

## **Record of Decisions**

### **Transfer of Land, at various sites in Brixham, to Brixham Town Council**

#### **Decision Taker**

Cabinet on 12 May 2026

#### **Decision**

1. that the Director of Finance be authorised to dispose of the Council's freehold interest in land at Churchill Memorial Gardens, Berry Head Road, Brixham, Brixham War Memorial, Berry Head Road, Brixham and Jubilee Gardens, Berry Head Road, Brixham to Brixham Town Council for £1, with each transfer including restrictive covenants on the future use of the land and financial clawback should any of the sites be sold for a higher value at a future point in time; and
2. that the Director of Finance be authorised to agree and finalise the detailed transfer terms based on estates and legal advice.

#### **Reason for the Decision**

The proposed disposal of the three identified assets to Brixham Town Council will reduce Torbay Council's economic and operational liabilities by removing associated ongoing operating costs. Brixham Town Council considers that the long-term stewardship of these assets is best managed locally, ensuring decisions reflect community priorities. Given the significant local value of each site, the transfer is expected to enhance accessibility, maintenance, and use for the benefit of residents and visitors to Brixham.

#### **Implementation**

The decision will come into force and may be implemented on 26 May 2026 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

In February 2026, Brixham Town Council requested the transfer of Churchill Memorial Gardens, Brixham War Memorial Garden, and Jubilee Gardens, citing the benefits of local stewardship aligned with community priorities. The request was assessed against financial, strategic, statutory, and best consideration criteria, and the sites were identified as surplus with limited redevelopment potential. Transferring the freehold will transfer ongoing liabilities to the Town Council, reducing Torbay Council's financial and operational responsibilities, while safeguarding the gardens' local heritage and community value.

#### **Alternative Options considered and rejected at the time of the decision**

The Council is not required to dispose of the assets and could retain ownership. However, continued Council ownership would require ongoing management and incur holding and maintenance costs. Disposal would remove this liability for Torbay Council and enable wider non-financial benefits through a strategic partnership with Brixham Town Council.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None.

**Published**

15 May 2026

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Leader of Torbay Council on behalf of the Cabinet