

WARDS AFFECTED: St Anns (May 2019)

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Alfred House, Ashley Street

1 SUMMARY

Reference: 24/00304/ASCMVL

Nomination by: Mr Matthew Chesney

Proposal: Request for the lower ground, first and second floors of Alfred House Ashley Street to be included on the List of Asset of Community Value.

2 RECOMMENDATION

That the nomination be **ACCEPTED**, and the property be placed on the Council's List of Assets of Community Value.

That the decision on any subsequent request for review of the decision by the owner of the site be delegated to the Director of Legal and Governance.

3 BACKGROUND

- 3.1 A nomination has been submitted which originally requested that Alfred House on Ashley Street be nominated as an Asset of Community Value. The nomination relates to an attractive 3 storey (plus lower ground floor) Victorian red brick industrial building located on Ashley Street, within the Sneinton Market Conservation Area. The surrounding area is mixed use in character comprising of commercial, leisure and residential uses.
- 3.2 Alfred House is occupied by Backlit Limited who provide a large arts studio provision and public art gallery within the premises on the lower ground, first and second floors. Their nomination is based upon Backlit providing free and affordable creative studio space, exhibition space and gallery space for many community groups and local artists within Nottingham. They also provide a yearly free programme of exhibitions, events and workshops for the local community and the wider Nottingham area.
- 3.3 Following assessment of the nomination and discussions with Backlit the nomination has now been amended to exclude the ground floor from the nomination. This is due to this floor not having an actual or recent use that furthered the social wellbeing or the social interests of the local community use.
- 3.10 The revised nomination is now only for the lower ground, first and second floors only which are occupied by Backlit.

4 SUMMARY OF RESPONSES TO CONSULTATION

Regulations require the Council to notify the owners and occupiers of the relevant land of the application to list it as an asset of community value. In this case the freehold owner of the land is Nottingham City Council which has been duly notified.

In both these instances the nominee is the sole occupier and therefore does not require further notification

Nottingham City Council (referred to as the owner) have submitted a challenge to the proposed nomination. They initially contended the application to be invalid, due to a discrepancy between the nominee's name on the nomination form and that on the submitted Articles of Association for Companies House. This has been clarified and for consistency the name on the nomination form changed to be consistent with the Articles of Association for Companies House - Backlit Limited.

A second representation has also been received from the owner. Their comments are summarised below:

- It is noted the application form references, "We agreed a price in 2021 but due to the internal issues the LA has faced we have had conversations stalled." For the avoidance of doubt, no agreement has been reached or entered into for the sale of these premises with any party. The disposal of assets is governed by the Council's Disposals policy and Statutory Requirement to obtain best consideration.
- The application form outlines "BACKLIT'S Contribution to Nottingham City (in line with the strategic council plan 2023-2027)". Themes from the Council's Strategic plan are referenced, coupled with high-level narrative of activities / services provided. Generally, the information provided is lacking detail, with no specific reference made to the identities of key Council stakeholders / representatives with whom Backlit engage. Similarly, there is no evidence of the impact/ benefit the Council derives from the activities listed.
- The nominee has not expressly confirmed that surplus funds are applied wholly or partly for the benefit of the local area (i.e. within the administrative area of Nottingham City or a neighbouring local authority).
- Parts of the narrative regarding the reason for it is an asset of community value is difficult to comprehend. It is noted Backlit, "have identified 4 key areas of focus; mental health, digital, environment and EDI (equality, diversity and inclusion), based on the interests and needs of our artist community and the city-wide priorities for residents". Clarity on the source of this statement and direct impact on the activities would be helpful.
- It is noted the Memorandum and Articles of Association for, "Backlit Limited" Reg. No. 08329205, were submitted – The application however is made by, "Backlit" Charity No. 1167258.
- No substantive / material reference to, "the current or recent non-ancillary use of the land and/or building" which is required.
- The applicant speculates on the potential future use of the premises.

Ward Councillors: No representations have been received.

5 ASSESSMENT

5.1 Land and premises must be listed as an Asset of Community Value if:

- (i) A nomination is received from an eligible body; and
- (ii) In the council's opinion, an actual or recent former main use of the premises furthers (or furthered) the social wellbeing or social interests of the local community, and
- (iii) It is realistic to think that there can continue to be such a use (the future use need not be the same as the previous use).

'Social interests' includes cultural, recreational and sporting interests.

Criteria (i) - Eligibility to nominate

- 5.1 Backlit or Backlit limited are a registered charity (charity No. 1167258) but also a registered charitable company, that is non-profit distributing (company number 08329205). The Articles of Association for this charity company have been submitted to confirm this. It is therefore considered that the group is eligible to nominate.
- 5.2 The legislation requires the nominators to set out their reasons for thinking it should be nominated. Officers are satisfied that the information supplied satisfies this basic requirement, and that the nomination is valid.

Criteria (ii) - Does the existing or recent former use further the social wellbeing or social interests of the local community?

