is no question of riparian rights being passed when you create a lease over water access rights to and from the land and in a way that provides documentation that banks can accept for making lending facilities available, which is one of the things that we have been told by those who wish to buy, that it has to be an acceptable lease for banks. We have had a lot of interest expressed and we are being urged to pursue the policy by those who have urged the interest, and we want to pursue the policy. It is just a question of finalising those technical details.

1715 I refer the hon. Gentleman, for ease of reference, to paragraphs 1246-64 of my magnificent 2021 Budget speech.

Hon. K Azopardi: Mr Speaker, and there I was thinking that it was in paragraph 935, but there you go.

1720 Can I ask him, have the discussions reached the stage where, on advice from Government's property agents, the prices have been able to be set for the berths? And are they all the same, or are they all different depending on size? Can he perhaps tell us a bit about that?

1725 And once that policy is there, what happens when berths become available? I also understand there is a massively long waiting list. When a berth becomes available, will it be available for rent to someone on the waiting list? You can envisage the situation, if the waiting list is as long as it has been suggested to me – hundreds of people – and people buy, then you are simply creating a logjam where the people are not then on a waiting list for available berths but really will need to buy berths. It creates a market in berths, doesn't it?

1730 **Hon. Chief Minister:** I entirely agree with the hon. Gentleman, which is the reason why we stopped the policy of the sale of the post-war housing, which the hon. Members had introduced when in government, which depleted the housing stock of the Government, and for that reason, in respect of housing, we were not prepared to do it. Berths are different. Berths are more of a luxury; housing is a necessity. For that reason we thought it was appropriate to seek to recover some of the costs that the taxpayer had invested in the Small Boats Marina in this way, but of course in the knowledge that we were providing, in the marina on the Eastside, which has previously always been supported by the GSD, an additional 200 berths – I forget the number, whatever the number was – which were going to be provided also for the list of people who are awaiting berths. But any new berth that becomes available – that is to say if somebody does not buy and gives up the rental – will go to those on the waiting list for rentals. I am conscious that that list increased when we had delivered the 700 berths that would have annihilated the 700 waiting list that there was at the time. So it is a waiting list that arose thereafter. It is a waiting list that will largely be dealt with by the berths that are being developed on the Eastside marina, which the Government has backed on the terms that I have set out and hon. Members opposite have always backed and the terms that I have set out already, and it will be a way of dealing with that waiting list also.

1750 **Hon. K Azopardi:** Yes, of course we have historically backed a marina on the Eastside, although I think the issue is not whether we backed it or not, but the issue is whether the current marina proposal has a detrimental effect on Catalan Bay, and I think that is an important nuance as well. When we are talking to each other on these issues – and he said it is important not to create disrespect in the political classes – I think it is important also to be respectful of those nuances, because those nuances are important. We have always made the point. Not going away from the point that of course we supported a marina on the Eastside on a sustainable development basis, 1755 but also our concern today is whether that marina, because of the extension of the arm that my learned friend has talked about, will have a detrimental effect. That is a matter for further discussion on this question.

1760 I asked him specifically on this issue whether the Government had been able to land on the setting of prices, and I was wondering whether he had a bit more information on that.

1765 **Hon. Chief Minister:** Mr Speaker, yes, I do appreciate the nuance that he brings to the debate on the marina, and I would just remind him that the marina that they backed – and I think he was in government at the time that Sovereign Bay was announced; certainly Mr Bossino was defending Sovereign Bay in the General Election of 2011 – was for a bigger marina with more berths and with a cruise liner terminal, with an arm that was longer. Oh, yes, any layman’s analysis will show that it was a much longer arm. *(Interjection)* Sorry? *(Interjection)* Well, because at that time I was a layman. *(Interjection)* No, now I have ministerial responsibility, but at that time I was a layman. *(Interjection)* As far as I am concerned, the marina they backed was a bigger marina with a much greater environmental effect, putting cruise ships on the Eastside by Catalan Bay. A cruise ship on its own, one of the modern ones, would cover the area from the Caleta Hotel to Eastern Beach. 1770 From the Caleta Hotel to Eastern Beach you could not get away from it. That is why they needed a bigger roundabout at Eastern Beach.

1775 Mr Speaker, we have been given advice on what the cost of the berths should be, and ranges, and we have yet to make a final determination. We will make an announcement when the lease provision has been agreed and when the final prices have been fixed.

Mr Speaker: Next question.

Q463/2023
Midtown development –
Update re tender for residential top floor

Clerk: Question 463/2023. The Hon. the Leader of the Opposition.

1780 **Hon. K Azopardi:** Mr Speaker, can the Government provide an update as to the adjudication of the tender in respect of the residential development on the top floor of the Midtown development?

1785 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the tender has not been awarded and the Government is reconsidering its options in this respect.

1790 **Hon. K Azopardi:** Reconsidering to the point of withdrawing the ability of awarding a tender in respect of that property? And, if so, can I ask why?

Hon. Chief Minister: Yes, Mr Speaker, including that possibility, based on what we have seen of the tenders submitted.

1795 **Hon. K Azopardi:** Mr Speaker, obviously he has seen the tenders and I have not, but what was
put out in the notice of the expressions of interest almost a year ago, 10 months ago, was for a
residential development on the rooftop of Midtown. I think we have asked before. They said they
had a few tenders they were considering. I think the Hon. Deputy Chief Minister answered that
question at that stage. A development of that type which was subject to the expressions of
1800 interest would presumably be subject to the payment of a premium which would go to
government coffers and the taxpayer would be richer. I am not sure I understand what the policy
reason behind not doing it is. Is there perhaps an explanation that he can give?

Hon. Chief Minister: Mr Speaker, I am advised by the Deputy Chief Minister that it is about the
1805 nature of the developments and the size of the premium which might make the consideration be
that the taxpayer, for that amount of money, would not be interested in seeing the use of the
plot – if we can call it that, even though it is in the air – in that way. So it may be something that
does not proceed now and we put it out for tender again in a number of years to see whether the
consideration proposed then is higher. It may be us in government, it may be somebody else. We
1810 are not yet decided to do that, but we are considering even that possibility.

Hon. K Azopardi: If the issue is that you are not happy with the level of premium, it is not an
issue that you can negotiate with the highest bidder or anything like that? That is not something
that you are looking at?
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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, one of the options the Government
has is to go back to the highest bidder and seek to renegotiate the premium or to change the
massing or the size or scale of the development, but as things stand at the moment the
Government is not satisfied, really, with any of the submissions that have been made.
1820

Mr Speaker: Next question.

Q464/2023

Residence and ID cards – People residing on boats

Clerk: Question 464/2023. The Hon. the Leader of the Opposition.

1825 **Hon. K Azopardi:** Mr Speaker, has Government stopped issuing residence or ID cards to people
who reside on boats; and, if so, why?

Clerk: Answer, the Hon. the Chief Minister.

1830 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Register of Occupation Act 2021 requires a
person in occupation of a private residential property in Gibraltar to register on the Register of
Property Occupation themselves and all other occupants living in the property, whether this is
owned, rented or licensed by them. Persons residing on seafaring vessels are unable to register,
given that these are movable properties and not residential property. The Civil Status and
Registration Office is, therefore, unable to issue civilian registration cards and permits of residence

1835 to persons residing on seafaring vessels, given that they are unable to comply with the provisions
of the Register of Occupation Act 2021.

Hon. K Azopardi: Can I ask, if that is an issue that has emerged following the Register of
Occupation Act, is that something that the Government is going to look to amend, that legislation?
1840 Hitherto, people have been receiving residence cards with an address of a boat. I do not know if
he has seen them, but I have seen several where people have ID cards with a particular boat, and
those people are perhaps living on a boat, working in Gibraltar, paying Income Tax and Social
Insurance. Their children might be at school. It is affecting their health and education access rights.
Their inability to renew their residence cards is affecting all those issues, so will the Government
1845 consider a practical way forward for those points?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman might correct me if I am wrong, if he
remembers the position, but I believe actually that under his administration people were not able
to register from yachts. We introduced an element of flexibility at one stage, I think as a result of
1850 some of the difficulties we had at the Frontier at one time.

Our concern now is that we do not have an accurate handle on people actually being resident
or not resident in Gibraltar. This is important. It is important from the point of view of ensuring
that people who are taking health and education provision in Gibraltar are entitled to that health
and education provision, they are properly registered here and properly resident here. A number
1855 of instances have been brought to our attention, actually, of people abusing the flexibility that we
had provided for registration on boats, and in fact the position is not entirely, therefore, only as
the hon. Gentleman has provided.

Of course, all rules catch out innocent parties too, and there are people who no doubt
genuinely are living on a vessel in Gibraltar. This has been their home for some time. They are
1860 registered there and they are complying with all the proper formalities and they have no intention
of using the fact that they are resident on a boat for the purposes of avoiding any of their
obligations. So the Government is considering this. We have looked at it in some detail. We are
awaiting a policy paper from CSRO on the subject, which may require some input from our land
property agents because of the register point. But at the moment we have had to take this
1865 decision in order to ensure that we are dealing with the concerns that we had as to abuse and as
to failure to comply.

So he can rest assured that we are considering what potential instances of injustice may be
occurring, to try and find a way of resolving those, perhaps with a higher standard of compliance
in some respects that might enable us to have a better control over those who are resident on a
1870 particular vessel or not.

Hon. K Azopardi: Mr Speaker, I am grateful for that. Can I just urge him ... he will understand
that perhaps that review can be done with some expedition. Yes, of course, I agree with him. Of
course the Government should have a handle on who lives in Gibraltar and there should be no
1875 abuse around the edge, but certainly the people who have come to see me – and I have had a few
people raise the issue with me ... Those situations that I have encountered are of people who are
actually working in Gibraltar, who have children at school, who are paying Income Tax, who are
paying Social Insurance. To that extent, if those people are innocently falling within these
situations and their ID cards, their residence cards, have expired or are expiring, they need
1880 practical ways and solutions found soon. Sometimes bureaucracy understandably reviews issues
but does not move fast enough for those people who have deadlines and expiries. He will
understand that point, so can I urge him to ask officials to do that as soon as possible?

Hon. Chief Minister: To the extent that he is urging me to do that which I have already said I
1885 am doing, I shall consider myself urged. And if he does not have a supplementary, can I suggest

that we now recess the House for 15 minutes, Mr Speaker, because I know you have been in the Chair since three o'clock, and so have others?

Mr Speaker: The House will now recess until five past six.

The House recessed at 5.50 p.m. and resumed at 6.06 p.m.

Q465-66/2023
45-55 and 90 Devil's Tower Road –
Premium

1890 **Clerk:** Question 464/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what premium has been paid or agreed to be paid in respect of the development at 45-55 Devil's Tower Road?

1895 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 466.

1900 **Clerk:** Question 466/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: What premium has been paid or agreed to be paid in respect of the development at 90 Devil's Tower Road?

1905 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the developer has not yet paid any premium to the Government in respect of 45-55 Devil's Tower Road. Details of the premium paid will be published once the developer obtains the relevant planning approvals, which will determine the final premium payable, and pays the said premium.

1910 The Government has not yet agreed any premium with the developers of the proposed development at 90 Devil's Tower Road.

1915 **Hon. K Azopardi:** Mr Speaker, can I just ask in relation to both, but a slightly different question, if I may? The answer to Question 465 implies that there is an agreed canvas, if I can put it that way, for the payment of a premium, but that depends on the planning permission granted – so if it is 10 floors or 20 floors, for example, I guess. The answer to Question 466 suggests there has not yet been an agreed canvas. Is that the right distinction?

1920 **Hon. Chief Minister:** Yes, Mr Speaker, that is absolutely right, and in fact I can tell the hon. Gentleman when I checked, much in the same vein as he has checked with me, I was informed that on 90 there had been an enquiry from the owner of the plot and a preliminary discussion with LPS, but nothing has yet been agreed or proposed, not even depending on heights.

Q467-70/2023

Victoria Keys –

**Size, shape and cost of proposed reclamation and by whom costs to May 2023 paid;
contractual negotiations with developers**

Clerk: Question 467/2023. The Hon. the Leader of the Opposition.

1925 **Hon. K Azopardi:** Mr Speaker, will the size and shape of the proposed reclamation for the proposed Victoria Keys site be changing from that announced in 2019?

Clerk: Answer, the Hon. the Chief Minister.

1930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 469 to 470.

Clerk: Question 468/2023. The Hon. the Leader of the Opposition.

1935 **Hon. K Azopardi:** Has the Government finalised its contractual negotiations with the developers of the Victoria Keys site, and can it provide an update to the House in respect of such matters and the proposed development?

Clerk: Question 469/2023. The Hon. the Leader of the Opposition.

1940 **Hon. K Azopardi:** What is the updated estimated cost of the Victoria Keys reclamation?

Clerk: Question 470/2023. The Hon. the Leader of the Opposition.

1945 **Hon. K Azopardi:** What are the costs of the Victoria Keys reclamation to 10th May 2023, and who has paid that cost?

Clerk: Answer, the Hon. the Chief Minister.

1950 **Hon. Chief Minister:** Mr Speaker, the Government has not finalised its contractual negotiations with the developers of the Victoria Keys site, albeit it continues in active discussions with those developers. It is a good thing we did not conclude those discussions, as they have allowed the Government much flexibility in managing the varied pressures of dealing with the Eastside rubble and thereby minimising the costs, disruption and environmental damage of moving this from the Eastside. We have a responsibility to manage these things carefully. The Government has therefore rightly focused on its negotiations over the Eastside site, as this is the logical order to progress matters given the opportunities that we sought and which presented themselves. As you are aware, Mr Speaker, the negotiations over the Eastside, which formed part of the discussion of these same questions back in October 2022, have now been successfully concluded.

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1965 The original Victoria Keys reclamation, as hon. Members will recall, was in part to be achieved using the rubble deposited on the Eastside. As I have previously told the House, this was part of the genesis of this project. This was nonetheless, of course, not without its complexity and environmental disruption. But this was before we managed to secure a heads of agreement over the Eastside. What the Government has successfully done is negotiate for that fill, or rubble, to be used on the Eastside itself, meaning that the developer will use that rubble to create the coastal protection arm to protect the land on the Eastside, which is something we debated in the context of an earlier question. So it is now no longer necessary for this rubble to be transported by either our busy roads or via barge to create the Victoria Keys site, or for that matter exported from Gibraltar. A certain amount of that rubble needed to be moved quickly to make way for Hassan Centenary Terraces, and pending finalisation of either agreement this is what has been used to fill

1970 the area in front of Coaling Island. This was the most efficient way to accommodate that work, bearing in mind any delays in doing this would have disrupted Hassan Centenary Terraces' second phase construction process and increased costs for that development and, of course, therefore, the taxpayer.

