

The Black Cap:
certificate of lawful use
submission by
the Black Cap Foundation

Introduction and summary

1. The Black Cap is a unique and vital institution. It has been part of Camden Town since the eighteenth century when our neighbourhood was just a small cluster of buildings by the road to Hampstead. It has been part of London's, and the UK's, LGBTQ+ life and culture since the late 1950s or early 1960s, before our history could safely be recorded. That unique history is expressed in the unique and distinctive ways this striking Victorian building has been used by its occupiers and the communities it serves.
2. In this submission we aim to supplement the body of first-hand evidence that the Council have gathered by drawing together and highlighting key facts to demonstrate that 171 Camden High Street is a single planning unit with a single use, and that that use is in a category of its own (*sui generis*) as an LGBTQ+ venue comprising pub, nightclub, cabaret venue, and community space.
3. In summary, the Black Cap was an integrated business that used the entire building. Visually it was presented as a single coherent venue (paragraph 8 below), and customers often moved between the ground and first floors, especially (but not exclusively) starting on the first floor for relaxed socializing and then moving downstairs for entertainment and dancing (paragraphs 9 and 10). The same staff worked both floors (paragraph 20). The floors were mutually dependent, with the first floor acting as a sort of 'theatre bar' enabling rehearsal and setting up to take place downstairs before performances, while the entertainment space on the ground floor attracted a wider variety of customers and gave the whole venue its distinctive character as an artistic and queer cultural institution (paragraphs 30 to 33).
4. It is crucial to understand the Black Cap as an LGBTQ+ venue first and foremost: all other uses and activities there stemmed from that central use (paragraphs 13 to 19). Without understanding that, it is easy to see the Cap as an odd cobbling

together of pub, cabaret, and nightclub, any of which could easily be separated from the rest. But properly understood, it forms a coherent whole: a quintessential queer venue from a tradition of queer culture built on nightlife, drag, drink, cabaret, music, dance, camp, and community. An accurate description of its use must include, and indeed start from, its use as an LGBTQ+ venue.

5. When one then goes on to consider each aspect of the way the building was used, one finds that almost every area of the building was in some way involved in and supportive of that use. Drinks were served on both ground and first floors, ordered on the second floor, stored in the cellar (paragraph 20). Food was cooked on the second floor and served on the first (paragraph 21). Social activity of various kinds took place on the ground and first floors and flowed between them, enabling customers to find the part of the building with their preferred balance of the various experiences on offer (paragraphs 23 to 25). The numerous community and civic activities for which the Black Cap was used took place on both public floors, from formal meetings of civic groups on the ground floor while it was closed to the public to informal gathering on the first floor and back again to public fund-raising shows and events in the cabaret bar (paragraphs 26 to 28). Cabaret and live performance was the soul of the Black Cap: not only the almost daily performances themselves in the specially designed ground floor space but also the decoration and names of the upstairs spaces, the connection of the first floor to the ground floor by live television feeds from the stage enabling first floor customers as well as ground floor ones to watch performances, the flow of customers between the two areas, and the use of the first floor bar to host after-show activities and even performances in its own right (paragraphs 29 to 33). All these uses of the building were made possible by the 'back-room' activities in the second floor office, third floor accommodation, and storage on the third floor and in the basement (paragraphs 22, 25, 28, 34, and 36).
6. In short, as the following paragraphs explain in more detail, the Black Cap was a single institution using all five floors of 171 Camden High Street to create a unique LGBTQ+ venue offering cabaret, food, drink, dancing, friendship, and community.

A single planning unit

7. It is obvious to anyone who had any personal experience of the Black Cap while it was open that the entire building was used as an indivisible whole – this emerges

clearly from the evidence submitted to the Council as well as our own experience and the memories that countless customers have shared with us over the years. That whole contained several distinct spaces but they were clearly interdependent and inextricable in their use.

