

Decision type: **Decision Specifically Delegated to Officers / Single Member Decision**

Decision date: September 2025

Decision maker: Councillor Nigel Chapman, Cabinet Member for Citizen Focused Services and Council Companies

Decision title: Shareholder request from ODSTL Ltd to bid for housing works

Summary

Decision being taken:	ODST Ltd requires Shareholder approval to bid for commercial activity. ODST Ltd has submitted a request for authority from the Shareholder to bid for housing works
Key decision:	No.
Source of delegation:	The Leader has delegated authority to the Cabinet Member for Citizen Focused Services and Council Companies to make a single member decision, in consultation with the other members of the Shareholder and Joint Venture Group and the Section 151 Officer and Monitoring Officer.
Cabinet Member:	Councillor Nigel Chapman, Cabinet Member for Citizen Focused Services and Council Companies
Corporate Priority:	None.
Policy Framework:	None.

The Cabinet Member for Citizen Focused Services and Council Companies decides as follows:

1. To give shareholder approval for ODST Ltd to submit the bid for Design & Construction of 9 Residential Units to Passivhaus/EnerPhit Standard. The Managing Director for ODST Ltd will determine the final price & quality submission, conditional upon ODST Ltd Board approval

Appendix No.	Appendix Title	Exempt from Publication
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Appendix 1	ODST Ltd Board Paper – SODC - SEND	<p>[Yes]</p> <p>If yes, include the following and then select the reason from the list below</p> <p>This information is exempted from publication under Schedule 12A to the Local Government Act 1972 since it is:</p> <ul style="list-style-type: none"> • Information about someone’s finances or business
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Introduction and background

1. ODST Ltd requires approval from the Council as Shareholder to bid for commercial activity above the following thresholds:
 - a. Where the average annual value of the contract is greater than 10% of the Business Plan revenue at the time, except where each individual transaction within the contract is less than £50k;
 - or
 - b. In all cases where the total value of the contract is greater than £5m.

The Leader has delegated authority to me to make a single member decision, in consultation with the other members of the Shareholder and Joint Venture Group and the Section 151 Officer and Monitoring Officer to approve the bid.

2. By making this decision the Shareholder is giving approval for the bid to be submitted and agreeing to the principle of the bid rather than the bid itself but ODST Ltd will not deviate materially from the principles of the original proposal attached as Appendix 1 to this paper. Assurance has been given to the Shareholder that the ODS Ltd Board would need to approve the formal bid before it is submitted.

Summary of the proposal from ODST Ltd

4. Purpose: ODST Ltd is preparing a formal submission for a procurement opportunity with an existing client covering the design & construction of residential units to Passivhaus standard, also refurbishment of an existing unit to EnerPhit standards to create 9 new flats with a community space, associated drainage and landscaping.
5. High-Level Strategy:
 - Part of current ODSTL Business Plan
 - To leverage ODST Ltd Construction expertise and proven capability particularly around sustainability and retrofit agenda
 - An existing relationship with a strong cultural fit
 - Evaluation 40% Quality: 60% Price.

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6. Reason for bid: This bid provides ODST Ltd the platform to become a recognised specialist and the contractor of choice in this field for social housing providers with multiple upselling opportunities of interest to ODS Ltd, such as property maintenance, refurbishment, and further energy efficiency measures to existing housing (ASHP, PV, insulation PAS2030 & MCS). Schemes are generally small in terms of number of units, which means a lesser risk profile.
7. ODST Ltd already has history of delivering award winning projects of this scope.
 - o Bullingdon Community centre 2023 £2 million
 - o Ox place Bungalow's 2022
 - o £2.1 million (Oxford Green awards for sustainability).
8. From a broader perspective ODS are keen to do more work with the company and the results of Local Government Reorganisation may amplify the importance of this relationship.
9. Risk Appetite: The tender opportunity represents core capabilities and is local in geography, this will allow the company to benefit from partnering arrangements with local subcontractors and designers, with which it already has established relationships. The form of contract is JCT Design & Build. Whilst D&B contracts seek to apportion risk onto the contractor, they also allow the company to benefit from the associated buying gains and economies of scale that come with being responsible for design/specification. Particularly in this instance where the company can partner with a known timber frame provider for the main superstructure. As standard there are Liquidated and Ascertained Damages/penalties for overrun. With appropriate caveats, cost allocation and a considered tender programme, these should become immaterial. The design itself has already progressed to RIBA Stage 4, therefore the amount of technical design required is minimal.

Reasons for the decision

11. Approval will allow ODST Ltd to progress the bid, which if won will deliver significant growth and profit to the business, contributing to surplus and the potential to issue dividend back to the Shareholder.
12. If the decision is not taken or approval not given for the bid to be submitted it has the potential to limit future growth potential and risk overhead under-recovery.

Alternative Options Considered

13. ODST Ltd evaluate tender opportunities from a pipeline. This opportunity fits the High Level strategy parameters detailed above.

