

MINUTES OF ORAL EVIDENCE

taken before the

HOLOCAUST MEMORIAL BILL COMMITTEE

PETITIONS AGAINST THE BILL

Wednesday, 17 January 2024 (morning)

In Committee Room 15

A video of the proceedings can be found [here](#).

PRESENT:

John Stevenson (Chair)
Keir Mather
Lia Nici
Angela Richardson
Karl Turner

FOR THE PROMOTER:

Christopher Katkowski KC, Counsel, DLUHC
Richard Turney, Counsel, DLUHC
Robbie Owen, Parliamentary Agent

FOR THE PETITIONER:

1. Sir Peter Bottomley MP
 - Nickie Aiken MP
 - Philip Smith,
- Professor Emerita Christine Stevenson,
 - Cllr Louise Hyams
 - Dorian Gerhold

Exhibits referred to by the petitioner during the hearing can be found [here](#).

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(At 9.45 a.m.)

1. THE CHAIR: Good morning, everyone. This is the third public meeting of the Holocaust Memorial Bill Select Committee. As I've said before, but I will reiterate, the Committee is bound by the instruction from the House, which is as follows: that the Committee treats the principle of the Bill, as determined by the House on the Bill's Second Reading, as comprising the matters mentioned in paragraph 2 and those matters shall, accordingly, not be at issue during the proceedings of the Committee. The matters referred to in paragraph 1 are: (a) the Secretary of State may incur expenditure for or in connection with (i) a memorial commemorating the victims of the Holocaust, and (ii) a centre for learning relating to the memorial; and (b) section 8(1) and 8 of the London County Council (Improvements) Act 1900 are not to prevent, restrict or otherwise affect the construction, use, operation, maintenance or improvement of such a memorial and centre for learning at Victoria Tower Gardens in the City of Westminster.

2. As the Bill does not remove the need for planning permission and all other necessary consents being obtained in the usual way for the construction, use, operation, maintenance and improvement of the memorial and centre for learning, the Committee shall not hear any petition against the Bill to the extent that the petition relates to (a) the question of whether or not there should be a memorial commemorating the victims of the Holocaust or a centre for learning relating to the memorial, whether at Victoria Tower Gardens or elsewhere; or (b) whether or not planning permission and all other necessary consents should be given for the memorial and centre for learning or the terms and conditions on which they should be given.

3. We will now hear from the petitioner, Sir Peter Bottomley. In the usual way, we will have one witness and then the opportunity for counsel to cross-examine and then opportunity for you to ask again. Sir Peter.

Sir Peter Bottomley

Submissions by Sir Peter Bottomley

4. SIR PETER BOTTOMLEY: I'm grateful. I don't have to, and the advocate for the Government doesn't have to, give a commitment to tell the whole truth. I'm going to try to fill in some of the gaps from what we were told on the first day. The big gap

was that not a word was mentioned about the September 2015 specification, and if you look up ‘Holocaust Memorial Foundation specification September 2015’, you’ll find a document where on page 10 they say they want to have suggestions for a site in central London. They helpfully show a map of central London, which goes from the west of Regent’s Park in the west, to Spitalfields in the east, and to the Imperial War Museum.

5. The recommendation from the commission, which preceded the establishment of the foundation, put forward three possible, not exclusively, but three possible sites for the proposed Holocaust memorial and associated learning centre. One was at Millbank, which is now the London University of the Arts; one was City Hall near Tower Bridge; and one was the Imperial War Museum. When the foundation, in effect the government agency, put out their request for suggestions for sites, the Imperial War Museum were told not to pursue their suggestion that they would be a good place to have it. The commission had already said that the Holocaust exhibition at the Imperial War Museum could be combined with what they are proposing for the learning centre.

6. Combining is a good idea, but it does not have to be confined in the smallest royal park in London. It could be combined in the Harmsworth Park, the peace park, which surrounds the Imperial War Museum, the old Bethlem Hospital. I would invite the Committee to visit the Holocaust memorial galleries at the Imperial War Museum and then to walk back over Lambeth Bridge, in winter, and look from the bridge into the park and see if you can identify where the Buxton memorial is – the memorial that is supposed to be higher than the proposed modified monument now. You cannot see significantly accurately or precisely into the park from anywhere except from the entrances, the one by Dean Stanley Street, the one by Great Peter Street and if you come into the gardens from the Lambeth Bridge entrance.

7. By the way, if I can just, before I forget, say to you: when promoters say that they expect that during the construction of their proposal you will be able to walk along the path by the river, no one has been able to walk along the path by the river since April last year and the reason for that is work needs doing for the Buxton memorial, which they expect to have done by July this year and they have totally, unnecessarily, blocked off that path. If the Ministers responsible, whether it is Levelling Up or, more likely, Culture, Media and Sport, have that attitude to the users of the park, I do not think they should necessarily be trusted without assurances and commitments and conditions with

what they are proposing now.

8. If you then come into the park, you will see what essentially confirms the words you will hear later, I hope, from Anita Lasker-Wallfisch, aged 98, who played in the women's orchestra at Auschwitz and survived internment at Bergen-Belsen, who said to me in autumn last year, when she came to Westminster, 'The proposal is too small for its purpose and too big for the park'.

9. We know from the Minister's words in the House of Commons that the learning centre does not have to be there. In fact, there does not have to be a learning centre. You could get on with the memorial and when the foundation and Government first proposed adopting the commission's recommendation for a memorial, their hope was two things: first of all, that the majority of money would be spent on education – so far, tens of millions have been spent without a penny on education – and, secondly, that it would be complete within two years.

10. Under the promoter's expectation, were this Bill to go through, and were the Government to maintain this proposal, there could not be an opening of a memorial before 2027, 12 years after the first proposal. And on the money, the promoters should have drawn your attention to the National Audit Office report early last year expressing doubts as to the management of the project and whether those in charge had the capability of doing it, and saying the cost had gone up from the expectation total cost of £100 million, of which over half would go on education, so that implies less than £50 million for the learning centre and the memorial. Then, on the day of the debate in the House of Commons, the Minister did not refer to the fact that she had issued a written ministerial statement saying that the cost had gone up in the previous 12 months from £102 million to £137 million, an increase of over 33% in a year, with money they didn't have.

11. Now, my petition is in front of you. I accept paragraph 1 authorises money. The Government has spent money under common law rights. They're now asking for, in effect, a stamp of approval by Parliament. I am not objecting to that. I am objecting to unlimited powers to spend unlimited amounts of money on something which is not going to work very well. So I believe the Committee should ask for evidence from the promoters, and from those who can give a commentary on it, as to what the cost is going

to be.

12. The second thing is that there are various bits of information which Government have not yet released. In fact, they say they are not going to release – they are going to redact . You may hear about freedom of information requests today from Dorian Gerhold and I am sure you will hear them from Baroness Ruth Deech when she comes with four Holocaust survivors. I believe that the Government should not wait until the Information Commissioner's Office have got around to appointing someone to consider the case or tribunal hearings, if the Information Commissioner has backed up the Government's refusal. I think you should require the Government to give to you the information which they have redacted or will not issue, and you can then decide whether it can be made public or whether it needs to be held confidentially for some reason which I do not understand. The money side does matter and also so does the choice of the site.

13. I live close by. I have been to school here. I first came to school here in 1953 and used to use the gardens. I have worked here since 1975. I am a user of the park. I have a special interest in what is happening and when we hear that over half of the park is going to be denied to the general public and to the residents locally, especially the children, whose nearest other green space is St James' Park, and if we are living south of Westminster, that is quite a long walk, especially for children. You could set conditions saying, whatever the Government goes ahead with, if you decide to get paragraph 2 going, to lift the effect of the London Act 1900, and you could require that not more than a third of the park can be used at any one time.

14. Bluntly, if you are just going to have the memorial, you would not have this one, you would not put it on top of a box, and you would not start saying you want it open before the last Holocaust survivor has died by having a programme which is the longest possible. You would say, 'What can we do with the Imperial War Museum Holocaust memorial galleries? What can you do, for example, to ask the promoters to consider having a one-month competition for a memorial, which can be designed, approved and agreed with the local authority and local community, that can be put up within two years, for £20 million?' That's quite an extensive memorial, £20 million. There are many others which are impressive around London. The cost is really in that box – the large shoebox underneath the memorial and the memorial having to come up because of

the shoebox. So you could ask for evidence on that and then come to a decision whether it is worth putting that as an amendment or a condition, or ask for a Government commitment.

15. I am now going to, if I may, ask for my first witness, who is Nickie Aiken, the MP for Westminster. Can you say who you are?

Evidence of Nickie Aiken

16. MS AIKEN: Yes. I am Nickie Aiken. I am the Member of Parliament for the Cities of London and Westminster and obviously Victoria Tower Gardens is in my constituency. Before that, I was leader of Westminster City Council.

17. SIR PETER BOTTOMLEY: Thank you. While you were leader of Westminster City Council, were you aware that the National Holocaust Commission had proposed a monument, a memorial and learning centre?

18. MS AIKEN: Yes, I was. I had a meeting with the organisation that was proposing the application to the council, obviously as the planning authority. I had a long meeting with them. I do not know the exact dates but I think it would have been about 2017.

19. SIR PETER BOTTOMLEY: And would there have been any particular problem if the foundation decided to go ahead with the possibility of the site of Millbank or putting the learning centre near Millbank Tower?

