

Meeting	Decision Session - Combined Executive Member Decision Session
Date	11 August 2026
Present	Councillors Lomas
In Attendance	Graham Hogben – Asset Manager Chris Coss - Head of Legal Services Paula Morris - Senior Lawyer

22. Appointing a Chair (10:04)

It was confirmed that Cllr Lomas would chair all the items on the agenda.

23. Apologies for Absence (10:04)

It was confirmed that there were no apologies for absence.

24. Declarations of Interest (10:05)

The Executive Member had no disclosable pecuniary interest, nor any other registerable interest in respect of the business on the agenda which had not already been declared in advance on the Register of Interests.

25. Public Participation (10:05)

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme.

Nabeel Hanif was the owner of Victoria Vaults and spoke against the ACV. He outlined several objections including questioning why the ACV was being nominated again when a previous one had been listed but then removed. He stated that there had been no offers in the last year to purchase the venue for music use and noted that it didn't have planning permission for a music venue nor a license to operate with 140 patrons in attendance. He also noted it needed £250,000 for repairs to restore the venue.

Nick Love spoke on behalf of CAMRA in support of the application. He outlined the reasons why there could be another application for an ACV and stated that this was not a duplicate application. He outlined reasons for the residential part of the building to be included in the nomination and noted that there were parties interested in operating the building as a music venue again and stated that it was therefore realistic to think it could reopen within the 5-year timeframe.

Christopher Sherrington Co-founder of York Music Venue Network spoke in favour of the application and stated that Victoria Vaults was a grassroots venue and that it was credible it could be so again. He stated that, if critical works were required, funding could be found and this could include grants which he noted had already been received by other local venues.

The Executive Member acknowledged the written representations received relating to this nomination and confirmed that the written representation from Nabeel Hanif had been accepted and published notwithstanding that he had also attended and spoken at the session, despite this being a departure from constitutional procedure, and also acknowledged a late written representation received from Cllr Rose and confirmed that it would be published following the meeting.

26. Minutes (10:17)

It was confirmed that there were no minutes available from previous meetings. This is due to this meeting being an additional meeting to be able to consider the Application for Community Right to Bid under the Localism Act 2011 item.

27. Application for Community Right to Bid under the Localism Act 2011 (10:17)

Officers introduced the report outlining the proposal, that CAMRA were an eligible nominating body, and the history of previous nominations. Officers noted the reasons for CAMRA's nomination, and the grounds of opposition

from the owners of Victoria Vaults against it being listed as an Asset of Community Value, before recommending the nomination be accepted.

The Executive Member noted that the owner had raised concerns over a possible abuse of process in relation to the application history and asked that the Council's Head of Legal Services advise on the legality of the application and the options available in considering the nomination.

The Head of Legal Services advised that, once a nomination is received, the Authority is statutorily required to consider it. The application was not identical to the previous application in 2024 and there was nothing preventing a nomination from being renewed. Whilst the history should be acknowledged, the new application should be judged on the information now before the Executive Member. In doing so, the Authority would not frustrate the purpose of the legislation, nor would it be acting unreasonably, nor offending a sense of natural justice such as might amount to an abuse of process.

In relation to the residential flat above Victoria Vaults, he explained that a nomination could not lawfully include a residence, save where it was only partly residential and, but for the residential part, the property could otherwise be listed. It was for the Executive Member to determine whether there was a physical and functional relationship between the residential part and the remainder of the property. If there was not, the nomination must be refused unless there was a clear demarcation and the 2 areas could be separated into individual nominations.

In determining whether it was realistic to think that, within the next 5 years, the Victoria Vaults could again be used in a way which would further social wellbeing and interests in the local community, whether or not the use was the same as previously, the Executive Member must consider what could sensibly and practically be achieved. Long term commercial viability was not in itself determinative; a full business case was not required, nor should the nomination be judged on a balance of probability. Even prospective unlawful use in breach of the present Premises Licence was not automatically disqualifying. The owners' comments regarding threatened costs, or a subsequent appeal, could be disregarded.

The Executive Member recognised that this had been a long and challenging process for an Asset of Community Value application. She confirmed that this was a fresh application, and that she would consider all the relevant information and submissions before her. The Executive Member considered that the residential flat and the rest of the property have a functional relationship and therefore would be considered a single nominated property within the regulatory exception for the purpose of this

application. The Executive Member also cited the interest in operating the venue as it had been described to her, in balance with the viability issues the owner had raised, and decided that it was realistic to believe that the venue could reopen within 5 years to the beneficial interest of the local community. In considering all the information available to her today, she was content to accept the nomination.

Resolved:

- i. Approved the listing of The Victoria Vaults, 47-49 Nunnery Lane, York, YO23 1AB, as an Asset of Community Value (ACV).

Reason: To ensure the Council meets its legislative obligations (pursuant to the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012) and promotes community access to community facilities.

Cllr Lomas, Chair

[The meeting started at 10.04 am and finished at 10.34 am].