



19 April 2012

Agenda Item: 6

**REPORT OF THE SERVICE DIRECTOR (HUMAN RESOURCES &
CUSTOMER SERVICE)**

**LOCAL GOVERNMENT PENSION SCHEME REGULATIONS – APPLICATION
FOR TRANSFEEE ADMITTED BODY STATUS**

Purpose of the Report

1. The purpose of this report is to inform the Pensions Administration Sub-Committee of the proposed admission of three transferee admission bodies (as detailed on the attached appendices) into the Nottinghamshire Pension Fund under the provisions of Regulation 6 of the Pension Regulations.

Information and Advice

2. The Pensions Regulations require LGPS Pension Funds to allow an admission to its scheme if the organisation is one that is providing or which will provide a service or assets in connection with the exercise of a function of a scheme employer, as a result of the transfer of the service or assets by means of a contract or other arrangement.
3. Where a transferee admission body and the scheme employer undertake to meet the relevant requirements of Regulation 6, an administering authority must admit to the LGPS the eligible employees of the transferee admission body, and where it does so, the terms on which it does are noted in the admission agreement for the purposes of these Regulations.
4. Investigations have been made and it can be confirmed that each body named in the attached appendices falls within the definition contained in Regulation 6 (2)(a)(i) of the Local Government Pension Scheme (Administration) Regulations 2008 and as such will be eligible to become a transferee admission body. Under Regulation 6 (10) & (11), the administering authority must admit to the scheme the eligible designated employees of the transferee admission body, provided the transferee admission body and the scheme employer undertakes to meet the relevant requirements of the regulations through an admission agreement. Legal engrossment of the admission agreement is subject to the service transfer taking place.
5. The County Council will seek to sign appropriate transferee admission agreements to allow the bodies listed in Appendix A to C to be admitted to the Nottinghamshire Pension Fund. When the admission agreements are formed the admitted bodies will be required to pay contribution rates as determined by the Fund Actuary.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service and where such implications are material they have been described in the text of the report.

RECOMMENDATION/S

Pensions Administration Sub-Committee is recommended to note the contents of the report, and note that it will be presented at the next meeting of the Pensions Committee.

Marjorie Toward
Service Director (Human Resources & Customer Services)

For any enquiries about this report please contact:

Constitutional Comments ([initials and date xx/xx/xx])

7.

Financial Comments ([initials and date xx/xx/xx])

8.

Background Papers

Nil

Electoral Division(s) and Member(s) Affected

All.

Appendix A

Proposed admission of Mansfield District Leisure Trust Limited into the Nottinghamshire Pension Fund, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Mansfield District Leisure Trust Limited has a contractual agreement with Mansfield District Council to operate the council's leisure services function. The service transfer will take place on 1st May 2012. The contract period is ten years.

This arrangement will involve the TUPE transfer of 145 employees of Mansfield District Council (of which 77 are current member of the LGPS) who are currently engaged in the delivery of the service. Mansfield District Leisure Trust Limited intends to allow continuity of LGPS membership for the employees through a transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.

Appendix B

Proposed admission of Mellors Catering Services Limited into the Nottinghamshire Pension Fund, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Mellors Catering Services Limited has a contractual agreement with Southwark Primary School, an academy independent of local authority control, to undertake the school catering service. The service transfer took place on 1st April 2012. The contract period is 3 years.

This arrangement will involve the TUPE transfer of 7 employees of Nottingham City Council (of which 5 are current members of the LGPS) who are currently engaged in the delivery of the service. Mellors Catering Services Limited intends to allow continuity of LGPS membership through a transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.

Appendix C

Proposed admission of Royal Society Mencap into the Nottinghamshire Pension Fund, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.

Royal Society Mencap is to have a contractual agreement with Nottinghamshire County Council to undertake the authority's Learning Disability Partnership Homes function. The service transfer is to take place on 2nd July 2012. The contract period is 4 years.

This arrangement will involve the TUPE transfer of 79 employees of Nottinghamshire County Council (of which 55 are members of the LGPS) who are currently engaged in the delivery of the service. Royal Society Mencap intends to allow continuity of LGPS membership through a transferee admission agreement with the Nottinghamshire Pension Fund. The option to join the LGPS will not be available to existing employees of the company.