- 5.3 Art galleries, associated creative and events space, such as provided by Backlit at Alfred House, are undoubtedly an important part of many local communities in not only the city but the wider Nottingham conurbation and may be considered to be of community value. Backlit provides an important facility and focus for the arts and creative sector and provide studio space and support to develop and show case emerging local artists based in Nottingham, as well as programmes for fostering, the arts and creativity within the local community and plays an important role in furthering social wellbeing or the social interests for the local community.
- 5.4 Backlit have stated that they are a leading arts organisation in Nottingham City responsible for supporting and developing regional creative growth, through investment and delivery in creativity for everyone. Their work encourages collaboration and partnership across the sectors of digital, arts and industry, exploring innovative and challenging ideas that support artists through that process. As an organisation in the cultural sector, they prioritise equality, diversity and inclusion and together with other sector led organisations are a leading art space within the city that supports the community as a go to space for wellbeing and mental health support.
- 5.5 Their aim is to promote the wellbeing and the interests of the local community as part of its charitable status. They have been operating in this way in site since they took a leasehold on the building in 2011 and leased additional floors in 2014 and 2019 as they expanded. Backlit is an LGBTQ+ and neurodiverse led independent public gallery and creative studios. Their other main aim is to support, develop, showcase and promote early career artists based in Nottingham, through a series of artistic and professional development opportunities. The learning and community programme of activity is an educational tool and meaningful way to engage users of

our space with the art they display.

- 5.6 Its art galleries extend across the three floors which sit alongside creative studio space. They are home to 120 artists, collectives and associate member which use this space. The studio space has also been at full capacity since 2020, including 20 MFA fine art students. Each year they provide a free programme of exhibitions, events and workshops to provide a supportive and inclusive framework to allow the public, local people, communities, students and creatives at all stages of life to develop.
- 5.7 They offer free and affordable gallery space for many groups such as Women's Refuge, Nottingham Refuge Forum, Community Recording Studio, Global Sistaz United, Sneinton Tenants Outreach Programme TRA, local collectives and groups. Through their public programme they offer support for groups of varied ethnicities and also people with specific sexualities, disabilities and neurodiversity's. It provides space for local people and groups to connect develop allows them to present their own projects to the public, put on events, talks, exhibitions and workshops.
- 5.8 Each year Backlit support around 979 people in developing careers and skills through community projects, work placements and commissions. They currently employ a team of 8 members and provide work for 46 SME's. Their live audiences (live) reach 21,906 individuals and their online audience (broadcast, online, in writing and local press) is approximately 1,897,470. Other users of the building or services 574, a total of 1,920,943 beneficiaries per year.
- 5.10 Backlit has four key areas of focus of mental health, equality, diversity/inclusion and environmental/digital. The aim being to inform and feed into relevant public engagement, exhibitions, learning, membership, programmes and is evident through the partners they work with. Some following examples of their work in this region are:
- Partnerships with local schools, libraries and community groups, in St Ann's, Sneinton and the wider city. Focused engagement with school children and young adults to access creative programmes.
 - Backlit are part of the Area 6 network for young people and mental health to access creative opportunities across the area that relate to building communities.
 - The initiation of the art NEST (Nottingham Environmental Sustainability Team) to bridge a network of resource across arts and cultural venues in Nottingham City.
- 5.11 Backlit state that they have built strong strategic partnerships with both artistic, educational, and industry-based organisations including Nottingham Trent University, University of Nottingham, national/ international artists, curators and educational institutions to help us deliver activities that support and enhance employability and creative development. Backlit in support of their nomination have submitted letters written in support of its recent successful funding application to the Arts Council England. Letters include the local MP, the British Library, Nottingham Contemporary, University of Nottingham, New Art Exchange Nottingham, Nottingham City Councils Head of Culture and Libraries, Nottingham Trent University, the Reach Psychotherapy and the High Sherriff of Nottingham.

- 5.12 Whilst the letters of support are not specific to this ACV nomination, they clearly detail the important role Backlit plays in the social wellbeing of the local community and wider Nottingham area.
- 5.13 It is therefore considered that there is sufficient evidence to conclude that the main non ancillary use of the 3 floors by Backlit is an important arts and creative venue which would further the social wellbeing or social interests of the local community.
- 5.14 It is therefore recommended that the use of Alfred House, Ashley Street as an art galleries, associated creative and events space be listed as an Asset of Community Value.

Criteria (iii) – Is it realistic to think there can continue to be such a use?

- 5.15 As well as considering whether the current use of furthers the social well-being or social interests of the community, it is also necessary to consider whether it is realistic to expect that this use, or another use that also furthers the social wellbeing or interests of the community, could continue into the future as a use of community value.
- 5.16 CLG guidance suggests that for uses that are currently ongoing there should be a presumption that the present use can continue into the future unless clear evidence suggests otherwise.
- 5.17 In support of their nomination Backlit have submitted their Business Plan and Financial Sustainability, Management and Maintenance Plan setting out how they intend to operate, manage, and maintain their use in the future.
- 5.18 It is therefore considered that there is sufficient evidence to conclude that the actual use of the 3 nominated floors of Alfred House by Backlit would further the social wellbeing or social interests of the local community and it is realistic to expect that their use, or another use that also furthers the social wellbeing or interests of the community, could continue into the future as a use of community value.
- 5.19 It is therefore recommended that they be listed as an Asset of Community Value.
- 5.20 In response to the comments made by the owner the following response is made:
- The fact that the owner agreed or entered into for the sale of these premises with any party is noted and is not a consideration for the ACV nomination.
 - It is considered that the details of the submission together with evidence obtained from its web page are sufficient to determine the ACV nomination. The statutory criteria does not require the nominee to demonstrate the impact/benefit the Council derives from the activities listed.
 - The registration of Backlit is a registered charity and details of its registration as a registered charitable company, that is non-profit distributing (company number 08329205). The Articles of Association for this charity company have been submitted to confirm this. It is therefore considered that the group is eligible to nominate.
 - The narrative regarding the reason for it is an asset of community value is set out throughout the nomination form and on their website.

- The use of the three floors by Backlit are considered to be a current non-ancillary use of the building.

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