

**AGENDA ITEM No.**

**UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST**

**BOARD OF DIRECTORS**

**THURSDAY 24 JANUARY 2013**

Title:	THE SEALING OF A LEASE AGREEMENT BETWEEN THE TRUST AND UNIVERSITY OF BIRMINGHAM FOR LAND FRONTING ROBERT AITKEN INSTITUTE FOR CLINICAL RESEARCH AT QUEEN ELIZABETH HOSPITAL SITE
Report by:	Director of Corporate Affairs
Contact:	Lynne Darby, Land & Property Manager (Extension number 14469)
Purpose	To request approval from the Board of Directors to seal, in accordance with Standing Order 6.1, a Supplemental Lease of land fronting Robert Aitken Institute for Clinical Research ("the Building") situated on the Queen Elizabeth Hospital site
Key Issues Summary	<p>The University of Birmingham occupies the Building under a lease for a term of 75 years expiring in 2028.</p> <p>Due to an oversight, the lease does not accurately identify the entirety of the area which the University has always occupied. The area omitted from the lease (approximately 190 square metres) is the entire frontage of the Building facing Hospital Drive.</p> <p>An option was granted to the University in 2003 to acquire the Trust's leasehold interest in the land and Building at the expiry of the lease term in 2028. This option was granted in the belief that the missing frontage area was included within the 1953 Lease.</p> <p>It is in all the parties' interests that the University's occupation of the strip of land fronting the Building is documented by way of a formal lease (on the same terms as the existing 1953 Lease) which will be executed as a Deed under seal</p>
Financial or Business Implications:	The Lease has been negotiated and agreed between the parties and their respective legal representatives.

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 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>		
<b>Resolution</b>	<p>The Board of Directors is asked to:</p> <p>(a) NOTE that the Tenant's occupation of Trust premises is to be documented by way of a formal lease</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:	