

Meeting:	Combined Executive Member Decision Session
Meeting date:	30 July 2026
Report of:	Director of Finance
Portfolio of:	Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion

Decision Report: Application for Community Right to Bid under the Localism Act 2011

Subject of Report

1. This report details applications to list the following properties as Asset of Community Value (ACV) for consideration by the Council.
 - a) Cross keys Public House, Common Lane, Dunnington, York, YO19 5NG. An application has been received by Dunnington Parish Council.
 - b) Blacksmiths Arms Public House, Shipton Road, Skelton, York. An application has been received by Skelton Parish Council.
 - c) The Lord Nelson, 9 Main Street, Nether Poppleton, York. An application has been received by Nether Poppleton Parish Council.
2. The applications have been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.

Benefits and Challenges

3. This process is a statutory requirement. The process and the effects through the listing of an asset is set out in detail in this paper.

Policy Basis for Decision

4. The process is a statutory requirement.

Financial Strategy Implications

5. There are no financial strategy implications to this decision.

Recommendation and Reasons

6. The Executive Member is asked to consider the officer recommendation(s) to:

- 6.1 Approve the listing of:

- a) Cross keys Public House, Common Lane, Dunnington, York, YO19 5NG. An application has been received by Dunnington Parish Council.
- b) Blacksmiths Arms Public House, Shipton Road, Skelton, York. An application has been received by Skelton Parish Council.
- c) The Lord Nelson, 9 Main Street, Nether Poppleton, York. An application has been received by Nether Poppleton Parish Council.

- 6.2 To approve, that following expiry of an ACV listing on the Council's register of Assets of Community Value, any renewal ACV nominations received for those properties may be referred for officer decision.

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.

Background

7. The purpose behind the provisions regarding Assets of Community Value (ACV) in the Localism Act 2011 is to ensure that property (land and building) assets which are currently used for principal/non-ancillary use(s) which benefit the local communities are not disposed of without the local community being given an opportunity to bid for these assets when the owner wishes to dispose of the asset. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.
8. Section 89(1)(a) sets out that land in the local authority's area may be listed on the ACV list only in response to a community nomination. Section 89(2)(b)(iii) of the Localism Act 2011 requires that the organisation nominating an asset to be an ACV is a person that is a voluntary or community body with a local connection to the asset nominated. Further, the legislation requires that the nominating organisation must include in the nomination form information about the asset nominated, in accordance with part 6 of the Assets of Community Value (England) Regulations 2012.
9. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
 - a. s88(1) an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community.OR
 - b. s88(2) there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community.

10. There is no exhaustive list of what is considered to be an asset of community value, but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

The Process

11. The regulations set out how potential assets can be listed which in brief are as follows:
 - **Nomination** – this can be by a voluntary or community body with a local connection. This includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
 - **Consideration** – the local authority has 8 weeks to make the decision. Under the Council's procedures the Executive Member is the decision maker. If the nomination is successful, the asset details are entered onto the 'Community Value list' – see further details in the report – and also the local land charges register. If unsuccessful, then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal. Neither the Localism Act nor the ACV Regulations give the nominating organisation any right to appeal a decision of the local authority that the nominated property is not an asset of community value/does not satisfy the necessary S.88 criteria referred to above.
 - **Disposal of assets on the ACV list** – if a building or piece of land which is on the list is going to be disposed of (by way of either a freehold sale or granting of a lease for a Term of 25 years or more) with vacant possession, then the owner of the asset needs to give notice to the local authority. There is then a 6-week moratorium period for any community group to express interest in writing. If they do, then a 6-month period (commencing from the date on which the Council had received notice of the owner's intention to dispose of the asset) is provided for that group to prepare its bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal.

There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of its intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.

- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

The Cross Keys, Dunnington

A. The eligibility of the nominating organisation and the nominated asset to be an ACV.

12. The application nominating the nomination land ("The Cross Keys Public House") has been made by Dunnington Parish Council. When making the application, the applicant seeks to assert its status as a community body under section 89(2)(b)(iii) of the Localism Act 2011 ("The Act").
13. Dunnington Parish Council are an eligible body, The application meets the qualifying test set out in section 89(1)(a) of the Act as an application made by way of a community nomination.

