

AGENDA ITEM No.

UNIVERSITY HOSPITAL BIRMINGHAM NHS FOUNDATION TRUST REPORT TO BOARD OF DIRECTORS ON THURSDAY 26 JULY 2012

Title:	THE SEALING OF A DEED OF SURRENDER OF THE HAYWARD BUILDING AT SELLY OAK HOSPITAL
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 Deed of Surrender for the Haywood Building situated on the main corridor QEH
Key Issues Summary	<p>Under the terms of a lease dated 1 December 1980, the University occupied the Hayward Building at Selly Oak Hospital. The lease is due to expire in 2079. Since it does not contain any early termination rights, it was agreed that this lease would be surrendered as a condition of occupying its new premises in the New Queen Elizabeth Hospital. This agreement was recorded in the CSEC Agreement dated 14 June 2006</p> <p>In accordance with the above agreement, the University is now in a position to terminate the lease. This will be documented by way of a formal Surrender which will be executed as a Deed under Seal.</p>
Financial or Business Implications:	The Deed of Surrender 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 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, 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 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>		
<p>Signed:</p>		<p>Date:</p>	