20. MS AIKEN: Well, at the time, the understanding was that Millbank Tower was going to be used as an education centre. There have always been two sides to this: there is the actual Holocaust memorial and then there is the education centre. Both have issues around them but the specific issue has always been the education centre. There are two concerns. From a planning authority side, which obviously has statutory obligations, there were concerns regarding flooding and the actual structure, and the ongoing maintenance and security of the site, but then particular residents' concerns were around the loss of the park. This is a very, very well-used and much-loved park, as Sir Peter has already outlined.

21. But I think it is really, really important to stress that there are an awful lot of

families and households living in social housing, minutes' walk from this park. There are social housing blocks in Page Street, Vincent Street and then obviously the substantial Millbank estate where I know, because I have been told by families there, that they were really concerned that they were going to lose a park for their children to play in and, for me, as a representative first on the council and then as a Member of Parliament, that does concern me, because in places like south Westminster, we do not have an abundance of green space and I think it would be a great loss to many families, from all socioeconomic backgrounds, but particularly those from poorer households, if we lose this vital park.

22. SIR PETER BOTTOMLEY: And as a Member of Parliament – you became a Member of Parliament when?

23. MS AIKEN: I was first elected in December 2019.

24. SIR PETER BOTTOMLEY: So in the last, say, three years or so, have either the foundation or the Ministers voluntarily asked you in to come to discuss the situation over their difficulties with the present proposal?

25. MS AIKEN: No.

26. SIR PETER BOTTOMLEY: Anything else you would like to say?

27. MS AIKEN: I think, from a statutory planning authority point of view, the biggest concern, and it was very clear from the very first submissions we had from statutory agencies who have to respond, was the Environment Agency, and I would ask the Committee to really look at the Environment Agency's initial submissions, I think in February 2019 and late August and maybe December 2019, where they made it very clear that they had serious concerns and objected to the application initially because of the flooding risk.

28. And it's not just the flooding risk for the park, which is obviously very serious, but it is also the impact it will have on this palace, which is a world heritage site and there are, I personally think, serious risks to this palace and I think the Environment Agency did recognise that initially.

29. SIR PETER BOTTOMLEY: Thank you very much.

30. THE CHAIR: Mr Katkowski?

31. MR KATKOWSKI KC: Thank you, sir. Good morning.

32. MS AIKEN: Good morning.

33. MR KATKOWSKI KC: I am acting for the promoter, as you will understand, I am sure. Have you read the Bill?

34. MS AIKEN: Yes, I have read the Bill. I spoke in the debate. I am sure you have read my speech.

35. MR KATKOWSKI KC: And what, on behalf of the petitioner, are you asking the Committee to do with the Bill?

36. MS AIKEN: I, as the Member of Parliament representing many, many people who have written to me and spoken to me about their concerns for this Bill, is for this Bill to be not given Royal Assent or passed, is my view. I must also say I was a board member of the Royal Parks from 2017 to 2019, and there were very clear concerns from the Royal Parks about this memorial and this education centre being placed here. I think it is very important that this Bill is not passed. I think it is important to ensure that we protect our parks and our public spaces, particularly in places like central London where there are huge pockets of deprivation.

37. I am sure I do not have to explain to you, sir, that there are huge areas of deprivation in Westminster alone and in south Westminster alone. Those families do not have gardens. Most of those estates are concreted up and therefore any green space is vital for their health and wellbeing.

38. MR KATKOWSKI KC: The only other question I wanted to ask is this: I take it from what you have just said that you are not actually on behalf of the petitioner putting forward any specific amendment to the Bill; you are asking that it not be passed.

39. MS AIKEN: Yes.

40. MR KATKOWSKI KC: Thank you very much. Those are the only questions I wanted to ask.

41. THE CHAIR: Thank you. Sir Peter, would you like to come back on anything?

42. SIR PETER BOTTOMLEY: Yes. Mr Katkowski has asked you the obvious question, which is to try to get you to say you do not want the Bill and that that is all that matters. You are not, I think, quite saying that, are you? You are saying if the Bill is to take further steps forward, if it is going to be passed, what should be attached to it, coming from this Committee, to the Floor of the House of Commons.

43. MS AIKEN: Thank you, Sir Peter. I did not vote for this Bill. I think that is very clear. I did not vote against it because I am a Government Member of Parliament and I do not believe you should be voting against any Government Bill. I abstained, which I think sends a very clear messages as to what I thought.

44. If this Bill does go through Parliament, there need to be very clear conditions attached to it through the guidance or whatever to ensure that there is better understanding of the financials. I am quite incredulous that there has been no really clear understanding of future costs to this project, whether it is the actual build of the project but, particularly, it is equally important, and all of us as public servants have a huge responsibility to the taxpayer to ensure that taxpayers' money is spent responsibly. I have not seen any credible evidence of how the costs of maintaining the Holocaust memorial and the education centre nor the security.

45. And I think one of the biggest issues that the Committee really needs to dig down to, I would personally ask, is the ongoing security issues. Now we are seeing issues in the Middle East, which are having a serious knock-on effect to this country, particularly in Westminster, which is obviously the heart of Government here and we do see ongoing protests. I think that we have to understand who is going to cover the cost of security. It is going to have to be 24/7. Who is going to cover the cost? How much is that cost going to be? And is it appropriate to ask the taxpayer to pay that?

46. And then also the ongoing maintenance of the garden. And then, is the Government going to provide green space for the loss of the green space that families and households in this part of Westminster are going to lose? And I think Sir Peter, what he suggested as a maximum of a third of the park is reasonable, but I would prefer myself that we did not lose an inch of that park for local families.

47. SIR PETER BOTTOMLEY: So, in effect, you have given a preference to the advocate. My last question: in one of the promoter's documents, or the Government documents, the final sentence says that security will be along the lines of what happens in the rest of the estate.

48. MR KATKOWSKI KC: I hesitate to interrupt such a distinguished petitioner but re-examination is meant to be in relation to answers given to me in cross-examination and not meant to introduce brand new points that I did not raise with this witness, Sir Peter. Forgive me, sir. I am ever so sorry.

49. THE CHAIR: I appreciate that, but I think we will give a degree of latitude. Sir Peter?

50. SIR PETER BOTTOMLEY: Thank you. Notice that, in the last sentence of one of the documents, it says that security arrangements in the park for the proposed learning centre – the box – and the memorial, would be as they are in the rest of this estate. Would you confirm that many people trying to get into the estate have a half-hour wait in the rain to get through security and if there is any reason to put that kind of security on all access to the park, it is likely to be subject to the same kind of restrictions?

51. MS AIKEN: I would suggest that that is a reasonable belief. I think that, as we see coming into the palace, particularly on specific days or if there is a particular Select Committee on, like there was yesterday, the interest in the public wanting to attend is much greater. I think with the Holocaust memorial, my concern would be not just tourists or anybody else attending on a normal basis, but that if there are flare-ups in the Middle East, as we are seeing now, that will attract people who may not wish well the Holocaust memorial or may want to use it as a place to make their own views known about various issues, and that will create even more pressure for the security of the area and it has a knock-on effect for local residents. It will also have a knock-on effect for the traffic flow etc.

52. SIR PETER BOTTOMLEY: Thank you.

53. THE CHAIR: Thank you. Does any member of the Committee have any questions?

54. MR MATHER: Yes, I have a question. On this point about security, and presumably not wanting to have the Holocaust memorial in Victoria Gardens because it would be a target for antisemitism, essentially, for flare-ups in the Middle East or for whatever reason, that surely stands in contrast to the laudable actions that the Government has taken since the 7 October attacks to provide more funding for, say, the CST or for other security organisations that provide support to the Jewish community to commemorate the suffering that they have seen since 7 October.

55. The Government has been very clear that Jewish people – and other people too – should be able to reflect on what has happened since 7 October and have the protection in order to do so. Surely the argument that having the Holocaust memorial there is inappropriate because anti-Semites would seek to cause a disturbance there doesn't stack up with the Government's ambition to provide a safe and secure place for Jewish people to be able to commemorate the suffering that their community has faced. Should we not be creating this space for that to happen, irrespective of the fact that other people might seek to undermine it?

56. MS AIKEN: I have never said we should not have a Holocaust memorial. I am a great supporter of a Holocaust memorial. I have been for the last eight or nine years. I have always said it is the wrong location for a number of reasons – flooding risk – but particularly also because it is a much-loved and much-used park and, as I said earlier, we do not have enough green space in this area, particularly for those living in social housing. We have thousands upon thousands of people living in social housing, literally minutes' walk away from Victoria Tower Gardens, who use this garden and use the play area.

57. For me, it will be a flashpoint, yes, absolutely. I think there are a number of reasons, security being one of them but not the sole issue, and I absolutely welcome the Government's recent announcement on further funding for the CST. We should be doing all we can to highlight and stamp out any form of racism, but I do think this particular area, next to the palace here, which is a world heritage site and is home of Government, it is not the best place for a memorial to be.

58. I have also personally always thought the Imperial War Museum is the best place, because I have been to the Holocaust galleries. If you have not been, I would highly

recommend them. They are outstanding but you come out feeling drained, feeling very emotional and I have always thought how appropriate it would be to then find somewhere quiet, with a Holocaust memorial in the gardens, where you can reflect and you can remember those who were murdered and also give thanks for those who survived those atrocities. I personally think that the Imperial War Museum has always been the best place and, initially, I know that they were keen to do it.