1975 Discussions with the developers of Victoria Keys can really now progress in earnest. These will involve consideration of matters such as size and shape of the reclamation, taking into account the part of that site already reclaimed. It will also envisage discussion on how we might jointly develop this site in a way whereby reclamation is as cost efficient as possible by using this to deal with current and future rubble from construction which can no longer be deposited on the Eastside. Indeed, account will also need to be taken of information received from the MoD as to
1980 the impact the shape of the site may have on the use of the Z berth due to the explosives safeguarding arcs etc. The shape will, therefore, likely or necessarily need to change from that originally anticipated in 2019 in the artist's impressions. With all these factors to work through it is therefore not possible to quantify at this point the estimated cost of the Victoria Keys reclamation.

1985 The reclamation currently carried out as at 10th May 2023 in front of Coaling Island has been paid for by the Government. They were the minimum necessary to progress Hassan Centenary Terraces phase 2. The cost of this amounts to approximately £6.59 million.

1990 Finally, Mr Speaker, I should add that if we were unable to find agreeable terms with the consortium that we are negotiating with on Victoria Keys, the Government will continue to reclaim land in that area on its own account and will develop the area solely for the benefit of – and therefore, of course, at the cost of – the taxpayer.

Hon. K Azopardi: Mr Speaker, grateful for that updated information, and of course a lot of the preface to that answer came in the shape of explaining the correlation between the Eastside development and this site because of the idea that rubble was going to be used here but now it is going to stay at the Eastside, and so on and so forth. That is right in terms of what is happening now, but of course when you wind the clock back to 2019 the hon. Member will recall there was quite a glossy announcement with the projected development, which everyone will have seen. It was, indeed, in a couple of pages of their 2019 manifesto. People would have been driven to
2000 believe that the negotiations had concluded at least, but we have established that they have not. While I understand the impact of the Eastside rubble not being available and so on, is he suggesting that really we have gone back to square one on the negotiations in terms of the aspirations of the parties? He will remember that there are videos out there where you can see the idea of this. I cannot remember what it was called, but you can see the buildings on these
2005 glossy videos. Are they now discussing something as if that has been airbrushed away and it is a different development?

Hon. Chief Minister: No, Mr Speaker, not airbrushed away. I have explained that the purpose of Victoria Keys was principally to move the Eastside rubble, and the purpose of the deal with the consortium was to get them to move the Eastside rubble. He will remember the details I gave of what the original deal was going to be, and he will remember the concerns there were about the environmental cost of moving the rubble from the Eastside to the western side, which we believed could be ameliorated by using a sea route and a road route, principally overnight to not have the sort of disruption that you would have had during the day. Of course, that is the most sustainable way of doing it if you have to do it, if you have to move the rubble from the Eastside. If you do not
2015 have to move the rubble from the Eastside, then you are in a different ballpark.

The hon. Gentleman would say to me why is he dealing with this group of developers who in his earlier questions he used to approach in quite a deprecatory fashion, if he no longer needs them to move the rubble from the Eastside without there being a cost to the taxpayer, because
2020 what we achieved was that the rubble was moved from the Eastside without the taxpayer being put to cost. It was actually the consortium of developers who were put to cost, with the taxpayer

providing a small slice of the equity and a loan being given from, I seem to recall, the Savings Bank, which was then repaid with interest and made good sense for the Savings Bank and made good sense for the taxpayer because there was no cost to the taxpayer. But I forget the details. The details were all set out in this House in *Hansard*. Whatever I said at the time was correct, and my recollection is simply my way of paraphrasing that, no doubt incorrectly.

But now that there does not need to be a move of the rubble on the Eastside, the question is how we should approach this from the point of view of the taxpayer. We should approach this from the point of view of achieving the best possible deal for the taxpayer. We have already moved the rubble that had to be moved for Hassan Centenary phase 2 at a cost of £6.6 million. We have rubble that people want to give us because they cannot put it anywhere else, and that rubble can be used to reclaim and therefore create land. We will be developing as close to the shape as possible of Victoria Keys as was originally the case, but we do have an MoD issue, so the shape may have to change. So the videos that the hon. Member saw are likely to become a reality but in a slightly different configuration. Perhaps they have moved. In fact, a lot of what is in the area that may have to change shape was not the area of construction, it was more of the leisure area. Indeed, the shape may not change because one of the things that we are also considering is reclaiming that shape, even though at present it may not be possible to use the land that is reclaimed because of the explosive arc from the Z berth. But of course if you reclaim today at a particular price, in a hundred years' time you may be able to use that area because the explosive arc may be different, or there may not be an explosive arc because things may have changed so dramatically, as warfare is changing so dramatically, and then you will have land available which has cost you 2023 reclamation rates and not 2123 reclamation rates. That is what I call a vision, to be reclaiming today for use in a hundred years' time.

All of those things have to be factored into the equation because we have got the water and we have got the rubble, so even though we cannot build on it today it may make sense to go down the road of constructing. It is almost like Mr Feetham the visionary did on the Eastside, on the western side, where the reclamation took 20 or 30 years to be used up by buildings because you have got different factors moving. In the old days, that was where the ammunition was and you could not use it because of the ammunition. The curvature of Europa Point is not because of any design factor, it is the curvature of the ammunition. So all of those factors are in play, and in trying to do the best by the taxpayer – something which the hon. Gentleman will recall he seemed to be accusing us we were not doing when he was asking us questions about the original arrangements that we had entered into – I think he will agree that these are the right factors to put into the balance in order to deliver the garden city by the sea that Victoria Keys is going to be when it is delivered. But of course it is also true that as we were all celebrating yesterday ... the GHA made such a great contribution to ... everything stopped dead in March 2020, so all the negotiations stopped dead. That gave an opportunity for TNG Foundation to come in. That created the opportunity on the Eastside. That meant we could do the Eastside. That meant we do not need to move the rubble. So all of this is entwined and you have got to follow the twine in order to be able to find the right deal for the taxpayer and do right by the taxpayer, which is what we are doing in respect of this proposal.

Hon. K Azopardi: I am grateful. Garden city – that is the one I could not remember. Yes, I had forgotten what it was called. There is no garden and no city, of course, but there you go.

Would it be fair to say, given all of that explanation, that in fact the state of the negotiations that Government is involved in with the relevant parties is such that, given what he has said, we will either have the development done ... to the other end of the scale, where the development will not be done at all and, as he says, the Government is going to end up perhaps reclaiming for future development itself? So we are in that wide range of options – is that right?

Hon. Chief Minister: Mr Speaker, it is obvious, if you see the site from the top of the Rock, that there is not yet a garden city there, but it is also true that there is now another massive

2075 reclamation delivered by the GSLP Liberals in government already taking shape. It is taking shape
a little slower than it was taking shape, but we are committed to delivering the essence of the
project, the garden city by the sea. We think it is a good thing. It is part of the development of the
western side of Gibraltar at the same time as we are developing the eastern side of Gibraltar with
the development of the eastern city in Gibraltar and its associated amenities, which we have been
discussing earlier. The way that we have combined that, for the reasons I have explained, I think
2080 is in the interest of the taxpayer. We think we are delivering in the right way, in the right timing,
given the exigencies we have had, and I put it to him that if he had had the privilege of being
elected Chief Minister in October 2019, knowing him as I do, despite the fact I respect that he is
fulfilling the role of inquisitor in chief as Leader of the Opposition, he would have made the same
decisions I have made in good faith as Chief Minister and would be in the same position I am in,
2085 which I think is the right position to be in, because that is what he would have done. He would
have made decisions in good faith in the interests of the taxpayer to deliver the right results for
Gibraltar.

Hon. K Azopardi: Can I ask, given the state of play – which is as wide as I have said it is, which
2090 is from basically developing as the garden city as was projected to perhaps a completely different
scheme or none at all – how close in the discussions is the Government, does it feel? Has he got a
feel for that? It made the announcement in 2019. It has now had some time to continue the
negotiations, so how close is it for some kind of outcome on these issues?

2095 **Hon. Chief Minister:** Mr Speaker, sometimes, I say to the hon. Gentleman with respect, it is a
bit like talking to a wall. He wants to put the point and it does not matter what I say in the
supplementary answer.

I have told him that we had to stop in 2020 because of COVID. I have told him that the Tuan
opportunity came up. I told him in my first answer that we decided to pursue the Tuan opportunity
2100 because it gave us a chance of selling the rubble on the Eastside and not having to move the rubble
on the Eastside, save for the bit that needed to move quickly for Hassan Centenary Terraces. That
has taken until we made the announcement that we had completed the Eastside, something on
which they have quizzed us today because we have made the final announcement by the end of
the financial year. So we are not further forward for that reason, which, if he were sitting where I
2105 am sitting, would have been considered by him, I have no doubt, a good reason not to pursue the
negotiation because there was a better outcome available for the taxpayer than the one that had
been envisaged, because the facts had changed – a *novus actus interveniens*, as we say in the law,
a new act that intervenes in the facts, and because of that *novus actus*, we have pursued a
different path, which leads us to a slightly different conclusion on the rubble on the Eastside but
2110 does, nonetheless, enable us to deliver on the reclamation that is Victoria Keys and the
development which is the garden city by the sea, which is Victoria Keys.

If I say that I believe we are two months away from doing a deal with these potential developers
or I say we are a year away, what do I do? I have said this to the hon. Gentleman when he has
asked me the same questions in relation to the treaty. I put myself in the hands of the party sitting
2115 opposite me in the negotiation because the minute I do that, I start a clock ticking against me.
Given that the hon. Members have asked me this question in relation to the treaty and in relation
to this negotiation now, I urge them not to be setting out timetables for concluding negotiations
should they ever be involved in a meaningful negotiation, whether in government or
commercially, because by doing that you put yourself at the mercy of your negotiating opponent
2120 For that reason, Mr Speaker, I do not want to provide a timeframe.

Mr Speaker: The Hon. Roy Clinton.

2125 **Hon. R M Clinton:** Thank you, Mr Speaker. If I may ask the Chief Minister two questions. The
first one: in the press announcement of April 2019 it was envisaged that 60,000 m² of new land

would be produced by way of reclamation. Would the Chief Minister have with him how much has been reclaimed to date in terms of square meterage? And in terms of a change of shape, what would be the new square meterage that is envisaged?

2130 And then my second question is given that the Government is effectively undertaking this reclamation, would it not be in the best interests of the taxpayer to put out the site to tender?

Hon. Chief Minister: Mr Speaker, in relation to the second question, yes, that is the point I made. That is exactly the point I made. I said the taxpayer could do it on its own but at the taxpayer's own costs – *(Interjection)* No, at the taxpayer's own costs and then be able to sell land which is more valuable. The taxpayer has never permitted a third party to reclaim land. Only we reclaim land. That is why when I explained how the deal was structured I said that we would be doing a deal with this consortium for them to do the reclamation for the Government. So Van Oord has dealt with reclamations for the Government. The Victoria Keys Consortium was going to reclaim land for the Government. Only the Government reclaims land, and then the Government puts out land to tender. And so that is exactly what I said in the context of my first answer, that if we were going to find that we were going to be doing the reclamation ourselves with rubble that is given to us for nothing because it is a problem in the hands of those who own the rubble, then we end up with reclaimed land ourselves, which we can then exploit ourselves. We exploit it ourselves by building stuff we want for ourselves or by putting the plots out to tender.

2145 So the hon. Gentleman and I are in potential violent agreement about that – *potential violent agreement* because there are other factors to be taken into consideration. The total amount of the reclamation potentially envisaged is another 100,000m². That is to say the Eastside development again on the western side. That is the total extent of square metres. I cannot tell him how much we have got today. *'Engaña el'* plot, as you might say in Spanish, because it extends in different shapes in different ways and is potentially very interesting for the taxpayer, and I think that includes the existing Coaling Island as well.

Mr Speaker: Next question.

2155 **Hon. Chief Minister:** *[Inaudible]* does not belong to the Government because the GSD administration entered into a pre-lease agreement with the people who are part of the consortium that we are talking to, because they have arguments about riparian rights or not riparian rights.

2160 **Mr Speaker:** Next question.

Q471-72/2023

Former Deputy Governor Nick Pyle – Provision of services to Government

Clerk: Question 471/2023. The Hon. the Leader of the Opposition.

2165 **Hon. K Azopardi:** Mr Speaker, has the Government, GDC or any other government-owned entity directly or indirectly appointed, engaged, contracted, employed or otherwise sought the services or advice of former Deputy Governor Nick Pyle; and, if so, in respect of what issue and for what salary, fee or remuneration and/or at what cost?

Clerk: Answer, the Hon. the Chief Minister.

2170 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question with Question 472.

Clerk: Question 472/2023. The Hon. the Leader of the Opposition.

2175 **Hon. K Azopardi:** Is the former Deputy Governor, Nick Pyle, advising the Government or any government-owned entity, or is he engaged in any work for the Government or any government-owned entity directly or indirectly or for the benefit of the Government; and, if so, can the Government describe the work he is doing?

Clerk: Answer, the Hon. the Chief Minister.

2180 **Hon. Chief Minister:** Mr Speaker, yes, sir, Mr Pyle has been engaged by the Chief Secretary to advise on Civil Service training and reform given his exceptional experience as a senior diplomat for His Majesty's Government. Mr Pyle has agreed a fee of £80 per hour for his work for the Chief Secretary in this respect.

2185 **Hon. K Azopardi:** Mr Speaker, can I ask when the engagement started, what is the period of the engagement and what is the cost to date?

Hon. Chief Minister: He can, but I do not have it, Mr Speaker.

2190 **Hon. K Azopardi:** Mr Speaker, how did this come about, this this engagement of the former Deputy Governor?

2195 **Hon. Chief Minister:** Simply, Mr Speaker, because I think Mr Pyle indicated he was staying in the area, and therefore he is doing this and other jobs in the area.

Hon. K Azopardi: I see. And does he think it is appropriate that Mr Pyle, who is one of the key personae in the McGrail inquiry, as is he and indeed the former Commissioner of Police ... for the Government to offer the Deputy Governor a job during that inquiry?

2200 **Hon. Chief Minister:** Yes, Mr Speaker, although I have no doubt that the hon. Gentleman will use this to cast aspersions on me and on Mr Pyle, as he has done before in respect of other matters relating to the inquiry, all totally unfairly but that is a matter entirely for him.

2205 Surprisingly, I still think it is right for the Attorney General to continue to be employed and paid by the Government although he is a core participant, I think it is entirely proper for me to continue to be paid for the work that I do for the Government although I am a core participant, I think it is entirely proper for all of the other core participants, including the current Commissioner of Police, to draw a salary from the Government of Gibraltar even though we are core participants in the context of the inquiry.

2210 The assumption, I assume, behind the question is that somehow a fee would be paid in return for improper behaviour in the context of the inquiry, which must be the only way that the Leader of the Opposition is framing his question, which is to impute the integrity of Mr Pyle, the Chief Secretary and everybody else in the context of this process.

