

Licensing Panel D - Thursday, 30th January, 2020

7. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no urgent business.

The meeting ended at 10.55 pm.

CHAIR

Contact Officer: Lorraine Jones

Telephone No: 020 7974 5721

E-Mail: licensing.committee@camden.gov.uk

MINUTES END

Objection 14 (Withdrawn)

[REDACTED]

Dear Committee,

I am writing to object to the above application as it will not promote the Licensing Objectives, namely public nuisance, prevention of crime and disorder and protection of children from harm.

Not every person leaving the premises will stay in the West End Ward and it will become a destination venue.

It is also close to St Peters Church which does a huge amount of outreach work and therefore too close to vulnerable people.

I urge the committee to refuse this application as this is not a suitable location.

Objection 15

[REDACTED]

There is a new application for an SEVL at the Ex Maroush restaurant in Vere St W1. This is in the name of Claymens clubs Ltd. This is being put forward by [REDACTED] the new partner of [REDACTED] from Sophisticats. [REDACTED] has no experience in operating any form of licensed premises he is purely fronting for [REDACTED], he was brought in to front the companies that were operating the premises in Eversholt St in Camden as [REDACTED] was trying to evade paying one of his Ex partners the money awarded to her after he cheated her out of her shares and income, this is evidenced in the court case [REDACTED] V [REDACTED] in December 2021 and an award was made against him the case is still ongoing and the Judge was not at all impressed with [REDACTED] accountancy practices. It also came out how he liquidated numerous companies owing the customs hundreds of thousands of pounds.

He has transferred the leases to the wife of his solicitors [REDACTED] stating he owed her money which is not true and also formed two operating companies to carry on running the businesses one in Brewer St and the other in Euston Eversholt St the shareholder is his girlfriend [REDACTED] and the Director is his son in law [REDACTED]. He again liquidated the operational companies owing Tax and has forced the staff to claim redundancy from the government but he has kept them working under the new companies which is fraud..

The licence of the Sophisticats in Eversholt St has been revoked due to his operation but he is cutting a deal with Camden to stay there until June when his plan is to move the business to Vere St. The business is solely derived from touting paying licenced Taxis £20 per head for every customer they bring and another £10 if they come back to pick it up within a week. This keeps the Taxis loyal to Sophisticats. He hides this from Westminster by paying around the corner or at different times. He also has been receiving £1300 a week from taxis waiting outside the club that take the customers to flats/Brothels where the customers get drugged with cocaine and spend large sums of money. The cabs get paid around £2-400 a customer if they spend. This has all been given to Camden licensing police P.C. Patrick even a recording of one of the drivers telling how they drugged customers in the club. Carmen Alonso the Licensing applicant is aware of most of this and allowed it to go on which is why she was paid £2000 a week the other managers were not aware of most of it.

If this licence is allowed, it will bring Westminster into ill repute, the only way there would be a chance of it operating within the proper confines of the licensing regulations is if [REDACTED] was not allowed in the premises or to have anything to do with it. Although he ran the business from his Villa in Spain for nearly six months at one time so I think [REDACTED] and [REDACTED] would still be his puppets. If the licence is granted I will forward this email to the newspapers as I believe to allow him to hide behind his puppets would be detrimental to nightlife in London. Everything I have said here can be verified and the staff

cannot deny a lot of it especially the redundancy fraud and company liquidations when he is taking £140,000 a week with a breakeven of £40,000, I'm sure Camden council will also verify a lot of the facts. His remuneration up until covid was £350,000 a year plus dividends so why would he need to do this?

The main driver from outside the club Bill committed suicide last year as i think the pressure got too much for him.

Westminster City Council

Licensing Sub-Committee

3 - 4 Vere Street, London, W1G 0DH

25th August 2022

SKELETON ARGUMENT OF 334 RAMSBURY LIMITED

Summary

1. The main purpose of this skeleton argument is simply to set out the legal principles governing applications for sexual entertainment venue licences. The principles are as follows.
2. First, the Sub-Committee has a broad discretion to decide that the character of the locality and the neighbouring uses are such that it would be inappropriate to site a sexual entertainment venue there. There is no appeal against such a decision because the body best equipped to make a local judgment of this nature is the Licensing Sub-Committee. **(See paragraphs 13-20 below.)**
3. Previously, licensing authorities had to consider harm to the licensing objectives when determining licences for sex establishments. Parliament considered that this gave communities insufficient protection. Through new legislation, it gave authorities a wide discretion to consider whether sexual entertainment venues were appropriate in the light of the character of the local area and nearby property uses.
4. Second, the Licensing Sub-Committee does not have to make a scientific judgment about the boundaries of the locality or the vicinity. It is enough to decide that nearby sensitive uses make a sex establishment inappropriate. **(See paragraphs 21-26 below.)**