59. MR MATHER: And also, just on the specific point about flooding, you said that the Environment Agency initially raised an objection. Was that objection sustained or did the planning process meet the concerns that the EA had?

60. MS AIKEN: No. The Environment Agency, and I am sure there are documents available, wrote to Westminster City Council as part of the planning submission, where they make it very, very clear that they were objecting because of flooding risk and that was part of the reason why the council then did not grant. I cannot remember, to be honest, if and when the Environment Agency did change their views but, if they did, I am quite surprised that they did because they were very, very concerned in several letters they sent to the council.

61. THE CHAIR: As a matter of fact, they either –

62. MS AIKEN: I cannot remember. They definitely objected.

63. THE CHAIR: No, but did they subsequently agree?

64. MS AIKEN: I cannot remember. I cannot remember.

65. THE CHAIR: Okay.

66. MR MATHER: Thank you. Thank you, Chair.

67. MR TURNER: Chair, thank you. Very briefly, I think your evidence is you just do not want the memorial there. Is that right?

68. MS AIKEN: I do not think Victoria Tower Gardens is an appropriate place to hold the size of the Holocaust memorial that is being suggested but particularly the education centre, is my view. As I said earlier, I absolutely have no issue with having a Holocaust memorial. I think it would be a fitting tribute to have. I just personally do

not believe – and also representing so many views of my constituents – that Victoria Tower Gardens is an appropriate location for the said memorial and education centre.

69. MR TURNER: Thank you, Chair. Thank you.

70. THE CHAIR: Thank you very much. We turn to our next witness.

71. SIR PETER BOTTOMLEY: Please can we have Philip Smith?

Evidence of Philip Smith

72. SIR PETER BOTTOMLEY: Can you tell us who you are please? Can you say who you are?

73. MR SMITH: Yes, thank you. My name is Philip Smith. I am a great grandson of William Henry Smith, who was Member of Parliament for Westminster from 1868 until 1885 and, following the revision of the parliamentary constituency boundaries, for The Strand from 1885 until 1891.

74. SIR PETER BOTTOMLEY: Thank you. What did William Henry Smith do to these gardens and parks?

75. MR SMITH: In 1879, when he was First Lord of the Admiralty, he donated £1,000 for the creation of a garden on the recently reclaimed land to the south of Victoria Tower for the use of the inhabitants and children, especially of Westminster. He desired that open spaces should be prevented from being built on. The Government contributed £1,400 to the scheme.

76. SIR PETER BOTTOMLEY: So, he contributed a significant minority of the funds.

77. MR SMITH: Yes, sir.

78. SIR PETER BOTTOMLEY: And his wish that the gardens should remain open and not be built on – how was that followed up by Parliament?

79. MR SMITH: It was followed up or emphasised really at a later stage when a scheme for the development of the adjoining land to the south by a private company was rejected by the Parliament in 1898. In 1900, the LCC (Improvements) Act, among other

things, involved creating an open space between the realigned Millbank and the new river wall. The First Commissioner of Works, who was responsible for the existing garden, stated that because of the undertakings made to William Henry Smith, he had only agreed to give up part of the further reclaimed land on the condition that the land between the relocated Millbank and the river should be laid out and maintained for use as a garden open to the public and as an integral part of the existing Victoria Tower Garden. Westminster Vestry contributed £100,000 on condition that the land be converted into a public garden and the commitment was honoured by Westminster Council in 1900.

80. SIR PETER BOTTOMLEY: Thank you very much. This is just general knowledge. Are you aware that Government tries not to build in National Trust land, which is supposed to be not built on?

81. MR SMITH: I am not aware of a particular instance.

82. SIR PETER BOTTOMLEY: The Okehampton bypass is perhaps a good one but I will not pursue that one. Certainly, when I was a Minister, we spent enormous amounts of money to avoid doing that. If anybody goes down to Portsmouth, you will see that the A3 at Hindhead had £371 million on it to avoid going through National Trust land, when it could have been done for £70 million, rather better, if they had just taken a small portion of it.

83. I will go on then to my last question. Do you think many people, like William Henry Smith, would feel less confident in making similar large donations if they thought Parliament would unnecessarily overrule their wishes?

84. MR SMITH: The answer to that is certainly yes. It would set an unfortunate precedent.

85. SIR PETER BOTTOMLEY: Thank you very much. Is there anything else you want to say?

86. MR SMITH: I think the Government would be unwise to proceed with this.

87. SIR PETER BOTTOMLEY: Thank you.

88. THE CHAIR: Mr Katkowski?

89. MR KATKOWSKI KC: I'm going to ask the same questions as I asked the previous witness. First of all, Mr Smith, have you read the Bill?

90. MR SMITH: I have not in its entirety, no.

91. MR KATKOWSKI KC: No, thank you. And what are you asking the Committee to do with the Bill, please?

92. MR SMITH: I'm not well versed in parliamentary procedures but I would imagine the Committee would recommend rejection of the Bill, if that is the right way of putting it.

93. MR KATKOWSKI KC: Thank you.

94. SIR PETER BOTTOMLEY: On the presumption that what you said was right, that you do not know as much as Mr Katkowski about parliamentary procedure, I will put a question to you, which he might have put to you but he chose not to, which is that if this Bill goes ahead, would you like to see the memorial separated from the learning box so that the damage to the gardens was minimised?

95. MR SMITH: Well, I think that that is what you might call a least-worst case. As the Member of Parliament for Westminster has just stated, there is already an extremely good educational thing at the Imperial War Museum and there could well be a memorial erected in grounds next door to that. I must confess that I am talking basically on what I have learned over recent days but that is what I feel would be a very sensible thing to do.

96. SIR PETER BOTTOMLEY: Thank you very much.

97. THE CHAIR: Does any member of the Committee have any questions? Thank you.

98. SIR PETER BOTTOMLEY: Thank you very much. I do not know if Louise Hyams is here.

Evidence of Cllr Hyams

99. THE CHAIR: Could you just introduce yourself to us, please?

100. CLLR HYAMS: Yes. My name is Louise Hyams and I am the ward member for St James' ward, which includes the area that we are talking about, and I have been since 1998. So I am a councillor in the City of Westminster.

101. SIR PETER BOTTOMLEY: Thank you. If I wanted to change the railings outside my house in your ward, and it is a listed house, would I have to get permission both from Historic England and from Westminster City Council?

102. CLLR HYAMS: I am sure you would.

103. SIR PETER BOTTOMLEY: Right, and yet we have a proposal in front of us which can take away more than half a park for more than four years, or for more than three years anyway, without the city council being able to do anything about it.

104. CLLR HYAMS: It does seem like it. Obviously, we had the opportunity for it to be heard at a planning committee. I am sure you will ask me questions about that but that option has now been taken away from us.

105. SIR PETER BOTTOMLEY: Would you like to make an opening statement or shall I just ask you questions?

106. CLLR HYAMS: Well, I would like to answer your questions but I think I would like to say initially that I am Jewish. I was delighted to hear that the Government were proposing a Holocaust memorial. I have been to many around the world. I always make a point of visiting them in cities that have them. I went to an exhibition at Number 10 Downing Street when the final 10 proposals had been decided and it was an open exhibition at that time. I must admit I did not particularly like the design that was finally chosen. I thought there were others that were smaller but a lot more poignant than this one, but on the actual concept of having a Holocaust memorial in London, I cannot tell you how delighted I am that that has been proposed and I do hope to see one, and I hope to see one very soon.

107. I think one of my largest regrets over the whole matter has been the length of time

this is taking. Had the memorial trust listened to the objections to using this park and chosen the preferred location in the Imperial War Museum, we would have had a memorial built now so that the last survivors would have had a chance to see such a memorial. It is of great regret that that will not happen, I am quite sure.

108. SIR PETER BOTTOMLEY: Thank you. Did Government decide early on that the memorial had to be beside the Palace of Westminster?

109. CLLR HYAMS: I think they probably did. I think they had decided this was the path they wanted to take, and they dug their heels in and just would not listen. I did confront the MPs who were proposing it, on numerous occasions, and whenever he saw me, he started turning the other way because he was sick of me approaching him and saying, 'Please, please, listen'. They dug their heels in and I was very upset that they were not listening to local residents, the local council, the community and that they were just determined to forge ahead.

110. SIR PETER BOTTOMLEY: And then can you confirm that Government was standing by for Westminster to consider the planning application and then shortly before Westminster would have come to a decision on the evidence, it was taken away from Westminster without Westminster being asked?

111. CLLR HYAMS: Absolutely, it came as a great shock. The planning committee were going to consider the matter and then the blow came that the decision was going to be taken out of the local authority's hands. Well, that is not democracy, in my opinion. That meant that they were not going to listen to local opinion. They just wanted to forge ahead with the site that they had chosen.

112. In the event, the council decided that although the decision would not matter in the long term, they would still have the planning committee and it was extremely well attended and lots of people spoke very eloquently, including my fellow ward councillor, Cllr Mark Shearer. Everybody has said they are not against the principle of a Holocaust memorial. I have not encountered anybody that has said that to me on the council, local residents, nobody, but it was just the location. I think Nickie Aiken has really, really put the point extremely well, why that is the case.

113. SIR PETER BOTTOMLEY: I am going to refer to something on page 9 of the

September 2015 *National memorial and learning centre: Search for a Central London Site*. It says, in ‘planning and size’, ‘The respondent should only put a site forward when it believes the local authority will, in principle, be supportive of this use on their site’. This proposal by Andrew Feldman in his letter to the Secretary of State, did that have the consent of Westminster?

