

CONFIDENTIALITY MARKING

AGENDA ITEM NO:

**UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST
BOARD OF DIRECTORS
THURSDAY 27 SEPTEMBER 2012**

| | |
|------------------------------|--|
| Title: | THE SEALING AND SIGNING OF A LEASE TO W H SMITH FOR PREMISES AT QUEEN ELIZABETH HOSPITAL BIRMINGHAM |
| Responsible Director: | New Hospitals Project Director |
| Contact: | Lynne Darby, Land & Property Manager (Ext 8024) |

| | |
|--|---|
| Purpose: | To request approval from the Board of Directors to seal in accordance with Standing Order 6.1, a Lease of premises at Queen Elizabeth Hospital Birmingham |
| Confidentiality Level & Reason: | N/A |
| Annual Plan Ref: | N/A |
| Key Issues Summary: | <p>The purpose of this paper is to request approval from the Board of Directors to seal, in accordance with Standing Order 6.1 a lease agreement for premises at the new Queen Elizabeth Hospital Birmingham</p> <p>The Tenant, W H Smith has, since 2003, occupied the retail premises on the lower ground floor of Nuffield House. The current lease expired on 5 June 2012 and the parties have agreed to extend this occupation for a further two years.</p> <p>It is in both parties' interest that W H Smith's occupation is documented by way of a formal lease which will be executed as a Deed under seal.</p> <p>The lease has been negotiated and agreed between the parties. The lease will be for a term of two years from 6 June 2012, with a peppercorn base rent and a turnover rent of 6% on gross turnover over £50,000</p> |
| Recommendations: | <p>The Board of Directors is requested to authorise:</p> <p>David Burbridge Director of Corporate Affairs, and Lynne</p> |

CONFIDENTIALITY MARKING

| | |
|-------------------|--|
| | <p>Darby Land and Property Manager severally to exercise the powers of the Trust in relation to negotiating, approving and amending the Lease and any associated documents, without limitation save that such authority may only be exercised to the extent that the Lease 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 Lease 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 lease and any associated documents save that, where any such other documents are Deeds, execution will be by any two Directors or a Director and the Foundation Secretary.</p> |
| Resolution | <p>The Board of Directors is asked to:</p> <ul style="list-style-type: none">(a) NOTE that W H Smiths' occupation of Trust premises is to be documented by way of a formal lease(b) APPROVE the use of the Trust Seal, pursuant to Standing Order 6.1(c) APPROVE the Recommendation above |
| Signed: | Date: September 2012 |

Form updated May 2012