Background

5. 334 Ramsbury Limited is responsible for the comprehensive redevelopment of the former Debenhams store at 334 Oxford Street, to provide a nine-storey flagship retail, leisure, office and service building, attracting a diverse customer base and workforce during both day-time and night-time hours. It is one element of the reimagination of Oxford Street, supported by Westminster City Council so as to maintain its iconic international status and appeal.
6. 334 Oxford Street is an island site, with the main entrance to its upper floors practically opposite the entrance to the proposed SEV on Vere Street.
7. This objection is made on the following grounds arising under Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982:

(c) that the appropriate number of sex establishments in the relevant locality is nil;

(d)(i) that the grant of the licence would be inappropriate having regard to the character of the relevant locality;

(d)(ii) that the grant of the licence would be inappropriate having regard to the use of premises in the vicinity;

(d)(iii) that the grant of the licence would be inappropriate having regard to the character of the premises in respect of which the application is made.

8. As the Council is aware, the locality of these premises is one of the most iconic retail destinations in the world. The Council's own sexual entertainment venue policy states:

2.4.6 In considering whether granting a licence would be inappropriate the council will specifically consider whether the character of the locality is predominately residential, high profile retail, of historic importance or iconic in nature, or one of family entertainment or leisure.

2.4.12 Localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and

children. The council may consider it inappropriate for these localities, which in many cases will be of national and international significance, to be associated with sexual entertainment venues and their associated character, because of the effect that such an association would have on visitors and on the image of London and Westminster in particular.

9. Adopting the words of the policy, this locality exhibits each of the following features:

- high profile retail
- iconic in nature
- one of family entertainment or leisure.

10. Accordingly, Schedule 3 paragraph 12(3)(c), (d)(i) and d(ii) are engaged. The Sub-Committee is requested to refuse this application on each of those grounds.

11. The objection is supported by the statements of Nigel Fox and Ian Smith, to which the Sub-Committee is respectfully referred. It is not the purpose of this skeleton argument to repeat the contents of those statements.

Legal principles

(i) A broad evaluative judgment

12. As the Sub-Committee knows, under the Licensing Act 2003, the licensing authority is concerned with the impact of the premises on the licensing objectives, namely, the prevention of nuisance and crime and disorder, the protection of children and harm and public safety. Previously, sexual entertainment venues (“SEVs”) were also governed by these provisions, which afforded limited grounds for refusal, when local opposition to such venues was not based on harm to the licensing objectives but on a view that the premises should not be located there at all.

13. Parliament agreed that there should be a broader power to refuse SEVs so as to reflect local concerns. Therefore, by the Policing and Crime Act 2009, it legislated to put SEVs into the same category as sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982. As a result, licensing authorities have the widest discretion to make a judgment as to the suitability of the location.

Because the judgment on any of the locality grounds is a matter of broad evaluation, having regard to local knowledge, there is no appeal to the Magistrates' Court against such a judgment.

14. All this was confirmed by Mr Justice Stuart-Smith in R (Bean Leisure) v Leeds City Council [2014] EWHC 878 (Admin), whose decision authoritatively summarises the legal principles. He said:

“8. In March 2010, the Home Office published guidance for local authorities carrying out their functions under Schedule 3. The Ministerial Forward gave a clear statement of the policy aims that had driven the introduction of SEVs as a new category of sex establishment to be regulated by local authorities:

“In September 2008, the previous Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area.

This followed a consultation with local authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.

In order to address these concerns, section 27 of the Policing and Crime Act 2009 reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under schedule 3 of the [LGMPA].

These new measures ... will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.

These are important reforms to further empower local communities and the purpose of this guidance is to provide advice to local authorities, operators, local people and other interested parties on the new measures introduced by section 27 and the associated secondary legislation.”