114. CLLR HYAMS: No, no.

115. SIR PETER BOTTOMLEY: There are a number of other questions I could ask you but I had better let the promoters put to you the question, ‘Have you read the Bill?’ and ‘What do you want to happen?’

116. CLLR HYAMS: Yes. I just wanted to add, by the way, when the planning committee did meet to consider the application, it was unanimously rejected on the grounds of size, location, the flooding, the traffic issues, security of the park – all the issues that you have already heard so I will not repeat – but it did unanimously reject the proposal.

117. SIR PETER BOTTOMLEY: Just before putting you across, you may have heard me say at the beginning that the Committee has the opportunity and choice of whether to propose amendments to the Bill, to ask for conditions to be attached or to ask Government to make commitments. If there has to be a memorial in Victoria Tower Gardens, do you think it should necessarily be this one and do you think it necessary should have to have the learning centre with it?

118. CLLR HYAMS: I would prefer it not to be this one. As I said, I think it was too large, too imposing. It did not really, I think, get over the message that a Holocaust memorial should. I think anybody going to the park would not know it was a Holocaust memorial unless they actually read a script about it. Some of the other memorials I have seen are so poignant. There is a tree of life, which has always stuck in my mind, in a synagogue in Budapest, a beautiful steel tree with the leaves and on those leaves are inscribed the names of some of the people who were victims of the Holocaust. There is the place in Prague where they have the names of all the victims inscribed around a memorial wall.

119. I just felt this memorial did not say what it should. I think I have seen ones that

are showing book burning. There are powerful messages that could have been used for a memorial. This one, I feel, lacked that. Apart from its size and how it would have affected the park, I just did not feel it really, really gave the message that we wanted.

120. THE CHAIR: Thank you. Mr Katkowski?

121. MR KATKOWSKI KC: Thank you. I am going to mix things up and ask my questions slightly differently. You said that you thought that Nickie Aiken had put the case very well. Would I be right in thinking that therefore you would agree with what she said to me: she would say that the Bill – that you would say as well – should not be passed?

122. CLLR HYAMS: Well, I do not know whether amendments could be made, or a change to the location, within the Bill because, as I have said, I cannot express strongly enough how much I would like to see a Holocaust memorial, especially in this day and age, as we have heard. Antisemitism, as we know, is on the rise and the message I want to be put over very well is, ‘Lest we forget’, and that is what the memorial would indicate and that is the message I want to be here in this country where we are seeing antisemitism. It is not something that happened to other people across the water; it happens here too.

123. MR KATKOWSKI KC: Yes, indeed, here in the UK.

124. CLLR HYAMS: So I do not know whether amendments can be made to change the location, change the particular memorial. That is what I would like to see.

125. MR KATKOWSKI KC: Let us take it step by step. So step number 1, so you are not in her camp. You are not asking that the Bill not be passed. So that is a good start.

126. CLLR HYAMS: Well, if it can be amended. I stress that.

127. MR KATKOWSKI KC: I am going to come to amendments next.

128. CLLR HYAMS: Okay.

129. MR KATKOWSKI KC: This Bill not being passed is Bill gets thrown away, if you like. If we are not in that territory, we can only be in the territory of amendments.

130. CLLR HYAMS: Yes.

131. MR KATKOWSKI KC: What amendment, if any, are you actually asking the Committee to consider on behalf of the petitioner?

132. CLLR HYAMS: Yes.

133. MR KATKOWSKI KC: You are not here speaking in your own right; you are speaking as a witness for the petitioner. So what are you actually asking the Committee to do by way of amending the Bill, bearing in mind that the whole purpose of the Bill is to remove an obstruction to building the memorial and learning centre in Victoria Tower Gardens – nowhere else, in Victoria Tower Gardens.

134. SIR PETER BOTTOMLEY: If I can just make one point, forgive me, the Bill does not mention Victoria Tower Gardens, sir.

135. THE CHAIR: Peter, just allow the question to be answered, please.

136. CLLR HYAMS: As I have said earlier, if it can be amended, my amendment would be for the site in question not to be considered but other sites should be looked at, specifically the Imperial War Museum.

137. MR KATKOWSKI KC: Alright, thank you. That is clear. Given the intervention, Councillor, I do not know whether you are or are not aware but the Bill seeks to remove a restriction which is placed on certain land by a 1900 Act, the London County Council (Improvements) Act, and the land is Victoria Tower Gardens.

138. CLLR HYAMS: Right.

139. MR KATKOWSKI KC: The Bill does not mention Victoria Tower Gardens by name because it does not need to, because it is seeking to remove an obstruction which only applies to Victoria Tower Gardens.

140. CLLR HYAMS: Well, then I would have to say I would not want the Bill to pass through.

141. MR KATKOWSKI KC: Right, thank you. That is helpful, thank you.

142. THE CHAIR: Does that conclude your questions?

143. MR KATKOWSKI KC: I am so sorry, sir. Yes, it does.

144. THE CHAIR: Sir Peter?

145. SIR PETER BOTTOMLEY: Just to probe once more, you are here because what is being proposed, you think, is not the best that could be done to achieve the purposes, which you support.

146. CLLR HYAMS: Absolutely, 100%.

147. SIR PETER BOTTOMLEY: And if the Bill came out with an amendment that required the learning centre to be put aside for the time being and the Government or the promoters would say, 'We'll go to a competition to have a standalone memorial', which could be close to the Palace of Westminster, here in Victoria Tower Gardens or one part of it, because there are less intrusive parts, in Abingdon Green, College Green, in Parliament Square or in Whitehall, that is the kind of condition, amendment or assurance you would seek from the promoters.

148. CLLR HYAMS: I would, yes.

149. SIR PETER BOTTOMLEY: Thank you.

150. THE CHAIR: Any member of the Committee have a question?

151. MR TURNER: No, thank you, Chair.

152. THE CHAIR: Thank you very much.

153. SIR PETER BOTTOMLEY: Can I ask for Professor Stevenson, please?

Evidence of Professor Stevenson

154. SIR PETER BOTTOMLEY: Can I ask the witness to say who she is and what she does?

155. PROFESSOR STEVENSON: Good morning. My name is Christine Stevenson and until I retired a year ago, I taught at the Courtauld Institute of Art, which is part of London University, and I am interested in Holocaust memorials and I have some expertise in the subject. This is because, after 2006, I taught BA students, 18 to 21-

year-olds, a course called 'Monuments and Memory'. It began with antiquity but a lot of it was about Holocaust memorialisation, simply because that has inspired some of the most influential and innovative monuments and museums to have opened in the last 40 years and I have visited several of them. It was as an art and architectural historian that I was teaching history of commemoration.

156. SIR PETER BOTTOMLEY: Thank you. And can I apologise to you and to the Committee for not forwarding your slides so they could be shown as you talk but if you tell us some of your views on memorials as they might relate to this.

157. PROFESSOR STEVENSON: I thought it might be useful for the Committee to understand the existing Holocaust memorial in London. It might leave the impression that Britain's concern with the Holocaust is a minority or peripheral interest and that would not be right, because at least since the Stockholm declaration of 2000, which established the Holocaust as a crime against civilisation and one that should be universally central to national memory, Britain has taken a leading role in Holocaust education, Holocaust studies, but the memorial is extremely unobtrusive. I think that what is happening, and it might be useful for the Committee to understand, within the discussions about the proposed memorial, is that an element of national pride is coming into play. I do not mean national pride in the sense of what Britain did, during the years of the Holocaust, in relation to Jewish refugees but simply a sense that in a single respect, a big above-ground memorial, Britain is lagging behind and it is.

158. The first memorial, what is considered the national one, is a grove of trees, birch trees in Hyde Park, surrounding big granite boulders, of which the largest has a text from *Lamentations* carved on it in English and Hebrew. The use of the natural objects by the designer, Richard Seifert, the boulders and the trees, was a very deliberate decision. The thinking was that with an event so impossibly horrible, so inexpressible, you cannot set up a conventional memorial. You cannot do a triumphal arch; you cannot do a man on a horse. It is a gesture towards the horror.

159. But the unobtrusiveness is also the outcome of a prevailing mood among the Board of Deputies of British Jews, who led the initiative, which at the time, the leaders within the board were of a very assimilationist temperament. Jews were not to be seen as particular but merely as a grouping that would assimilate very easily into British

society. They did not want something huge but they did want something very central and what was proposed was Whitehall or the little garden by the Jewel Tower, opposite the Victoria Tower, but the Secretary of State for Culture, Michael Heseltine, was very worried that such siting would attract anti-semitist desecrations or self-declared anti-Zionist desecrations at a time when there was ongoing war in the Middle East.

160. A lot has changed in 40 years and I think the emphasis in all the discussions about the new memorial, beginning in 2015, that it must be bold, it must be – what did the Prime Minister say? – a conveyable vision, it must be striking, it must be prominent, all of this is in implicit contrast to the grove of trees, which one of the documents calls ‘patently inadequate’, partly because there is no information about what it is there for. It is simply the inscription and that was pointed out at the time.

161. What was also happening in the meantime was the construction of a very prominent Holocaust memorial in Ottawa, which is incidentally the city where I grew up. Canada was the last of the allied nations to get a national monument and what they did was choose the architect Daniel Libeskind to construct a very large concrete construction, which from the air, which is an increasingly important viewpoint, looks like a deconstructed Star of David.