2215 **Hon. K Azopardi:** Mr Speaker, it is a question of perception. Does he not see the difference between the Attorney General, or anybody else that he has given an example of, and someone who was not actually employed by the Government? The Attorney General is employed by the Government. This person is not employed by the Government. He is core to the inquiry, he was core to the situation that arose, and yet the Government has offered him a job while the inquiry is pending. Does he not see the difference between that and an Attorney General who actually
2220 was an employee?

Hon. Chief Minister: Mr Speaker, does the hon. Gentleman genuinely believe that a senior civil servant – whether he is a UK civil servant or a Gibraltar civil servant, a senior civil servant – who has become a core participant in an inquiry established under statute can be coerced or bought, as he is suggesting, to give evidence in respect of that inquiry, which would be different if he had not been employed, in respect of matters that happened three years ago, most of which are set out in writing in email, on WhatsApp? What is the issue for that man to provide his expertise to the Chief Secretary? Is the allegation that he will tell a different version of the truth of what happened three years ago if he is employed by the Government to do a job that he can do for the benefit of the Gibraltar taxpayer and for the benefit of the Gibraltar public service, and that if he were not so employed he would give a different version of the truth? My God, there is a different standard of integrity that the hon. Gentleman applies to third parties than the one he would be expecting applied to him, because I do not believe that it is possible to even perceive that one can buy the evidence, the version or the truth from someone in this situation. But never mind. The Leader of the Opposition can allege it, not because it matters, not because there is any grain of truth in it, but just because by planting the seed of doubt he seeks to grow a plant of alleged disrepute against the Government on any issue. Disgraceful, Mr Speaker.

Hon. K Azopardi: Mr Speaker, it is not disgraceful what I am saying, it is that it does not look good. The perception is there. (*Interjection*)

How appropriate is it in the context of a very delicate inquiry, where issues that affect democratic integrity or the constitutional institutions? Those are the allegations – not allegations made by me, but the allegations being thrown about. How appropriate is it for the perception of that inquiry for the Government to be offering a job to a core participant who was not an employee? That is the issue. Can he not see that?

Hon. Chief Minister: Mr Speaker, it is utter nonsense. There are issues of democratic integrity of institutions. That is utter nonsense. There is not one shred of evidence put in the public domain or not put in the public domain that can be used to sustain such a fanciful notion. It is possible for, as Mr Bossino said before, lay people to say whatever they like. It is possible in the streets to rumour monger with whatever anybody would like to rumour monger. God knows in the past weeks I have had to put up with enough rumour mongering. But when it comes to the issue of the integrity of the institutions of Gibraltar, we are playing with our democracy. When there is no such scintilla of evidence, we permit stories to rise that might suggest that our democracy is at risk because somebody took early retirement?

Mr Speaker, I said that we would hold an inquiry into this because it was called for by the person who is the subject of the inquiry, and I said we will ensure that the inquiry is able to get to the truth, the whole truth and nothing but the truth. When the truth is out, people will see that those who have talked about the democratic integrity of the institutions of Gibraltar being at risk are no more than jokers who deserve no credibility whatsoever, who have failed Gibraltar by raising spectres that will be seen to have been no more than utter ghosts. The people of Gibraltar will then judge, because already I hope that ... Let's just say – as they say nebulously when they want to cast aspersions without having evidence – perceptions may already be changing.

Mr Speaker: Next question.

Q473-74/2023
Public service employment of former police officers –
Number and salary arrangements

Clerk: Question 473/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many former police officers have been employed by Government or by wholly owned government entities within the public service since June 2020?

2270 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 474.

2275 **Clerk:** Question 474/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Do former police officers employed by Government or by wholly owned government entities within the public service since June 2020 retain their former salaries, or are they paid salaries pegged within the point scale of their new posts?

2280 **Clerk:** Answer, the Hon. the Leader of the Opposition. Answer the Hon. the Chief Minister.

Hon. Chief Minister: Yes, Leaders of the Opposition do not answer questions, ever.

2285 Mr Speaker, a total of 13 former police officers have been transferred from the RGP to other areas of Government or to wholly owned government entities within the public service since June 2020.

2290 Police officers who transfer in such manner and no longer discharge a Royal Gibraltar Police enforcement role as a result of injury sustained during their course of duties retain their former salaries on a personal-to-holder basis. Police officers who transfer in such manner and no longer discharge a Royal Gibraltar Police enforcement role as a result of any other matter not related to an injury sustained during their course of duties take on the salary pertaining to the new role identified within the public service. Police officers protected within the whistleblowing rules fall within the relevant provisions of section 45L of the Employment Act. This section specifically applies to officers of the RGP and extends the protection to the right not to be unfairly dismissed.

2295 **Hon. K Azopardi:** In relation to that last bit I think he is making the distinction that if you are injured you retain your salary; if it is not an injury, you go into a new post, so you get a different salary. For example, if you were to accept a post as EO in the GDC or something, you would get that salary if you are not injured. If you had been injured, personal to holder you would keep your police salary. But then he went on to say whistleblowers have the protection. But what do
2300 whistleblowers get? Do they retain their salary?

Hon. Chief Minister: Whistleblowing is no detriment, Mr Speaker. That is what the law provides.

2305 **Hon. K Azopardi:** I see, so anyone who is a whistleblower would be transferred, say, or put in a different department, in a different post, but would retain their salary. But also, would they retain their allowances and any other issue?

2310 **Hon. Chief Minister:** I do not know the answer to that. I think the law says no detriment. I do not know whether that includes allowances or not.

Q475/2023
Treaty re future relationship with EU –
Whether prepared

Clerk: Question 475/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has a draft treaty with the EU for a future relationship with Gibraltar been prepared?

2315 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir. The treaty remains under active negotiation.

2320 **Hon. K Azopardi:** That is what I am trying to understand. When he says no, the treaty remains under active negotiation, the negotiation is then about principles without the benefit of an actual text of a draft treaty being exchanged between the parties – is that correct?

Hon. Chief Minister: That is correct.

2325

Hon. K Azopardi: Mr Speaker, would it be fair to say that if, for example, an agreement were to emerge, there would then be a necessary period of time that could extend to some months, I suppose, for the drafting of a treaty?

2330 **Hon. Chief Minister:** Perhaps not months, Mr Speaker, because there are, if I may put it this way, relatively pro forma parts of what is being discussed, and if you accept one principle it is one type of clause, if you accept another principle it is another type of clause. There are a lot of small state agreements. There are other agreements, which relate to parts of the single market and Schengen etc., which have a shape already, and it is a question of how they are made bespoke. It is not a question of taking the pen and drafting a bespoke treaty. It would be more the recitals that would be the ones that would have to be spun up based on the agreement of principles, and then you would be looking at just the editing almost of the text that would become the substantive part of the treaty. The parties are drafting for themselves and there will be different versions of drafts to be put on the table when the time comes to do agreed versions, but there are not any versions that have been exchanged as versions that can be deemed to be considered agreed drafts or anything like that.

2340

Hon. K Azopardi: With that explanation in mind, he will agree with me that when I say that the devil is in the detail when you have agreed principles and you have all got your little pro formas, but you then announce an agreement, there is a cobbling together of text, and that is where there can be lots of granular issues that arise from that. Does he agree with that?

2345

Can I ask him, in terms of that process and given the indications that have been made publicly about parties being close to a possible agreement, is their thinking on what would happen if an agreement is announced ...? Is an agreement going to be announced in terms of 'we have reached agreement on principles', or is it that there would be an agreement of the principles but there would then be drafting of this text and there would not be an announcement until that text is reached? I am just trying to tease out ... and if he cannot give that information, then he can say.

2350

Hon. Chief Minister: There is no agreement in that respect yet, either.

2355

Hon. K Azopardi: But am I right in understanding that we are at the principles stage? That is where we are. When people – say, for example, the Spanish foreign minister or indeed other ministers – have commented on being close to an agreement, we are talking about the principles, we are not talking about the text?

2360

Hon. Chief Minister: Yes, principles and the text of principles, but not the text of treaty.

2365 **Hon. K Azopardi:** Mr Speaker, can I just ask when he says yes to the principles, they are working on some key principles that would hopefully be released to the public and based on those principles? So you would have a principles mark 2 agreement, I guess, because you had the New Year's Eve agreement, but that was between different parties, obviously, and you would now have an EU-UK set of principles against which there would then be a drafting process towards a treaty – is that right?

2370 **Hon. Chief Minister:** Mr Speaker, the gap between those may be very narrow and therefore I do not want to commit to one happening without the other because they may both happen at the same time. It may be possible for both to happen at the same time because although the devil is in the detail, because there is a lot of pro forma work here, there may be fewer devils in the detail and some of those devils may be easier to tame than they have been in the past. Or, indeed, it
2375 it may be impossible to agree to the text because of devils in detail, even though you have agreed principles. All of that is at large, none of that is yet agreed, so the chronology of how this emerges is not yet agreed. It is there to be felt, but not yet sufficiently clear to be agreed, although the principles are getting much closer. I have described it to some as ... Those of us who are old enough to remember watching analogue television ... This process started with two televisions showing
2380 two different channels. We are now at a stage where there is one channel on one television with a little bit of double image, and those of us who have videos might remember the tracking button at the bottom, which helped us to get rid of double image, or the way of manhandling the antenna, and we are now very close to being able to say we have a perfect image. And then the next analogy I would make is that we would see the 4K image once we have got the treaty text.

Adjournment

2385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 2.30 in the afternoon, when we shall continue dealing with questions for the Minister for the Environment and Education. But before that, it is my intention to suspend Standing Orders to take the motion and the Bill first and then continue with questions to adjourn *sine die*.

2390 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Friday, 26th May at 2.30.

I now put the question, which is that this House do now adjourn to Friday, 26th May at 2.30. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Friday, 26th May at 2.30.

The House adjourned at 6.48 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 4.35 p.m.

Gibraltar, Friday, 26th May 2023

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The Gibraltar Parliament

The Parliament met at 2.30 p.m.

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

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

Standing Order 7(1) suspended

Clerk: Meeting of Parliament, Friday, 26th May 2023.
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I hereby give notice, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a government motion.

10 **Mr Speaker:** I think we have something that we need to say beforehand – am I right, Mr Clerk? – because we are suspending Standing Orders.

Hon. Chief Minister: I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with government motions. Is that the one?

15 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

Standing Order 19 suspended to proceed with Government motion

Clerk: Government motion. The Hon. the Chief Minister.

20 **Hon. Chief Minister:** Mr Speaker, I hereby give notice, under the Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a government motion.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

GOVERNMENT MOTION

Mayor and Deputy Mayor of Gibraltar – Carmen Gomez and Nicholas Guerrero appointed

Clerk: The Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

HEREBY APPOINTS Ms Carmen Gomez GMD to be Mayor of Gibraltar and Mr Nicholas Guerrero to be Deputy Mayor of Gibraltar as from Thursday 6th June 2023.

Mr Speaker, it was my pleasure to move a motion on the appointment of Christian Santos as Mayor, which recorded the appointment of Ms Carmen Gomez as Deputy Mayor and therefore she was clearly indicated as being the choice to be Mayor as from this year.

30 It has been an absolute delight to see how Christian Santos has discharged the functions of the mayoralty. I think he deserves the recognition and thanks of the whole House and, indeed, of the whole of the community for the job that he has done. He has done it in a manner which has been inclusive, in a manner which has been diverse, but in particular he has done it with a flair and with a gusto that I think everybody has enjoyed seeing. He has brought the best of him to the mayoralty and I think he has done a job which will be hard to follow.

35 If you are going to follow Christian Santos, you need a character as big and with achievements even greater on the world stage, and who better than Carmen Gomez, therefore, to follow Christian Santos, a woman who has held rapt in her performance audiences on the West End in London with shows which she has held on her own as Carmen Miranda, to give but one example of a long and illustrious career in show business, done both in Gibraltar and at the top, outside of
40 Gibraltar, in the international sphere, in the most demanding of theatrelands, which is London's Theatreland. So I am delighted to see that we are going to now bestow the mayoralty and the obligations and responsibilities of the mayoralty, the honours and privileges of it, upon Carmen Gomez. I think that she is somebody who will represent, as mayors are called upon to do, all of Gibraltar civic society without partisan distinction, not in a political role as mayors discharge in
45 other countries, but in a civic and municipal role and standing in the shoes of Gibraltarians as illustrious ... and there could be no more illustrious Gibraltarian than Joshua Hassan, for example, and William Serfaty and all those who came after. I think Gibraltar has been extraordinarily well served by its current Mayor, Christian Santos, and can look forward to being equally extraordinarily well served by its next Mayor, Carmen Gomez. That ceremony of handover I
50 understand will take place on 6th June. It will be bittersweet as we say goodbye to Christian, but sweet as we say hello to Carmen.

In the process of determining who to add to this motion as a Deputy Mayor, the Government has had to consider very carefully what are the qualities that we would look for in our future Mayor post Carmen Gomez. In doing so, we have learnt a little from what Christian Santos has
55 been able to do with the mayoralty and how he has used it, beyond the things I have already said, to reach out to those who come to visit Gibraltar, to show them the jewel that is City Hall. In most places, City Hall is a place which attracts tourism. In Gibraltar, it had not been, even though we had the vision to move government departments out of it and add our National Gallery to the ground floor. But Christian thought that it required a little more, and he very astutely was able to
60 bring cruise ship visitors and other tourists to Gibraltar to City Hall, and in that way also raise some funds which helped to ensure that the Mayor had even greater autonomy in the discharge of his functions, not needing to have extreme regard to what his budget was in the Book. He had a little float there to do a little more.

There is a strand that will run through three mayors in Gibraltar, and that will be the stage,
65 because if there is one thing that I will always remember about the first time that I saw Nicky Guerrero, it is that it was on the stage at Ince's Hall giving a performance that I thought was worth being seen by an audience beyond the 30,000 Gibraltarians. Indeed, I seem to recall that it was in a play called *Art* with the now Minister for the Environment that I saw Nicky Guerrero, Peter Canessa and John Cortes. So from Christian Santos, the architect of GAMPA, to Carmen Gomez –
70 Carmen Miranda herself – now to the art that Nicholas Guerrero will bring to the mayoralty, there is a strand which I think will serve us well, because when the Mayor takes to give a speech, he or she must do it in a way that represents the people of Gibraltar, and what better training than the stage for that purpose if there has not been other professional training?

75 And of course, as I was alluding to before, the touristic element. Nicholas Guerrero has been
the head of the Tourist Board for many years, and in that sense I think he brings the ability to
continue the work that Christian has done in reaching out to tourism, but he has done even more.
Since he retired as CEO of the Tourist Board he has held the post of Director of Events and
Partnerships on the board of MedCruise, the Association of Mediterranean Cruise Ports, so
80 extraordinarily well connected in that world now, having represented already Gibraltar at all
MedCruise and Seatrade events, including Seatrade Global in Miami for the last quarter century.
So he is a person who is widely known and he is respected in the cruise, airline and tourism
industry at all levels, as well as being a thespian and a highly regarded former civil servant who
was Controlling Officer, with all the responsibilities that that entailed, for the Tourist Board.