8. The public presentation of 171 Camden High Street was clear that the building, as a whole, was ‘the Black Cap’. At the pinnacle of the facade is [the distinctive bust of Mother Black Cap](#), which clearly links the upper part of the building thematically to the Black Cap business operating below, which had a tile mural prominently displayed in the entrance lobby depicting Mother Black Cap (and labelled as such). The facade as a whole has a visual unity that clearly presents the building as a single unit, consistent with the fact that the facade was constructed while the building was already operating as a drinking establishment. Early 20th century photographs show a wrought iron sign reading ‘The Black Cap Distillery’ attached to the second floor of the facade; similarly, at times during the Cap’s recent history [a large Pride flag was flown from the second floor pseudo-balcony](#), clearly indicating the use of that floor as part of the LGBTQ+ space open to the public on the floors below. The illuminated windows of the first floor facade, with Pride flags also visible inside them, indicated that the first floor was part of the same establishment, as did the ‘Black Cap’ sign displayed at first floor level on the south side of the windows. [At ground floor level was the major signage](#) saying ‘The Black Cap’ and describing elements of the business: ‘great British pub food served all day every day’, ‘join us on our garden roof terrace’, and ‘London’s premier cabaret bar’. Visually the signage is all of a piece and there is no indication that the services described are separate¹. Passers-by looking in through the ground floor window could clearly see a public staircase ascending to the first floor, again making it evident that the advertised business covered both floors. Stickers and displays in the ground floor window also made it evident that the Black Cap was an LGBTQ+ establishment, linking to the flags displayed on the upper floors.
9. As any regular customer can attest (and as many have attested in submissions to this consultation), there was a free flow of activity and customers between the ground and first floors. A common pattern of use was to begin the afternoon or evening on the first floor, which was open from lunch-time for food and drink, and then to move to the ground floor between 8pm and 11pm; others might start

¹ [An earlier version of the signage above the door](#) took a similar approach, advertising a single offer of ‘London’s premier cabaret & dance bar; nightly live entertainment; Shufflewick’s Bar; Fong Terrace roof garden; open all year; hot & cold food available all day’.

off a visit on the ground floor and move upstairs later, or move back and forth between the two floors multiple times in a single visit. The overlapping period (typically about three hours) between when the ground floor bar opened to the public and when the first floor closed ensured that this flow was possible and indeed encouraged. The same staff worked both floors, often during the same shift, and would encourage customers to move between floors at certain times, in particular encouraging patrons to go downstairs as the time approached to close the first floor. The uses of the first floor and ground floor, like their opening hours, were clearly complementary and designed to fit together as a whole: for example, the relatively limited amount of seating on the ground floor enabled that area to be more easily used for performance and dancing, but this was only possible because of the availability of seating on the first floor; conversely, the first floor relied on the cultural and creative activity of the ground floor to give the Shufflewick Bar and Fong Terrace their distinctive atmosphere of performing arts glamour. On some special occasions like New Year's Eve and Halloween the first floor bar and terrace also stayed open as late as the ground floor so that the whole venue could be used all night.

10. The layout of the entrance area is particularly instructive. The only public entrance to the building was on the ground floor and brought all visitors into a single lobby area containing publicity materials for events happening on both floors. The lobby therefore functioned as a sort of 'reception' or welcome area to the Black Cap as a whole, from which a visitor could then choose to go upstairs or forwards to the ground floor bar: in other words, a visitor had to first of all enter the Black Cap and then had access to each part of it, rather than having to choose which of two different establishments to enter. The fact that a charge was sometimes payable to enter the ground floor space but not the first floor should not be misinterpreted as a sign that they were separate venues: it is not uncommon to have restricted or ticketed access to some parts of a single club, bar, or performance venue, and there were also many times when there was no charge for entry to any area of the Black Cap, and indeed also many times when there was charge to enter the building in the first place, after which use of both floors was unhindered.
11. Well-informed press descriptions of the Black Cap also clearly treat it as a single establishment containing a variety of spaces. For example: ['From the Shufflewick Bar, the legendary Regina Fong terrace and regular cabaret on stage in the club bar downstairs, Black Cap has had cabaret in its veins for donkey's years'; '\[the\] Black Cap has been an instrumental gay part of vibrant Camden Town since the](#)