Equalities Impact

14. The requirement for an Equalities Impact Assessment is not applicable to this decision, works under any future contract will be carried out in accordance with current ODST Ltd values and employment terms.

Risks

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15. Risks are considered in the attached paper. Summarised below:

- The programme of activity has tight deadlines. The key mitigation is to write a compliant tender programme which adheres to the required timescales, whilst highlighting the dependencies and risks in the appended narrative.
- Reduced growth opportunity and weakened relationships by continued no-bid of opportunities. The key mitigation is to bid for the activity.

Background Documents
Not applicable

Report author	Chris Urwin/ Nigel Kennedy
Job title	Executive Finance Director/ Group Finance Director
Service area or department	ODS/ OCC Finance
Email contact	Chris.Urwin@odsgroup.co.uk/ nkennedy@oxford.gov.uk

Consultee checklist

Shareholder Representative Where required by the Constitution or conditions of the delegation	Councillor Ed Turner Deputy Leader (Statutory), Cabinet Member for Finance and Asset Management	24/09/2025
Shareholder Representative Where required by the Constitution or conditions of the delegation	Councillor Alex Hollingsworth Cabinet member for Planning and Culture	23/09/2025
Shareholder Representative Where required by the Constitution or conditions of the delegation	Councillor Anna Railton Deputy Leader, Cabinet Member for a Zero Carbon Oxford	25/09/2025

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Shareholder Representative Where required by the Constitution or conditions of the delegation	Councillor Susan Brown Leader of the Council, Leader of the Labour Group, Cabinet Member for Partnership Working	23/09/2025
Group Finance Director Where required by the Constitution or conditions of the delegation	Nigel Kennedy Group Finance Director (Section 151 Officer)	23/09/2025
Monitoring Officer Where required by the Constitution or conditions of the delegation	Emma Griffiths Deputy Monitoring Officer	24/09/2025

Decision Maker Approval

<i>Name and job title</i>	<i>Date</i>
Councillor Nigel Chapman, Cabinet Member for Citizen Focused Services and Council Companies	25/09/2025

This form must be completed and sent to Committee and Member Services **on the date that the decision maker signs it. This must be only done once all consultees have given their approval. The decision shall be effective from the date of publication; therefore, it is important that you send to Committee and Member Services as soon as it is completed and dated by the decision maker. Please note that it is not effective until it is published and the call in period has passed.**

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NOTES

The law¹ requires the Council to record executive and non-executive decisions taken by officers under delegated powers and to publish them on the Council's website.

These requirements apply to decisions that would have been taken by Council or the Cabinet if delegated powers had not been given to an officer:

- under an express delegation granted at a meeting of Cabinet, Council or a Committee.
- in accordance with Part 4.4 of the Constitution as follows:
 - Awarding a contract where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value)
 - Acquiring or disposing of freeholds or leaseholds granting new leaseholds (excluding assignments and rent reviews) where authority has been specifically delegated to officers by Cabinet or a Cabinet Member (regardless of value)
 - Making a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order
 - Where the effect of a decision is to grant a licence or permission or it affects the rights of citizens
 - Discharging any other express delegation from Cabinet or a Cabinet Member a committee or Council.

These requirements **do not** apply to:

- planning and licencing matters where there are established arrangements for recording decisions: or
- decisions which are purely administrative or operational in nature

All other officer decisions should be recorded on an officer decision form but do not need to be published. They must though be stored so as to ensure that they are not lost should an officer leave the authority.

Exempt or Confidential information

Information relating to a delegated officer or single member decision does not have to be made public if it is exempt or confidential. Summary information from this decision sheet (excluding all exempt or confidential information) will be published on the Council's website.

¹ the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 (Regulation 13(4)) and The Openness of Local Government Bodies Regulations 2014/2095 (Regulation 7)

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Key or Non Key Decision

A key decision is an executive decision which is likely to:

- Have a significant effect on people living or working in a least two wards or
- Involve spending, income, or saving a significant amount – whether an amount is significant depends on the Council’s total budget for the service involved. For this Council ‘significant’ in budgetary terms is:
 - Expenditure, income, or savings of £750,000 or greater in the context of the medium term financial strategy,
 - Acquiring or disposing of freeholds with a consideration over £500,000 in the context of the medium term financial strategy except for disposals pursuant to right to buy legislation
 - Acquiring or disposing of leaseholds where either the rental value is in excess of £250,000 per annum and/or the premium is £750,000 except for statutory lease renewals under Part 2 of the Landlord and Tenant Act 1954 and disposals pursuant to right to buy legislation and disposals pursuant to right to buy legislation.
 - Acquiring or disposing of easements with a value over £750,000 and/or rental value over £250,000 each year

A key decision can only be taken and recorded here if notice of it has been published on the Forward Plan for at least 28 clear days. Key decisions taken by officers may be “called in” by any four councillors or the Chair of the Scrutiny Committee within two days of the notice of decision being published.

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