85 I have absolutely no doubt that we have been magnificently served by our current Mayor,
Christian Santos, that we will be extraordinarily well served by our incoming Mayor, Carmen
Gomez, and that the House should support the appointment of Nicholas Guerrero as Deputy
Mayor and, therefore, Mayor after Carmen Gomez, because all of them bring many different
qualities but one key strand remains, and that is that they have all performed and will perform for
Gibraltar as Mayor in that role.

90 I commend the motion to the House. I am reminded that I should confirm that I consulted with
the Leader of the Opposition before I put forward the name of Nicholas Guerrero in the motion.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the
Chief Minister.

95 The Hon. Edwin Reyes.

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

100 It was in 2021 that this House unanimously supported a government motion presented by the
Hon. the Chief Minister appointing Mr Christian Santos as Mayor of Gibraltar and he further added
that Carmen Gomez be appointed as Deputy Mayor with a view to her taking over the role after
Christian. It is with the greatest of pleasure the GSD Opposition will today confirm that it continues
to support the appointment of Carmen Gomez to take over as Mayor from Christian Santos.

105 At this stage I would like to take the opportunity to thank Christian for his exemplary service
as Mayor over the last two years. Christian has certainly discharged the required mayoral duties
to the best of his abilities. I am sure we can all agree that Christian has carried out a wide-ranging
series of events and public duties with his fantastic personal style and decorum and this ultimately
has promoted and benefited Gibraltar and its community as a whole. At a personal level, I thank
Christian for his friendship and companionship at several events we have both had to attend in
our official capacities; he certainly is an entertaining character.

110 Now, Mr Speaker, referring specifically to Carmen Gomez, the Opposition notes her personal
background and experiences and we sincerely hope these will serve her in the discharge of her
duties. As already highlighted by past contributions to motions in respect of the appointment of
Mayors, it is important that the mayoralty continues to be open to both young and those no longer
so young people, so that our City Hall and our civic representative, namely the Mayor, is somebody
115 whom Gibraltarians consider approachable. With Christian Santos we achieved this by his being a
younger man and, indeed, someone who was already very actively involved in the teaching of
young people and involving them in the performing arts. Our City Hall will certainly be a
prestigious place of entertainment in the future, simply based upon the immense professional
experiences that Carmen Gomez will bring with her and which will become a visible display of our
120 wide-ranging cultural and artistic talents.

The ever-beautiful Carmen Gomez was crowned Miss Gibraltar in 1970 when she was only 21
years of age. After her reign as Miss Gibraltar, Carmen ventured to London in order to pursue an
acting career. Whilst in London she performed in various West End productions and had an
opportunity to work with Andrew Lloyd Webber. Carmen started her acting career with a part in
125 *Buddy Holly* but, unfortunately, that show wrapped up in London to return to Broadway. However,

she persevered with her acting career and went on to feature in the science-fiction popular series *Doctor Who*. Other notable performances were playing the part of Férula in a theatre production of Isabel Allende's *The House of Spirits* and she also ran her own dazzling West End production of *Carmen Miranda*, of which the Chief Minister has just reminded us. Although it is somewhat sad that Carmen no longer performs in the prestigious West End, it is of great benefit to Gibraltar that she has resettled in her native land. During her tenure as Deputy Mayor, Carmen has shown her passionate commitment to her beloved Gibraltar and we now look forward to supporting her in the fulfilment of her mayoral duties.

We equally welcome the appointment of Nicholas – or Nicky, as he is known to many – Guerrero as Deputy Mayor, thereby, we presume, set to succeed Carmen as Mayor upon completion of her tenure. Nicky has a natural amicable character and anyone engaging in conversation with him will soon realise that he is very knowledgeable on a wide range of subjects. Having grown up in a military family, Nicky will need no coaching on procedures and how we do things following the British traditions on formal occasions. As one example of his personal hobbies and pastimes, Nicky has been involved in various productions through participation in amateur dramatics, so that puts him on a great start with Carmen Gomez, our incoming Mayor. Indeed, I suspect they will engage in many private conversations in respect of the entertainment and, more specifically, the acting world.

It is an established tradition that when military units that hold the Freedom of the City of Gibraltar exercise their right to parade through the city with bayonets fixed and colours flying, it is the Mayor who takes the salute on behalf of the citizens of Gibraltar at the Main Street entrance to this prestigious parliamentary building. Those of us who have had the privilege to form part of a contingent marching up Main Street exercising such rights well know that the highlight of the march past is the salute given to the people of Gibraltar, through the Mayor, just outside the Parliament building. Mr Speaker, please allow me to repeat the words I said in Parliament two years ago when we unanimously supported the appointment of Carmen Gomez as Deputy Mayor:

It does not take much imagination to foresee the delight which will be experienced in the future by military personnel when they follow the words of command 'Eyes right' and their eyes immediately feast upon such beauty as that radiated by the delightful Carmen Gomez.

With those words, and before I get into any trouble, I have the privilege and pleasure to once again confirm that the GSD Opposition will be supporting the Government's motion as laid before this House by the Hon. the Chief Minister.

Finally, thank you, once again, Christian Santos, for your service to Gibraltar, and we wish all the best to both Carmen Gomez and Nicky Guerrero for the future in the fulfilment of their mayoral duties.

Mr Speaker: The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, it gives me great pleasure to rise to endorse the motion that is currently before the House: the appointment of Carmen Gomez as Mayor of Gibraltar and the appointment of Nicky Guerrero as Deputy Mayor.

I also clearly endorse and ratify the words of the Hon. the Chief Minister and the Hon. Mr Reyes on behalf of the Opposition in respect of the three persons that have been mentioned today. Clearly, Christian Santos has done an excellent job as Mayor for Gibraltar. He has lived up to all expectations and we really have to take our hats off to him.

I have known Carmen Gomez for many years and equally I am satisfied and absolutely sure that, again, she will rise up to expectations and she will give it her all and be an excellent Mayor for Gibraltar.

I want to say something about Nicky Guerrero, because Nicky was head of department and CEO of the Gibraltar Tourist Board whilst I was Minister for Tourism, and therefore I had a very

close working relationship with him during my time in that particular position. Nicky was always very diligent, very hardworking and always determined to get things right. He was an excellent ambassador for Gibraltar, an excellent head of department. We travelled widely to numerous conferences and meetings. I have seen him engage with many delegates and many participants in meetings and conferences, giving speeches. His knowledge of Gibraltar, of its people, of its product, of its heritage and its history was absolutely second to none. He could spend hours and hours just speaking to people about why Gibraltar was right for them and selling Gibraltar very well indeed. In all the conferences and meetings – he would often prepare notes for me, and briefings – I always had the fullest information possible in order to be able to conduct meetings about every aspect of Gibraltar as a tourism product. The Chief Minister has mentioned the recent appointment following his retirement as director of MedCruise. His involvement with MedCruise goes back many years and that was, no doubt, a recognition of the high regard that Nicky was held in, in the cruising industry generally and in the Mediterranean cruising industry in particular, and it was a very well deserved appointment.

So I have no hesitation whatsoever in voting for the motion today in respect of not just the two candidates, but also endorsing the work that Christian Santos has done for Gibraltar.

Thank you.

Mr Speaker: The Hon. John Cortes.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Thank you, Mr Speaker. I rise as Minister responsible for providing support to the mayoralty, to endorse all the words that have been said here.

Christian and I have kept in very close contact. We have had a formal meeting every other Wednesday morning to discuss how I can support his work or my Ministry can support it. Obviously we have spoken about other things as well, including his work within GAMP and the wider performing arts, and together we worked very closely on the restoration of the City Hall, which is ongoing, and as the Chief Minister has said, it has given a new life and a new meaning to the City Hall. Christian did a lot more behind the scenes than people are aware of, supporting particularly young people, and I want to recognise that as well.

I am clearly very much looking forward to the tenure of Carmen Gomez, who will bring her own very special brand to the mayoralty, and obviously very much looking forward to renewing contact with Nicky Guerrero, who I worked with even before I was in this House. As the Hon. Chief Minister has reminded me, we took part in that performance of *Art* with Peter Canessa, Nicky and myself. It was a memorable occasion for us. When you tread the boards with someone, there is a relationship that lasts forever.

Very pleased to endorse all the words that have been said. Thank you, Christian; and congratulations, and looking forward to the work that Carmen and Nicky will bring to their roles.

Mr Speaker: If no other hon. Member wishes to speak, I will call on the mover to reply.

Hon. Chief Minister: Mr Speaker, I am very grateful to all hon. Members for the words they have shared with us about the current Mayor, the incoming Mayor and the Deputy Mayor. Can I say that it is always a pleasure to see the House move by unanimity, in particular on appointments such as this, because the Mayor, in the end, represents us all and represents all of Gibraltar. None of them have been appointed because of how they look, although of course I would fully endorse the things that have been said by Mr Reyes.

I commend the motion to the House.

Mr Speaker: I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Order of the Day

BILLS

FIRST AND SECOND READING

Damages (Amendment) Bill 2023 – First Reading approved

225 **Clerk:** (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Damages Act 2019. The Hon. the Minister for Digital, Financial Services, Health Authority and Public Services.

230 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Damages Act 2019 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Damages Act 2019 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Damages (Amendment) Act 2023.

Damages (Amendment) Bill 2023 – Second Reading approved

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, I have the honour to move that the Bill for an Act to amend the Damages Act be read a second time.

240 The Bill is based on sections 2, 2A and 2B of the United Kingdom's Damages Act 1996. These sections were introduced in the UK by the Court Act 2003 following a consultation carried out by the Lord Chancellor's department. The results of the consultation were that a clear majority of responses agreed that the courts should have the power to order periodical payments without the consent of the parties in certain circumstances. The majority also supported some form of
245 variation of the periodical payments order. While most damages awards take the form of a lump sum payment, periodical payments are considered a much better and fairer way of compensating those that face long-term loss and care needs. Periodical payments generally have a number of potential advantages over lump sums. Periodical payments should also avoid the need for argument about life expectancy during the litigation, which may be stressful for the claimant.
250 There will be greater security for the claimants, who will be able to plan for the future without the anxiety of the lump sum award.

The Bill amends the Damages Act 2019 by introducing two new sections. The new section 5 would enable a court awarding damages for future pecuniary loss in respect of personal injury in order that the damages are wholly or partly to take the form of periodical payments. It also
255 requires the court to consider whether to make that order. In order to ensure the secure continuity of the payment, we have limited the power to order periodical payments to where the paying party is the Government, the Gibraltar Health Authority or the Care Agency only. To ensure that the real value of periodical payments is preserved over the whole period for which they are payable, section 5 provides that periodical payments orders will be treated as linked in the

260 payments to the Retail Price Index. However, it also provides the courts power to make different provision where the circumstances make it appropriate.

The new section 6 introduced by the Bill provides the Minister with responsibility for justice with the power, by order, to enable a court which has made an order for periodical payments to vary the order in specified circumstances. The ability to vary payments in these limited
265 circumstances is necessary to realise fully the potential benefits of these periodical payments. In the UK, the Damages (Variation of Periodical Payments) Order 2005 sets out the terms under which the court may make a variation order. It is currently only permissible where there is a chance that the claimant will develop some serious disease or suffer some serious deterioration or enjoy some significant improvement in his physical or mental condition. We will be making
270 similar provision in due course.

Mr Speaker, I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

275

Hon. K Azopardi: Mr Speaker, we will support this Bill, but I ask the hon. Member for some clarification, first of all, as to ... I know we have had a private discussion, but for the record I think it is important to understand why this Bill is being brought. Is there any pending case where this issue has been raised, which has motivated the interest? Or is this of generic interest brought by
280 members of the Bar who have raised this issue with the Government?

In any event, as the Minister has said, this statutory basis to make periodical payments on personal injury cases has been in place in the United Kingdom for some time, so we favour the inclusion of a statutory scheme.

What I will ask perhaps the Minister to look at more precisely, if I may, will be the suggested
285 section 5(3), which presently reads:

A court may not make an order for periodical payments unless the paying party is the Government, the Gibraltar Health Authority or the Care Agency.

As the Minister says, this scheme will allow the courts to consider – it is not mandatory, it gives the power to the court to consider – whether or not to make a periodical payment, so the court has discretion to do so. We understand that the restriction in section 5(3) will make it clear that the court cannot make a periodical payment unless, of course, the paying party is the Government,
290 the Health Authority or the Care Agency. We have to look at the intention behind that section from the perspective, presumably, of the claimant in the personal injury litigation – in other words, the injured party.

The purpose behind this section would be to ensure that there is security for payment, so we understand the rationale of ensuring that if you are not going to order a lump sum and it is going
295 to be periodical – in other words, a staged payment – the court wants to make sure that the injured party is going to receive payment. You are more likely to receive payment when it is the Government, the Health Authority or the Care Agency. That is analogous to a provision in the UK scheme and I have no difficulty with that. The issue that I raised with the Minister to consider is that it is perhaps unduly restrictive, because my understanding of the UK scheme is that it is not
300 simply restricted to the ability to make periodical payments if it is a government or NHS entity, for example, that it is also extended to regulated insurers because a lot of the litigation will involve insurance companies behind parties where rights will have been subrogated. It seems to me that the court could have the comfort that if you do have a regulated insurer standing behind the party, there will be security and a guarantee for those payments, and it may be that the Government
305 wants to, at Committee Stage, consider inserting an amendment to that section that allows that flexibility on the same basis. Subject to that, we will support the Bill.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill? I will ask the mover of the Bill to respond.

310

Hon. A J Isola: Mr Speaker, I am grateful to the hon. Members for their support in the passage of this Bill through Parliament.

There are two points that the Hon. the Leader of the Opposition has raised. The first is in respect of why now. The issue has been raised by lawyers acting on behalf of Government, who have advised that a periodical payments order can be made with consent but not otherwise, and consequently it is preferable to give the court the ability, should they deem it fit, to make such an award for the reasons that I have articulated in my opening address, which we believe can be of benefit and of protection to claimants moving forward, where there is security of payment, be it through section 5(3), which we will come to now, limiting this to the GHA, the Government or the Care Agency.

320

In respect of section 5(3), as I have just mentioned, in the event that a claimant wishes to agree to a periodical payment order where it is an insurer that is the defendant, then that can happen. At this stage, on the advice that we have, the risk of an insurer becoming insolvent with a long-term life expectancy of a claimant where a periodical payment is going to be made, the risk does not merit consideration at this stage of considering extending this any further. There could be alternatives where payments into court could be made and the payment is made annually but the amount is secure, a lump sum amount is secure. But the reason for the periodical payments order is because of the variance of that lump sum, and it is the ability of the court to determine on a more frequent basis what the needs of the claimant are at any particular time without going into some of the areas that I have touched on – life expectancy, seriousness, recovery. That is the benefit of this. But if there is a regulated insurer which becomes insolvent – and they do – I think the risk on the claimant is something that we should not at this stage contemplate.