[1970s. It now has three distinct sections to its layout: the spacious and comfortable upstairs Shufflewick Bar, the quiet and secluded Fong's Terrace roof garden... and the large downstairs cabaret club which plays host to the very best, most spectacular and whip-lashingly funny of London-town's drag performers, impersonators and artistes.](#) Similarly, [visitors' reviews of the venue on sites like Trip Advisor](#) discuss the Black Cap as a single whole and also demonstrate how common it was for customers to use both floors on the same occasion.

12. The following sections of this submission consider in more detail particular strands of use of the building and seek to show that those strands were continuous throughout the building, though some might be more prominent in some parts than in others.

LGBTQ+ space

13. We appreciate that 'LGBTQ+ venue' may be an unprecedented description of the use of land in planning law, but it is the right description of the Black Cap and we urge the Council to adopt it. As a matter of simple fact, the queerness of the Black Cap's use is a fundamental part of the character of that use, a use that is categorically different from that of a generic or 'straight' pub or club. In fact we would argue that, far from being a pub, club, and / or cabaret that happens to be queer, the essence of the Black Cap's use is as a queer venue and that its other characteristics flow from that.
14. As a general point, it is worth noting that many people (both LGBTQ+ and others) in ordinary conversation will treat an LGBTQ+ venue as belonging to a different category from whatever the non-LGBTQ+ equivalent may be. In our weekly 'vigils' outside the Black Cap we more frequently hear people describe the Black Cap to one another as 'a gay pub' or 'a gay bar' or 'a queer space' than as simply 'a pub' or 'a club'. Queer venues are not generally considered by either LGBTQ+ people or others as interchangeable with other venues even if on paper they have the same basic elements (food, drink, entertainment). In the words of one former manager of the Black Cap, 'Yeah if I'm with my parents or something then maybe I'll go to a Wetherspoons or whatever, but if I'm going out to have a good night, I want to go to a gay venue'.
15. What does using a building as an LGBTQ+ venue involve? It varies but, for historical reasons some of the oldest and most common activities characteristic of queer venues are exactly those that the Black Cap combines: they are often

nightlife venues (clubs and / or pubs) and they often express and perpetuate queer culture through drag and audio-visual performance. This is why most of London's most famous LGBTQ+ spaces are pubs, clubs, and / or drag bars like the Cap, the Royal Vauxhall Tavern, the Joiners Arms, and the bars on and around Old Compton Street.

16. The Black Cap, specifically, had many distinctively queer features. Its official slogan was 'just be fabulous'. Even the parts of the building most closely resembling a 'normal' pub, the Shufflewick Bar and Fong Terrace, were named after, and plastered with photographs of, drag queens, as well as being adorned with Pride flags. At one time [a sign was displayed announcing a 'predominantly lesbian and gay door policy'](#), and a response by the management to [an online review in 2014](#) pointed out that 'We do have a very strict door policy, ensuring that all of our guests have a great time and are in a safe LGBTQ environment'. The [magazines available on both floors](#) were [specifically LGBTQ+ magazines](#), and both floors were well supplied with flyers for LGBTQ+ events and [services such as Opening Doors](#)². The decor was devotedly camp, from the wallpaper to the [chandeliers](#) to the pervasive imagery of [drag silliness](#), Tom of Finland prints, and camp [pop culture icons](#). [One online reviewer](#) correctly observes that 'people think of it as a gay pub'
17. The entertainment offered at the Black Cap was invariably chosen or made for (and usually by) LGBTQ+ people, most obviously the drag performances for which the venue was famous but also the pantomimes and plays, the DJs' choice of music, and so on. As one respondent says, 'The Entertainment was also always very specifically LGBTQi in it's content and delivery.' But, more than this, the fact that these entertainments were such a major feature of both the use of space and the general atmosphere and style of the venue is itself characteristic of an ostentatiously queer venue: very few pubs, clubs, or bars that are not specifically LGBTQ+ have live performance as such a dominating element.

