

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2005-2006

CROSSRAIL BILL

PETITION

Against the Bill – on Merits – Praying to be heard by Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF JEREMY JOSEPH

SHEWETH as follows:

1 A Bill (the Bill) has been introduced into and is now pending in your honourable House intituled "A bill to make provision for a railway transport system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, in the London Borough of Hillingdon, through central London to Shenfield, in the County of Essex, and Abbey Wood, in the London Borough of Greenwich; and for connected purposes."

2 The Bill is presented by the Secretary of State for Transport (the Secretary of State).

Your Petitioner Jeremy Joseph

3 Your Petitioner is the promoter and organiser of G-A-Y, London's (and possibly Europe's) largest gay, lesbian, bisexual and transsexual music club. He has a licence to operate G-A-Y from the Astoria music venue situated at the Astoria Cinema, 157/159 Charing

Cross Road, London WC2H 0EN (the Astoria). He has been operating G-A-Y for 12 years.

- 4 The Astoria is subject to compulsory acquisition or use under the Bill. These interests, as referred to in the book of reference, are in the City of Westminster and are as lessee and under lessees respectively of the land and premises at 157/159 Charing Cross Road (plot 662).
- 5 The Bill would authorise the permanent acquisition of plot 662 (section 6(1)) for the purpose of 'the provision of access and provision of a working site' (Schedule 6, para 1).
- 6 Your Petitioner submits that he has locus standi to bring this petition. He would plainly have standing to take proceedings for judicial review in relation to Crossrail if, for example, the project unlawfully breached the Environmental Assessment Impact Regulations; and it is submitted that the same principles apply equally to his petition. Your Petitioner is not a busybody or a mere troublemaker: and even assuming his personal characteristics gave him no more interest than that of the general public, he would not for that reason lack standing: see *R v Somerset County Council ex p Dixon* [1997] JPL 1030. A publicly spirited individual clearly has standing to bring proceedings for judicial review. Thus, a journalist has standing to seek a declaration that Magistrates have acted unlawfully in refusing to disclose their names because the policy of routine nondisclosure raised a matter of national importance: see *R v Felixstowe Justices ex p Leigh* [1987] QB 582; and a sincere concern for constitutional issues was sufficient to confer standing in *R v Secretary of State for Foreign Affairs ex p Rees-Mogg* [1994] QB 554, 562. In this instance your Petitioner has a direct interest in ensuring the continuation of G-A-Y at premises in the Astoria; and the critical role G-A-Y has in the gay, lesbian, bisexual and transsexual community provides a substantial public justification for the presentation of his petition.

G-A-Y

- 7 G-A-Y is London's (and possibly Europe's) largest gay, lesbian, bisexual and transsexual music club. G-A-Y launched the first live performances for The Spice Girls, Westlife, Boyzone, Sugababes and All Saints. G-A-Y is, however not a nightclub in the conventional sense. It provides a club for gay people to meet and enjoy themselves in a non-threatening and friendly atmosphere; and differs from other gay clubs due to the type of music it plays. G-A-Y plays mainstream pop whereas other gay clubs play more hardcore music. It therefore appeals to a certain type of person and a broad spectrum of ages.
- 8 G-A-Y is also a commercial pop music brand used by record companies to promote artists and groups.
- 9 G-A-Y has an iconic status in the lesbian, gay, bisexual and transsexual community and has been involved in many political campaigns concerning the age of consent, section 28 and other laws against discrimination.
- 10 G-A-Y operates on Monday, Thursday, and Friday, from 11:00 pm to 4:00 am, and on Saturday evenings from 10:30 pm to 4:30 am. Tickets may be bought either in advance or by queuing on the night. Saturday is the biggest night when the club operates to its capacity of 2000 and when live music is played. However, G-A-Y is not just a club. G-A-Y is a community, with more regulars than other venues. Nearly 6000 lesbians and gay men and other members of the lesbian, gay, bisexual and transsexual community, come to its 4 club nights a week. G-A-Y has a membership via the internet of over 20,000.
- 11 Artists who have exclusively performed at G-A-Y include Mariah Carey, Christina Aguilera, Kylie Minogue, Will Young, Pussycat Dolls, Girls Aloud, LeAnn Rimes, Kelly Osbourne, Geri Halliwell, Texas, Spice Girls, Melanie C, Victoria Beckham, Westlife, Mis-Teeq, Ms. Dynamite, Blue, Daniel Bedingfield, Atomic Kitten, Sugababes, Samantha Mumba, Emma Bunton, All Saints, Donna Summer, Boyzone, Ronan Keating, Billie

Piper, The Human League, Bananarama, Vengaboys, Republica, Alex Parks, Gabrielle, Belinda Carlisle, Dannii Minogue, Steps, RuPaul, Chaka Khan, Lisa Stansfield, Heather Small, Gloria Gaynor, Ash, Martine McCutcheon, Bjork, Deborah Harry, Soft Cell, Gareth Gates, Appleton, Daniel Bedingfield, Natasha Bedingfield, S Club, Busted, JC Chesez and Scissor Sisters.

