

Record of Officer Decision

Brixham Heritage Museum, Bolton Cross, Brixham - Lease Surrender & Regrant

Decision Taker and Date Decision Taken:

Director of Finance on 28 May 2025

Summary of Matter or Issue Requiring Decision:

Torbay Council lease Brixham Heritage Museum, Bolton Cross, Brixham to the Brixham Heritage Museum and History Society on a 30-year lease. This full repairing lease was granted in 2009 on a peppercorn rent.

In April 2025, Torbay Council's Strategic Lead for Culture & Heritage contacted the Asset Management Team seeking advice on the process of transferring the lease to a newly formed Charitable Incorporated Organisation (CIO). By way of background an independent review of the existing Brixham Heritage Museum was undertaken in autumn 2024, funded by the Association of Independent Museums and Museums Development South West. The review highlighted the Brixham Heritage Museum Trust's constitution needed to be updated for effective governance of the Museum or good charitable practice.

In addition, the review also recommended the collections and lease for the building be transferred to a newly formed Trust with the recommended Charity Commission Constitution forming the governing document. This has now happened, and the new CIO received formal confirmation from the Charity Commission on 23rd April 2025 that they are able to register the 'Brixham Museum Trust CIO' as a charity and it has been entered onto the Register of Charities with the registered charity number 1213037.

Strategic Lead for Culture & Heritage is in full support of the lease being transferred to the new CIO, as she was until recently Acting President of the Brixham Museum CIO. With the new CIO, the Board (with new members) and the curator are free to focus on developing and enhancing the museum.

It is considered the best approach to document this change is to seek a surrender of the existing lease and to grant a new lease with the Brixham Museum Trust CIO directly, on the same/similar terms as the existing lease. Given the asset is leased on a peppercorn rent the Council will restrict future assignments and use, to that as found in existing lease.

There will be an expectation the CIO will give an undertaking to cover the legal fees drafting the legal documents.

Brixham Museum Trust CIO have agreed terms for a new 15-year lease.

Decision Taken:

Permit the surrender of the 2009 lease granted to Brixham Heritage Museum and History Society and simultaneously grant a new fifteen-year lease for Brixham Heritage Museum, Bolton Cross, Brixham to Brixham Museum Trust CIO registered charity number 1213037.

Summary of Reason(s) for Decision Taken:

The new lease terms have been agreed in principle with Brixham Museum Trust CIO on

commercially acceptable terms.

Summary of Alternatives or Options considered and rejected and Background Papers:

The Council may choose not to accept a surrender of the existing lease or grant a new lease of this property to Brixham Museum Trust CIO. However, this could result in the existing Charity being unable to wind down and close. This would leave the existing trustees with an ongoing enhanced financial risk. Furthermore, the continued operation of the Museum would be in jeopardy with a potential of the building eventuality being passed back to the Council.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None

Implementation:

This decision will be implemented immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's officers or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: _____
(Director of Finance)