² One long-time customer's submission notes that for many decades this sort of material was the only way to get information about gay life, safety, health, and community, and it was material that could only be found in venues like the Black Cap. This is still the case to some extent, as some people still lack internet access at home and some young people cannot safely look up such information on their home internet for fear of discovery by intolerant parents; even as recently as 2006 one of the main purposes of Pink News's website was simply [to list the queer venues where the print edition of the paper could be found](#). For this reason the availability of magazines and leaflets has always been and remains a much more prominent and important feature of queer venues than of 'straight' ones.

18. Another particularly queer aspect of the way the building was used and indeed constructed was the fact that the front window on the ground floor did not give a view from the street into the venue itself but merely into a window display with the staircase visible above. This would be unusual for a ‘straight’ bar or pub fronting onto a popular high street, but many LGBTQ+ bars and clubs, especially those going back to the 1960s or earlier, are impossible to see into from outside because of customers’ need for safety and to avoid being ‘outed’. At the Black Cap this protective piece of design is combined with an entrance lobby that provided an extra buffer between the outside world and customers inside, and made it easier to control access.
19. It is difficult to articulate in detail what makes a queer space different from a non-queer space that has many of the same basic features but anyone who has spent time in the two kinds of venues would have no difficulty with the proposition that they are different kinds of use, not just different kinds of people doing the same things³. The difference was even evident to local residents who never used the Black Cap at all: as one life-long local said to us at one of our weekly vigils, ‘I never went there but, my god, it made this bus stop a lot of fun at night’. We would venture a bet that nobody has ever said that about a ‘straight’ pub. To its customers and the wider community, the replacement of the Black Cap with a non-LGBTQ+ venue, even if that venue still served food and alcohol and provided live entertainment and dancing, would be a huge change⁴. It is not just a question of the identity of the people using space or their purpose in using it but a question of the actual nature of the use⁵.

Drinks and food

³ We would invite the Council to consider an analogy with the case of *London Residuary Body v Secretary of State for the Environment* [1988] 2 PLR 79, in which the use of buildings for local government was distinguished from their use as offices, even though physically the space was largely used for the same kinds of activities as an ordinary office would be.

⁴ ‘One had to look at the question “has someone made a material change in the use of land?” from the point of view of human beings likely to be affected by the change which had occurred’ (*Thames Heliport plc v Tower Hamlets London Borough Council* [1997] JPL 448).

⁵ We encourage the Council to resist any temptation to draw analogies with case-law establishing that there is no material difference between selling portacabins and selling caravans or that storing coals and storing cars is the same use. Queer people are not sacks of coal. Much more relevant, we argue, are the cases that concern residential use (and which are therefore concerned with how people spend their time and lives their lives on the premises in question, rather than what they buy or sell or store there). An LGBTQ+ venue is as different from a ‘straight’ venue as a family home is from a lodging-house (*Birmingham Corporation v Minister of Housing and Local Government & Ullah* [1964] 1 QB 178) or a communal hostel (*Hammersmith London Borough Council v Secretary of State for the Environment* (1975) 30 P&CR 19) – the former pair are not the same just because they both people drinking and dancing any more than the latter examples are the same just because they both involve people sleeping.

20. The Black Cap has always been a drinking establishment. Its licence to sell alcohol and provide late night refreshment makes no distinction between different parts of the building, and broadly the same selection of drinks were available at both the ground floor and first floor bars. Storage of drinks for both bars took place in the basement. The same staff worked both bars, sometimes during the same shift.
21. Food was only served on the first floor, for the simple reason that the 'dumb waiter' conveying food from the kitchen only went down as far as the first floor. The food itself was of course prepared in the kitchen on the second floor. As mentioned above, the availability of food was advertised in the signage on the ground floor as a part of the use of the premises as a whole.
22. Takings from sale of food and drink from both bars were stored in the safe in the basement and administrative activities such as ordering and cashing up for those sales were done in the office on the second floor.

