

Record of Decisions

The Monastery, Paignton - Nomination to list as an Asset of Community Value

Decision Taker

Cabinet on 16 December 2025.

Decision

That the outcome of the officer assessment be noted and it be confirmed that the nomination to list The Monastery, Paignton as an Asset of Community Value does not meet the statutory criteria under the Localism Act 2011 and is therefore refused.

Reason for the Decision

To ensure compliance with the Council's Asset of Community Value Policy and uphold transparency in line with the Localism Act 2011 and Asset of Community Value (England) Regulations 2012.

Implementation

This decision will come into force and may be implemented on 31 December 2025 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

The nomination to list The Monastery, Paignton, was submitted by the Clifton with Maidenway Community Partnership. The Monastery is owned by the Council and has remained vacant since November 2017, with community use having ceased over eight years ago. It was previously declared surplus and recommended for disposal by Cabinet on 6 August 2019, a position reaffirmed following Cabinet and Director discussions earlier this year.

Under Section 88 of the Localism Act 2011, an asset may be listed as an Asset of Community Value (ACV) if it meets one of two statutory tests:

- Present and Future Test (Section 88(1)):

The current non-ancillary use of the building furthers the social wellbeing or interests of the local community, and it is *realistic* to think that such use will continue.

- Past and Future Test (Section 88(2)):

There was a time in the recent past when the building's use furthered the social wellbeing or interests of the local community, and it is realistic to think that such use could resume within the next five years. The term "*recent past*" was not defined in legislation but was commonly interpreted by local authorities as meaning within the last five years.

The Monastery had been vacant since 2017 and therefore failed the Present and Future Test, as there was no current community use. Under the Past and Future Test, community use ceased more than eight years ago, exceeding the commonly accepted five-year threshold.

After reviewing the information against the statutory criteria and relevant case law, officers concluded that the nomination does not meet the requirements for listing The Monastery as an Asset of Community Value.

This conclusion was based on the following factors:

- The property had been vacant since 2017, and community use ceased more than eight years ago, which did not satisfy the “*recent past*” threshold generally interpreted as within five years.
- The Monastery’s primary function was as a place of worship; it did not demonstrate the sustained or embedded community role seen in exceptional cases upheld by tribunals.
- There was no realistic prospect of resuming community use within five years without significant investment and a funded plan.
- No exceptional circumstances have been identified to justify departure from the standard interpretation of the criteria.

Following the publication of the report to Cabinet on 18 November 2025, the Leader announced that these matters would be deferred until 16 December 2025 to allow nominators additional time to provide further information.

On 1 December 2025, the nominator submitted additional information stating that the asset had been used after 2017 for elections prior to the Covid pandemic and utilised by the emergency services for training purposes. These activities were ancillary uses and did not constitute use of the facility by the community to further its social wellbeing or interests. Accordingly, the position remains unchanged.

At the meeting Councillor Jackie Thomas proposed and Councillor Bye seconded a motion that was agreed unanimously by the Cabinet, as set above.

Alternative Options considered and rejected at the time of the decision

The options were:

Refuse the nomination:

The Monastery ceased community use in 2017 over eight years ago. This period exceeded what could reasonably be considered “recent” for a vacant building, particularly one that had not been maintained or used for any community purpose since closure.

On this basis, the statutory test under section 88(2) was not met.

Accept the nomination:

This option was not recommended, as the nomination failed to meet the statutory criteria.

Should circumstances change and the property be brought back into community use in the future, a fresh nomination could be submitted at that time. Accordingly, officers advise against acceptance of the nomination.

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

19 December 2025

Signed: _____ Date: _____
Leader of Torbay Council on behalf of the Cabinet