

Meeting: Cabinet

Date: 14 July 2025

Wards affected: Furzeham and Summercombe

Report Title: Former Police Station at Bolton Cross, Brixham (now Brixham Museum) – Relisting of Asset of Community Value

When does the decision need to be implemented? 21 July 2025

Cabinet Member Contact Details: Councillor Jacqueline Thomas, Cabinet member for Tourism, Culture & Events and Corporate Services, jacqueline.thomas@torbay.gov.uk

Director Contact Details: Director of Corporate Services, Matthew Fairclough-Kay
matthew.fairclough-kay@torbay.gov.uk 01803 207449

1. Purpose of Report

- 1.1. An application to nominate the Former Police Station at Bolton Cross, Brixham (now Brixham Heritage Museum) has been received from Brixham Museum Trust (a Charitable Incorporated Organisation) as an Asset of Community Value.
- 1.2. This property was previously included on the Council's list of successful nominations; however, that listing expired on 31 March 2025. The new nomination seeks to re-list the asset for a further five years.
- 1.3. The nomination has been considered by Officers who recommend approval of the application and the listing of the property as an Asset of Community Value.

2. Reason for Proposal and its benefits

- 2.1. The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by empowering the community to safeguard a valued public asset for at least five more years. The museum preserves local heritage and supports learning through educational programs for the community. The museum further enhances the cultural tourism offer and enriches visitor experience to Brixham and the Bay.
- 2.2. The reasons for the proposal, and need for the decision are the previous listing expired on 31 March 2025; a new nomination has been submitted to maintain the asset's protected status. The asset continues to serve as a cultural and educational resource for residents and visitors, justifying its re-listing. The nomination reflects ongoing community interest and support in the museum, which is led by a local charitable organisation and run by dedicated volunteers.

3. Recommendation(s) / Proposed Decision

- 3.1. That the listing of the **Former Police Station, Brixham** as an **Asset of Community Value** be renewed for a further period of five years, in accordance with the Localism Act 2011.

4. Appendices

Appendix 1: Completed nomination form received on 09/06/2025.

Appendix 2: Official copy title plan

5. Background Documents

- Assets of community value - Torbay Council

Supporting Information

6. Introduction

A valid nomination has been received to list the above building (as shown in Appendix 2 of the report) as an Asset of Community Value under the Localism Act 2011. The nomination has been assessed against the statutory criteria set out in Section 88 of the Act. The asset continues to further the social wellbeing and social interests of the local community and is likely to do so in the future.

There has been no change in the use of the premises, which has operated continuously as a museum since 1976. The nomination is therefore considered to meet all the necessary criteria for listing.

7. Options under consideration

- 7.1. **Option 1** If the Council is minded to refuse the nomination, despite the asset meeting the statutory criteria for listing under the Localism Act 2011, such a decision could be subject to legal challenge. In accordance with the legislation, a written statement outlining the reasons for refusal must be provided to the nominating party.
- 7.2. **Option 2** In light of the above, it is recommended that the asset be listed on the Council's register of Assets of Community Value for a further period of five years. This will ensure the asset retains its ACV status and continues to be protected for community use.

8. Financial Opportunities and Implications

- 8.1. In recognition of the potential impact on landowners, the Asset of Community Value Regulations contain provisions for landowners to seek compensation from the local authority for any loss or expense suffered as a result of the listing. The provision of compensation is available to all owners except public authorities, consequently it does not apply in this case.

9. Legal Implications

None.

10. Engagement and Consultation

- 10.1. Torbay Council is the freehold owner of the land and is the only party directly affected by the proposals.

The author of this report has sought the views of the Estates Manager who has no concerns regarding the nomination.

11. Procurement Implications

- 11.1. None.

12. Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1. None.

13. Associated Risks

- 13.1. If the Council fails to determine the application by 04 August 2025, it will be in breach of its statutory duty to do so, which would leave the Council vulnerable to a potential ombudsman complaint.
- 13.2. The legislation does not provide a statutory appeal mechanism to an applicant. The only remedy available to the applicant if they were not happy with the decision, would be to challenge the Council's decision by way of judicial review.

14. Equality Impact Assessment

In exercise of its functions, the Council is required to have due regard to the Public Sector Equality Duty set out in section 149 of the Equality Act 2010.

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 differential impact		
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 differential impact		
Disability	In the 2021 Census, 23.8% of Torbay residents answered	No differential impact		

	that their day-to-day activities were limited a little or a lot by 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 differential impact		
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 differential impact		
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 differential impact		

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 differential impact		
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	No differential impact		
Sex	51.3% of Torbay's population are female and 48.7% are male	No differential impact		
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 differential impact		
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay,	No differential impact		

	5.9 per cent of the population have previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Positive: improved access to cultural education. ACV status could help the museum to secure grants and funding ensuring the museum remains accessible to all (inc free entry).		
Public Health impacts (Including impacts on the general health of the population of Torbay)		None		
Human Rights impacts		None		
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	Positive: the museum is child friendly and educational		

15. Cumulative Council Impact

None.

16. Cumulative Community Impacts

16.1. None.