Socializing

23. The Black Cap was of course a social space. This use extended throughout the ground and first floors without significant distinction. Some customers might tend to use one area more than others, but most moved freely through all the public areas according to the time of day, the activities going on in each space, and who they were with. People of all ages and backgrounds gathered in and used every public area. Several respondents to the questionnaire particularly highlight the importance of the Black Cap, especially the Shufflewick Bar, as a social lifeline for older LGBTQ+ people.
24. It is particularly worth noting that it was not unusual for people to use the ground floor to chat and drink without watching performances, dancing, or otherwise taking part in the entertainment on offer. As one long-time customer has pointed out in response to the Council's questions, the ground floor had an unusual long and narrow layout without internal subdivisions and this made it possible for customers to decide how 'deep' to go: some would go all the way to the back for a full cabaret or nightclub experience but others might place themselves nearer the entrance and simply talk and relax. This is important because it shows that it is not possible to carve the Black Cap into separate units with distinct uses: there was always a spectrum of uses throughout the building and there was no

boundary between cabaret space and non-cabaret pub, either between the two floors or within either of them.

25. Social activity at the Black Cap was obviously supported and made possible by the various non-public areas of the building that were all essential to the operation of the business, including the basement, second floor office, and third floor accommodation / storage areas.

Community / civic activities

26. Many people and groups used the Black Cap as a community space. It would be impossible to list them all, but some of the better known examples include: the Camden LGBT Forum (now called Forum+); the Metropolitan Community Church; FTM London (now called Transmasculine London); the Leftfooters; London Lesbian Kickabout; Opening Doors London; and London Gay Symphonic Winds. There were also many less formal groups such as book clubs. The venue sometimes hosted outreach activities by the police or other organizations. The Black Cap was also famous for its fund-raising events.
27. These activities were distributed throughout the public areas of the building depending on the nature of the activity. Civic and outreach activity was mostly concentrated on the first floor because it was open during the afternoon and had a more peaceful atmosphere, but more energetic activities such as fund-raisers or group socials also occurred downstairs. Some well established community groups such as the Camden LGBT Forum also used the ground floor space for meetings and other group activities during the day when it was closed to the general public. The community and civic strand of the Black Cap's use was therefore continuous throughout the two public floors.
28. Like social life at the Black Cap, community use of the premises was supported by the non-public activities on the second and third floors and in the basement.

Cabaret and performance

29. The Black Cap, as an indivisible whole, was famous for and devoted to cabaret and related live entertainment: song, dance, burlesque, comedy, instrumental music, displays of circus arts, and even small-scale plays and pantomimes. It was known as the 'Palladium of drag' and advertised itself on signage as being (not merely containing) 'London's premier cabaret bar'. Performances themselves

generally took place on the ground floor, but this was not invariably the case: there were also singing and spoken performances in the Shufflewick Bar, including acoustic musical turns and [the weekly Glam Jam show that began in 2013](#).

30. More significantly, the fact that performances mainly took place on the ground floor should not be misunderstood as meaning that the ground floor's use as a cabaret space was somehow separate from, and not shared by, the rest of the building. The evidence of continuity and cohesion is overwhelming.
31. The first floor spaces were themselves both named after drag performers famous for their starring turns on the downstairs stage: Mrs Shufflewick and Regina Fong. A blue plaque commemorating Regina Fong had pride of place on the terrace, and photographs of the two performers among many others were prominently displayed in the stairwell and all over the walls of the first floor bar. This was not like the common practice in some pubs, cafés, and restaurants of putting up photographs of celebrities who have visited the place once or who have no connection to the place but evoke a certain image that the business wishes to project: the vast majority of photographs on the first floor were of performers who had spent substantial portions of their careers performing at the Black Cap. This can be better compared to the practice of theatres decorating their corridors, staircases, and bars with photographs and posters of past productions. In a sense the Shufflewick Bar acted as the 'theatre bar' for the cabaret space downstairs, and like a theatre bar it was an integral part of the artistic institution as a whole. As noted by two former staff members in their submissions, there were even television screens on the first floor that carried a live feed from the ground floor stage area so that patrons upstairs could see when a performance was beginning or when a break in the middle was coming to an end, to ensure they went down at the right time. Indeed, the televising of downstairs performances in the upstairs bar effectively turned the first floor into an additional cabaret space because customers could, and did, stay there and watch the shows from their seats in the Shufflewick Bar.
32. It is important to understand the interdependence of the ground and first floor spaces as essential to the Black Cap's unique and successful model. One of the most distinctive things about the Black Cap was that it opened as early as 11 a.m. or noon and did not close until the early hours of the morning. As one regular customer has put it in response to the Council's questions, 'I remember the black cap being always open. That was partly the reason why it was so popular, because

