

## **STATEMENT BY THE GSLP/LIBERAL OPPOSITION 112/2010**

**10 August 2010**

The Government's have taken a policy decision to modify the noise exempt licenses issued to commercial premises at Ocean Village and Casemates in order to reduce noise disturbance to residents. The move coming after so many years, particularly in relation to Casemates, reflects the failure of the policy of the Government to find the right balance between the competing requirements of commercial premises (including the interests of leisure-goers) and the needs of residents.

Moreover, given the entrenched position that the Government has adopted on this issue in the past, this can only be seen as a politically opportunistic measure which they hope will keep people happy in the run up to a general election. The plain fact is that there are many people who have had to put up with considerable inconvenience in both areas and elsewhere as a result of the misguided policy of the Government and who will never forgive the GSD for having caused years of disruption to their lives. There are also many commercial premises which have been given a legitimate expectation of certain terms and conditions which have now been removed overnight at one stroke.

It will be recalled that in 2001 Parliament passed the Leisure Areas (Licensing) Act by Government majority with the Opposition voting against. The Act set up what was described at the time as a "pilot scheme" and it designated what were termed as Leisure Areas in Casemates Square, Marina Bay and Queensway Quay. It allowed for the designation of new areas as indeed happened with Ocean Village. The timing of the legislation coincided with the completion of the Casemates development and the opening of the last restaurant in that square.

This meant that the residents of Casemates Square at the time suddenly found themselves thrust inside a defined Leisure Area where the protection from all night disturbances was considerably weaker than what existed previously. The complaints mounted over the months and after countless sleepless nights the Government agreed to assist in the relocation of those who wanted (and who could do so) by buying them out.

The Opposition described the law at the time of its passing as one which laid down a legislative framework based on discretion, on which there was no restriction, against which there was no protection and above which there was no appeal. The Government confirmed that the Bill did discriminate and that it created a “regime of privilege”. In response to the accusation that the Chief Minister should have better things to do than meddling in the licensing of bars and restaurants, the type and number of tables and chairs and the colour of parasols that they use, Mr Caruana said that he considered himself the “Clerk of Works” of the Casemates development and that he found choosing tables and chairs to have been almost a “therapeutic recreation”. He added that this was Government policy and that he was not going to allow it to be run by magistrates and civil servants.

It was made clear that it was a matter of Government policy that there should be entertainment in Gibraltar and that there should be an area or areas in which there was a more liberal licensing regime. The Government have defended that policy tooth and nail over nine years since the Leisure Areas legislation was adopted. They have made people suffer from noise disturbance at night as a consequence of their vision of the Casemates development. Many residents in and around Leisure Areas have had their quality of life severely disrupted as a result of sleepless nights.

Commenting on the matter, Shadow Minister for Commercial Affairs Dr Joseph Garcia said:

“Therefore the changes recently announced to that regime nine years later will certainly raise eyebrows given that the Government has stubbornly refused to listen to public opinion in the past. This reflects the fact that the policy of the Government has been a complete failure in terms of finding a balance between the needs of the commercial premises to provide entertainment and the needs of the residents to a peaceful nights sleep. The Government has now removed the previously created exemption from noise provisions of Sections 272 and 273 of the Criminal Offences Act which relate to the playing of musical instruments after a certain time of the night and Sections 96 and 97 of the Public Health Act dealing with noise and vibration and restrictions on the operation on the public highway of loudspeakers and so on. It is obvious that the Government had never looked into this matter properly and their policy reversal is a reflection of this fact.”