

MARINE MANAGEMENT ORGANIZATION

HARBOURS ACT 1964 (as amended)

PROPOSED PORT OF LONDON AUTHORITY ('PLA')

HARBOUR REVISION ORDER 202[X] ('HRO')

STATEMENT OF EVIDENCE BY RT HON SIR SIMON HUGHES, former MP for Southwark, Bermondsey and successor constituencies.

CASE REFERENCE: HRO/2020/00005

Introduction

1. This is the witness statement of evidence in support of objections by Tower Bridge Yacht and Boat Company (TBY&BC) (and others) to the proposed PLA Harbour Revision Order (the proposed Order) and for submission to the Inquiry into the proposed Order to be held in February and March 2025.
2. My name is Simon Hughes, and my address is 6, Lynton Road, London SE1 5QR.
3. In 1981 I was the Liberal candidate for Southwark, Bermondsey for the GLA. From February 1983 until 2015 I was the Liberal and then Liberal Democrat MP for Southwark Bermondsey and its successor constituencies (now called Bermondsey and Old Southwark). My constituency boundaries were the boundaries between Southwark and Lambeth and Southwark and Lewisham and Southwark and the City of London and Tower Hamlets (which is down the centre of the Thames). The Thames and it's southern Southwark bank was therefore always in my constituency. In 2004 I was the Liberal Democrat candidate for Mayor of London. I was also for different periods between 2004 and 2014 the Federal President and later the Deputy Leader of the Liberal Democrats and from 2013-2015 the Minister of State for Justice and Civil Liberties. My home has been in London SE1 and not far from the river Thames for the whole of this period.

4. For all of the time since 1980, as a GLC and parliamentary and mayoral candidate and as MP, I have taken an active interest in all matters concerning the river Thames, the Port of London and the PLA and often raised matters concerning these issues at private meetings, publicly and in parliament – in debates, on legislation and in questions and motions. My opinions and views and the evidence I give to this Inquiry have been informed and reinforced by many of the opinions, views and experiences of constituents and other residents, businesses and organisations; many of these contacted me in the more than 34 years when I was a candidate or MP, and I am aware from local Bermondsey councillors and friends that many of these concerns and issues, particularly relating to planning and foreshore issues, have continued since 2015. A particular reason for ensuring the best possible governance with the highest standards of transparency and environmental responsibility for the PLA is national importance, heritage and history.
5. I do not in this statement address the question of the boundaries of the PLA and whether, since the creation of the GLA and consistent with the commitment of all major parties to greater devolution, the area and responsibilities of the PLA or both which fall within the GLA area should remain with the PLA or now be transferred to the GLA or a new body accountable to the GLA. Now that the port of London and the activities and commerce of the port has moved downstream and to Essex and Kent there is a strong argument that the boundaries of the PLA should now be redrawn to catch up with this significant change in the activity and life of our port. I recommend that London, Essex and Kent local and county authorities, parliament and ministers should consider this matter anew as soon as practical.
6. There are of course some sensible and widely agreed proposed changes to the Port of London Act 1968 in this proposed Order. Whether or not this proposed Order is rejected or modified these should be included in this or any successor proposed Order.

Governance and transparency

7. Given the enormous impact of the river Thames and the PLA on Greater London, Essex and Kent, residents, visitors, business and voluntary organisations in these three counties and on all users of the river Thames and its foreshore it is my evidence that the PLA needs to become a much more transparent organisation, with governance much more accountable to the people and businesses of

London, Essex and Kent. **I ask the Inspector to make as many specific and general recommendations as possible to achieve this maximum good governance, accountability and transparency, and beyond these recommendations in addition to recommend that HMG and parliament carry out at the earliest possible date a full consultation and review of PLA governance and transparency in order to provide the fullest accountability and transparency in revised primary and/or secondary legislation for the PLA.** On governance, the Inquiry recommendations should take into account the history of the governance of the PLA referred to in the statement of Mr Lacey on behalf of TBY&BC. There has been a significant reduction in accountability of the PLA from its creation over 100 years ago (by a Liberal government!) until now, with the result that the governance model of the PLA now fails entirely to comply with official recommendations for and best practice of trusts with public responsibilities in England, where **the model of appointment of a majority of trustees by the trust itself is entirely unjustified and should urgently be changed.** This is even more the case following the creation of the Greater London Council (GLC) which has specific environmental responsibilities set out in legislation and which includes a much greater proportion of the Thames and Thames tributaries within GLA boundaries than within the London County Council (LCC) boundaries in existence at the date of the creation of the PLA. **Recommendations should also expressly include consideration of making the PLA subject to Freedom of Information legislation;** current requirements for compliance with the Environmental Information Regulations 2004 or encouragements to the PLA to comply with the spirit of the FOI Act (but without the Act's rights and responsibilities) are no substitutes. Consideration of the establishment of an ombudsman or similar should also be considered.