you knew that you could go early, during the day for a drink and you could stay late after the pubs had closed.’ It would have been impossible to operate in that way and also stage regular live performances because live performances require set-up, soundchecks, rehearsals, and so on. None of that can be done satisfactorily if customers are in or around the performance space, nor can it sensibly be done before the space opens if the space opens at noon and the performance takes place at the evening. The first floor enabled the Black Cap to operate continuously throughout the day and have performances in the evenings. As another questionnaire respondent said, ‘Each part of the building played a key part in maintaining the overall offer of a performance and entertainment venue’.

33. The Shufflewick Bar was also used not only as a place to go before performances and in breaks during performances, or as a performance space in its own right, but also as an extension of the audience’s experience of a performance. For example, when ‘big name’ drag performers like stars of the US television series ‘Ru Paul’s Drag Race’ came to do shows at the Black Cap, they would often spend time afterwards in the first floor bar area meeting fans and posing for photographs (examples: [Raja](#); [Willam, Vicky Vox, and Detox](#); [Laganja Estranja and Alyssa Edwards](#); [Bianca del Rio](#); [Adore Delano](#)).
34. As an integral part of the Black Cap’s business, cabaret and live performance use was supported by all the parts of the building that were used to run the business, such as the office on the second floor and the night safe in the basement. The accommodation spaces on the third floor were sometimes used to store props and scenery (as shown in photographs included in the application), as was the basement (as the application itself admits); the third floor rooms and the basement were also sometimes used as extra changing rooms and / or as places for visiting performers to store their belongings. The applicant’s proposition that the basement and second and third floors can be regarded as ancillary to the use of the first floor but not to the use of the ground floor is nonsensical, not to mention inconsistent with the comparable case of the Royal Vauxhall Tavern, where the non-public areas of the building were readily accepted as part of the *sui generis* cabaret / bar / nightclub use of the ground floor, which is very similar to the use accepted by the applicant of the Black Cap’s ground floor.

Other entertainment

35. The Black Cap also offered other kinds of entertainment including music videos or special events like Eurovision playing on the television screens (when they

were not showing the live feed from the stage), DJs playing music, karaoke, quizzes, film screenings, and so on. These took place in different parts of the building, not because of any fundamental difference of use between the different areas but simply according to convenience and suitability. Film screenings (including those with an element of audience interaction such as ‘sing-along’ screenings of musicals) generally took place in the first floor bar. Quizzes might be held on either floor. DJs and karaoke were generally on the ground floor because of the permanent sound-system in place there. The venue as a whole was a place of entertainment.

36. As with everything else, these activities were part of the business of the venue and were therefore supported by the office, accommodation, and storage areas in the basement and on the second and third floors.