“9. I respectfully adopt and endorse the observations of Sales J in *R(ex parte KVP Ent Limited) v South Bucks DC* [2013] EWHC 926 (Admin) at [12], [15] and [17]:

“12. It is clear from the terms of paragraph 12(3)(d)(i) that a local authority has a very broad power to make an evaluative judgment whether the grant of a licence would be inappropriate having regard to the character of the relevant locality. That imports a significant evaluative power for the local authority at two levels: first, in assessing whether the grant or renewal of the licence would be “inappropriate” — which is a very broad and general concept; and, secondly, in assessing the character of the relevant locality — which, again, involves questions of fact and degree and local knowledge which import, at that level also, a broad power of evaluative judgment to be exercised by the local authority.

...

15. I accept the submission by Mr Cannon for the Council that the inference from this is that Parliament plainly intended to provide that the considerations inherent in paragraph 12(3)(d) were considerations for the local authority's own evaluative judgment, subject only to the supervisory jurisdiction of this court.

...

17 Parliament came to consider that that regime did not adequately meet community concerns about SEVs. Parliament passed section 27 of the 2009 Act in order to bring SEVs under the same system of control as sex shops and sex cinemas. This was a deliberate act by Parliament so as to widen the grounds upon which a licence for an SEV might be refused and also to enable such discretion to be exercised annually.”

“10. To similar effect, in *R (ex parte Thompson) v Oxford City Council* [2014] EWCA Civ 94 at [25], Lloyd Jones LJ said:

“The Schedule 3 regime gives a wide discretion to licensing authorities, in particular in forming value judgments as to whether the grant or renewal of a licence would be appropriate having regard to the character of the locality. ... Moreover, the fact that the maximum term of an SEV licence is twelve months indicates that local authorities are to keep these matters under frequent review.”

“11. At first instance in *Thompson* [2013] EWHC 1819 (Admin), Haddon-Cave J had said at [49] that the differing appeal treatment applied to the grounds specified in paragraph 12(3)(c) and (d):

“flags up Parliament’s intention to give local authorities a wide discretion under grounds (c) and (d) without unnecessary supervisory interference of the courts.””

15. Mr. Justice Stuart-Smith concluded by agreeing with all the previous authorities and then stated the position simply and authoritatively:

“11 ... I respectfully agree. It seems to me to be plain that Parliament’s intention was to give primacy to the evaluative judgment of local authorities who have the advantage of local knowledge, the responsibility vested in them by election and the accountability to their constituents imposed by the local democratic process...”

“68 ... It is not susceptible to a formulaic or mathematically precise calculation that is capable of being objectively assessed by the Court.”

16. The judgment to be made the licensing authority concerns whether the application site is an appropriate place to site a sexual entertainment venue. That judgment does not depend on proof of harm to the licensing objectives. This was succinctly explained by Lord Hoffman in *Belfast City Council v Miss Behavin’ Ltd* [2007] 1 WLR 1420:

“ 6. The effect of these rather convoluted provisions is that a council may refuse a licence for a sex shop in any locality on the ground it does not consider it appropriate to have sex shops in that locality.”

17. In essence, that is the judgment which the Sub-Committee is invited to make in this case.

18. In similar vein, in the same case, Lord Neuberger stated:

“95. The reason put forward by the committee, as adopted by the council, for the nil determination for the Gresham Street locality, namely the proximity of certain public buildings and shops of particular attraction to children, and of places of worship, appears to me to represent a rational ground for making and adhering to a nil determination: indeed it is just the sort of assessment that a local authority is best able to judge.”

19. As may be seen, the judgment is not a technical or scientific one: it is a matter of impression, to which the councillors may bring their local knowledge and experience.

(ii) Definition of “locality”

20. It is not necessary for the “locality” to be defined with precision. As the Guidance states:

“3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition.”

21. As Mr Justice Stuart-Smith stated in Bean Leisure:

“95. I have dealt generally with the structure of the decision letters at [35] above. It would have been sufficient for them to state that the premises were near to properties with sensitive uses or in sensitive locations, identifying the relevant properties and locations: that would have justified refusal under paragraph 12(3)(d) and would in turn have taken the premises out of the potential number of establishments specified in accordance with paragraph 12(3)(c).”

22. In the same vein, in KVP Ent, Mr Justice Sales stated:

“83... It was fully open to the Sub-Committee to form the view that the premises were part of a locality comprising in significant part the residential village facing them across the road and they were entitled to form the view, as they explained, that it would be inappropriate to grant an SEV licence for the premises having regard to the character of that locality.”