Separation of powers and responsibilities

8. The proposed Order is not drafted in a way which sets out clearly, distinctly and separately and in a logical order the different aspects of the PLA 's activities: its governance, its management and operation of the port including environmental and navigational responsibilities, its role as landowner and landlord (including environmental responsibilities) and its regulatory responsibilities. **For this reason, I request the inspector either to reject the present draft order in its entirety and recommend the PLA to submit a new draft order which sets out these responsibilities clearly, distinctly and separately and in a logical order or to recommend all necessary reordering changes in the proposed Order to achieve these objectives.**
9. Particularly after the public exposure of the recent history of Post Office prosecutions of sub-postmasters and postmistresses there can now be no

justification for the PLA both to set its own rules and then adjudicate over any disputes or enforcement, both in civil and criminal law, whether for vessels or tenants or others. By way of comparison, London's Royal Parks have regulations set by the DCMS but the policing of them is done by an Operational Command Unit of the county police authority, the Metropolitan Police (MP). Likewise, the MP enforce the law on London's roads. The MP should be the criminal enforcement agency for the PLA in Greater London and the Kent and Essex forces for the PLA in their counties – unless transferred by them to the MP. Civil enforcement should be dealt with by the civil courts, just as is done in the areas of all other authorities in Greater London, Essex and Kent. **All parts of the proposed Order where this separation of responsibilities is not proposed or where such separation would not be in operation after the coming into force of a new Order should be modified to ensure this separation of responsibilities and redrafted accordingly.**

Environmental issues

- 10. The most obvious reason and justification for the Inspector to reject the proposed Order is however another matter - the complete and obvious lack of evidence that the PLA is complying with its environmental obligations. These failures render the whole document fatally flawed.** The Order a) does not provide a Strategic Environmental Assessment(SEA) as part of the Order, b) has not complied with the consultation requirements of the Aarhus Convention and has not set out in the Order or any ancillary document the obligations of the Convention and how the Order complies with it, and c) has failed completely to comply with the duty of the PLA under section 48A of the Harbour Act 1964 as amended. It is extraordinary in 2025 for the PLA to come forward with no mention in the proposed Order or the Statement in Support of Application for the Order of the environmental considerations which justify the order, and these obligations are in no way met by the powers in Par 76 of the proposed Order which allows the PLA to make byelaws for the purposes of securing the conservation of the natural beauty of the countryside and of flora, fauna and geological or physiological features of special interest and to contend that such provision is consistent with the section 48A duties. Para 76.2A(m) is only permissive and not mandatory, but in addition sets out no date and/or firm intention to make byelaws and does not anywhere in the proposed Order or ancillary documents set out how the PLA intends to comply with its section 48A duties. In addition, the PLA has failed to provide any expert reports or evidence related to the potential environmental impacts of the proposed Order. In my view, it is at least highly probable that the courts would hold the proposed Order invalid and unlawful on these grounds. **The Inspector should reject the proposed Order on these grounds and recommend to the Department of Transport (DfT) and the PLA that this**

defect can only be corrected by fully setting out in any future proposed Order and on its face the SEA, and the means by which the PLA will comply with all necessary international environmental Conventions and all relevant domestic environmental legislative requirements in relation to the Thames and all its tributaries.

Objections to specific other paragraphs

11. Without prejudice to all arguments for rejection and/or modification of the proposed Order set out above, I can confirm my support and the support of my former constituents who are members of the TBY&BC and others for the specific objections to the proposals in the proposed Order set out below.

These are in:

Articles 2, 8, 11, 11A, 39, 63, 66A, 66, 67, 72, 75A, 76, 93B and 120 of the proposed Order and for the reasons set out in paragraphs 36, 38 and 39, 41, 43, 46,47, 48-50, 51, 54, 55-57, 58, 59 and 60, 61 and 63-68 of the Statement by Mr Lacey on behalf of TBY&BC.

Conclusion

10. For the totality of all the reasons set out above, the proposed Order is not fit for purpose in its present form as an Order amending the Port of London Act and other legislation and seeking to establish the legal basis and powers of the PLA from 2025 into the future and/or is defective and/or invalid and should be rejected. The proposed Order is not a comprehensive modernising rewrite of previous governing legislation and fails significantly to ensure that the PLA is governed in an environmentally appropriate, accountable and transparent way. Indeed, in many places as set out above and in the statements of other witnesses there are unjustified and inappropriate reductions in accountability and the rights of users of the river and those who live, work and visit the area for where the PLA has responsibility. **I encourage the Inspector and then ministers to reject this proposed Order and to invite the PLA to draft a new Order which has many fewer objections, much greater public support and is a modern governing document fit for the years ahead.**

**Simon Hughes
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January 2025**