

**REPORT OF THE SERVICE DIRECTOR – CUSTOMERS & HR****LOCAL GOVERNMENT PENSION SCHEME - APPLICATION FOR  
ADMISSION BODY STATUS****1. Purpose of the Report**

- 1.1. The purpose of this report is to inform the Pensions Committee of the proposed admission of two admission bodies (as detailed on the attached appendices) into the Nottinghamshire Pension Fund under the provisions of Schedule 2 (part 3) of the Local Government Pension Scheme Regulations 2013.

**2. Information and Advice**

- 2.1. The scheme 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.
- 2.2. Where an admission body and the scheme employer undertake to meet the relevant requirements of Schedule 2 (part 3), an administering authority must admit to the LGPS the eligible employees of the 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 Schedule 2 (part 3) of the Local Government Pension Scheme Regulations 2013 and as such will be eligible to become an admission body. Under Schedule 2 (part 3) (13), the administering authority must admit to the scheme the eligible designated employees of the admission body, provided the admission body undertakes to meet the relevant requirements of the regulations through an admission agreement.
- 2.4. Both admission applications have been made on an 'open' basis whereby, in addition to securing pension protection for transferring staff, the admission agreement will include the flexibility to deem employees subsequently employed in connection with the delivery of the service as eligible to join the scheme. For the awareness of members, the alternative 'closed' basis would restrict eligibility to join the scheme to transferring staff only.
- 2.5. The County Council will seek to sign an appropriate admission agreement to allow the bodies listed in Appendix A and B to be admitted to the Nottinghamshire Pension Fund. When the admission agreement is formed the admission 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.

### **4. Recommendation**

- 4.1 The Pensions Committee is recommended to note the contents of the report.

**MARJORIE TOWARD**

**SERVICE DIRECTOR – CUSTOMERS & HR**

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#### **Human Resources Implications (JP)**

As outlined within the body of the report, admission 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.

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

Because this report is for noting only, no Constitutional Comments are required.

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

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

#### **Background Papers**

None

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

All

## Appendix A

### **Proposed admission of Via East Midlands Limited into the Nottinghamshire Pension Fund, as an admission body under the provisions of Schedule 2 (part 3) of the Local Government Pension Scheme Regulations 2013.**

Via East Midlands Limited has a contractual agreement with Nottinghamshire County Council to undertake the authority's highways and fleet management service functions. The service transfer is to take place on 1<sup>st</sup> July 2016. The contract period is 10 years with a 5 year extension option.

This arrangement will involve the TUPE transfer of approximately 650 staff currently employed by Nottinghamshire County Council to deliver the service function.

Via East Midlands Limited intend to allow continuity of LGPS membership through an admission agreement with the Nottinghamshire Pension Fund. The admission agreement will deem employees of the company engaged in delivery of the service as eligible to join the scheme.

## **Appendix B**

**Proposed admission of Arc Property Services Partnership Limited into the Nottinghamshire Pension Fund, as an admission body under the provisions of Schedule 2 (part 3) of the Local Government Pension Scheme Regulations 2013.**

Arc Property Services Partnership Limited has a contractual agreement with Nottinghamshire County Council to undertake the authority's property services function. The service transfer took place on 1<sup>st</sup> June 2016. The contract period is 10 years.

This arrangement involved the TUPE transfer of 71 staff currently employed by Nottinghamshire County Council to deliver the service function.

Arc Property Services Partnership Limited intend to allow continuity of LGPS membership through an admission agreement with the Nottinghamshire Pension Fund. The admission agreement will deem employees of the company engaged in delivery of the service as eligible to join the scheme.