The application sets out that the freehold of The Cross Keys Public House is owned by Spirit Pub Company (Leased) Ltd, as stated in freehold title registered at the Land Registry. There is no leasehold title registered at the Land Registry. In accordance with the regulations, the freehold owners of the property, have been informed in writing that the application has been made and have been invited to make representations regarding the nomination. No response has been received from the freehold owners
14. The application provides a clear description and postcode of the land nominated on the first page of the form and has attached to it a map setting out the extent of the land. The nominated land does not come within the categories of land which may not be ACVs.

15. The applicant has provided their reasons for thinking that the Council should conclude that the land is of community value, at section 3.
16. Legal Services have confirmed that a nomination must be considered by the Council, if the nominator is someone who meets the eligibility criteria specified in the relevant legislation, and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. Legal Services considers the Nominator fulfils the criteria.

B. Is the current or recent usage of the nominated land an actual and non-ancillary use, does the usage further social wellbeing or social interest, and is it realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

17. This application concerns the listing of The Cross Keys Public House on the Council's ACV list. The past and current usage of the pub as a venue for community activities/events is set out below and indicates that the current and recent usage of the nominated land is an actual and non-ancillary use pursuant to section 88(1) and section 88(2) of the Act.
18. Dunnington Parish Council state in their application that The Cross Keys Public House closed in November 2025
19. Dunnington Parish Council state in the nomination form that The Cross Keys has served the Dunnington community since around 1823, forming a key feature within the Villages conservation area , positioned at a key position at the junction of 4 roads.
20. The Cross Keys Public House, until its closure in November 2025, was a primary public social and hospitality venue in Dunnington. Its main use was not ancillary; it served as a community gathering space, offering food, drink, entertainment, and social activities. The pub provided a welcoming environment for residents of all ages and for visitors passing through the village. It hosted regular events including quiz nights, darts matches, live music, board game evenings, and charity fundraisers.

Additionally, local community groups and clubs met regularly at the pub, using its facilities for meetings, celebrations, and social gatherings.

21. Dunnington Parish Council also state that The Cross Keys demonstrably furthered the social wellbeing of the local community. The pub was particularly important for residents who do not have private transport, with alternative venues located several miles away. Families benefitted from the children's play area and safe outdoor space, while adults enjoyed community events and casual social interaction. The pub also contributed to local tourism and the economy, welcoming cyclists on National Cycle Route 66 and visitors staying in nearby accommodation.
22. It is stated that before its closure, The Cross Keys was well used by the local community with facilities including a rear beer garden, outdoor seating and off road parking. Since its closure, it is stated that there was noticeable decline in opportunities for social inclusion in the village of Dunnington especially for older or isolated residents. Local community groups struggle to find community meeting spaces since the closure.
23. It is stated that future use could include reopening as a public house or café, creating a community owned venue and hosting cultural, recreational and social activities
24. Full details are provided in the nomination form in Annex 1.
25. The Cross Keys Public House has developed a community focus and, for the reasons set out above and further in the nomination form, the pub appears to have been using the land in a way which engages and strengthens community bonds, adding to the social value of the community; therefore the application meets the criteria of the legislation
26. The application meets the criteria for listing and there is a realistic prospect that the pub the pub could re-open given the longevity of the facility that has served the site and community. It is therefore recommended that The Cross Keys Public House should be listed on the ACV register.

The Blacksmiths Arms, Skelton

A. The eligibility of the nominating organisation and the nominated asset to be an ACV.

27. The application nominating the nomination land ("The Blacksmiths Arms") has been made by Skelton Parish Council. This is a renewal of an application originally granted on 16th September 2019 and removed after the 5 year nomination period. When making the application, the applicant seeks to assert its status as a community body under section 89(2)(b)(iii) of the Localism Act 2011 ("The Act").

28. Skelton Parish Council are an eligible body, The application meets the qualifying test set out in section 89(1)(a) of the Act as an application made by way of a community nomination.

The application sets out that the freehold of The Blacksmiths Arms is owned by Samuel Smiths Brewery, there is no freehold or leasehold title registered at the Land Registry. In accordance with the regulations, the freehold owners of the property, have been informed in writing that the application has been made and been invited to make representations regarding the nomination. No response has been received from the freehold owners.

29. The application provides a clear description and postcode of the land nominated on the first page of the form and has attached to it a map setting out the extent of the land. The nominated land does not come within the categories of land which may not be ACVs.

30. The applicant has provided their reasons for thinking that the Council should conclude that the land is of community value, at section 3.

