

MEMORIAL BY BARONESS DEECH OF CUMNOR AND FIVE HOLOCAUST SURVIVORS OF OBJECTION TO DISPENSING WITH STANDING ORDERS IN RELATION TO THE HOLOCAUST MEMORIAL BILL

To the Standing Orders Committee of the House of Lords meeting 19 June 2023

I was a Memorialist in relation to the hybridity of the Holocaust Memorial Bill and was heard by the Examiners of Petitions for Private Bills on 17 April 2023 together with Dr Martin Stern, MBE, a Holocaust survivor. The same five Holocaust survivors whose names were appended to my Memorial on that occasion have consented to join with me in this objection, namely Dr Stern, Anita Lasker-Wallfisch, Joanna Millan BEM, Steven Frank BEM and Henri Obstfeld. I have also been heard by the Standing Orders Committee of the House of Commons on 13 June 2023.

The Examiners found the Holocaust Memorial Bill to be hybrid and reported that certain Standing Orders had not been complied with. Those Orders are Standing Order 4, Standing Order 4A, Standing Order 10, Standing Order 11, Standing Order 38 and Standing Order 39. They may be summarised as a failure to give any notice, information or publicity concerning the Bill before the due dates. It was announced in the House of Commons on 25 January 2023 that the Bill would be introduced, and it was introduced on 23 February.

The background to the Bill is as follows:

- January 2016 – Prime Minister announces the Government’s intention to build a large UK Holocaust Memorial in Victoria Tower Gardens; later a two-story underground Learning Centre is added;
- December 2018 – Planning application submitted;
- March 2019 – The Government is informed that the London County Council (Improvements) Act 1900 makes the proposed building illegal;
- November 2019 – The Government calls in the planning application;
- February 2020 – Westminster City Council’s planning committee decides that it would have rejected the application;
- July 2021 – The Government gives itself planning permission following a public inquiry;
- April 2022 – Planning permission quashed by the High Court because the 1900 Act was an obstacle to the proposal that had not been addressed;
- July 2022 – The Government is refused leave to appeal.

It was reasonable to assume that the Government’s plans to build a Memorial and Learning Centre in Victoria Tower Gardens had come to an end with the Court of Appeal’s decision. Accordingly the objectors to the plan for a Memorial on that site relaxed plans to crowd fund; seek legal advice; harness resident/parliamentarian objections; meet Ministers; further investigate environmental damage and risks; publicise the project; and (in my case) gather together Holocaust survivors and members of the Jewish community in order to gauge their opinions. Had there been earlier notification that there was to be this Bill, I would have resumed these activities, which I am now doing. Instead, it seems that the Government continued to prepare its project after the Court of Appeal judgment. The Bill now seeks to set aside the statutory restrictions on building in Victoria Tower Gardens.

Freedom of information requests reveal ongoing planning and spending activities by the government after the Court of Appeal refused leave to appeal. Early in 2023 I made a request to the Department for Levelling Up Housing & Communities concerning the content of the Learning Centre as documented. It was rejected on the ground that the cost of discovery would exceed the allowable limit. I accordingly made a second request, narrowing the scope of discovery to the period from 21 July 2022 (when the Court of Appeal refused leave to appeal) to 14 March 2023, in the belief that there would be little material on the assumption that the project had been halted. This was also rejected on the ground of excessive cost. Hence there must have been considerable ongoing planning taking place after the Court of Appeal decision and before the announcement that there would be a Holocaust Memorial Bill. A written answer from Baroness Scott of Bybrook on 23 March indicated that spending on the project to that date amounted to £17.8m from which one can conclude that spending also continued on the project during that time period. As of February 2023 the government sought permission to carry on spending:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1138205/Letter_from_the_Permanent_Secretary_regarding_the_UK_Holocaust_Memorial_and_Learning_Centre_programme.pdf, which also refers to non-compliant spending.

I respectfully suggest that the default position for the Committee should be that compliance with the standing orders be insisted on unless there are strong public interest reasons for dispensing with them, which I do not believe exist in this case. There is a strong public interest in the House's procedures being correctly followed and in demonstrating the importance of democratic process. The Government alleges that it has now complied with the notification orders. Nevertheless the notices in the Evening Standard and Westminster Extra cannot be found on line, the London Gazette only with difficulty, requiring setting up an account; and it is somewhat unlikely that parliamentarians and other affected persons read the Evening Standard carefully on Fridays, the days on which the notice was to appear. It does not appear that parliamentary authorities were formally notified, in particular the Strategic Estates: they have a particular interest affected by the Bill in that they will have to consider the near impossible task of simultaneous repair of Victoria Tower, re-location of the Education Centre, Restoration and Renewal of Parliament and a possible underground Holocaust Learning Centre, all occupying Victoria Tower Gardens, the river bank and Millbank with construction materials, cranes etc.

Also relevant is whether the Government was negligent in not complying with the standing orders. The Examiners' report on the reasons for their decision is very clear. It could not have come as a surprise to the Government that the Bill was hybrid, given the availability of expert advice to them and the well publicised objections, including at the 2020 public inquiry, from local residents over a number of years that they would be particularly affected. It was also obvious at an earlier stage that the 1900 Act was an impediment to the choice of Victoria Tower Gardens and that alternatives and wider consultation would have progressed the project. I suggest that this constitutes negligence, at best; at worst it can be seen as an attempt to prevent objectors being able to petition the Committee on the Bill. It provides a further reason for not giving the Government favourable treatment by dispensing with standing orders. It is doubtful that the Committee would dispense with standing orders in the case of an outside body that had been negligent, and the Government ought not to be treated any differently. Withdrawal of the Bill might well enable the Government to engage with critics of the project, which it has so far failed to do, and to come up with a consensus on a new way forward in changed circumstances. Any accusations of delay relate to the mishandling

of the project by the government and not the objectors who have sought solutions. There is no urgency about this project. A Memorial and Learning Centre, if built, is not for the present survivors but for future generations of visitors. Moreover there are already several Holocaust Memorials/Museums in the UK which record the events of the Holocaust and the memories of the survivors. They include the British Library Voices of the Holocaust recordings, the Imperial War Museum Holocaust Galleries, the National Holocaust Centre & Museum, the Wiener Holocaust Library which includes the International Tracing Service, the National Archives, the Kindertransport memorials at Liverpool Street, Swanage and Harwich, the Huddersfield Holocaust Centre, the Hyde Park holocaust memorial and the Holocaust Memorial Gardens Ilford.

In these circumstances I respectfully request that the standing orders that have not been complied with should not be dispensed with.

Ruth Deech 14 June 2023