

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 22 MARCH 2021

**SUBJECT: ANTI GRAFFITI SYSTEMS LTD TRADING AS AGS ONE – ADMISSIONS
AGREEMENT TO LOCAL GOVERNMENT PENSION SCHEME**

REPORT AUTHOR: Nat Slade, Group Head of Technical Services
DATE: 15 February 2021
EXTN: 37683
PORTFOLIO AREA: Technical Services

EXECUTIVE SUMMARY:

On 13 January 2020 Cabinet resolved to outsource the Pest Control Service giving delegated authority to the Group Head of Technical Services, in consultation with the Cabinet Member for Technical Services and Section 151 Officer to award the contract. This decision was taken on 3 December 2020 to award the contract to Anti Graffiti Systems Ltd trading as AGS One.

The contract which will commence on 1 March 2021 involves the TUPE transfer of a member of staff. Approval is therefore sought to authorise entering into the required Guarantee in respect of pension liabilities in the event that these are not met by Anti Graffiti Systems Ltd trading as AGS One as the admitted body, and to approve the entering into the Admissions Agreement itself.

RECOMMENDATIONS:

That Cabinet recommends to Full Council that:

- (1) The Council acts as a guarantor in respect of any and all pension liabilities which may arise through the term of the Pest Control Contract and delegated authority is given to Legal Services to enter into the Admission Agreement and Guarantee.

1. BACKGROUND:

On 13 January 2020 Cabinet resolved to outsource the Pest Control Service giving delegated authority to the Group Head of Technical Services, in consultation with the Cabinet Member for Technical Services and Section 151 Officer to award the contract. This decision was taken on 3 December 2020 to award the contract to Anti Graffiti Systems Ltd trading as AGS One following a procurement process.

One member of staff who is an existing member of the Local Government Pension Scheme (LGPS) will be transferred on 1st March 2021 under TUPE to Anti Graffiti Systems Ltd Trading as AGS One, when the contract commences.

Anti Graffiti Systems Ltd trading as AGS One are required to offer the transferring member of staff equivalent pension provision and in order to do so have opted to become an admitted body of the LGPS.

For Anti Graffiti Systems Ltd trading as AGS One to become admitted to the LGPS, West Sussex County Council require the Council to enter into a Guarantee in respect of pension liabilities in the event that these were not met by the admitted body. This is standard practice. The Council is also required to be a party to the Admission Agreement.

2. PROPOSAL(S):

That Cabinet recommends to Full Council:

That the Council acts as a guarantor in respect of any and all pension liabilities which may arise through the term of the Pest Control contract and that delegated authority is given to Legal Services to enter into the Admission Agreement and Guarantee.

3. OPTIONS:

That the Council does not act as a guarantor in respect of any and all pension liabilities which may arise through the term of the Pest Control contract and that delegated authority is not given to Legal Services to enter into the Admission Agreement and Guarantee. By not entering into the admissions agreement could potentially put the contract in jeopardy as finding a pension that is better, the same or no less favourable than the LGPS could be a challenge.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) Arun District Council HR, Legal Services and Finance	X	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X

Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

Financial – To act as guarantor for pension liabilities in the event these are not met by the admitted body.

Legal – To authorise Legal Services to enter into the Admissions Agreement and Guarantee.

7. REASON FOR THE DECISION:

To allow the Council's Legal Services to enter into the required LGPS Admissions Agreement and Guarantee with West Sussex County Council and Anti Graffiti Systems Ltd trading as AGS One.

To ensure the pension liabilities associated with the agreement are guaranteed through the duration of the Pest Control contract in the event these are not met by the admitted body.

8. EFFECTIVE DATE OF THE DECISION: 12 May 2021

9. BACKGROUND PAPERS:

Equality Analysis.