23. In this case, therefore, it would be sufficient for the Sub-Committee to state that the premises are close to sensitive uses including the former Debenhams building, the church and the consulate building. However, the Sub-Committee may also wish to take the same approach as its colleagues in determining (and refusing) the application to site an SEV opposite the redeveloped Selfridges building in Duke Street, when it decided that the locality included Duke Street and its surrounds.

(iii) The “locality” and “vicinity” grounds

24. There is no firm dividing line between the “locality” and “vicinity” grounds of refusal. In R (ex parte KVP Ent Limited) v South Bucks DC [2013] EWHC 926 (Admin), Mr Justice Sales stated:

“21. In my judgment, there is no radical conceptual divide between the concept of the use to which premises in the vicinity of the premises for which a licence is sought and the concept of the character of the relevant locality. “The character of the relevant locality” is a concept calling for a compendious and general evaluative judgment to be made by the licensing authority, having regard to a range of factors which may be relevant to that question, including not least the use to which properties within the relevant locality happen to be put.

“22. As will be seen, an important feature of the reasons relied upon by the Licensing Sub-Committee in this case concerned the residential character of the locality in relation to which they considered the premises were located. That obviously involved an assessment of the sorts of uses to which properties within the relevant locality, as determined by the Sub-Committee, were put. I

consider that this was a matter to which they were plainly entitled to have regard when forming a judgment about the character of the relevant locality.

“23. In my view, the significance of the difference between sub-paragraphs (i) and (ii) in paragraph 12(3)(d) is that if the licensing authority is able to form a view of the character of the relevant locality and takes the view that the grant of a licence for an SEV would be inappropriate having regard to that general character of the locality, it is entitled to proceed to refuse to grant or renew a licence under sub-paragraph (i). It does not need to rely on sub-paragraph (ii) distinctly. But it may be that, in the circumstances of a particular case, such a view cannot be formed. Nevertheless, although in such a case the locality is not in itself (taken as a general matter) out of keeping with the grant of the licence for an SEV, there may be particular premises in that locality where there might be significant public concern about grant of an SEV licence by reason of the use to which those particular premises in the vicinity of the proposed SEV are put. One could imagine, for example, a case in which an SEV is proposed to be established next to a church or a primary school.

“In such a case, it would be open to a licensing authority to refuse to grant or renew a licence on the basis of sub-paragraph (ii), even though it was not able to say that it would be appropriate to refuse a grant or renewal of the licence relying on sub-paragraph (i).”

25. In this case, of course, there is general concern regarding the location of an SEV adjacent to an iconic retail development, a consular building and an historic church. All are in both the vicinity and the locality.

PHILIP KOLVIN QC
16th August 2022

11 KBW
Temple EC4

APPLICATION FOR SEXUAL ENTERTAINMENT VENUE LICENCE

3-4 VERE STREET, LONDON W1

WITNESS STATEMENT OF [REDACTED]

[REDACTED] says as follows:

Introduction

1. I am a partner in Capital Real Estate Partners ("CRE), which is advising 334 Ramsbury Limited in relation to the redevelopment of the former Debenhams Store at 334 Oxford Street.
2. CRE is a London commercial real estate advisory business. Since its inception in 2010 it has undertaken £7bn of purchases, sales and capital raisings, and has provided asset management, development management and advisory services on 10 million sq ft and over 100 properties, mostly in Central London. It is highly knowledgeable in relation to the features and needs of the London property market. Its clients consist of leading developers and real estate asset owners including The Crown Estate, Stanhope, Land Securities and Lipton Rogers, and it has therefore advised on some of the most important development schemes in Central London in recent years.
3. I have spent over thirty years working in Central London development schemes. I advise long term land owners, investors, developers and occupiers. In my career, I have advised on over £20 billion of property transactions. I believe I have developed a good understanding, not only of client needs and the realisation of development opportunities, but also of operating environments necessary to make a success of major capital schemes.

Context

4. My client owns 334 Oxford Street, the former Debenham's department store, which is undergoing a significant refurbishment and extension to produce world class retail and office/medical accommodation.

5. In order to explain the reason why our client, and we on our client's behalf, take the view we do in relation to this application, I ought briefly to set out the historical context.

