Meeting:	Decision Session – Executive Member for Finance, Performance, Major Projects and Equalities.
Meeting date:	11 August 2026
Report of:	Director of Finance
Portfolio of:	Executive Member for Finance, Performance, Major Projects and Equalities

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

Subject of Report

1. This report details an application to list the following property as Asset of Community Value (ACV) for consideration by the Council:

   A. The Victoria Vaults, 47-49 Nunnery Lane, York, YO23 1AB

2. The application has been made by Campaign for Real Ale (York Branch).

3. The application has 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

4. 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

5. The process is a statutory requirement.

Financial Strategy Implications

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

Recommendation and Reasons

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

   i. approve the listing of The Victoria Vaults, 47-49 Nunnery Lane, York, YO23 1AB, as an Asset of Community Value (ACV) for the reasons outlined within this report.

   ii. approve that, following expiry of the listing recommended in this report, any renewal ACV nomination received for the property listed in 7(i) above 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

8. 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.

9. 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.

10. 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.

11. 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

12. 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).

13. There have been two previous applications to nominate The Victoria Vaults as an Asset of Community Value. The first, in October 2024, which went before the First Tier Tribunal, however, the case was withdrawn and, the second, in January 2026, was withdrawn by the applicant.

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

14. The application nominating the nomination land (“The Victoria Vaults”) was made by The Campaign for Real Ale – York Branch on 17th June 2026. 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”).

15. The Campaign for Real Ale – York Branch are an eligible body, as they are an incorporated body, whose activities are concerned with the Council’s local area. They do not distribute any surplus/profits to their members and have at least 21 members who live in the local area. 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.

16. The application sets out that the freehold of The Victoria Vaults is owned by Mr Nabeel Hanif. It is understood that the owners are Victoria Vaults York Ltd of which Mr Hanif and Mr Mohammed Zaheer are registered officers. The Official Register of Title held at the Land Registry has the registered owner as Appleton Estates Ltd having been the owner since 1 November 2013. In accordance with the regulations, the freehold owners of the property, have been informed in writing that the application has been made. The freeholders have been invited to make representations regarding the nomination.

17. 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.

18. The applicant has provided their reasons for thinking that the Council should conclude that the land is of community value, at section 3 and in the Supplement section of the nomination form.

19. 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.

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.

20. This application concerns the listing of The Victoria Vaults 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.

21. CAMRA state in their application that The Victoria Vaults is currently closed and not trading but was formerly a community based music venue and public house trading in a thriving area of York known as Bishophill. They believe, based on the current level of interest and the evidence of credible experts in running licensed music venues, that there is a realistic chance that it can re-open and resume its community function.

22. The premises were not part of a pub chain but an independent venue for new and upcoming musical artists holding enough people to make gigs financially viable. The premises hosted over 150 gigs a year encompassing a diverse range of musical genres.

23. CAMRA advises that the Government and Arts Council tacitly acknowledged its community importance by awarding £92,244 from the Cultural Recovery Fund. Additionally City of York Council granted £16,000 to the premises.

24. CAMRA state that the reasons why The Victoria Vaults should be listed as an Asset of Community Value can be summarised through- Cultural Significance, having a long musical heritage of hosting live music for local musicians to develop their careers and thus creating a community hub. Economic benefits providing local job creation in the music, hospitality and retail sectors. Attracting higher profile bands to the City which in turn attracts tourists and having a music pub can enhance property prices and an areas attractiveness to live. Social Value – Victoria Vaults was a place for providing a safe and welcoming environment, providing a positive impact for music to

support and enhance mental and physical health, to strengthen community bonds and prevent social isolation. The Victoria Vaults as a public house dates back to 1857 and a loss of such use would erode part of the City's heritage.

25. CAMRA advise that under the 'Realistic to think' test under S88 Localism Act 2011 for listing closed building as an ACV, The Victoria Vaults being intact and situated in a strong footfall area could reopen under experience management or run as a community enterprise. They say the previous failure of The Victoria Vaults as a business was through the poor management of the previous occupants and advise that previously failed hospitality businesses in York have thrived under new management.