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I am very happy, post the passage of this Bill, to engage with the hon. Member and with our legal advisers to determine whether we should give further consideration to that and to leave the matter open pending those discussions, but at this stage I think the safest thing to do for the benefit of claimants before the courts is to limit the risk of the defendants being the GHA, the Government and the Care Agency, where they will have security of those payments.

335

I am obliged, Mr Speaker.

340

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Damages Act 2019 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Damages (Amendment) Act 2023.

**Damages (Amendment) Bill 2023 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

345

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

**Damages (Amendment) Bill 2023 –
Clauses considered and approved**

350 **Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Damages (Amendment) Bill 2023.

In Committee of the whole House

355 **Clerk:** A Bill for an act to amend the Damages Act 2019. Clauses 1 to 4.

Mr Chairman: Clauses 1 to 4 stand part of the Bill.

Clerk: The long title.

360

Mr Chairman: The long title stands part of the Bill.

**Damages (Amendment) Bill 2023 –
Third Reading approved: Bill passed**

Mr Speaker: The Hon. the Chief Minister.

365 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Damages (Amendment) Bill 2023 has been considered in Committee and agreed to without amendments. I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Damages (Amendment) Bill 2023 be read a third time and passed. Those in favour of the Damages (Amendment) Bill 2023? (**Members:** Aye.)
370 Those against? Carried.

Standing Order 7(1) suspended to proceed with Questions

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to
375 suspend Standing Order 7(1) in order to proceed with Questions.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

Questions for Oral Answer

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q378 and 381/2023

Bishop Fitzgerald and Governor's Meadow Schools – Camp Bay public toilets – Supplementary information

380 **Mr Speaker:** The Hon. John Cortes has some information in relation to two questions that were answered partly. Those were Questions 378 and 381 in respect of questions posed by the Hon. Edwin Reyes and the Hon. Mr Phillips.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Thank you, Mr Speaker. I have some information in relation to those two questions.

385 In relation to Question 378, I was asked about the difference between the £21.2 million figure mentioned in the press release of 13th October 2021 in relation to the new schools, which were the subject of the question, and the fact that I had given a figure of £29.2 million. This was, in fact, also covered in that press release. Part of it reads:

The cost of construction of the schools is estimated at £29.2 million. The Government will therefore be liable to pay the difference between the agreed premium of the plot and the cost of the schools.

So that is on public record and I confirm that is the case.

390 In relation to the other question – unless there are any more questions on that one, Mr Speaker?

Mr Speaker: This was a point of clarifying. We are not going to be allowing supplementaries. We now move to Question 381.

395 **Hon. Prof. J E Cortes:** In relation to Question 381, I was asked about the toilets and how many toilets had been provided. The answer is two gents' toilets plus three urinals and four ladies' toilets, so a total of nine facilities, if you want to call them that.

400 **Mr Speaker:** Would you like to pose a supplementary on that one?

Hon. E J Phillips: Mr Speaker, I do not have a supplementary on that particular question, but I do in relation to Question 382, because obviously what happened was the Minister came to the end of his answer and I have got supplementaries on it. *(Interjection by Hon. Prof. J E Cortes)* Yes, that is fine.

405

Mr Speaker: Right, okay.

Q382 and Q385-88/2023
Planning permission granted by DPC – Abandoned and neglected buildings –
Regeneration of Old Town – Social Security building –
Conservation and enhancement of heritage –
Supplementary questions

Mr Speaker: We left it yesterday where the Minister had answered a number of grouped-together questions ranging from, I think, Question 382 to Question 388. What is required now is if any Members have any supplementaries.

Hon. E J Phillips: Two – hopefully – supplementaries on Question 382. Just a question in relation to the cycle lane provision that he had referred to insofar as the environmental planning gain that we are able to get from selling plots of our land and developers developing for the benefit of their commercial gains. I just wonder, because the Active Travel Strategy that is being deployed by the Government, and which we have been shown and the public have now had an opportunity to see, has a very well-defined cycle pathway, if I can characterise it as that, how does that plan –? The Minister might be able to liaise with the other Minister in relation to this point, but I would have thought that the planning process that allows for provision of cycle lanes has to in some way ... There must be some interplay between that and the Active Travel Strategy. I just want to know how that works, because clearly in cases where the Minister for Transport set out the Government's policy in respect of cycle lanes ... How does this work insofar as development and planning is concerned?

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Minister for Transport and I, and in fact my colleagues the Hon. Mr Linares and the Deputy Chief Minister – the four of us are the ones who tend to sit at the DPC – are in close communication at all times. There is a regular and increasing request by the DPC for the provision of cycle lanes, which obviously would need to have an input from the Ministry of Transport as to their deployment and so on.

I can give an active example, which is the two new schools on Europort Queensway, where we have worked together to improve and amend the designs in order to include the provision of a cycle lane. That is the way that we work together. I do not know whether my hon. Friend wants to add any more, but I think that summarises an example where it is working.

Minister for Transport (Hon. P J Balban): Mr Speaker, if I can be of assistance as well, what normally happens is, as you rightly say, the Travel Strategy Cycling Strategy has its well-defined routes, so we will make sure, if there are any developments in the future, that these developments respect these routes that are being planned, so we do not have a situation whereby perhaps there is an error made and maybe the footprint is different, which then does not allow the bicycling to take place. So it is the liaison between us in all developments to ensure that what we want to do together as a Government is seen through.

As the Minister has rightly said, when it comes to the school, the schools and certain buildings have certain needs and we have to fine tune the needs of both the building – in this case the school – and the need to provide that infrastructure which is important for us to succeed in our aims. So there is a bit of tweaking on occasion to make sure that we can marry both concepts, and that could mean slight deviations on the widths of certain features like bicycle lanes or the positioning of trees, just to make sure that everything is working together and that we can all achieve our targets at the same time.

Hon. E J Phillips: I am grateful for that answer because on the face of what we have just exchanged there is, on the one hand, a well-defined, as he has confirmed, Active Travel Strategy that has cycle lanes that the public will now be shown and have seen, cycle lanes that will direct

455 traffic around certain areas of Gibraltar, but clearly there is going to be further development in
Gibraltar, and if there is planning gain in respect of building new cycle lanes and the obligation is
on the developer to build it, it has to fit within the Transport Strategy that you have announced.
Therefore, I think what I am trying to suggest here is that that plan, by its very nature and given
the imposition potentially of planning issues, may well have to be more flexible than originally
envisaged by the Hon. Minister.

460 **Hon. P J Balban:** Mr Speaker, that was the whole reason why this plan went to the DPC. It went
to the DPC so that the members of the DPC could see what we were doing. The intention is that
that document will sit within the DPC, so any future developments and developers will be able to
see that plan, see what we want to do collectively as a Government, and then ensure that these
465 targets are met. This is why we have worked in that way.

Hon. E J Phillips: I have one question that relates to the Minister for the Environment. Just in
relation to additional public benefits, towards the end of his answer he referred to the additional
public benefits of the planning process related to avoiding or minimising overlooking other
470 properties' encroachment into public spaces. I thought, with respect, that was quite a limited view
of planning gain.

My understanding of planning gain is that when a government or a nation sells to a developer
a plot of land, the price of that is not only the value of the land attributed it by the Government,
but it also should be the value of a contribution by that developer to society more generally – i.e.
475 building parks or building schools, generally speaking in other countries, and the United Kingdom
is a prime example of how that works. There was no reference in his answer to, over the last
12 years, what actual substantive planning gain we have obtained from development and whether
the Government's policy moving forward ...

I think my question to him now is are we going to place more planning obligations on
480 developers in the future so that they can create much more of a gain for our wider community? I
know they have made recent announcements about other developments and how green space
is ... but that does not appear in the answer to his question where he referred to additional public
benefits. I wonder whether he could comment on that, because I think that is an important part
of the planning process, given that most countries allow for very significant planning gain to
485 communities and societies.

Hon. Prof. J E Cortes: Mr Speaker, there are direct ways in which developers can and do do
that. Increasingly, for example, we are asking developers of new developments to provide cultural
space, to provide green areas at their cost within their complex.

490 I think we must also remember that the premiums go into government funds and therefore
this is perhaps a less direct way, but those government funds are then used by the Government
as part of its programme. I think another indirect way, for example, is the recent donation by the
TN Group towards the building of the whole of Campion Park. Clearly these are specific examples
and there have been one or two other instances – I cannot remember the details – where there
495 has actually been an allocated cash sum for environmental improvements elsewhere. So I think
the concept is there.

I would not hesitate in saying that I would encourage other developers to do even more – I
think it adds value to their product and it adds value to the community – but I think that we are
doing a lot of this. Perhaps it is not evident, perhaps it is not in your face, but certainly a lot of
500 work goes on behind the scenes when we are talking to developers in order to achieve what the
hon. Member rightly says is planning gain.

Mr Speaker: Does the Hon. Damon Bossino wish to pose supplementaries regarding his
505 questions?

Hon. D J Bossino: Yes, Mr Speaker, I think there were three which the hon. Member bunched up together, and he provided a lot of information. I do not think the tactic worked for him because I have then been given almost 48 hours' grace to analyse his answers with some time available.

510 In relation to Question 385 – the question was very specific – I asked him which new incentives would be provided for the repair and reuse of abandoned and neglected buildings. Does he not agree with me that the sum total of his answer is that there are no new incentives? He talks about historical things. For goodness' sake, he talks about notices for improvement, which is something which presumably happens as a matter of law and I would not necessarily consider it to be an incentive. Does he not agree with me that the answer should actually be none; there are not any
515 new incentives?

Hon. Prof. J E Cortes: Mr Speaker, I would first like to correct the hon. Member to say these are not tactics. I group together the questions that I think flow into each other and talk to each other and are relevant to each other. A tactic cannot have failed if it was not a tactic in the first
520 place. If he needed 48 hours in order to give me that kind of question, then clearly something is wrong with him and not with me. (*Interjection*)

Mr Speaker, the question is answered by the first sentence, an ongoing discussion which relates very closely to the new heritage vision which we published on World Heritage Day – the day when I think I commented that I did not really care about his particular view of me as to my
525 heritage achievements because other people really did appreciate them; I think it was that day – and it is in that context that we develop this vision, that we are looking at other possible incentives to stakeholders.

Hon. D J Bossino: Mr Speaker, there is absolutely nothing wrong with me and I am surprised
530 that he should have made such a comment. (*Interjection*) But anyway, given that '*el da igual*' what I think about him, well, equally it is the same feeling. The feeling is mutual.

Mr Speaker, he has waffled once again, as he tends to do. He waffles once again and does not provide a precise answer to the question. The reality is that there are not any new incentives.

535 Can I ask him this: does he not think that the Government could be – and I would hasten to add is not, and it is shameful that it is not – leading by example in relation to Road to the Lines and refurbishing its own buildings there? At least that would provide some form of incentive for those who are private dwelling owners in that particular area of Gibraltar.

Hon. Prof. J E Cortes: Mr Speaker, I think the hon. Member will be aware that that area has
540 gone out on expressions of interest and I believe that there are active discussions in order to refurbish it. (*Interjection*) Yes. So that area is covered and this is in the public domain.

I think that the hon. Member has not listened to the rest of the question, even though he had 48 hours to look over it online, and questions that I have answered previously in regard to other initiatives that we have had for urban renewal and which have inspired private developers to do
545 the same. We have an increasing number of private developers coming up with urban renewal schemes in the Old Town. Some are liked by the DPC and some are not, and they are stopped because they are inappropriate. They have done that quite successfully recently.

550 So I am absolutely satisfied that we do lead by example, and I think that if he were to talk to developers, to contractors, to architects, he will be aware quite how things have changed in the last few years because our example and our sticking to our principles that we have to maintain the heritage value of our built-up areas has got across to developers, to architects, and they are already working hard to meet these objectives. One example is Fortress House, which is going to be developed as a cultural and educational centre, and that comes from a private developer. Toc H is another one that is now being developed by a private developer sensitive to its heritage need,
555 and the old police station is another one, the Old Guard, the City Hall, which the Government, working together with His Worship the Mayor and his team, are developing and improving as a

heritage asset. The evidence is out there for all to see, so I do not think I need to add anything to that.

560 **Hon. D J Bossino:** Mr Speaker, I do not think we are going to get very far with the hon Member.

I move on to Question 386, where again a very specific question was posed. I asked him what progress has been made on the regeneration of the Old Town since the beautification of Castle Steps and Governor's Parade, and once again the hon. Member comes up with a very wordy response which actually does not answer the question as it was posed. I would venture to add and
565 tell him and offer to him that the answer again should have been that there has been little to no progress. For goodness' sake, he uses Governor's Parade as an example. He uses as an example to support his case the Moorish Castle, which is in a disastrous state, as evidence will show. And then he talks about proposing improvements into the future. The reality is that our record in office, when we did Main Street, Casemates, Castle Steps and Governor's Parade, pales into
570 insignificance as far as what the ... Sorry, *their* record pales into insignificance compared to what we did. There is absolutely no regeneration.

So can I ask him by way of specific question which improvements is he proposing in relation to the Landport tunnel area, has anything been filed with the DPC, and has the Heritage Trust been consulted in relation to those supposed improvements of the Landport tunnel area?

575 **Hon. Prof. J E Cortes:** Mr Speaker, I am clearly not getting through because my answer to the last supplementary actually answers this supplementary as well.

I will add another comment, and this is in relation to their record. At that time, the energy that there is now in the private sector for urban renewal did not exist and that has been generated and inspired by our administration. In relation to Governor's Parade, I use as an example ... In relation
580 to the Moorish Castle, we restored the Tower of Homage last year and we have plans, as I have said before and we have published, for the old prison area and plans are advancing and will be published soon. In relation to the Landport tunnel, that is a project that is led by my hon. Friend the Minister for Tourism, for which there is, I believe, going to be provision in the forthcoming estimates.
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And need I just mention two words if he has the audacity to refer to the heritage significance of the previous administration: Rosia Tanks, Mr Speaker.

Hon. D J Bossino: Mr Speaker, that was a predictable answer on behalf of the hon. Member.
590 Can I ask him specifically whether in the diatribe that he has just offered to us –?

Mr Speaker: I think, with due respect to the hon. Member, that is not necessary to say.

Hon. D J Bossino: Mr Speaker, I withdraw it, if the Chair wants me to do so, and I withdraw it without any hesitation.
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Did he mention in his rather lengthy reply any improvements in relation to the Moorish Castle? He talks about, in his answer, Gatehouse and the former prison, because I daresay that is certainly in need of refurbishment badly and as soon as possible.

600 **Hon. Prof. J E Cortes:** Mr Speaker, yes, the Gatehouse is due to be refurbished. We did the Almond Tower a couple of years ago; and the Tower of Homage, we did a lot of work on that last year, removing vegetation and so on. The old prison we have earmarked, and this has been stated publicly, for the setting up of studios for the artistic community, which is something that will bring new life to that area.