31. Legal Services have confirmed that a nomination must be considered by the Council, if the nominator is someone who meets the eligibility criteria specified in the relevant legislation, and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. Legal Services considers the Nominator fulfils the criteria.

B. Is the current or recent usage of the nominated land an actual and non-ancillary use, does the usage further social wellbeing or social interest, and is it realistic to think that there can continue to be non-ancillary use of the building which will

further (whether or not in the same way) the social wellbeing or social interests of the local community.

32. This application concerns the listing of The Blacksmiths Arms on the Council's ACV list. The past and current usage of the pub as a venue for community activities/events is set out below and indicates that the current and recent usage of the nominated land is an actual and non-ancillary use pursuant to section 88(1) and section 88(2) of the Act.
33. Skelton Parish Council state in their application the current occupier/landlord of the The Blacksmiths Arms is Mr W Pike
34. Skelton Parish Council state in the nomination form that the Blacksmiths Arms has served the Skelton community for generations and for decades has been the only public house in the main village. Its longstanding primary use is that of a public house providing food, drink and is a place for social interaction.
35. It advises that the pub has functioned as a central meeting place where residents of all ages and backgrounds come together, supporting community cohesion, reducing isolation and providing an informal social space.
36. During a recent period of closure, it is stated that there was noticeable decline in opportunities for social inclusion in the village of Skelton and residents were forced to travel outside of the village to meet and socialise. With the reopening of the premises, it has resumed its role and a thriving focal point for village life.
37. Full details are provided in the nomination form in Annex 1.
38. The Blacksmiths Arms has developed a community focus and, for the reasons set out above and further in the nomination form, the pub appears to have been using the land in a way which engages and strengthens community bonds, adding to the social value of the community; therefore the application meets the criteria of the legislation

39. The application meets the criteria for listing. It is therefore recommended that The Blacksmiths Arms should be listed on the ACV register.

The Lord Nelson, Nether Poppleton

A The eligibility of the nominating organisation and the nominated asset to be an ACV.

40. The application nominating the nomination land ("The Lord Nelson") has been made by Nether Poppleton Parish Council. This is a renewal of an application originally granted on 16th September 2019 and removed after the 5 year nomination period. When making the application, the applicant seeks to assert its status as a community body under section 89(2)(b)(iii) of the Localism Act 2011 ("The Act").
41. Nether Poppleton Parish Council are an eligible body, The application meets the qualifying test set out in section 89(1)(a) of the Act as an application made by way of a community nomination.
- The application sets out that the freehold of The Lord Nelson is owned by ACT York Ltd, (reg no: 11492568) Club Chambers, Museum Street, York, North Yorkshire, United Kingdom, YO1 7DN.
- In accordance with the regulations, the freehold owners of the property, have been informed in writing that the application has been made and been invited to make representations regarding the nomination. No response has been received from the freehold owners.
42. The application provides a clear description and postcode of the land nominated on the first page of the form and has attached to it a map setting out the extent of the land. The nominated land does not come within the categories of land which may not be ACVs.
43. The applicant has provided their reasons for thinking that the Council should conclude that the land is of community value, at section 3.
44. Legal Services have confirmed that a nomination must be considered by the Council, if the nominator is someone who meets

the eligibility criteria specified in the relevant legislation, and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. Legal Services considers the Nominator fulfils the criteria.

B Is the current or recent usage of the nominated land an actual and non-ancillary use, does the usage further social wellbeing or social interest, and is it realistic to think that there can continue to be non-ancillary use of the building which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

45. This application concerns the listing of The Lord Nelson on the Council's ACV list. The past and current usage of the pub as a venue for community activities/events is set out below and indicates that the current and recent usage of the nominated land is an actual and non-ancillary use pursuant to section 88(1) and section 88(2) of the Act.
46. Nether Poppleton Parish Council state in their application the current occupier/landlord of the The Lord Nelson is Mr T Brown
47. Nether Poppleton Parish Council state in the nomination form that the The Lord Nelson is the only public house in Nether Poppleton.
48. It advises that the pub is a meeting point for local residents, community groups and sports teams. The pub is a venue for family gatherings
49. Full details are provided in the nomination form in Annex 1.
50. The Lord Nelson has developed a community focus and, for the reasons set out above and further in the nomination form, the pub appears to have been using the land in a way which engages and strengthens community bonds, adding to the social value of the community; therefore the application meets the criteria of the legislation
51. The application meets the criteria for listing. It is therefore recommended that The Lord Nelson should be listed on the ACV register.