Declining Retail

6. 334 Oxford Street was acquired by Debenhams in 1919, which traded it as its flagship store for over a century before closing it due to Coronavirus in 2020 and then permanently in 2021. The loss of Debenhams to the high street in the UK has reflected changing shopping habits and economic conditions which have affected the retail market as a whole and have resulted in the loss of a large number of well known retail brands from our high streets. As one of the leading retail destinations in the world, Oxford Street has not been immune from these changes. The impact of Covid exacerbated these trends, shifting a larger proportion of retail out of city centres to online and, to a degree, into suburban areas.
7. As a result, the Westminster Property Association (WPA) *The Future of Westminster Post Covid-19: Planning for Recovery Report* (November 2020) noted that the Westminster Gross Value Added (GVA) for retail had fallen by 66%, from £3.349 billion in 2019 to £1.153 billion in 2020. Likewise, for food and beverage, the GVA in the City of Westminster, has fallen by 66% from £1.585 billion in 2019 to £0.546 billion in 2020.
8. Meanwhile, footfall on Oxford Street showed a 71% decline over the 12 months to April 2021 and remains well below pre-Covid levels. Recent data shows that Oxford Street is still 52% below pre-Covid levels, with 1.15 million visitors in April 2022 compared to 2.41 million in April 2019. This makes it among the worst, if not the worst hit of all of UK's high streets (RSM Data).

A Partnership Response

9. Westminster City Council is, of course, well aware of these trends. Accordingly, on 16 February 2021, it published the Oxford Street District Framework. The Framework sets out the need to provide a coordinated, district-wide approach to deliver both short and longer term solutions. It seeks to "reinvent the nation's high street for the future, at the centre of a world-leading, forward-facing urban district." Acknowledging the changing face of retail, Westminster City Council's planning policy has evolved so that buildings on Oxford Street are no longer restricted to "just" flagship retail. They are allowing the ground floor of buildings to include leisure, cultural, community spaces, showrooms or hotels at basement and above ground on Oxford Street and at all levels on the surrounding side streets. This enables services and experiences to be provided, which serve customers throughout the day and evening.

10. Property owners throughout Oxford Street have taken up the challenge of reinvention of Oxford Street as a diverse, inclusive, green, pedestrian-friendly urban space, showcasing a more sustainable mix of retail, services, office and experiential offers. This important transformation is supported by Westminster City Council, who is leading the £150m investment, and also by the Mayor of London.
11. The City Council's investment will help to transform Oxford Street into a global destination for the 21st century, prioritising pedestrians with additional green spaces, less traffic, zero-emission buses and significantly cleaner air. These initiatives are intended to create an inclusive environment appealing to people irrespective of age or socio-economic background.
12. Crossrail is expected to exert a major influence on Oxford Street, bringing potential users rapidly into the heart of the West End. Developers also recognize that buildings will need to be fully utilised into the later hours so as to maximise economic returns for what are the largest ever collective investment into this internationally important location.
13. A number of the major developments are shown in Figure 1 below, but they include redevelopments of well known current or former retail units, including Selfridges, John Lewis, House of Fraser, the West One Shopping Centre and IKEA's proposed reinvention of the former Top Shop at Oxford Circus. All of these schemes will bring a wider range of uses into the Oxford Street area and hours of operation to the district.



Figure 1

The Locality

14. 334 Oxford Street is an island site, located on a prominent position on Oxford Street, which it fronts. Vere Street runs along the eastern boundary, Henrietta Place along the northern boundary and Marylebone Lane along the west.
15. The site itself is not located within a Conservation Area, but the Mayfair Conservation Area abuts the site to the south, the Stratford Place Conservation Area abuts the Site to the west and the Harley Street Conservation Area abuts the site to the north and the east. Vere Street itself, houses the attractive 18th century St Peter's Church, which now accommodates the London Institute for Contemporary Christianity and also the Brazilian Consulate.
16. I am aware that under the legislation governing sexual entertainment venues, the licensing authority will wish to consider the "locality" of the application site. I understand that on 27 August 2020, the Licensing Sub-Committee considered an application to site a sexual entertainment venue in Duke Street, on the eastern frontage of Selfridges' redevelopment. The Sub-Committee characterised the locality as follows:

The relevant locality in this case is considered to be the immediate locality surrounding the premises, including the entire length of Duke Street, but also the slightly wider area which has been described as the Mayfair Village. That certainly includes the junctions of Duke Street with Oxford Street and Wigmore Street, Picton Place, Barrett Street, Bird Street, James Street and St Christopher's Place.

