



**28 January 2013**

**Agenda Item:3**

## **REPORT OF THE SERVICE DIRECTOR – HR AND CUSTOMER SERVICE**

### **LOCAL GOVERNMENT PENSION SCHEME APPLICATIONS FOR SCHEME ACCESS VIA A TRANSFeree ADMISSION AGREEMENT**

#### **1. Purpose of the Report**

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

#### **2. Information and Advice**

- 2.1 The Pensions Regulations require the Local Government Pension Scheme (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.
- 2.2 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.
- 2.3 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.
- 2.4 The County Council will seek to sign appropriate transferee admission agreements to allow the bodies listed in Appendix A and B 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.

### **3. Statutory and Policy Implications**

- 3.1 This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### **Human Resources Implications (CD)**

As outlined within the body of the report, admitted body status will allow transferring staff continued membership eligibility of the LGPS.

Where the service transfer relates to Nottinghamshire County Council, full consultation has been undertaken with affected staff and the recognised trade unions in line with TUPE requirements. In respect of other service transfers the current employing body is responsible for undertaking the equivalent consultation.

### **RECOMMENDATION**

- 1) That the admission of two transferee admission bodies into the Nottinghamshire Pension Fund be noted.

#### **MARJORIE TOWARD SERVICE DIRECTOR – HR AND CUSTOMER SERVICE**

#### **For any enquiries about this report please contact:**

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#### **Constitutional Comments (KK)**

The proposal in this report is within the remit of the Pensions Committee.

#### **Financial Comments (SC)**

There are no financial implications arising directly from this report. As noted in the report, employer contributions to be paid by admitted bodies are determined by the Fund's actuary.

#### **Background Papers**

None

## **Electoral Division(s) and Member(s) Affected**

All



## **Appendix A**

### **Proposed admission of MITIE Cleaning & Environmental Services Limited into the Nottinghamshire Pension Fund, as a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations.**

Nottinghamshire Police Authority is currently in contract discussions with MITIE Cleaning & Environmental Services Limited to operate the authority's cleaning function. The service transfer is expected to take place on 1<sup>st</sup> February 2013. The contract period is for an initial period of 4 years.

This arrangement will involve the TUPE transfer of 69 employees of Nottinghamshire Police Authority (of which 38 are current members of the LGPS) who are currently engaged in the delivery of the service.

MITIE Cleaning & Environmental Services 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 who are not already members of the LGPS.

## **Appendix B**

**Proposed admission relating to a highways service contract.**

**Nottinghamshire County Council is currently in discussions with a third party provider to carry out highways service functions. The provider cannot currently be named due to EU procurement regulations which allow for a statutory ten day stand still period, commonly known as ‘the Alcatel period’. It is the intention to name the provider for noting on presentation of this report.**

The provider is to make an application to become a transferee admission body under the provisions of the Regulation 6 of the Pension Regulations. The service transfer is expected to take place on 1<sup>st</sup> April 2013. The contract period is for an initial period of 5 years.

This arrangement will involve the TUPE transfer of 11 employees of Nottinghamshire County Council, all of whom are members of the LGPS and who are currently engaged in the delivery of the service.

The provider 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 who are not already members of the LGPS.