162. Now, this monument is not attached to a learning centre but the Canadian War Museum, also a very distinguished building, is across the road and I know that those proposing the monument and learning centre for London, the new one, have done a lot of travelling but I think Ottawa is not mentioned in their accounts of excellence, I think partly because – and I do not wish to sound cynical – it was a rejected design for Ottawa that was selected for the London memorial.

163. SIR PETER BOTTOMLEY: Thank you very much. Can you tell us about some of the effective memorials in London that you know of?

164. PROFESSOR STEVENSON: I think the monument to, for example, the women of World War II in Whitehall is one that has always struck my students as extremely effective. I am sure you all know it. It is a plinth but simply with empty uniforms hung on it. With monuments, it is always a question of, is there a direct relationship to a site? That is, do you have the monument at a place where things happened or is it in some way alluding to something that happened elsewhere and, if so, you choose between

abstraction and figuration. The trouble with figuration is it can date. There will always be somebody who will complain that they are not represented. Abstraction can demand quite a lot of explanation.

165. SIR PETER BOTTOMLEY: Thank you. And you referred to the chosen design for Ottawa. Sir David Adjaye OM, whose name was mentioned once in passing, and I do not want to go into details about why he is not mentioned much more now, did he put in, with others, a proposal for Ottawa?

166. PROFESSOR STEVENSON: Yes, that is what I mean. Adjaye together with Ron Arad and one called Irene Szylinger, I think, put in a proposal, that like the proposal for London consists of very prominent above-ground fins, in Ottawa called foils. Unlike London, they are of a kind of wiggly concrete instead of bronze but the same idea is there and it has become pretty conventional with Holocaust monuments. The idea is you walk through these very tall structures and you get a bodily sense of compression, and in that way try to empathise with those who suffered, and then release as you exit, and that trope or convention has continued into the present proposal.

167. SIR PETER BOTTOMLEY: If the promoters were to say, 'We'd like to have a memorial by itself', and if they now say not the big page 10 map from Regent's Park to Spitalfields to Imperial War Museum but they would like it to be close to the Palace of Westminster, which could be Whitehall, Parliament Square, College Green or parts of Victoria Tower Gardens, do you think that they could quite quickly have a competition for a design for a memorial by itself, rather than with a box of a learning centre underneath it?

168. PROFESSOR STEVENSON: Yes. This is done all the time. As you probably know, there are hundreds of Holocaust memorials in the world – there is a list in Wikipedia – that are not attached to learning centres. The idea of attaching to a learning centre, I think, was probably inspired by the Monument to the Murdered Jews of Europe, which is in Berlin, which is an extraordinary field of concrete stelae of varying heights so you look across it and it seems to be rippling. It is attached to an extraordinarily comprehensive learning centre that is underground, underneath this field of stone. But in both Ottawa and Berlin, there was a lot of land available. In both cases, although it was relatively central, it was former – well, in Berlin, I think it was

wasteland; in Ottawa it was former light industrial land that was there.

169. SIR PETER BOTTOMLEY: It was not a much-loved children's park.

170. PROFESSOR STEVENSON: No, it was called the LeBreton Flats in Ottawa. There had been a match factory there or something. Ideally, one wants the monument physically joined to a learning centre. It is a very nice idea and a learning centre is, I think, anything that helps to tie together all the many initiatives in the UK at the moment to commemorate the Holocaust, to understand the Holocaust, because they are not as well publicised as they could be but there is a lot going on, would be desirable.

171. But the physical joining is by no means essential for a successful monument, by which I mean a monument that does make a successful intervention into a public space, that does encourage people to reflect, that even gives people a kind of melancholy pleasure. The attachment of a learning centre is not essential and, for me, the big difficulty with the current proposal is the intense compromise the learning centre must undergo because of the restricted size of the site. Again and again, we hear that it is going to be world class, but it is not going to be anything like world class.

172. SIR PETER BOTTOMLEY: The original specification, Mr Chairman, was to have an area between 5,000 square metres and 10,000 square metres. What is being proposed is less than 4,000 square metres. The original proposal said that there should be all the organisations associated with the Holocaust having, in effect, a campus there. That has been dropped. To what extent do you think the requirements of the Holocaust memorial are being met by the present proposals?

173. PROFESSOR STEVENSON: I am not a specialist in Holocaust education, which is an important academic field, but I think what is being proposed, instead of a centre for research, for discussion, for teaching, as a node for a digital programme that would encompass all these initiatives, for example by the Association of Jewish Refugees, which has done a fantastic map of all the sites in the country, what we are going to get are screens. And increasingly, every visitor who goes there has grown up with screens. The content may be absolutely excellent but the format, the medium of the message, is going to be so conventional, I think, as to slide off.

174. I have taken students to the Holocaust Museum. The encounter with real objects

makes an enormous difference and it is that encounter with objects that makes what is generally reckoned the world leader among Holocaust museums, that in Washington DC, so along with brilliant design, so effective.

175. SIR PETER BOTTOMLEY: Thank you. Is there anything else you would like to say or shall I pass you across to the promoters?

176. PROFESSOR STEVENSON: Was there anything else I wanted to say? Just that I think Britain is in a very fortunate position. There are places, particularly in central and eastern Europe and the Baltic, not whole countries but just places where Holocaust memorialisation is being really distorted by a lot of factors: complicity at the time, perceived competition with communist crimes, that people object to Holocaust memorialisation because they say, 'Well, look what the communists did', and the rise of ultra-nationalist parties with anti-Jewish and anti-Roma sentiment, and we are really fortunate not to be in that position.

177. THE CHAIR: Thank you. Mr Katkowski?

178. MR KATKOWSKI KC: Thank you, sir. Professor, again, just so that I can understand, and for the benefit of the Committee most importantly, what are you actually asking the Committee to do with the Bill, which I assume you have read?

179. PROFESSOR STEVENSON: Yes, it did not take long. Remove the restriction. I mean remove the clause about the restriction.

180. MR KATKOWSKI KC: Forgive me, I am sure it is my fault and certainly not yours. The Bill seeks to do something, which is to remove a restriction from Victoria Tower Gardens on building a memorial to the Holocaust and a learning centre. That is what the Bill seeks to do. What are you asking the Committee to do in relation to that?

181. PROFESSOR STEVENSON: Sorry, it is a kind of double negative.

182. MR KATKOWSKI KC: It is, yes.

183. PROFESSOR STEVENSON: Yes.

184. MR KATKOWSKI KC: A sort of triple negative.

185. PROFESSOR STEVENSON: I would strike the second part.

186. MR KATKOWSKI KC: Clause 2?

187. PROFESSOR STEVENSON: Yes, thank you. Like all the witnesses, I have absolutely no objection to a new Holocaust monument but I think that the compromises that this very restricted site, which came along quite late in the process, after it had been decided that the monument must be enormous, after it had been decided that there must be a learning centre, then came relatively small Victoria Tower Gardens and everything has been so badly compromised. I think we should do it right.

188. MR KATKOWSKI KC: But were one to strike clause 2, in other words delete it, that would mean that the restriction on building a Holocaust memorial and learning centre in Victoria Tower Gardens would remain place.

189. PROFESSOR STEVENSON: Yes.

190. MR KATKOWSKI KC: Right, thank you.

191. THE CHAIR: Thank you. Sir Peter?

192. SIR PETER BOTTOMLEY: I'm not going to make a meal of this but it is a matter of record that what Ministers have said on the Floor of the House of Commons is not fully consistent with what was said by the promoter and what the principle of the Bill were, but I am going to leave that for other people to argue about later.

193. Have you seen a Government comparison of the merits of Victoria Tower Gardens for the memorial and the learning centre in comparison, say, with the Imperial War Museum?

194. PROFESSOR STEVENSON: I cannot say that I have done an exhaustive search but this was actually a topic that I taught to my students and, no, I have not seen any detailed account of why the Imperial War Museum seems to have been evaded.

195. SIR PETER BOTTOMLEY: I am grateful for that and the Committee should be as well because it is open to the Committee to require the promoters to show the detailed comparison, or even a rough comparison, between the Imperial War Museum site and Victoria Tower Garden, because that kind of justification, I put it to you, will be

necessary if they intend to go ahead with anything in Victoria Tower Garden, let alone what they are proposing at the moment. Is that right?

196. PROFESSOR STEVENSON: Yes.

197. SIR PETER BOTTOMLEY: I am grateful to you. Thank you.

198. THE CHAIR: Thank you. Does any member of the Committee have a question?

199. MR MATHER: Yes. Thank you very much for your testimony and I think you have shown extremely clearly why your discipline and the work that you do is absolutely crucial in considering the merits and demerits of certain forms of memorialisation.

200. PROFESSOR STEVENSON: Thank you.

201. MR MATHER: I suppose, that being said, though, do you feel that there is any difficulty in the fact that you are asking the Committee, as sort of an assembly of policy makers, to make a decision about whether to strike through part of the Bill as to the memorial's location that is based on considerations about the design of the memorial and the sense that it creates for those who engage with it? Those principles are fundamentally contested and objective for each individual who considers them and, in a sense, could it not be said that where considering a matter of distinct policy as to a location, are these two things not in conflict when we are considering abstract matters to justify what is, in effect, a matter of practical policy?

