

## AGENDA ITEM No.

# UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST REPORT TO BOARD OF DIRECTORS THURSDAY 23 FEBRUARY 2012

Title:	<b>THE SEALING OF A DEED OF SURRENDER OF LEASED PREMISES IN THE QUEEN ELIZABETH HOSPITAL</b>
Report by:	David Burbridge, Director of Corporate Affairs
Contact:	Lynne Darby, Land & Property Manager (Extension number 8024)
Purpose	To request approval from the Board of Directors to seal, in accordance with Standing Order 6.1, a Deed of Surrender for the retail unit situated on the main corridor QEH
Key Issues Summary	W H Smith currently occupies the retail unit on the Main Corridor QEH, under a Lease Agreement dated 22 November 2010. The Lease is due to expire in July 2012, however the relocation of the majority of clinical services from QEH into QEHB has resulted in a substantial loss of trade for the shop. It has been agreed therefore that the shop will cease to trade on 24 February and the Lease will terminate on 29 February. The early termination of the Lease will be documented by way of a formal Surrender which will be executed as a Deed under Seal.
Financial or Business Implications:	<p>The Deed of Surrender has been negotiated and agreed between the parties and their respective legal representatives.</p> <p>The Tenant has agreed to pay £600 of the Trust's total legal fees in this matter. It is anticipated that the Trust's total legal fee will not exceed £750.</p>
Recommendations:	<p>The Board of Directors is requested to authorise:</p> <p>David Burbridge Director of Corporate Affairs, and Lynne Darby Land and Property Manager severally to exercise the powers of the Trust in relation to negotiating, approving and amending the Deed of Surrender and any associated documents, without limitation save that such authority may only be exercised to the extent that the Deed of Surrender is materially as described in this Report, and to do all such acts and things as may be required in order to give effect to the Resolution(s) resulting from this Report and implement the Deed of Surrender to include the finalising and delivery of all such notices, confirmations, applications, letters, transfers, appointments, certificates, powers of attorney, deeds, forms, notice of drawing, notice of withdrawal or notice of utilisation and any other documents as required; and</p> <p>any one or more Directors of the Trust and, in the case of any documents that are Deeds, the Foundation Secretary, severally to sign, execute and deliver the Deed of Surrender and any associated documents save that,</p>

	where any such other documents are Deeds, execution will be by any two Directors or a Director and the Foundation Secretary.		
<b>Resolution</b>	<p>The Board of Directors is asked to:</p> <p>(a) NOTE that the early vacation of Trust premises by the tenant is to be documented by way of a formal surrender</p> <p>(b) APPROVE the use of the Trust Seal, pursuant to Standing Order 6.1</p> <p>(c) APPROVE the Recommendation above</p>		
Signed:		Date:	