605 I think we need to remember many of the other projects that we are either directly involved in or supporting: the Road to the Lines tender; the work on the Northern Defences – more work has been done in the last few years than ever before; Toc H I have mentioned already; the old police station; the Tangier View area; the conversion of St Bernard's Hospital into two functioning

610 schools; St Mary's School, which is just a little bit up the road; the police barracks, another private development which responded to our initiative for urban renewal. I could go into a whole longer list, but then he is going to tell me that I am going on for too long, so as a courtesy to him I will stop there.

615 **Hon. D J Bossino:** Mr Speaker, a long list is his style, but then he lives in a parallel universe. I have seen this time and time again. He produces reports. Maybe it is born from his time in academia, but there is very little in terms of substantive evidence, I need to tell him. We have a diametrically opposite view to what he says. I am sorry. He may not accept it. Clearly we are not getting through to each other for the wider benefits of this place.

620 Can I ask him a specific question on the list that he has just offered this House – in relation to the earmarking of the Moorish Castle Prison, when that project is going to be? He says it is earmarked for development – when that is going to actually happen? He refers to Road to the Lines as something positive for the Government, as something that he can attribute to his Government's progress in relation to this area, but nothing has happened in the last 12 years. Nothing has happened, so what is stalling that particular project after the 12 long years that they
625 have been in office? I ask him specifically in relation to Moorish Castle Prison.

Hon. Prof. J E Cortes: Mr Speaker, the hon. Member clearly does not recall that we have been through a pandemic, he does not recall that a lot of our manifesto commitments had to be put on hold because we spent the money on keeping the community going, and he does not even seem
630 to acknowledge that that is relevant. That is very convenient, but it is not terribly responsible. So I will just mention that the cultural centres in the old Moorish Castle Prison are in the process of being designed and we will have some plans published soon.

In the hon. Member's questioning my existing in a parallel universe, I do not disagree. It is parallel, all right, but I think mine is the right one. He is somewhere in the multiverse with these
635 fantastical Marvel characters, but I have my feet on the ground. I have got the Heritage and Antiquities Act through Parliament. I have got the Heritage and Antiquities Council working closely with me in ways that it has never worked before. I am working together with the Heritage Trust and other heritage stakeholders. Perhaps I should end by asking a question, although I know I am not allowed to ask a question, so I will make it rhetorical: how many heritage awards has the hon.
640 Member received?

Hon. D J Bossino: Mr Speaker, the hon. Member not only lives in a parallel universe –

Mr Speaker: Please resume your seat.

645 I am just going to recall a ruling made by my predecessor, which I need to read out – and I am not stopping the gentleman from asking the question. It says here:

should the questioner make a statement, instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then, having allowed the Minister to reply, I will move on to the next question on the order paper.

What I am asking the hon. Member is to be more concise, reduce the preamble and let's ask the question.

650 **Hon. D J Bossino:** Mr Speaker, the reality is that – if I may, and with your permission – the answers are also littered with preambles before the substantive answer is provided. Therefore, if there is going to be an equality of arms in relation to the treatment of the questioner, the same should apply to the person who is responding to the questions. If not, we ask the question, we abide by, quite properly, the Speaker's ruling, but then hon. Members opposite ... The other day,
655 when my friend Mr Phillips asked a question of the Minister for Transport, he gave an answer

which took about half an hour, if I recall. Maybe I am exaggerating, but it felt that way. And the Hon. the Chief Minister is somebody who fails in that department more often than not.

660 **Mr Speaker:** The hon. Member is again questioning my judgement and I do not propose to take this up. I am just going to ask you to reduce your preambles to a reasonable size, and I am sure there will be a reciprocal response along those lines by the Hon. Mr Cortes.

665 **Hon. D J Bossino:** Mr Speaker, the hon. Member ... it is he who is living in a parallel universe, I need to tell him, and I also need to tell him that his ego is almost bigger than himself. He is talking about, in the first person –

670 **Mr Speaker:** Please resume your seat. I am not explaining myself clearly, but what I am asking you to do is to set aside the preambles. I know the reason why you are saying these things, but isn't it better to get down to the nitty gritty, hold the Government to account? Ask the question, so we can move on at a faster pace.

675 **Hon. D J Bossino:** Mr Speaker, you asked a question. If you wish my opinion, I have an opinion and I am more than willing to express it, but I will follow your ruling to the T and I will ask the question with no preambles whatsoever and let's see how this political Chamber develops in that regard.

In relation to Question 388, which was, to remind those who are listening, in what way will Government provide financial support to projects in order to conserve and enhance heritage, again, Mr Speaker, if I may say, the answer provided, which is a lengthy answer, talks about a budget being allocated every year to restore heritage etc., but I do not identify here any new initiative in this area. To assist him – and he will recognise the wording – the reason why I raised two of the questions that he has answered is because it is referred to in the policy paper which he said that he produced on World Heritage Day, which I have read diligently, and he makes a reference to these two things. In this particular case, it is the provision of financial support and I have an interest to see what it is exactly that the hon. Member and the Government will be doing in this regard.

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Hon. Prof. J E Cortes: Mr Speaker, this is our heritage vision and this is a document that went out for public consultation. The term expired – I think it was last week. The Government Archaeologist is now going through in order to make any amendments that need to be made before it becomes a formal government document, an agreed policy statement, and that has a number of aims. It is a vision. The hon. Member might struggle with the concept of vision, but it is a vision, which means it is a name and it has to be filled and it has to be dealt with in a parallel way by providing a management plan which will speak to that vision, and therefore this is work in progress.

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Hon. D J Bossino: Mr Speaker, just to clarify, is he saying that, in effect, the Government does not have any new funds, new financial, specific, substantive initiatives in relation to this area; it is simply an aim which the Government has?

700 **Hon. Prof. J E Cortes:** Mr Speaker, if we did not have an aim, we would be criticised for not having an aim. We have an aim and the aim is an ambitious one. It is the most ambitious heritage statement that any Government of Gibraltar has ever made, and that is an important point. Of course there will be funds attributed to it, and we have an Estimates Book that we are going to be discussing in a matter of weeks, where there will be provision made, and as the vision is developed we will have to make other provision. But I cannot tell him now exactly where this will lead.

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Hon. D J Bossino: Mr Speaker, one final question. Is any new provision being made than has been made in past Budget books?

710 **Hon. Prof. J E Cortes:** Mr Speaker, we will see when we discuss the Estimates.

Mr Speaker: Next question.

Q383/2023

**Unregistered dogs –
Number of checks and fines issued**

Clerk: Question 383/2023. The Hon. D A Feetham.

715 **Hon. D A Feetham:** How many checks for unregistered dogs have been made since 1st January 2023 and how many fines have been issued?

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

720 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the environmental protection officers from the Environmental Protection and Research Unit have been carrying out dog licence awareness patrols at least five times a week this year. The Environmental Agency has checked 65 dogs in 2023 and issued three fines for no registration or for failing to have an up-to-date licence.

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Mr Speaker: Next question.

Q384/2023

**Fishing with nets in BGTW –
Enforcement of laws**

Clerk: Question 384/2023. The Hon. D A Feetham.

730 **Hon. D A Feetham:** Mr Speaker, what is the Government doing to enforce the laws it introduced on fishing with nets in British Gibraltar Territorial Waters?

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

735 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Environmental Protection and Research Unit of the Department of the Environment is tasked with challenging fishing activities that break our laws. Where these challenges are resisted, the unit reports the relevant individuals for process and these cases are subsequently heard in court.

740 **Hon. D A Feetham:** Mr Speaker, does he accept the criticism that he in particular but the Government in general is guilty of huge hypocrisy in having persuaded the people of Gibraltar to elect them in 2011 with the slogan *Aquí no se pesca*, where now Spanish fishermen are coming into Gibraltar territorial waters, so to speak, *como Mateo por su casa*?

745 **Hon. Prof. J E Cortes:** Mr Speaker, no, sir.

Hon. D A Feetham: Does the Minister feel satisfied with the current state of affairs, with Spanish fishermen coming into Gibraltar territorial waters, as I was corrected by the Chief Minister, *como Mateo por su casa?* (*Interjections*)

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Hon. Prof. J E Cortes: Mr Speaker, there have been difficulties in the ability of the unit to be able to be out at sea due to technical reasons. I am informed that these are now resolved and therefore their activity will increase, and that I think will be reflected in a decrease in illegal activity.

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Hon. D A Feetham: Mr Speaker, have those technical difficulties been present over the last 12 years?

Hon. Prof. J E Cortes: Mr Speaker, no, sir.

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Hon. D A Feetham: Mr Speaker, when did those technical difficulties first start?

Hon. Prof. J E Cortes: Mr Speaker, without going into too many details, they have been in relation to our vessels and I think it is a few months, but I think that we are now at the point of resolving them.

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Hon. D A Feetham: Mr Speaker, what was the difficulty in enforcing our laws in British Gibraltar Territorial Waters prior to those technical difficulties that arose a few months ago?

Chief Minister (Hon. F R Picardo): Well, the first one, Mr Speaker, was something called the Fishing Agreement that was done by the former administration and which required that the law of Gibraltar not be enforced by the law enforcement agencies of Gibraltar, something which we were accused by the hon. Gentleman, when he thought it was popular to accuse us of that, of having torn up. But once we, to use his words, tore it up and started to enforce the laws of Gibraltar, the hon. Gentleman will remember that the Spanish foreign minister used to call me every name under the sun, the Spanish fishermen were on Spanish television accusing us of denying them their livelihood and the Mayor of Algeciras famously boarded *El Tragenia* and in the centre of the bay was almost arrested by the former, former, former Commissioner of Police.

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So we have done a lot to start the process of reinforcing the laws of Gibraltar after the disgraceful Fishing Agreement entered into by the GSD was finally properly undone by us, given that it flew in the face of the rule of law. Recently we have had a problem with some of the engines of our vessels and we could not do the job as we had been doing it, but we shall very much look forward to continuing to do it with the vigour necessary to ensure that the laws of Gibraltar are respected and enforced in the proper way insofar as enforcement relates to us, because this is a matter which is in the hands of the Ministry of the Environment. But I do, obviously, recall that he was a member of the Government that pursued the Fishing Agreement.

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Hon. D A Feetham: Mr Speaker, may I ask now the Minister to answer the supplementary question that I asked of him, which was, for the record, what was the difficulty, prior to these technical difficulties arising a few months ago, of enforcing our laws in British Gibraltar territorial waters?

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Hon. Chief Minister: Mr Speaker, the Government decides who answers questions, and indeed the Chief Minister recommends to the Governor who should be appointed to each portfolio. He should remember that. I have given him a full answer to the question that he asked. If he has not

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worked it out, he might want to carefully consider what I have said. I refer the hon. Gentleman to the answer I gave a few moments ago.

Mr Speaker: Next question.

Q389/2023
Former HMS Rooke site –
Plans to expose dock

800 **Clerk:** Question 389/2023. The Hon. D J Bossino.

Hon. D J Bossino: Are there any plans to expose the dock at the former *HMS Rooke* site?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, yes, sir. This is subject to the planning process at present. However, the Government as landlord has insisted that the dock be exposed as part of the project, given its heritage value.

Q390/2023
Campion Park –
Contract details re running and maintenance

810 **Clerk:** Question 390/2023. The Hon. D J Bossino.

Hon. D J Bossino: What is the duration and cost of the contract for the running and maintenance of Campion Park?

815 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, with your permission, I am going to check the duration because it was in a previous version of my answer, but that had to be divided into two because a related question by the Hon. Marlene Hassan Nahon is now a written question and I think in the text it has been removed. So I will research the date of termination of that contract and I will give the answer later, with your permission, because it is not in my script here, but I have that information in a file.
In relation to the cost for running and maintenance, this is £130,063 per annum.

825 **Hon. D J Bossino:** Which company is the beneficiary of that contract with the Government?

Hon. Prof. J E Cortes: The company is Wildlife Gibraltar, the same people who run the Botanic Gardens.

830 **Hon. D J Bossino:** Was that contract awarded by way of tender, or was it by way of direct appointment?

Hon. Prof. J E Cortes: Mr Speaker, that was an extension of the Commonwealth Park contract, which was a tender.

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Hon. D J Bossino: Mr Speaker, is the hon. Member telling me that when the tender in relation to the Commonwealth Park was given out, it included the Campion Park, which as I understand at the time did not even exist?

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Hon. Prof. J E Cortes: No, Mr Speaker, what I am saying is it was an extension to that contract because it was an area which was not significantly larger than Commonwealth Park and the Department of the Environment considered that the easiest and quickest way and the best way of dealing with it was by including that as part of the contract.

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Hon. D J Bossino: Mr Speaker, will he not agree with me that the sum total interpretation of what he has just said is that in effect the running of the Campion Park contract has been effected by way of direct allocation and not by tender?

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Hon. Prof. J E Cortes: No, Mr Speaker, because all the conditions of the tender for Commonwealth Park would have been identical for Campion Park and therefore it was an extension to that contract.

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Hon. D J Bossino: Mr Speaker, does he not appreciate that this is a completely different project, it is a completely different park and indeed somebody else could very easily have applied for and been successful in the obtaining of that particular contract, which is actually quite valuable?

Hon. Prof. J E Cortes: No, Mr Speaker, I do not agree.

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Hon. D J Bossino: Mr Speaker, does he not feel that he has a conflict of interest, given that somebody who is very closely connected to him by way of marriage is a shareholder in Wildlife Gibraltar Ltd? And can he confirm to this House that he has not participated in any way in terms of the decision-making process in relation to that particular direct allocation?

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Hon. Prof. J E Cortes: Mr Speaker, I have no conflict of interest whatsoever, and I will explain that, and I have not participated in this decision. This decision has been purely an administrative one by the team at the Department of the Environment. I make it very clear that I do not participate in this kind of decision.

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I must add, as he has raised a personal issue, that that member of my family has not and has never taken a penny as director's fees or any other payment. It is purely a voluntary role and there is no financial interest whatsoever. If he wants to carry out any kind of investigation, I would be very happy to share my bank accounts, because there is absolutely no benefit whatsoever to that particular person.

Mr Speaker: Next question.

Q391-94/2023

Construction rubble –

Where depositing permitted; plans for removal from old incinerator site and whose responsibility, and from area west of Catalan Bay

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Clerk: Question 391/2023. The Hon. D J Bossino.

Hon. D J Bossino: Where is construction rubble currently being allowed to be deposited?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Questions 392 to 394.

Clerk: Question 392/2023. The Hon. D J Bossino.

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Hon. D J Bossino: What plans are there to remove the rubble piled up at the old incinerator site by Europa Point?

Clerk: Question 393/2023. The Hon. D J Bossino.

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Hon. D J Bossino: Which company or other entity is responsible for the rubble piled at the old incinerator site by Europa Point?

