

AGENDA ITEM No.

UNIVERSITY HOSPITAL BIRMINGHAM NHS FOUNDATION TRUST

REPORT TO BOARD OF DIRECTORS

THURSDAY 26 APRIL 2012

Title:	THE SEALING OF A LEASE AGREEMENT BETWEEN THE TRUST AND THE POWYS TEACHING LOCAL HEALTH BOARD FOR PREMISES LLANDRINDOD WELLS COMMUNITY HOSPITAL POWYS
Report by:	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 Lease of premises in Llandrindod Wells
Key Issues Summary	<p>At its meeting on 11 August 2011, the Chief Executive's Advisory Group (CEAG) approved, at Minute 7, the commissioning of a Haemodialysis Satellite Facility, the service contract for which would be awarded to Fresenius.</p> <p>The new satellite facility is located at Llandrindod Wells Community Hospital and occupation will be under the terms of a Lease Agreement between the Trust and the Powys Teaching Local Health Board (the Landlord). The Trust will, in turn, pass all its property management responsibilities to Fresenius under a sub-Lease Agreement.</p>
Financial or Business Implications:	<p>The Leases have been negotiated and agreed between the parties and their respective legal representatives.</p> <p>It is in the Trust's interests that both the Trust's and Fresenius' occupations are documented by way of formal leases which will be executed as Deeds under seal</p> <p>Financial responsibilities of both the Trust and Fresenius remain as approved by CEAG on 11 August 2011.</p>

<p>Recommendations:</p>	<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>		
<p>Resolution</p>	<p>The Board of Directors is asked to:</p> <p>(a) NOTE that the Trust's occupation of the premises is to be documented by way of a formal lease with responsibilities being passed to Fresenius under a sub-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>		
<p>Signed:</p>		<p>Date:</p>	