

# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L19 25/26

Decision	
1	<b>Title of decision:</b> Community Infrastructure Levy contribution for heat network and cultural infrastructure – Theatre Royal Plymouth
2	<b>Decision maker:</b> Councillor Tudor Evans OBE, Leader of Plymouth City
3	<b>Report author and contact details:</b> Jon Selman, <a href="mailto:jonathan.selman@plymouth.gov.uk">jonathan.selman@plymouth.gov.uk</a> , 01752 307814
4	<p>Decision to be taken:</p> <ol style="list-style-type: none"> <li>1. Approves the Business Case;</li> <li>2. Allocates £500,000 for the project into the Capital Programme funded by Community Infrastructure Levy;</li> <li>3. Delegates the signing of the grant agreement to Service Director for Strategic Planning and Infrastructure, where they do not already have authority to do so.</li> </ol>
5	<p><b>Reasons for decision:</b></p> <p>The contribution of £0.5m from the Community Infrastructure Levy (CIL) infrastructure fund to the Theatre Royal (TRP) will address an urgent need to upgrade its existing heating system to be more efficient and heat network compatible and support the connect charge costs to allow connection to the Plymouth Heat Network infrastructure, to support the decarbonisation of the Theatre Royal.</p> <p>The contribution will also provide match funding for a £10m Arts Council bid, delivering an £11.7m wider project that makes critically needed improvements to the physical infrastructure of the Theatre Royal.</p>
6	<p><b>Alternative options considered and rejected:</b></p> <p>Option 1: Not provide grant funding. This would risk losing Arts Council funding of £10m to invest in critical infrastructure with risks of a forced closure and a resulting Plymouth City Council (PCC) maintenance liability for building. No other known and legally compliant alternative is considered to offer the combined corporate and strategic benefits as the proposed investment in TRP.</p> <p>Option 2: A smaller contribution could be made. TRP need to demonstrate £1.7m of match funding to be able to qualify for the Arts Council grant, and a reduction could put this at risk</p> <p>Option 3: Another funding option. No other suitable external funding options were identified, only service or corporate borrowing, or taking funds from alternative scheme/s.</p>
7	<p><b>Financial implications and risks:</b> The CIL investment can be made with zero need for corporate or service borrowing. The proposal to invest CIL funds in works at the Theatre Royal fully fits with the statutory purpose of CIL and how we have prioritised use of CIL on key strategic infrastructure necessary for the sustainable growth of the city.</p>

	PCC is currently responsible for the external maintenance of the building. The investment would allow PCC to reduce the building's maintenance liability.		
<b>8</b>	<b>Legal Implications:</b> In respect of Subsidy Control/ State Aid, this proposal doesn't meet all 4 limbs of the Department for Trade test for a subsidy (as the financial assistance doesn't confer an economic advantage on the Theatre Royal and isn't capable of having an effect on competition or investment within the UK) and therefore it is our view that Subsidy Control doesn't apply in this case.		
<b>9</b>	<b>Is the decision a Key Decision?</b> (please contact <a href="#">Democratic Support</a> for further advice)	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>
		<b>X</b>	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
		<b>X</b>	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1million</b> annually
		<b>X</b>	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a>		
<b>10</b>	<b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b>	Corporate Plan Priority: Green investment, jobs, skills and better education.  Plymouth Plan Policy GR07, Plymouth and South West Devon Joint Local Plan (policy DEV 32) and Net Zero Action Plan.	
<b>11</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	The grant will allow the Theatre Royal to upgrade its existing heating system to be more efficient and heat network compatible, and support connection to the Plymouth Heat Network. This will allow decarbonisation of the building by displacing gas boilers through the use of heat pumps/ heat network, reducing GHG emissions, improving air quality and enabling a wider approach to climate resilience.	
<b>Urgent decisions</b>			
<b>12a</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>	(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	<b>X</b> (If no, go to section 13a)
<b>12b</b>	<b>Reason for urgency:</b>		

I2c	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
<b>Consultation</b>				
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X	
		No		(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?	Cllr Tom Briars Delve- Cabinet Member Environment & Climate Change; Cllr John Stephens- Cabinet Member for Strategic Planning and Transport; Cllr Chris Penberthy- Cabinet Member for Housing, Cooperative Development and Communities		
I3c	Date Cabinet member consulted	30 October 2025		
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
I5	Which Corporate Management Team member has been consulted?	Name	Glenn Caplin-Grey	
		Job title	Strategic Director for Growth	
		Date consulted	17 November 2025	
<b>Sign-off</b>				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	JS77 25/26	
		Finance (mandatory)	OW.25.26.122	
		Legal (mandatory)	LS/5689(01)/RH/150126	
		Procurement (if applicable)	n/a	
		Corporate property (decisions involving Council owned land or facilities) (if applicable)	n/a	
		Human Resources (if applicable)	n/a	
<b>Appendices</b>				
I7	Ref.	Title of appendix		
	A	Business Case		

	B	Equalities Impact Assessment						
	C	Climate Impact Assessment						
<b>Confidential/exempt information</b>								
<b>18a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	<b>X</b>					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>18b</b>	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								
<b>19</b>	Please list all unpublished, background papers relevant to the decision in the table below.  Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
<b>Title of background paper(s)</b>		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Cabinet Member Signature</b>								
<b>20</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.							
<b>Signature</b>					<b>Date of decision</b>		24/02/2026	
<b>Print Name</b>		Councillor Tudor Evans OBE, Leader of Plymouth City Council						