17. I agree with that approach. I take the view that the locality in this case is the immediate locality surrounding the premises, including Vere Street, and the immediate locality surrounding the Debenhams' redevelopment.

The Proposed Redevelopment

18. On 1 March 2022, Westminster City Council granted planning permission (21/05110/FULL) for:

Alterations and extensions to, and partial demolition of, existing building to provide partly extended and refurbished, and partly new, building comprising deepened basement, ground, and nine upper floors (including ninth floor Class E space and plant enclosure) to provide commercial, business and service (Class E) use, replacement facades and shopfronts, installation of new plant, provision of cycle parking and other associated works.

19. The Planning Statement included the following:

1.7 The proposed development will make a major contribution to the City and to Oxford Street by providing new, first class, sustainable and flexible (Class E) retail accommodation on the Oxford Street frontage, suitable for attracting retailers seeking new flagship accommodation in this key Oxford Street location, extending to basement and first floor on Oxford Street.

1.8 It will provide further animation at ground floor level, with additional café, restaurant, and complementary leisure offers around the perimeter of the building.

1.9 At upper levels, flexible Class E employment space, expected to be office use, but accommodating potential alternative commercial uses such as medical/clinics will be created. This will provide new flexible workspace of the highest quality, attracting new office occupiers and employers to this location, promoting activity and footfall in the local area.

20. My client's building at 334 Oxford Street is at the forefront of the transformation of Oxford Street and amounts to a radical change in its own right, providing:

- Flagship retail fronting Oxford Street at basement, ground and first floor, providing c.55,000 sq ft net internal area.
- Leisure/restaurant fronting Vere Street, Henrietta Place and Marylebone Lane at ground floor, providing c.15,000 sq ft net internal area.
- Flexible Class E at first and above, most likely to be used as offices or medical, providing 280,000 sq ft net internal area.

The ground floor plan (below) shows the location of the different uses:



Ground floor arrangement of the proposed scheme

21. It is key to the proposal that the development activates all frontages, including that along Vere Street. There will be attractive new frontages on all sides of the building, with restaurant and leisure uses complementing high grade retail facilities on the ground floor. The Committee report stated the officer’s view that:

The provision of food and drink/leisure uses on this part of the site would accord with policy and will add to the vitality and mix of uses in the locality.

22. The Planning Statement states:

2.25 The development proposals designed by AHMM are of the highest quality and would deliver an exemplary design solution for this Site. The proposals would provide a new high quality façade, which would reconnect the building to the surrounding area. Enhanced retail frontage would be provided at ground floor level alongside refurbished entrances.



Proposed scheme at the corner with Oxford Street and Vere Street

23. The proposals include extensive urban greening proposed on terraces at levels six, seven and nine, including ornamental planting, intensive biodiverse planning, an extensive seeded roof and climbing plants. All this is intended to provide a pleasing aspect for passers-by as well as exterior use of the building itself.
24. Clearly, in an investment of this scale, exceeding £200m of new capital, our client will be seeking users of the highest quality. It is expected that office and medical uses will be 24 hour uses. The retail and leisure uses will take advantage of the fact that the building is not in a cumulative impact area, and that there is a dearth of residential users in the immediate locality (as indeed the planning report points out), and seek to attract custom up to and beyond Westminster's core hours. The officer's report stated:

Roof terraces are proposed at 6th to 9th floor levels. Use of the terraces would not result in any significant loss of amenity by way of overlooking. Given there are no residential premises that could be impacted in terms noise nuisance from the terraces it is not considered that it is necessary to impose conditions controlling capacity or hours of use.

25. The shift to online sales means retail stores need to offer more than just products. They need to engage with shoppers and provide exciting reasons for them to visit their store. Brands are increasingly investing in memorable store experiences. These experiences do not necessarily fall within the standard store opening hours, again increasing footfall outside of traditional retailing

hours. A good example of this is Willows on the Roof, John Lewis's successful roof top bar that is now open into the evening.

26. At the moment, Vere Street could be regarded as a rather quiet side street. However, once my client's substantial refurbishment/redevelopment of 334 Oxford Street is complete, the area will be transformed and so will its hours of use.



Vere Street entrance to Ramsbury's building, viewed from Chapel Place

27. In summary, we set out below how we see the building being used post completion:
- Flagship retail – we expect tenant(s) to provide an experience led offer attracting customers throughout the day and into the evening.
 - Restaurant/leisure – we will be targeting providers offering a breakfast through to dinner service.
 - Office/medical – the offices are likely to attract international businesses operating across multiple time zones, which means the building will be operational 24 hours a day, seven days a week. If we secure a light medical user, this is likely to increase out of hours activity, with staff required throughout the day and night.