26. CAMRA state that there are interested parties in purchasing the property to re open as a music venue and public house, this includes The Music Venues Trust. They advise that the property is currently not for sale but is on the market to-let at an annual rent of £25,000pa. They state that there has been no interest in leasing the property due to the uncertain future.

27. Two emails of support have been received in favour of the nomination from parties both interested in making an offer for the property and running as a public house/music venue

28. The Victoria Vaults owners The Victoria Vaults (York) Ltd have requested the following comments from an email made to a previously withdrawn nomination are included with the current nomination to add The Victoria Vaults as an Asset of Community Value:

    a) "The Victoria Vaults (York) Ltd state that following a previous successful nomination on The Victoria Vaults having been removed from the ACV register on 27th November 2025, this is an abuse of process and Wednesbury unreasonableness. They state that to process a duplicate nomination from the same nominating body following conclusion that a previous nomination was invalid, is an abuse of process. The Council are aware of the viability report on the property which shows that a reduced rent and large Government grant could not prevent large losses by the previous operator.

b) It is stated that the Council is the Respondent of an active First tier tribunal costs application concerning unreasonable conduct in the previous ACV listing and the listing on 27th November 2025 to avoid a substantive hearing. A second nomination presents an abuse of statutory powers and public bodies are bound by the Padfield Principle. The council's statutory powers cannot be used for ulterior motives or retaliatory action

c) It is stated that due to the fact that the nominator has included the separately rated first floor flat is procedurally invalid. Schedule 1, paragraph 1 of the ACV Regulations prohibits the listing of a residential property.

d) The nominator's operating model of a 140 occupancy grassroots music venue is unlawful when City of York Council Premises Licence caps the maximum capacity at 90 therefore the premises would be closed immediately by Licencing Officers and the Fire Authority. Section 88 (2) (b) of the Localism Act 2011 states that it must be realistic for community use to resume and states TV Harrison CIC v Leeds City Council 2022 as evidence.

e) It is stated the blame for the closure of the property was due to mismanagement, however this is contradiction to the council's instructed expert and an independent appraisal which stated that the property requires c £250,000 to reinstate. Parties who the nominator claim were interested in the property declined to make offers illustrating the market has been fully tested.

f) The supporting letters for the nomination are only speculative on the capital deficit. A number of recent Tribunal cases illustrates that without a number of fully funded financial proposals, these fail the statutory test.

g) The owner demands that the nomination is rejected and should the council unlawfully relist the property, the owner will pursue full compensation and costs from the First Tier Tribunal"

29. Full details are provided in

- Appendix 1 – The Victoria Vaults, 47-49 Nunnery Lane, York, YO23 1AB – Application to add to the list of assets of community value.
- Appendix 2 – Reasons Why The Victoria Vaults is an Asset of Community Value
- Appendix 3 – Register of Interested Members
- Appendix 4 - CAMRA York Branch Constitution
- Appendix 5 & 5.1– Supporting correspondence for the nomination
- Appendix 6 – Correspondence from property owner
- Appendix 7- Current list of Assets of Community Value

Nominations for Renewal of ACV Listings

30. 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.

31. 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.

32. For the avoidance of doubt, new nominations will continue to be sent for Executive Member decision

Consultation Analysis

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

Options Analysis and Evidential Basis

34. The application to list The Victoria Vaults as an Asset 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.

35. 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

36.

- **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** – The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). A Human Rights and Equalities Assessment has been carried out and no human rights or equalities implications were identified in respect of the matters discussed in this report.
- **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

- **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

37. 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

38. Micklegate

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Appendices

- Appendix 1 – The Victoria Vaults, 47-49 Nunnery Lane, York, YO23 1AB – Application to add to the list of assets of community value.
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Abbreviations used in the used in the report.

- ACV – Assets of Community Value
- DPIA – Data Protection Impact Assessment

- CAMRA – Campaign for Real Ale