

Meeting: Cabinet

Date: 12 May 2026

Wards affected: St Marys with St Peters, Churston with Galmpton and Furzeham with Summercombe.

Report Title: Transfer of Land, at various sites in Brixham, to Brixham Town Council

When does the decision need to be implemented? May 2026

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Director Contact Details: Malcolm Coe, Director of Finance. malcolm.coe@torbay.gov.uk

1. Purpose of Report

- 1.1 Brixham Town Council wrote to the Chief Executive, Torbay Council on 9 February 2026 formally requesting the transfer of several identified sites including Churchill Memorial Gardens, Brixham War Memorial Garden and Jubilee Gardens, Brixham. Brixham Town Council believe the long-term management of these assets are best delivered at a local level, where decision-making is closely aligned with community priorities. Brixham Town Council believe each site holds significant value to the people of Brixham, providing important green space, heritage protection, and opportunities for recreation and are keen to secure improved accessibility, maintenance, and usage for both residents and visitors.
- 1.2 The request to transfer the five sites have been assessed and considered against a criterion including the financial implications, strategic positioning, ongoing statutory responsibilities, and compliance with best consideration rules.
- 1.3 The land at Churchill Memorial Gardens, Brixham War Memorial Garden and Jubilee Gardens have been reviewed and assessed as surplus, with little future possibility of redevelopment. A transfer of the land would pass the holding liability to the Town Council, reducing financial and operational exposure for the Council and is therefore supported.
- 1.4 This report recommends the freehold transfer of land at Churchill Memorial Gardens, Brixham War Memorial Garden and Jubilee Gardens for £1 to Brixham Town Council.

2. Reason for Proposal and its benefits

- 2.1 The proposal to dispose of the three identified assets to Brixham Town Council reduces the economic and operational liability placed on Torbay Council, by reducing the operational cost held by the Council.

- 2.2 Brixham Town Council believe the long-term management of these assets is best delivered at a local level, where decision-making is closely aligned with community priorities. Each site holds significant value to the people of Brixham. The transfer to Brixham Town Council will secure improved accessibility, maintenance rights, and usage for both residents and visitors.

3. Recommendation(s) / Proposed Decision

- 3.1 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.
- 3.2 The Director of Finance be authorised to agree and finalise the detailed transfer terms based on estates and legal advice.

4. Appendices

- 4.1 Appendix 1: Site Plans

5. Background Documents

- 5.1 N/A

6. Supporting Information

7. Context

- 7.1 Torbay Council Strategic Asset Management Plan sets out the Council's approach to the strategic management of its assets, how it will support service delivery, provide the Council with income and how it will fulfil its mission to support, enable and empower its residents, our communities and our partnerships, to promote growth and place shaping within Torbay.
- 7.2 In February 2026, Brixham Town Council wrote to Torbay Council Chief Executive to formally request the transfer of several sites currently owned by Torbay Council. Each site has been assessed against a criterion including the financial implications, strategic positioning, ongoing statutory responsibilities, and compliance with best consideration rules.
- 7.3 The Council is under no obligation to consider any transfers and may choose to reject the request for all sites. However, on consideration it is deemed the management of each of the three green spaces along with the associated heritage protection would be enhanced if falling under the ownership of Brixham Town Council. Retaining these three assets provides no income and places the management liability of the sites on to Torbay Council.

- 7.4 On disposal the Council will introduce a restrictive covenant to be placed on the Land Registry Title for each site that will ensure the use remains as a community asset and should any future disposal by the Town Council be undertaken any uplift in value is returned to the Council.

8. Financial Opportunities and Implications

- 8.1 The Council's Asset Management Strategy states that the Council will 'always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest'. By including a restrictive covenant against the sites identified as potentially having future value due to development opportunity, Torbay Council guarantees future income should the site be developed or sold.
- 8.2 The Council is not under any obligation to dispose of any given asset. However, the Council's ongoing management and cost of holding vacant assets is significant. Disposing of this asset will reduce this liability, whilst realising non-monetary benefits associated with a strategic partnership with Brixham Town Council.

9. Legal Implications

- 9.1 There are no legal implications anticipated with this disposal. Disposing of this asset will need to be documented, along with the preparation of legal packs to support a sale. This disposal will be dealt with by the Council's Legal Property Team where capacity allows, otherwise it will be outsourced.

10. Engagement and Consultation

- 10.1 There has however been no formal consultation or engagement undertaken.

11. Procurement Implications

- 11.1 No procurement implications identified.

12. Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1 Brixham Town Council have stipulated they wish to acquire these sites to provide and maintain important green space, heritage protection, and opportunities for recreation.

13. Associated Risks

- 13.1 Not disposing of the asset in a timely manner results in additional and unnecessary cost and resources that could be deployed elsewhere across the Council's estate.

14. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by	No adverse impacts are anticipated from this decision	Not applicable	Not applicable

	a physical or mental health condition or illness.			
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	No adverse impacts are anticipated from this decision	Not applicable	Not applicable

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	This decision will support the historic war memorial and memorial gardens to be maintained and will provide a focal point for commemorative activities.	Not applicable	Not applicable

	<p>5.9 per cent of the population have previously served in the UK armed forces.</p> <p>In 2021, 12% of the population in Brixham identified as veterans.</p>	<p>The war memorial on Berry Head Road is central to the Remembrance Sunday ceremonies each year. Additionally, information boards were erected in the Churchill memorial gardens in 2025 regarding Brixham Harbour's role in World War 2 and the D-Day landings. Any transfer of ownership that would result in the upkeep and regular maintenance of these sites would be significantly important to the Armed Forces Community in Brixham and the wider community.</p>		
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Public Health impacts (Including impacts on the general health of the population of Torbay)		No adverse impacts are anticipated from this decision	Not applicable	Not applicable
Human Rights impacts		Human rights are not anticipated to be impacted by this decision.	Not applicable	Not applicable
Child Friendly	Torbay Council is a Child Friendly Council, and all staff	No adverse impacts are anticipated from this decision	Not applicable	Not applicable

	and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.			
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15. Cumulative Council Impact

15.1 None

16. Cumulative Community Impacts

16.1 None