Clerk: Question 394/2023. The Hon. D J Bossino.

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Hon. D J Bossino: What plans are there to remove the rubble pile by the rock face to the west of Catalan Bay?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer that right now, but I think that I would assist the hon. Member if I gave a breakdown in what the £130,000 cost comes to: £77,639 is for the pay of the staff active on the ground; £25,000 is for costs including materials, plants, lawnmowers, repairs etc; £17,900 is for water and electricity; £8,500 is given to another entity for the lifts contract; and £1,024 pays for the telephone which is connected to the lift. So there is absolutely no spare money there for anybody to take, and I must repeat that the implication is totally unacceptable and I will take this matter further.

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In relation to Question 391, at the moment, construction rubble from large developments can be taken to either the MedMarine site located at Coaling Island or the site to the east of Catalan Bay, which is run by Monteverde and Sons Ltd, although since writing this, that is going to be varied.

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In answer to Question 392, this accumulation will be dealt with once the relevant TFSs are received. If these were not to materialise in the near future, the most likely option is the one for which contingency plans exist, which would be the Coaling Island reclamation.

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In answer to Question 393, the accumulated rubble at this site can be assigned in two parts. The larger part has been placed there by Monteverde and Sons and the smaller relates to accumulations of rubble from small contractors doing household alterations. This comes under the site managed by Gibraltar General Support Services Ltd.

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In answer to Question 394, all these accumulations will be dealt with once the relevant TFSs are received. If these were not to materialise in the near future, the most likely option, and the one for which contingency plans exist, would be the Coaling Island reclamation.

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Hon. D J Bossino: Mr Speaker, may I ask a question, given that the hon. Member has provided further information in respect of the previous question I had in relation to Campion Park? I am grateful, Mr Speaker.

He talks about, I think, a figure in the region of £77,000 in respect of staff costs. May I ask how many members of staff are employed by Wildlife Gibraltar Ltd in relation particularly to Campion Park?

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Hon. Prof. J E Cortes: He may indeed, Mr Speaker, but I do not have that information available.

Hon. D J Bossino: Presumably, Mr Speaker, that is a question that I may ask at the next meeting of the House.

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Mr Speaker: Unless the hon. Member wants to provide the information in writing.

Hon. Prof. J E Cortes: I would be very happy to, but the hon. Member will realise that –

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Mr Speaker: It depends on the hon. Member, whether he wishes to take that up or he wishes to pose a new question.

Hon. Prof. J E Cortes: Okay.

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Hon. D J Bossino: Mr Speaker, in relation to the rubble issues, may I ask ...? I may not have caught the answer to the first question I posed, which is where can rubble be deposited. The reason why I ask him is because ... and this is not people who are involved in the construction industry, this is people who are doing domestic refurbishments in their own homes and are finding it difficult, I am told. The question is where rubble can be deposited. It is no longer being deposited at the Eastside, and I am told that there is an issue with transporting rubble into Spain. So maybe if he could provide some further information in relation to that point.

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Hon. Prof. J E Cortes: Mr Speaker, the small household rubble is part of what I answered in relation to Question 393, which is the site near the old incinerator site managed by what is normally called Community Projects – it is Gibraltar General Support Services Ltd, and they are the ones who receive small amounts of domestic rubble.

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Hon. D J Bossino: Sorry I did not quite catch the answer; I am grateful to the hon. Member for clarifying that position.

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He talks about TFS. I do not understand the jargon, and I am sure that many people listening to this ... For the purpose of *Hansard*, if he could explain what the acronym stands for – but that is just a minor detail.

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Can I also ask him how does that work? The reason why I am asking this is because he says that depending on how the TFS works or what conclusions are arrived at in relation to that, they will then go on to contingency plans, and he referred in that context to the Coaling Island, which the Hon. the Chief Minister alluded to during the course of the exchanges that we had yesterday.

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Hon. Prof. J E Cortes: Mr Speaker, the TFSs are the the waste transfer permits which allow the transfer of waste across the border. There has been, since Brexit, a delay in these being processed. We experienced a similar delay, I think it was at the beginning of last year, when there was a delay in moving the rubbish out and we had to stockpile it for a while until that was clear. It is a similar situation now in relation to rubble.

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Hon. D J Bossino: Mr Speaker, the sum total of that is that it is as a result of Brexit that we have ... Can I put it in these terms, that it is as a result of Brexit that we have these accumulations in the two sites that I mentioned? And in fact, just by way of correction on my part, I think I mentioned to the west side of Catalan Bay; it should have been actually ... No, it was to the west side. I think the hon. Member mentioned two to the east side, but I just want to make sure that

980 we are talking about the same location. This is opposite where the old Mamela restaurant used to be, by the garages.

Hon. Prof. J E Cortes: Yes, we are talking about the same location.

985 In relation to the delay, whether it is due to Brexit or not, the system changed after Brexit. It used to be a system which was governed by other conventions and dealt with by the Junta de Andalucía in Seville. It is now dealt with in Madrid. It is a different process and therefore it tends to take longer.

990 **Hon. D J Bossino:** Mr Speaker, in terms of the commercial arrangements, how does it work? As I understand it, he mentioned a company – I think it is Monteverde and Sons – who are holders of these two rubble plots. They will charge their clients for the retention of their rubble. I understand it is £50 a tonne. What happens? Does the Government charge anything in relation to that? Once the rubble is moved from those sites, does the Government retrieve any of that money? And if not, it would seem to me that that particular company is being given preferential treatment to others in this area.

995 **Hon. Prof. J E Cortes:** Mr Speaker, there are two companies active – these are Monteverde and Sons and MedMarine – and they happen to be the ones who have the most recent permits for exportation. If another company comes across with a permit for exportation, they will also be able to do it. This is purely a commercial arrangement.

1000 I think the charge is £45 a tonne, not £50, and this is a charge for them to dispose of. This was set up when they were exporting it across the border. At the moment they are stockpiling it, but it is still their responsibility to move it across. If it were found that they cannot move it across and the Government had to provide another location for them, such as Coaling Island, then we would have to look at the commercial implications of that.

1005 **Hon. D J Bossino:** Can I also ask him whether the Catalan Bay area was originally not granted to Monteverde and Sons on the basis that it was not appropriate for that type of activity – in other words, the accumulation of rubble? If that is the case, why was there a change of heart from the Government side?

1010 **Hon. Prof. J E Cortes:** Mr Speaker, I cannot recall that. I would need to check. I know they have been using it for some time.

1015 **Hon. D J Bossino:** Would it assist him if I asked him, Mr Speaker, whether that was a secondary site – in other words, that the primary site was by the old incinerator and this was a secondary site? It would seem to me from the information that I have that that was because they simply could not accumulate any more on the old incinerator site, so the Government had to change its position in relation to the licensing of that particular activity in the Catalan Bay area.

1020 **Hon. Prof. J E Cortes:** The Hon. Deputy Chief Minister has reminded me that ... I think, subject to confirmation, it was the other way round, that they started at the Catalan Bay – because they own that site, it is their site – and then they were moved to the other side.

1025 **Deputy Chief Minister (Hon. Dr J J Garcia):** When the Eastside closed.

Hon. Prof. J E Cortes: That is right, yes.

Hon. D J Bossino: Mr Speaker, just by way of clarification, I am not talking about title or ownership, I am talking about what they were licensed and able to do. They may have owned the

1030 Catalan Bay site, but they were not licensed and therefore not allowed to pile rubbish. But then the Government had a change of heart, and I just wanted to explore that a bit further.

Hon. Prof. J E Cortes: Mr Speaker, as I said, I need to check the facts. This is something that I do not have at the moment.

1035 **Hon. D J Bossino:** Mr Speaker, in relation to the same point earlier, I thought it does arise naturally from the questions that I posed, but I am more than willing to pose the question I am posing now expressly on the Order Paper.

1040 **Mr Speaker:** Next question.

Q395/2023
Heritage and Antiquities Advisory Council –
Submission of annual reports

Clerk: Question 395/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the Heritage and Antiquities Advisory Council submit its annual reports pursuant to the Heritage and Antiquities Act?

1045 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, as the hon. Member is aware, the annual reports for 2018-19, 2020, 2021 and 2022 have been laid before this House at this session.

1050 **Hon. D J Bossino:** Mr Speaker, the obvious question arising from that is that the reports, which are a statutory obligation under the Act referred to in the question, were not filed until the question was posed. Can I ask the hon. Member what the reason for the delay was and how it is possible that they very quickly were able to produce, I think, three or four years' worth of reports?

1060 **Hon. Prof. J E Cortes:** Mr Speaker, because the reports have been compiled, the reports were ready. There had been a change in the administration at the very small Heritage Department, but the reports were ready for publication. They had been available for a while. It was the intention to publish them, and coincidentally we got a question, but the reports were ready. If they had not been ready, it would have taken much longer.

1065 **Hon. D J Bossino:** Mr Speaker, can he please state why it is that the laying of the reports took so long? If they were prepared, why did it take so long? Is he saying that the reason was because there was a slight change in terms of the HR position in the relevant department?

1070 **Hon. Prof. J E Cortes:** No, Mr Speaker. There had been a change, but this is a bit of time ago. The person who was preparing the report retired. Somebody else had to take it over. The reports were ready. We had them up to 2021. I wanted to have them up to 2022 so we could get them all done together. The 2018-19 reports clearly were combined because the Act was passed during the course of 2018 and therefore there was no point in having a separate one. It seemed to be quite neat to publish them all together, being the first time these reports have been published, a requirement which we introduced in our Act, in fact, after consultation with the Opposition, and we have now met our obligations.

1075 **Hon. D J Bossino:** Mr Speaker, in relation to the reports themselves, is the hon. Member satisfied as to what has been produced? Certainly from a review on my part, I would have expected a lot more by way of management plans, by way of initiatives and that type of thing. It seems pretty skimpy stuff. Is he satisfied with the level of detail in these reports?

1080 **Hon. Prof. J E Cortes:** Mr Speaker, I think it is for the Heritage and Antiquities Advisory Committee to decide what it includes in its report. I think the implication now from the hon. Member accusing me of not caring about heritage is extending to the members of the Council, which includes the Gibraltar Heritage Trust, the Ministry for Heritage, the Ornithological and Natural History Society, the National Museum and the Gibraltar Archives. They have been working
1085 very hard and very conscientiously. They have been dealing with things effectively and efficiently. It does not need a huge report to summarise their activity. I am very satisfied not only with the report but with the excellent work that these people do, many of them volunteers, in order to spearhead and improve what we do for heritage in Gibraltar.

1090 **Mr Speaker:** Final supplementary.

Hon. D J Bossino: Mr Speaker, the Council, under Schedule 1 of the Act, refers to the Minister being a member of it, and he is the Chairperson, so he must accept that responsibility.

1095 Can I ask him why it is that in the last report, for example, when he talks in points 11 to 20 about the projects and improvements which they are currently working on, no mention whatsoever is made about the Parson's Lodge recent announcement?

Hon. Prof. J E Cortes: Mr Speaker, I am not abdicating responsibility, I am just being inclusive in mentioning that these other members are key members of this Council and, although I chair, they are just as important in contributing, if not more important than I am. I do not have the ego
1100 that he clearly has, because he tries to see it mirrored in him.

Mr Speaker, the development of –

Mr Speaker: That, too, was unnecessary, I have to point out.
1105

Hon. Prof. J E Cortes: I withdraw that unreservedly, Mr Speaker.

The recently announced Parson's Lodge development is a development that has been carried out and was in discussion directly with the Gibraltar National Museum and therefore had not featured in the meetings – which only go up to the end of 2022 – which are covered in the reports
1110 that are published. There are other things that go on behind the scenes in offices, in departments, that the hon. Member may not be aware of, but that does not mean they are not happening.

Mr Speaker: Next question.

Q396-399/2023

Knightsfield Holdings Ltd –

Sites for which responsible; services provided; funding received; duration of contract

Clerk: Question 396/2023. The Hon. D J Bossino.
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Hon. D J Bossino: Please state which sites Knightsfield Holdings Ltd is responsible for.

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

1120 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 397 to 399.

Clerk: Question 397/2023. The Hon. D J Bossino.

1125 **Hon. D J Bossino:** Please provide details of the services which Knightsfield Holdings Ltd provide to the Government.

Clerk: Question 398/2023. The Hon. D J Bossino.

1130 **Hon. D J Bossino:** Please state how much funding has been received by Knightsfield Holdings Ltd from the Government each year since 2012.

Clerk: Question 399/2023. The Hon. D J Bossino.

1135 **Hon. D J Bossino:** What is the duration of the contract the Government has with Knightsfield Holdings Ltd?

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

1140 **Hon. Prof. J E Cortes:** Mr Speaker, the sites Knightsfield Holdings is responsible for include the Gibraltar National Museum, a store in the Hay's Level Tunnel, Parson's Lodge Battery, Stay Behind Tunnels, a storage vault at Casemates, Moorish Castle former prison complex and the sea-level caves within the Gorham's Cave Complex, including Gorham's and Vanguard Caves, as well as the Europa Advance Viewing Platform. There are other areas of the World Heritage Site, such as
1145 Mediterranean Steps, which are not included.

In answer to Question 397, the services which are provided can be grouped into three: the Museum, other heritage services, and World Heritage services. Museum services involve collection management, environmental monitoring and control of the museum environment; curation and restoration; provision of museum security; design and implementation of research
1150 policy; publication of information to the general public and to specialists; liaison with international institutions and stimulation and co-ordination of museum-related projects – for example, excavations – with international participation; promotion of Gibraltar's heritage and the Museum; provision of visitor and public services; provision of education services for schools; renewal and preparation of new displays; and regular maintenance and cleanliness.

1155 Other heritage services include advice and support to the Ministry and the Government on matters related to cultural, historical and archaeological heritage; advising me, the Minister, in reporting and discussion of issues of heritage with local and international organisations; representing the Government at heritage events as required by the Ministry; promotion, with the Ministry, of Gibraltar's heritage locally and abroad; advising the Town Planning Department when
1160 required on issues regarding land use and development to safeguard heritage; advising the Ministry when required on archaeological works; provision of archaeological support to the Royal Gibraltar Police and other government departments as required; and management of the properties assigned to it.

World Heritage services include all matters related to the running and management of the
1165 Gorham's Cave Complex UNESCO World Heritage Site, including continuing research and excavations; dissemination, including publication, of results in scientific and popular media; provision of staff for the running of the Europa Advance Battery interpretation site; liaison and provision of reports and documentation to UNESCO as required.

1170 In relation to Question 398, I can provide the figures from 2014, which is when the current contract was entered into. These are as follows: 2014, £854,482; 2015, £1,050,391; 2016,

£779,786; 2017, £1,095,155; 2018, £1,138,988; 2019, £1,141,620; 2020, £1,193,037; 2021, £1,193,350; and 2022, £1,262,264.

The contract with Knightsfield Holdings runs until 1st August 2034.