Nominations for Renewal of ACV Listings

52. Successful nominations are added to the Asset of Community Value register and remain on the list for a period of 5 years. Following expiry, the entry is removed.
53. It is proposed that any renewal nomination received for a property that has been listed on the Asset of Community Value register be referred to the Director of Finance in consultation with the Director of Governance for decision.
54. For the avoidance of doubt, new nominations will continue to be sent for Executive Member decision.

Consultation Analysis

As required by the Assets of Community Value Regulations, the owners of the properties have been consulted regarding the applications and have been invited to make representations. No representations have been received from the registered owner regarding the listing.

Options Analysis and Evidential Basis

55. The applications to list The Cross Keys, Dunnington, The Blacksmiths Arms, Skelton & The Lord Nelson, Nether Poppleton as Assets of Community Value can either be accepted or rejected. There are no other options, as it is considered that sufficient information has been provided for a decision to be made.
56. If the decision is to approve the ACV nomination application, then the owner of the property has a statutory right to request a review of that decision by submitting a review request to the Council within 8 weeks of the decision date. (If the decision is to reject the ACV nomination application, the legislation does not give the nominating group any right to appeal that request, though they could potentially seek a Judicial Review of the decision by submitting a claim to the High Court.)

Organisational Impact and Implications

57.

- **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).
- **Human Resources (HR)** – None
- **Legal** – Advice and comments have been sought from Legal Services and incorporated in this report.
- **Procurement** – None
- **Health and Wellbeing** – The added protection of an ACV around a physical activity facility which caters for some of our more vulnerable and poorer residents has health and wellbeing benefits which should be considered in decision making.
- **Environment and Climate action** – No direct environmental impacts but buildings of community value are key and underpin a sense of place
- **Affordability** – None
- **Equalities and Human Rights** – None
- **Data Protection and Privacy** – Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK data protection and privacy legislation. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines.
 - DPIAs helps us to assess and demonstrate how we comply with all our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.
 - The DPIA screening questions identified that whilst there is processing of personal, it is not likely to result in a high risk to the rights and freedoms of individuals. Therefore, a simple DPIA was completed which identified the data protections risks as well as the mitigations either in place or that need to be put in place, to minimise these identified risks such as redacting or withholding personal identifiable information from the public report where we do not have a lawful basis to publish it

- The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
- **Communications** – This is a routine statutory process. However, given the high level of community use and support for the venue, there may be public or stakeholder interest. Should this arise, communications will be able to support. Proactive messaging opportunities also exist to highlight the value of Assets of Community Value in sustaining vibrant neighbourhoods.
- **Economy** – None
- **Specialist Implications Officers** – None

Risk Management

58. The freeholder may appeal against the Council's decision to list their property as an asset of community value. In the first instance the property owner should ask the council to review its decision. If the Council upholds its decision to list the owner may appeal to the First-Tier Tribunal. If the decision is to reject the ACV nomination application, the nominating organisation may seek a Judicial Review of the decision by submitting a claim to the High Court. In both cases this can be a long and costly procedure.

Wards Impacted

Osballdwick & Derwent
Rural West York

Contact Details

For further information please contact the authors of this Decision Report.

Author

Name:	Graham Hogben
Job Title:	Asset Manager
Service Area:	Asset and Property Management
Telephone:	07785 591181
Report approved:	Yes
Date:	22 July 2026

Co-authors

Name:	Debbie Mitchell	Nick Collins
Job Title:	Director of Finance	Head of Property Services
Service Area:	Corporate Finance	Property Services
Telephone:	01904 554161	01904 552167
Report approved:	Yes	Yes
Date:	22 July 2026	22 July 2026

Annexes

- Annex 1 – The Cross Keys Public House, Common Lane, Dunnington YO19 5NG – Redacted Application to add to the list of assets of community value.
- Annex 2 – The Cross Keys – Land Registry Plan
- Annex 3 – The Blacksmiths Arms, Skelton, YO30 1YJ – Redacted Application to add to the list of assets of community value.
- Annex 4 – The Blacksmiths Arms - Plan
- Annex 5 – The Lord Nelson, YO26 6HS – Redacted Application to add to the list of assets of community value & plan
- Annex 6 - Current list of Assets of Community Value

Abbreviations used in the used in the report.

- ACV – Assets of Community Value
- DPIA – Data Protection Impact Assessment
- CAMRA – Campaign for Real Ale