‘Pub’

37. We would like to end by briefly responding to an aspect of the application that seem to us to be particularly misconceived.
38. The application puts a great deal of emphasis on the fact that various sources refer to the Black Cap as a pub. The implicit argument seems to be that this shows that the venue was primarily an ordinary, non-*sui generis* pub and that the *sui generis* element of its use should be regarded as a localized eccentricity affecting only the ground floor where live performances happened that are not typical of a pub.
39. This is of course very weak evidence when set against an actual understanding of how the building was used – an understanding that we trust will emerge from the evidence the Council has collected. Moreover, the way that formal documents refer to the venue does not necessarily match how ordinary people in ordinary conversation refer to it, which is more likely to be reflective of its actual use. As we have mentioned, in our experience the Black Cap is most commonly described as a ‘gay bar’, ‘drag bar’, ‘gay pub’, ‘queer space’, or ‘queer venue’ – which, as we have argued, is a significantly different kind of use from ‘pub’. It is perhaps unsurprising that drafters of official documents have felt squeamish about using those kinds of descriptions. The fact is that, precisely because the Black Cap has a very unusual and distinctive use, there is no handy term that accurately describes what it is, so it is not surprising to find it documented as the nearest easy approximation: ‘pub’. Even within our campaign we often refer to the Cap

as ‘the pub’ because it is the shortest convenient term and we all understand what it refers to: that does not mean that any of us consider it interchangeable with any other pub. One would not expect people to take the time in most contexts to say ‘the Black Cap LGBTQ+ pub, club, and cabaret venue’ when ‘the Black Cap pub’ is sufficient for the purpose. Rather than being evidence that the Black Cap is an ordinary pub with a little bit of cabaret on one floor, we would argue that references to the venue as a ‘pub’ is simply the result of the fact that the whole institution is so unusual as to have no easy label.

40. In any event the applicant’s evidence is rather selective. It is actually not very difficult to find written descriptions of the Black Cap that do not call it a ‘pub’, especially in sources that are well informed about it. In QX magazine, for example, which has extensive coverage of London’s queer scene, one can find it referred to as a ‘[bar](#)’, a ‘[camp cabaret bar](#)’ (interestingly, this is in the context of an article specifically focusing on the Fong Terrace and not the ground floor), a ‘[cabaret spot](#)’, a ‘[mini theatre](#)’, and simply a ‘[gay venue](#)’. Similarly in Pink News one can find ‘[LGBT venue](#)’ and ‘[gay bar](#)’. Customer reviews refer to it as ‘[The Black Cap nightclub](#)’ and a ‘[“community” gay bar / club](#)’. (Conversely, to illustrate our argument in the paragraph above, one can find plenty of references to the Royal Vauxhall Tavern, which had been established as *sui generis* throughout, as a ‘[pub](#)’.)

Conclusion

41. The intention of our narrative and argument above is not to replace the first-hand evidence that the Council (with our help and that of Forum+) have gathered, but to offer a different interpretation and explanation from the applicant's. Ours is based on our own and others’ real experience and understanding of the Black Cap and we hope the Council will agree that it better matches and explains the evidence.

42. In short, the Black Cap is a single planning unit with a single use. That use is complex and has a number of strands, which is what makes it distinct from the established use classes and in particular from ordinary A4 pub use. The Black Cap is, more than anything else, an LGBTQ+ venue, and that is the essence of its use, which distinctively weaves together cabaret and performance, nightclub, pub, and unofficial community space. It is an integrated space whose constituent parts work together and depend on each other, with visitors moving freely around and between them.

43. To accept the applicant's argument that all the building is an ordinary A4 pub, with the narrow exception of a *sui generis* cabaret bar / club confined to the ground floor, would be quite wrong. It would be factually wrong in that it would artificially divide up what is really an indivisible whole and in that it would ignore the extent to which pub, club, cabaret, and community uses flowed through the whole building and supported one another. It would also be wrong in its failure to recognize that the Black Cap is not only a collection of pub / club / cabaret uses but fundamentally an LGBTQ+ venue that combines those uses in a quintessentially queer way. And finally (if we may step for a moment away from past facts to future risks) it would be wrong because it would pave the way for the building to be carved up into separate businesses or redevelopment units that would destroy the character of the Black Cap and make it impossible to operate any part of the building in the successful way that it has been run for so many years to the great benefit of the people of Camden and beyond.