- Amenity space – the top floor of the building is going to be a function space with spectacular views over London from the 7,000 sq ft pavilion and generous terrace. This will operate late into the evening, with guests exiting via Vere Street.
 - Support facilities – all of these uses need a range of cleaning and support functions, which are likely to service the operators either very early in the morning or late at night.
28. The redevelopment of the site has now commenced. This represents a number of years work to re-imagine this site, both in its own terms and as part of the re-conception of Oxford Street itself, and following a public consultation.

This Application

29. I have carefully considered the proposed application, together with my colleagues and my client.
30. We take the clear view that the proposal sits extremely uncomfortably with the development proposals.
31. The location of the proposed sexual entertainment venue at 3-4 Vere Street will be directly opposite the entrance to a retail unit and c.10 metres to the south of the main entrance to the office building. Customers using the terrace spaces will enter and emerge from the building in close proximity to the entrance to the sexual entertainment venue.
32. We strongly believe that a sexual entertainment venue is inimical to the character of the locality. It is also inappropriate, having regard to the suite of uses for which the Debenhams' site is being redeveloped.
33. We have noted that on 30 May 2022, some five months after the application was submitted, the applicant notified us that their plans had been prepared in haste, and that they had now changed, so that the use was to be restricted to the basement and the hours curtailed, so that the adult use would not commence until 11pm. I register some concern with having to deal with such a sensitive application on a moveable basis. Nevertheless, we have reconsidered the matter with these concessions in mind.
34. However, while clearly the amended scheme is preferable to the original scheme, it does not resolve our fundamental concerns. We are trying to create an environment of the highest quality, of international appeal, and attractive to a diverse range of users, be they Londoners or tourists, and of course businesses and workers.

35. I have also considered Westminster's sexual entertainment venue licensing policy, which states:

2.4.6 In considering whether granting a licence would be inappropriate, the council will specifically consider whether the character of the locality is predominately residential, high profile retail, of historic importance or iconic in nature, or one of family entertainment or leisure.

36. In this case, the locality is indeed high profile retail and iconic in nature. My client's new building, including both retail and food and beverage uses, will attract the community at large, including families and children, and we therefore also believe that it is an environment comprising family entertainment and leisure. It will also attract users of proposed medical facilities on the upper floors.

37. For completeness, we have also investigated, through Shield Associates, whether we can be assured that the premises will not attract those who degrade the environment, such as touts and pedicabs, and whether we can be assured that the management can be trusted to comply with licence conditions. The evidence which we have obtained from Shield, which does not satisfy us on either score, is particularly concerning since the applicant knew, from meeting us, that we were interested in impact on the local environment.

38. However, even had we been entirely satisfied on this score, we would still have strongly objected to the proposed licence. We are concerned to deliver a building and a public realm which helps to reimagine Oxford Street for the 21st century, on design and development principles which emphasise diversity, character, ecology, sustainability, experience and inclusivity. Based on my experience, I take the clear view that the proposed use cuts across the character of this place and the new uses proposed there.

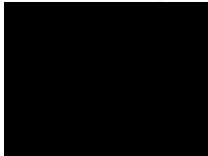
Conclusion

39. 3-4 Vere Street is less than 40 metres from Oxford Street. Oxford Street is a globally recognised address synonymous with flagship retail units, attracting UK and International shoppers across the generations. Oxford Street, like most high streets across the UK, has had its challenges over the last few years given changing shopping habits, with the problems exacerbated by the pandemic. However, it is on the cusp of a major transformation, which will reinvigorate the street and surrounding areas.

40. My client's very substantial investment in 334 Oxford Street (which will amount to well over £200 million of new capital) is intended to fit into and form part of continued upgrade of Oxford Street to maintain its status as a world class destination.
41. A sexual entertainment venue on Vere Street strongly conflicts with the vision for this area and risks undermining the proposed investment in the area, which would otherwise appeal to a wide range of people.
42. I submit that the proposal is highly inappropriate as a use in this location. I therefore earnestly request that the application for a sexual entertainment venue is refused.

STATEMENT OF TRUTH

The contents of this statement are true to the best of my knowledge and belief.



15 August 2022