202. PROFESSOR STEVENSON: Yes. I think that is an extremely good point. They are in conflict. I do not have legal training and I find the Bill so open and permissive that, when Mr Katkowski asks me what I would amend about it, it seems as though I am boxing against smoke. But I entirely agree that, as I understand it, the focus of your Committee is, 'What does one do with the Bill?' and I chose really to give the simplest answer I could, given my severe reservations about the project as it presently stands.

203. MR MATHER: Thank you.

204. THE CHAIR: Thank you very much. Sir Peter, your final –

205. SIR PETER BOTTOMLEY: Can I ask Dorian Gerhold to join us, please? I do

not know whether we are able to show Dorian's slides or not. If we are, if the first one could be shown, I am grateful. And could I also say to the Committee that his book *Victoria Tower Gardens: The Prehistory, Creation and Planned Destruction of a London Park* is being reprinted.

206. THE CHAIR: On sale with Amazon?

207. SIR PETER BOTTOMLEY: And I will give a copy, so that each member of the Committee and the staff can have a copy. There is one in the special collection of the House of Commons Library at the moment.

Evidence of Dorian Gerhold

208. SIR PETER BOTTOMLEY: Can you say who you are, please?

209. MR GERHOLD: Yes. My name is Dorian Gerhold. I was a House of Commons Clerk for 33 years, up to 2012, latterly as secretary of the House of Commons Commission. I am now an independent historian. I am a fellow of the Royal Historical Society and the Society of Antiquaries. I was the person who identified the 1900 Act as the reason why building the memorial and learning centre in Victoria Tower Gardens would –

210. THE CHAIR: That is why we are all here today.

211. MR GERHOLD: Exactly, and I have investigated the history of Victoria Tower Gardens and of the decisions that led to the choice of the gardens for the memorial. Like Sir Peter's other witnesses, I am not questioning the need for the memorial and learning centre, only the location.

212. SIR PETER BOTTOMLEY: Thank you. And just before we get on to explaining why Victoria Tower Gardens, the way in which it was created, is relevant to this Committee's proceedings, can you just confirm that the promoters resisted the idea of having this hybrid Select Committee stage at all?

213. MR GERHOLD: They did. They introduced the Bill without the usual notices, and memorials had to be put in and the examiners considered the Bill and identified a local interest, which made the Bill hybrid.

214. SIR PETER BOTTOMLEY: And did the Government state to the examiners why they thought this stage was not necessary, why it should not be hybrid?

215. MR GERHOLD: Well, they said it only had public implications; the interests affected were the general public of the entire country, not local people.

216. SIR PETER BOTTOMLEY: So the fact that William Henry Smith and other parts of Government had made the park and gardens available for the recreation, health and enjoyment of local people, including children, was not regarded as anything other than national interest by Government.

217. MR GERHOLD: Evidently not.

218. SIR PETER BOTTOMLEY: Alright. Would you like to tell us the way Victoria Tower Gardens were created and how it is relevant to these proceedings, please?

219. MR GERHOLD: Yes. The way that the gardens came into existence led fairly directly to the provisions in the 1900 Act, which require the southern part to be maintained as a public open space. When the present Palace of Westminster was built, there were wharves immediately south of it, which posed a fire risk to the palace and that was the reason for the 1867 Act. On the slide, you can see the land acquired in 1867 and in 1900 in red on a later Ordnance Survey map and, under that Act, some of the wharves were acquired by the Crown and cleared. The picture on the right shows – it is about 1912 – the first part of Victoria Tower Gardens, bottom left, and the proposed extension looking away from the palace.

220. The 1867 Act said nothing about how the land was to be used and it lay empty for years. Eventually, in 1879, WH Smith offered £1,000 for laying it out as a public open space, as you've just heard, and the remaining £1,400 needed for that was voted by Parliament. Crucially, Smith asked for and received from the Government, a promise to maintain the new public space as a recreation ground.

221. In 1898, the Commons rejected a private scheme to redevelop the area south of the palace and the abbey, because it was a private speculative scheme and because it didn't provide for the riverside land to become a public open space. The London County Council or LCC undertook to bring forward its own scheme to widen Millbank and

improve the area and did so the following year and that was the scheme provided for in the 1900 Act. The LCC at first avoided committing itself to a riverside open space because not building on the land massively increased the cost of the scheme by £570,000, which was a large sum then, and it wanted to strengthen its bargaining power in order to obtain a contribution from the Government. However, the First Commissioner of Works, who was the registered owner of the existing part of Victoria Tower Gardens on behalf of the Crown, was being asked to surrender a small part of it needed for the widening of Millbank.

222. If we have the next slide, please. As you've heard from Philip Smith – that is an extract from his letter to the LCC – he insisted that because of the promise to WH Smith, he would do so only if the Bill was amended to specify that the riverside land be laid out and maintained as a garden for public recreation and he also required the LCC to transfer the land to him, so the two parts of the gardens could be managed as a whole.

223. So section 8 of the 1900 Act was the result of the Government honouring the promise made to WH Smith. The LCC paid most of the cost of the scheme, with contributions from Westminster City Council and the Government, both conditional on the riverside land becoming a public garden.

224. SIR PETER BOTTOMLEY: Can I just interrupt you for a second?

225. MR GERHOLD: Yes.

226. SIR PETER BOTTOMLEY: Was this Bill that became an Act amended? Was it a public Bill or a private Bill?

227. MR GERHOLD: It was a private Bill.

228. SIR PETER BOTTOMLEY: So, in effect, not quite the same as the hybrid Bill, but it affects people's private interests and people had the chance, in Committee, of making amendments.

229. MR GERHOLD: They did and various amendments were made. The course of Millbank was altered, for example, as a result.

230. So the land which the Government now seeks to build on was not paid for by the

Government but came into its hands only because of an agreement that it should remain a public open space and not be built on and, therefore, building on it now would be a breach of trust. The 1900 Act is not a random legislative obstacle which happens to have popped up in the path of the memorial and learning centre but was passed by Parliament to prevent exactly the sort of, I would say, casual destruction of an open space that the Government is proposing. And I suggest, therefore, the Committee's response should be to minimise the amount of building in Victoria Tower Gardens by amending clause 2 of the Bill so that it covers only the memorial and not the learning centre, as the Committee is entitled to do according to the Minister who moved the instruction in the House. And to save Mr Katkowski asking a question, I have a very simple amendment which would do in in clause 2, line 3, after 1.1, to insert the words 'insofar as they relate to the memorial', so insofar as they relate to the memorial but not the learning centre.

231. The second area I wanted to come onto is the decision making in 2016 because, again, the quality of the decision making by the Government and the UK Holocaust Memorial Foundation in 2016 has led directly to the Holocaust Memorial Bill and this committee's hearings. And I will try to demonstrate how that should influence the Committee's own decisions. The 2016 decision making was rather glided over in the presentation last week and there are four peculiarities in it.

232. The first peculiarity was the compressed timescale in January 2016. If we can have the next slide that gives the key dates. The criteria for the site of the memorial and learning centre were set out by the foundation in September 2015, as Sir Peter has already told you, and go far beyond what is proposed now. Proximity to Parliament was not a criterion at all, not surprisingly, as there is only a tenuous link between the Holocaust and Parliament, and a large area of central London was designated as suitable. There was a professional review of potential sites by CBRE, which reported to the foundation on 11 January 2016. On 13 January, which is the key date, the foundation's board received for the first time both CBRE's recommendations and the proposal to use Victoria Tower Gardens. The gardens had not been considered by the CBRE but had been looked at separately and informally by government officials and two of the board's members. At the same meeting, without any further investigation, the board rejected CBRE's proposals and agreed to recommend Victoria Tower Gardens

to the Government. Years later, we learnt from a PQ answer that the recommendation had been in principle only, yet just 14 days later on 27 January the then Prime Minister David Cameron announced that the memorial would be in Victoria Tower Gardens, committing the Government to that site.

233. The Prime Minister's announcement referred only to the memorial. The September 2015 criteria had provided for the memorial and learning centre to be co-located or 'close at hand'. We now know from a later PQ answer that the recommendation of 13 January was 'without prejudice' to the site of a learning centre. From a statement made to the planning inquiry we know that the foundation agreed on 13 January to investigate whether it would be feasible to construct the learning centre underneath the memorial. Evidently, there was no plan B in case, having announced the gardens as the site, the learning centre could not, after all, be constructed there. The technical analysis referred to last week that supposedly showed it could has never been published and the Government never explicitly announced that it had decided to build a learning centre in Victoria Tower Gardens. When the design competition was launched on 14 September, the brief was for a co-located memorial and learning centre bespoke to Victoria Tower Gardens.

234. The obvious consequence of the compressed timescale is that no due diligence was done before the Government committed itself to the Victoria Tower Gardens site. The most basic matter that should have been investigated, among many others, was how the gardens had come into the Government's hands and whether there was any restriction on building there. A morning's research at the London Metropolitan Archives would have provided the answer. Instead, the Government proceeded at first in complete ignorance of the 1900 Act, which is why we are here now. When the Act was brought to the department's attention in 2019 it dismissed the Act as irrelevant.

235. The second peculiarity is that there is almost no audit trail for the decision making, which is a clear signal of something being wrong. The first public indication that Victoria Tower Gardens was even being considered was the Prime Minister's announcement on 27 January but that was a few sentences at Prime Minister's Questions when the matter could not be discussed.