1175 **Hon. D J Bossino:** Mr Speaker, may I ask the hon. Member – given that this is a contract which presumably is entered into with the Gibraltar Government and that is why he has been able to stand up and provide the answers across the floor of the House – whether he would be in a position and willing to make this contract public for all to see? That would run across a lot of the supplementary questions that I have.

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Hon. Prof. J E Cortes: Mr Speaker, this is a contract with a private entity, so I think I would need to consult on that matter. I cannot commit to that here.

1185 **Hon. D J Bossino:** Can I just add, perhaps not by way of supplementary, but given that this is a considerable amount of public money which is being spent on an annual basis – and we need to do all the additions since 2014 – this is something which should be in the public interest and should be made public. (*Interjection by Hon. Prof. J E Cortes*) No, I said it was not going to be a preamble ... Yes, a slight –

1190 **Mr Speaker:** I am the person who decides whether it is a preamble or not.

Hon. D J Bossino: I am grateful, Mr Speaker.

1195 In terms of the sites, he mentions the Gibraltar Museum. May I ask him on what basis – can I abbreviate Knightsfield Holdings Ltd to KHL for the purposes of speed? – KHL occupies the premises? Is it dependent on the agreement with the Government or does it have a separate lease arrangement with the Government by way, for example, of a perpetual licence?

1200 **Hon. Prof. J E Cortes:** Mr Speaker, I am not sure that I can be expected to have this information. As far as I am aware – and I have consulted my hon. Friend, who was a previous Minister for Heritage – it is government property and the Government allows them to occupy these premises, very much as, I suppose, other entities like Greenock will have their depot within government premises, and the City Hall, the Mackintosh Hall. There are contractors who manage those premises on behalf of the Government and who are allowed to use those premises. Alameda Gardens is another one.

1205

Hon. D J Bossino: Mr Speaker, in terms of the management, does the company derive income aside from the grants, in effect, that the Government gives? I know that the Gibraltar Museum has a shop, for example, and will charge entry fees. Does that money go to KHL, or does it go to the Government?

1210

Hon. Prof. J E Cortes: As far as I am aware, and again my hon. Friend has confirmed it, the moneys that are made at the Museum are given back to the Government.

1215 **Hon. D J Bossino:** Mr Speaker, he predicated the answer with ‘as far as I am concerned’, I think he said. This is an important point. Is he able to say with certainty here and now whether this company is deriving income from sources other than the Gibraltar Government?

Hon. Prof. J E Cortes: No, Mr Speaker, but I do not think it is a question that I should answer. That is for the company to answer.

1220

Hon. D J Bossino: Mr Speaker, with all due respect to him, I talked about funding and I think it is a reasonable supplementary to ask. If I may ask that specific question of the hon. Member,

unless he is willing to provide that information; I will exchange emails with him in relation to that point.

1225 He says that the contract was entered into in 2014. May I ask whether the allocation was by way of direct allocation or by way of tender?

Hon. Prof. J E Cortes: Mr Speaker, Knightsfield Holdings ... Clearly the hon. Member – with apologies for, I think, a relevant preamble with a small ‘p’ – has difficulties with the Museum and with Knightsfield Holdings.

1230 I think it is important to remind the hon. Member of the excellent work that the Museum has done in promoting Gibraltar’s heritage – our Neanderthal work, which is world class, achieving World Heritage status for Gorham’s Cave. I think we cannot take away from that.

1235 The company in question had been managing the Museum for several decades, but for some reason the contract that they held with the Government of the time expired in 2001, and since then they kept performing all their duties without a contract until 2011. So they were being fed hand to mouth with no security, in the hope that the contract would be renewed, and this went on for 11 years. Then renewal never happened and they were hurriedly offered terms in the new Culture and Heritage Agency in the space of a month prior to the December 2011 elections. They

1240 were given that contract within the Heritage Agency by the GSD Government. The cost and the value was set by them and this Government just regularised it by giving them back their contract at the same level of expenditure that the previous Government had given them, Mr Speaker.

Hon. D J Bossino: Mr Speaker, the hon. Member needs to calm down and simply answer the questions. Can I ask him –? (*Interjection by Hon. Prof. J E Cortes*) He is obviously uncomfortable with the questions I am asking, but I will continue to do so. Can I ask him whether the company arrangement with the Gibraltar Government is exclusive? In other words, is this company able to enter into contracts and provide services to third parties from which it can also derive income?

1250 **Hon. Prof. J E Cortes:** Mr Speaker, subject to confirmation, I do not think it is exclusive.

Hon. D J Bossino: And may I ask him, Mr Speaker, in terms of the humongous amounts that this company is receiving by way of direct government grants, how those figures are arrived at? If he is able to provide that information across the floor of the House – at least this information – is

1255 he able to say how it is broken down? Is it by way of an annual fee? Is there an element which is by way of capital expenditure for which provision is made, so that this company can expend its money in that way? Can he provide a breakdown in relation to those numbers?

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, if I can be of assistance, since I was the Minister who dealt with the humongous mess that the GSD gave us when we came into government, which was called the Gibraltar Culture and Heritage Agency. This contract is exactly the same as was agreed when it was the GSD Government that signed with them, the Gibraltar Culture and Heritage Agency, of which even salaries were inflated months before the election of 2011. This contract was replicated, and we were not going to be the Government that was going to take away what the GSD – (*Interjection*) Mr Speaker, it is fact.

1260 **Mr Speaker:** There is a point of order.

Hon. D J Bossino: I am grateful, Mr Speaker. What does anything that has come out of the hon. Member’s mouth have to do with the question that I have asked? I have asked a very simple question – in compliance with the ruling that the Speaker reminded me of a few minutes ago, to

1265 simply ask the question. I asked the question. The question was very simple. I simply asked for a

breakdown of the funding from the Government. Why are we being subjected to this partisan drivel?

Mr Speaker: I think the Member makes a point and I think –

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Hon. S E Linares: I tried to answer.

Mr Speaker: I will ask the Minister responsible to answer the question.

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Hon. Prof. J E Cortes: The point I think being made is that whatever justifies the amount given to them now will have been pre-justified by the people who actually gave them the amount in the first place, because now, Mr Speaker, it has increased by two things. One is the increase in the annual Retail Price Index, the index linking, and the other thing is the addition of the not insubstantial management of the World Heritage Site. I think it is important for me to add here that the addition of the World Heritage Site, which is part of the answer because that is part of what they get funds for, has been praised at the highest level by the World Heritage Organisation. I am not going to go beyond the limits of my answer by reading out a letter I have from the president of the organisation, Prof. Emerita Mina Yang, in praise of the management of the World Heritage Site because it is world class, but I think it is relevant for us to bear that in mind.

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Hon. D J Bossino: Mr Speaker, the hon. Member has not answered the simple question that I have raised. What is he doing talking about the stuff he is talking about? It has got absolutely nothing whatsoever, tangentially or otherwise, to do with the question that I posed. Does he have the information available as to breakdown of a costs – yes or no? If not, it is another question that I will ask at the next meeting of the House.

1290

Hon. Prof. J E Cortes: Mr Speaker, I do not have the breakdown of costs. That cost is provided at estimates time and is then agreed and is voted on in this Parliament. But it is based on an increase, based on an index-linking of the amount that they were paid at the time that they got the contract with the other agency, which was issued to them by the former administration. Maybe they can look at their records and they may have their breakdown to compare it to ours.

1295

Hon. D J Bossino: Mr Speaker, in terms of the term – which from a quick calculation I think is 20 years, which is quite extensive – is that subject to extension? He can say yes, like everything else, I suppose, but I am asking him is there something woven into the terms of the agreement which somehow ties the Government, unless there are certain things which happen or may not happen which require a future Gibraltar Government in 2034 to oblige them to extend an already very long contract to KHL?

1300

Hon. Prof. J E Cortes: Mr Speaker, I do not think – and I am looking through the questions now – there is anything in the questions that can justify my having that information to hand. I have not been asked in advance about the detail of the contract and therefore I do not have that information.

1305

Hon. D J Bossino: Mr Speaker, if I can go back to the funding point, can I ask the hon. Member – because it was alluded to by his colleague to his right – how many employees does this company have?

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Hon. Prof. J E Cortes: Once again, Mr Speaker, I do not have that information. What does he mean, really? How can I be expected to know the number of employees that all my contractors have?

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1320 **Hon. D J Bossino:** Mr Speaker, this a question on funding and surely he should have that information with him. It is to do with the in excess of £1 million a year that this company has been receiving since at least 2017 and he does not have basic information as to how many people this company employs.

1325 **Hon. Prof. J E Cortes:** Mr Speaker, I am sorry, there is nothing in the question that in any way indicates that the hon. Member would be asking me the number of staff employed. It just does not exist. He could ask me absolutely anything then about the contract, like the number of toilets, and I would be expected to know. I am sorry, I cannot accept that. I always come here with all the information. I give extensive answers, not as tactics, because I genuinely believe it is my responsibility to answer to the people, and now my integrity almost is being questioned because I do not know the number of employees of one particular company.

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Mr Speaker: I think we now move on to the next question. One further supplementary?

Hon. E J Phillips: *[Inaudible]*

1335

Mr Speaker: Yes.

1340 **Hon. E J Phillips:** Mr Speaker, I have listened to the exchanges between my hon. Friend Mr Bossino, and the Hon. Minister. The one thing that I have always noticed about this Knightsfield contract is that obviously it is an expensive contract for the Government to run these important sites, these national sites of national interest, as I am sure he agrees. The one thing that has really disturbed me is that sites of national interest should benefit the people of Gibraltar, and in fact on many occasions many people in our community have been unable to access them for many years. Isn't he disappointed by the fact that they have remained closed for many years?

1345

Hon. Prof. J E Cortes: Mr Speaker, we are going into a completely different area. The areas that have remained closed, I suppose, are the Moorish Castle, which needs considerable investment, and Parson's Lodge. I have explained before – I think it was at the last sitting – that Parson's Lodge ... Not every site of heritage importance has to be a tourist site, and not every site of heritage importance necessarily has to have visitors. In fact, some can be adversely affected by footfall. I think that is an important concept. Parson's Lodge has been used as a centre for research and has been available for tours with a guide, and now obviously we know that that is going to be open to the public. I think that is all, really, that I need to say.

1350

1355 **Hon. D A Feetham:** It is just that the Hon. the Minister for Housing, from a sedentary position, said, 'Well, it is an expensive contract, but you are responsible.' Is it that the Government ...? Clearly that imparts the impression that the Government thinks this is an expensive contract. That is one question. Does the Government think this is an expensive contract? That is what he said. Does the Government think it is an expensive contract?

1360 And secondly, if the Government thinks it is an expensive contract, why has the Government not sought to renegotiate the contract in the last 12 years that it has been in office? *(Interjection)*

Mr Speaker: Let us allow the Minister to respond. *(Interjection by Hon. S E Linares)* It is to the Minister – *(Interjection by Hon. S E Linares)* No, it is the Minister's responsibility.

1365

Hon. S E Linares: Yes, but he has referred to me.

Mr Speaker: Right. Minister.

1370 **Hon. Prof. J E Cortes:** Mr Speaker, how does one define expensive? You have to relate it to the service that you get. I think I need to add a few things because the Museum and all its constituent parts runs itself within that budget and it is extremely rare, and certainly has not happened in the last few years, that they ask for supplementary funding for any of their new displays or any of their work. I think I must point that out. The building is old and needs continuous maintenance and repair. Additionally, there are other things like pest control, which is critical for the preservation of exhibits. All these things are absorbed, as expected, from within that contract.

1375 I think we also have to remember the added value that we have by having these eminent scientists at the Museum, running the Museum, because, for example, we could not afford to pay laboratory fees for dating of samples from Gorham's Cave and analysis of ancient DNA, so this is value that is added by the contacts that the Gibraltar National Museum makes and has made with academic establishments across the world. I think it is a package we have that brings huge added value to Gibraltar. If we had had to pay for all the documentary time that has been aired across the world on Gibraltar and particularly on Gorham's Cave, then we would not have been able to afford it, Mr Speaker.

Mr Speaker: Next question.

Q400/2023
Supply SNLSAs –
Payment of moneys owed

1385 **Clerk:** Question 400/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, have supply special needs learning support assistants who were owed money from November and December 2022 now been paid by Government?

1390 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the supply SNLSAs who were owed money from November and December as a result of them having been employed on a fixed-term contract and subsequently, mid-academic year, moving to permanent employment, have all now been paid.

1395 **Hon. K Azopardi:** Mr Speaker, I am very glad to hear that. Can I ask when they were paid? The reason I submitted the question is I was getting information that they had not been paid. That is why I submitted it.

1400 **Hon. Prof. J E Cortes:** Mr Speaker, this is information that I have, so I am only assuming that they have been paid. If they had not been paid when this answer was drafted about a week and a bit ago, they will have been paid by now. That is the information I have, but obviously I will check.

1405 **Hon. K Azopardi:** Does the hon. Member have information about how many people this affected?

Hon. Prof. J E Cortes: No, Mr Speaker, I do not have that information.

Questions for Written Answer

Clerk: Answers to Written Questions.

1410

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W22/2023 to W29/2023.

Procedural –

Oral questions converted to written questions

Hon. Chief Minister (Hon. F R Picardo): I have the honour, Mr Speaker, to move that the House should now –

1415

Mr Speaker: Excuse me, please resume your seat.
What is the issue?

Hon. E J Reyes: We have not received the answer to the written questions...

1420

Hon Member: They have been given to the Clerk, and the Clerk, in the normal course of events, will –

Hon. E J Reyes: Okay. I was not aware of that. Sorry.

1425

Hon. Member: I did not know that either.

Mr Speaker: I apologise, Chief Minister. You may proceed.

1430

Hon. K Azopardi: Sorry, Mr Speaker, can I just clarify? In the absence of Sir Joe Bossano, my understanding is we are going to be given that option of written, and I think a lot of us are going to opt for the written answer, but as we have now developed the practice, can I just ask the Speaker to confirm that we may then table fresh questions based on those answers without infringing the six-month rule?

1435

Mr Speaker: I confirm that that is the case and that following receipt of those converted written questions, hon. Members will be permitted to ask supplementaries, but in the form of questions, at the next meeting of House.

1440

Hon. Chief Minister: Thank you, Mr Speaker, but by way of housekeeping, I do not think that requires permission. If they wanted to ask the same question because they had not had the chance to pursue it orally by way of supplementaries, then permission would be required, but to ask a question arising from an answer to a question that is given in writing would not, in my view, be one that required permission. It would be perhaps in the nature of a supplementary, but it would appear as an oral question which they confect from the written answer they have been given.

1445

Adjournment

Hon. Chief Minister (Hon. F R Picardo): In any event, Mr Speaker, it is my pleasure to move now that the House should adjourn *sine die*.

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.

1450

I now put the question, which is at this House do now adjourn *sine die*. Those in favour? (Members: Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 4.35 p.m.