- 12 Presenters who have hosted show at G-A-Y include Lily Savage, Graham Norton, Michelle Collins, Julie Hesmondhalgh, Supergirly, Adam Rickitt, Ruby Wax, Denise Van Outen, Julian Clary, Jo Brand, Zoe Ball, Jamie Theakston and Patsy Palmer.
- 13 G-A-Y is a major part of the strategy used by many record companies for their promotion of singles and albums. For example, in the first week in September 2005 the Pussycat Dolls (now number one in the charts) played one of their only 3 live performances in G-A-Y as part of their UK promotion. G-A-Y is also involved with TV programmes and regularly filmed. This includes ITV's Popstars where Hear'say were filmed performing for the first time once the band was chosen. In the next few weeks G-A-Y will be part of the X Factor. Each week the public will vote off contestants; and whoever is evicted. will come straight to G-A-Y to perform. The winner will come on to G-A-Y to perform that night on the night of the final.
- 14 G-A-Y has been based at the Astoria for over 12 years, and cannot move to another venue. There is no other venue in the West End that is suitable for it to move to; Soho is the centre of the lesbian, gay, bisexual and transsexual community in London. Furthermore, no other venue has the layout to provide both live shows and a club night where 2000 people can view the stage.

The unique character of G-A-Y

- 15 Your Petitioner accepts that the Environmental Statement prepared for the Secretary of State has acknowledged the Astoria's importance as a venue for live music. G-A-Y is, of course, a significant factor in that respect.

16 So far as G-A-Y and live music is concerned Your Petitioner adopts the submissions made at paragraphs 32 to 36 of the petition of Rangepost Limited, Sidezone Limited and Meanfiddler.com Limited (formerly Elfcrown Limited), respectively the underlessee of premises known as the Astoria, the sub-underlessee of the ground floor stalls, level basement and sub-basement of the Astoria and the sub-underlessee of the ground floor, circle level, and mezzanine level above the circle, of the Astoria. All that Your Petitioner would wish to add to that is that G-A-Y's importance as a stage for live acts of global stature should not be underestimated.

17 However the Secretary of State has failed to attach sufficient, or indeed any, importance to the Astoria's unique significance for the lesbian, gay, bisexual and transsexual community as the venue for G-A-Y.

18 Firstly the lesbian, gay, bisexual and transsexual community is different from other London communities and unique.

19 The community is spread across the whole of London. Indeed the community that G-A-Y serves spreads much further than the boundaries of London itself. The community needs a central meeting point. It cannot be served by smaller venues elsewhere in the way that conventional communities can.

20 Further the community has, as is well known, been the subject of discrimination and, worse, verbal and even physical abuse. Although the position has improved there are those in the wider public who continue to attack the community. It is a fact that members of the community feel safer in and around the Soho area than in other parts of London.

21 Secondly, as explained at paragraphs 7 to 14 above, G-A-Y is unique in what it offers the lesbian, gay, bisexual and transsexual community. It is the only regular gay night of its size in London. Its format, mixing pop music with live acts, is not matched elsewhere. It is a unique and friendly focal point for the community in the heart of the Soho area that is, itself, vital to the community.

22 Policy 3A.14 of the Mayor of London's London Plan aims to address the needs of a diverse population and specifically requires that existing facilities that meet the needs of particular groups should be protected. Further that policies should seek measures to address them proactively. The London Plan at para.370 states that London has the largest lesbian, gay, bisexual and transsexual population in the country. This has been estimated to be 10% of the capital's population. The London Plan aims to develop and promote arts and culture by policy 3D.4. "Culture" includes night-time entertainment and, due to the Astoria's unique status as the venue for G-A-Y, would include its use.

23 If the lesbian, gay, bisexual and transsexual community's interests are to be adequately protected then the Astoria, as the only realistic venue for G-A-Y, must be protected also.

The lack of justification for acquiring the land

24 Your Petitioner adopts the submissions made at paragraphs 37 to 39 of the petition of Rangepost Limited, Sidezone Limited and Meanfiddler.com Limited (formerly Elfcrown Limited).

The lack of justification for any permanent acquisition

25 Your Petitioner adopts the submissions made at paragraphs 40 to 46 of the petition of Rangepost Limited, Sidezone Limited and Meanfiddler.com Limited (formerly Elfcrown Limited).

The need to reinstate or relocate the Astoria

26 Your Petitioner adopts the submissions made at paragraphs 47 to 51 of the petition of Rangepost Limited, Sidezone Limited and Meanfiddler.com Limited (formerly Elfcrown Limited).

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its officers, Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as

affects the property rights and interests of your Petitioner and in support of such other clauses, amendments and provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

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