236. If we have the next slide, that shows part of the minutes of the crucial meeting of

the Holocaust Memorial Foundation as they were eventually supplied to me through freedom of information in 2020. As Sir Peter has said, the Committee could ask for this if it wants to see it. Otherwise, there are only some parliamentary written answers, a short statement by Ed Balls to the planning inquiry and some misleading information in the planning and environmental statements accompanying the planning application. My conclusion is that the department has sought to obscure the casual and ill-considered way in which decisions were made in 2016.

237. A parliamentary question in 2021 did winkle out one the things redacted there, which was the wording of the recommendation in January 2016, previously redacted, but, unfortunately, it was inconsistent with the earlier answers – next slide, please – which had indicated that the recommendation covered both the memorial and the learning centre. I will not read them out because you have the slides and you can draw your own opinion. The department has been asked to correct the earlier answers but has refused to do so.

238. The third peculiarity followed from the fact that the Victoria Tower Gardens site could not get anywhere near meeting the specifications set out in September 2015 either in terms of floor area or facilities. Evidently, therefore, the criteria were changed in January 2016, either implicitly or deliberately, so that only proximity to Parliament mattered. What made this peculiar is that, having made that decision and changed the criteria, the foundation's board considered only Victoria Tower Gardens and not any sites that could have met the new criterion, such as College Green, Parliament Square or Whitehall. So Victoria Tower Gardens was never compared with other sites on consistent criteria.

239. The fourth peculiarity is that there seems to have been no consideration of the cost of an underground learning centre. In 2015 the Prime Minister allocated £50 million for the memorial, the learning centre and the proposed endowment fund for holocaust education. Nine years later, the Government's promise of an endowment fund has not been honoured, the learning centre has been descope and yet it was announced, as you heard from Sir Peter, in June that the cost of what remains had risen as at March last year to £139 million plus contingencies. Sir Peter has referred to the NAO report, which identified major risks and, like most of HS2, the project was classified as unachievable by the Infrastructure and Projects Authority in its 2022-23 report. So whatever

Government is elected later this year, probably, it would need to find that funding plus up to £8.5 million of running costs at a time of great pressure on public spending, whereas, as we have heard, better and cheaper alternatives are possible.

240. So I hope I have demonstrated that Victoria Tower Gardens was not selected as part of a rational evidence-based process capable of identifying the best site but, instead, through a flawed process which the department has tried, with partial success, to keep secret. Anyone who makes an unwise initial decision has two options. They can follow the Post Office Horizon strategy of doubling down and ploughing regardless of problems, legal problems or costs or whatever, or they can reconsider the decision and make a better one. And reconsidering decisions should result in a better memorial and learning centre at less cost and probably sooner, preventing damage to a London park and probably enabling more money to be sent on Holocaust education. And I would suggest that the Committee could give the Government to do that rethinking by amending clause 2 of the Bill, as I suggested, so that it covers just the memorial and not the learning centre.

241. SIR PETER BOTTOMLEY: There is nothing that you have seen in the instructions to the Committee that would stop them doing that.

242. MR GERHOLD: No. I heard what was said last week. I think not enough attention has been paid to the House's resolution of 1997 on the conduct of Ministers because two Ministers, Felicity Buchan, particularly, and Michael Gove – Felicity Buchan told the House when moving the instruction that the Committee could consider whether to leave out the learning centre. Under the resolution of the House, if a Member inadvertently misleads the House they must correct the record at the earliest opportunity. That has not been done in this case so there is a conflict between what the Ministers told the House and the basis on which the House agreed the instructions and, apparently, the instructions of a different sort that were given to Mr Katkowski. And maybe that is something the Committee should look at.

243. SIR PETER BOTTOMLEY: And if someone sensible was given a choice whether you want the Minister to say what she said on the floor was wrong or whether what was put to the Committee should be changed, which is the appropriate way forward?

244. MR GERHOLD: I would like the Minister to stick by what she told the House because that was the basis on which Members approved the instruction.

245. SIR PETER BOTTOMLEY: Thank you. And it is the instruction which governs the Committee. It is not what the promoter's advocate might be saying.

246. MR GERHOLD: Correct.

247. SIR PETER BOTTOMLEY: On education, and I ought to say in parenthesis that, since the proposal came forward from the Holocaust Commission in January 2015, I now know that it is not 10 of my grandfather's extended family who died in the Holocaust; it is over 120. So that education has mattered to me and it is one of the reasons why I feel strongly that, as the Government has said, more than half the money that is available should be spent on education rather than building and boxes and the like. Is there anything in the proposal you have seen or what Government have said that suggests that they are going to spend at least as much on education as they are on infrastructure?

248. MR GERHOLD: No, there is not, because the £139 million plus contingencies is for building the memorial and learning centre. It does not provide for the endowment fund for holocaust education that was called for in the 2015 Holocaust Commission, which the Prime Minister said he accepted all the recommendations of.

249. SIR PETER BOTTOMLEY: So, leave aside inflation, if the Government is putting in £50 million, that is going to be matched by charitable donations and the costs of the memorial will presumably be covered, in one way or another, either by Government agreeing to pay it or by the charitable trusts paying it, and that the education would be spent. Have you heard the promoters say how that is going to be done? Have you heard Ministers say how that is going to be done?

250. MR GERHOLD: I have not heard anything about education beyond what would be achieved by the learning centre.

251. SIR PETER BOTTOMLEY: Thank you. Is there anything else I ought to ask you?

252. MR GERHOLD: I have probably gone on long enough.

253. THE CHAIR: I think he has been pretty comprehensive in his evidence there. Mr Katkowski?

254. MR KATKOWSKI KC: Is there anything that I should ask of Mr Gerhold?

255. MR GERHOLD: I think I have answered you already.

256. MR KATKOWSKI KC: Mr Gerhold, thank you very much. You made very clear that the amendment that you are putting forward on behalf of the petitioner, because you understand you are not a witness in your own right, you are a witness for the petitioner, is that clause 2 of the Bill should be amended so that it would still remove the legislative obstruction to the building of a Holocaust memorial at Victoria Tower Gardens, yes, but it would not remove that obstruction for the building of a centre for learning in Victoria Tower Gardens.

257. MR GERHOLD: Correct.

258. MR KATKOWSKI KC: Right. Thank you, and do not worry about the instructions to me by the promoter. The instructions that I have referred to are, of course, instructions which are read at the beginning of every session by the Chair. That is to say the motion which was agreed by the House after the Second Reading, which gave an instruction to this Committee. And you are aware, are you not, I am sure, that the instruction is that this Committee is not to consider any petition that relates to questioning locating a centre for learning in Victoria Tower Gardens. I mean, that is the instruction, not from me – forget me – from the House to this Committee.

259. MR GERHOLD: Yes, but I also take account of the Minister's interpretation of the instruction.

260. MR KATKOWSKI KC: No, no. Forgive me. The Ministers will argue until the cows come home, I am sure, about what the Ministers said and did not – well, we know what they said; it is on record. They said it is for the Committee to consider whatever they want to consider. But the instruction that came after the Minister's statement is very clear. The Committee is not to consider whether there should or should not be a centre for learning in Victoria Tower Gardens. And can I have at least this from you, Mr Gerhold? What you are seeking would run flat contrary to the instruction given by

the House to this Committee, would it not?

261. MR GERHOLD: Well, I am relying on what the Minister said, which has not been corrected.

262. MR KATKOWSKI KC: Can you answer my question? It would run contrary to the instruction given to this Committee by the House, would it not?

263. MR GERHOLD: I do not accept that.

264. MR KATKOWSKI KC: It obviously would, Mr Gerhold. Come on, please. With your background, experience and intelligence you can perfectly well see that when the Committee is told it is not for them to question whether there should be a learning centre in Victoria Tower Gardens, to ask them to strike through the part of the Bill which would remove an obstruction to building a learning centre in Victoria Tower Gardens is obviously flat contrary to that instruction, is it not?

265. MR GERHOLD: I agree that is what the words say, but they were interpreted by the Minister, and that is the basis on which the House approved the instruction.

266. MR KATKOWSKI KC: I shall leave it there. Thank you very much, Mr Gerhold.

267. THE CHAIR: Thank you. Sir Peter?

268. SIR PETER BOTTOMLEY: Who instructs the advocate for the promoters?

269. MR GERHOLD: The department, I assume.

270. SIR PETER BOTTOMLEY: And who leads the department?

271. MR GERHOLD: The Secretary of State and his Ministers.

272. SIR PETER BOTTOMLEY: And the Secretary of State and the Ministers have said that we can do what we are doing, which is saying to the Committee, 'You can consider whether the proposal for the Holocaust memorial needs to have the learning centre with it'.

273. MR GERHOLD: That's right.

274. SIR PETER BOTTOMLEY: I think whatever the advocate says in interrupting you could be set on one side, given that his instructions came from the people who said clearly in the House of Commons what this Committee can do. Is that right?

275. MR GERHOLD: Yes.

276. THE CHAIR: Does any member of the Committee have any questions?

277. MR MATHER: May I ask a question? Thank you very much for your testimony today. Forgive me if I misunderstand what you said in your remarks, but it seemed as if you were saying that by introducing this amendment, in effect, it creates a mechanism for this Committee or for the House to be able to pick through a series of what you would characterise as missteps in decision making or deliberate obfuscation by the department. And I wonder if you could just more clearly explain what the mechanism is by which you put that amendment in the Bill and, therefore, it allows us to untangle that decision-making process.

278. MR GERHOLD: Well, the examiners identified a local interest and the Committee has to consider the strength of that interest against what is being proposed. And what I am really arguing is that there was not a proper process in selecting Victoria Tower Gardens, so that weakens the case for interfering with the local interest, which is to be represented here.

279. MR MATHER: So it does not allow us directly to relitigate on those decisions that were taken by the Secretary of State or whoever else, irrespective of how flawed they may be.

280. MR GERHOLD: No, but I hope it guides your decisions in dealing with the Bill whether amending it or not.

281. MR MATHER: Thank you. Thank you, Chair.

282. THE CHAIR: Okay. Thank you very much. I am grateful. Does that conclude your witnesses, Peter?

283. SIR PETER BOTTOMLEY: It does.

284. THE CHAIR: We will now go to the counsel again. Mr Katkowski?

Response by Mr Katkowski

285. MR KATKOWSKI KC: Thank you very much, indeed, sir. Well, the purpose of my questions, obviously, to each of the witnesses on behalf of the petitioner was to flush out exactly what is being sought from the Committee in relation to the Bill. And so you will understand that my position is that, in asking either for the Bill not to be passed or for asking for the rejection of the Bill, which amounts to the same thing, or not wanting the Bill to pass through, again another way of saying the same thing, none of that, obviously, is in scope for this Committee and that is not something which you could bring to pass.

286. And the only specific idea that we have had is the one from Mr Gerhold just now, which is that one should leave in place the 1900 Act's restriction on the building of a learning centre in Victoria Tower Gardens. That is patently flat contrary to the instruction. It is not a matter, with great respect, for this Committee and I therefore say that there is nothing for us, that is to say the promotor, to respond to and certainly no need for us to call evidence. Everything you have heard is absolutely nothing to do with the scope of the business of this Committee and that is all I want to say.

287. THE CHAIR: Thank you very much. Do any of the members of the Committee have any final questions?

288. MR MATHER: Could I ask Sir Peter a question?

289. THE CHAIR: You can ask Sir Peter a question.

290. MR MATHER: Thank you, Sir Peter, for taking the time to come down today and to call these witnesses. I did have two questions and the first relates to the point that was made around security. I am sure the whole House would be up in arms were the recent march against antisemitism, which went down Whitehall and was in a place of prominence, if people had said that it should not happen because the security focus would be too great and it would be a potential flashpoint. Would that argument not apply to a Holocaust memorial that was in a place of national prominence, such as Victoria Tower Gardens, in your view?

291. SIR PETER BOTTOMLEY: It is an interesting question. My answer would be,

can you try to have both the learning and education effect which the promoters are after, and have a memorial which would be prominent, noticeable and accessible? If it is not accessible unless you have gone through scanners in a park which is supposed to be walk in/walk out – and I also remind myself that the original proposal was for people to be able to come to the memorial without booking and appreciate it, go into the learning centre, as they can, for example, to the Holocaust galleries at the Imperial War Museum, which is less than a mile away from here – I would think that is a distinction from saying protests bring risks and restrictions. I believe that, were this to happen here, even without the present consequences of the ghastly attack of 7 October and the consequences of the actions in Gaza, which presumably the attackers on 7 October intended to induce, that is different. I think that, even without those, within months people would start saying, ‘You can’t do it’.

292. And I will give you this as an example. It is not directly parallel. My brother happened to be a councillor in Lambeth when MI6 wanted to build their green building and permission was given on condition there was a path along the river. When the building was finished, the intelligence service said, ‘You can’t have the path. It’s a security risk’. So Lambeth Council said, ‘We can’t force you to have the park open. We can stop you using it until you do’. So they opened the path. The building then got attacked from the other side. There is risk in all these things.

293. But if you deliberately try to gather people together where a lot of them will be Jewish and someone wants to make a demonstration, what is to stop someone just taking an explosive device and dropping it from around the Buxton Memorial into the gathering place by the learning centre? We do not have that kind of risk at present with the Holocaust galleries in the Imperial War Museum. We would not have that kind of risk if you had a walk-up memorial which was noticeable and people could come to it, even if they did not intend to see it, and then learn from seeing the memorial. So I do not see the direct parallel. I see the point of asking the question but I do not think it is one that gives reinforcement to the promoters’ ideas of what fulfils the September 2015 specification.

294. MR MATHER: Thank you. And then just very quickly in terms of timing, I think one of the criticisms that you outlined of the existing project as it stands is that it will not be open until 2027, at which point it is questionable how many Holocaust survivors

would be able to attend its opening. If there were to be a decision where it would be built, say, at the Imperial War Museum and that restarted what we know from the previous process has been quite a drawn-out planning procedure that has taken multiple years, does that not compound the problem in your view in terms of the timing?

295. SIR PETER BOTTOMLEY: Again, it is a sensible question. My answer is very, very clear. Government allowed a month for suggestions of sites and we have heard from Dorian Gerhold that by 11 January 2016 CBRE had come to their shortlist out of 24 and suggested three. I do not know what those three were. I do not know if they are publicly known or not but they certainly have not been mentioned by the promoters as the alternative places to which this Victoria Tower Gardens is preferred. So you could probably do that within four months. If you were going for a standalone memorial, assuming it is not going to be as high as the Wainhouse Tower at Kings Cross outside Halifax that someone build 200 feet or 300 feet high so he could look into his neighbour's property, but you are going to have one which is the sort of scale you can anticipate, you could probably get it chosen in competition within the next two months. It would probably take, assuming you are going to involve metal in it, about eight months to a year to do the modelling and the casting. And then it would take about a month to install.

296. So within two years, and I put the suggestion of whole cost of less than £20 million, you could have an opening and there could be Holocaust survivors present. You then start saying, or you might say, I would say, 'What about the learning campus? What about the learning facilities?' Well, first of all I would look and see what the Imperial War Museum has done in updating their Holocaust galleries and their extension work, which is similar to much of what was proposed by the Holocaust Commission and supported by the Holocaust Foundation, and by Government and by me. And you could then say, 'What else do you need? Can you then go back to having a campus? Can you bring some of the Holocaust organisations together so they can work together and interact both nationally and internationally?'

297. What I am putting forward is something the Committee could ask the Government to say, 'What's your plan B?' We know they may need plan B because the department's witness yesterday said that the use of the gardens might not be where it is presently proposed; it might be somewhere else. They want the scope to be able to do that. It

would not necessarily be there at all. It could be moved. So I think that you could sensibly say to Government what the arguments would be against suspending proceedings on this Bill until, first of all, they have created the scaffolding and they are showing the size of the memorial and the fins illustrated by boards in the park. Secondly say to Government, were you to decide, or Parliament, either the House of Commons or the House of Lords, to put conditions on which made your present scheme one which will not go to planning permission from the Ministers junior, which is what we are being told is proposed, but you have a proper hearing of the alternatives where local people as well as national interests can speak, then I think this Committee will have helped Government do things right and do things better.

298. MR MATHER: Thank you. Thank you, Chair.

299. THE CHAIR: Lia Nici?

300. MS NICI: Sir Peter, why do you believe that this site has been chosen and is being supported through this legislation to lift the conditions on this particular site?

301. SIR PETER BOTTOMLEY: I think, as we were told by some witnesses, the process was going forward from September 2015 and the lists of criteria, which are on slides that I have not shown but I hope can be circulated to you, were very clear. I have no objection to any of those. What shocked me was when, in January 2016, we heard it was going to be Victoria Tower Gardens. I asked. The answer is that Andrew Feldman, then chairman of the Conservative Party, wrote to a Minister saying, ‘Have you thought of Victoria Tower Gardens?’ He did not mention the learning centre there. He thought it might be a place for a memorial. Now, that was the first time anyone, to my knowledge, has suggested it had to be by the Palace of Westminster. He was not even saying it had to be by the Palace of Westminster. He said, ‘It could be by the Palace of Westminster’.

302. By the time you get to January 2016, Government seems to have set themselves – I do not want to make too much of a comparison – like the Post Office and Horizon developers: they get stuck. And, since then, they have not been able to open their minds or have discussions. I had discussions with Peter Bazalgette, Sir Peter Bazalgette as he is now. I had discussions with Peter Freeman, who succeeded him. None of them were prepared to disclose the comparison between Victoria Tower Gardens and, say, the

Imperial War Museum or other potential sites. They did not, they have not and they will not unless this Committee does it or a tribunal on freedom of information does it.

303. So I think the answer to your question is it happened by a chance letter, and then people who wanted to make their bosses happy carried on with it and they have not been able to stop and look and say, 'Is the emperor wearing no clothes?' We want to have education. We want to have people working together. We want to have a memorial. That does not justify almost the worst proposal from an architect whose name you should not repeat too often at a cost which is out of control and on a timescale which is inappropriate to them now saying they want it done while the Holocaust survivors are alive. And if this Bill gets through Parliament, Lords and Commons, without conditions, amendments or assurances from Government, anyone who believes that reconsideration by the Planning Minister is a substitute to Westminster City Council hearing witnesses, making a decision and then perhaps having that called in by the Minister after the local authority has given the view, is listening too much to the advocate for the promoters, is the way I would put it, as calmly and sweetly as I can.

304. THE CHAIR: Thank you. No further questions from the Committee. Can I thank the witnesses, Sir Peter, counsel?