



To: Business Coordination Board

From: Chief Executive

Date: 25 February 2015

EXCLUSIVITY AGREEMENT – HINCHINGBROOKE HEALTH CARE NHS TRUST

1. Purpose

1.1 The purpose of this report is to seek the Business Coordination Board's ("the Board") approval to grant Hinchingsbrooke Health Care NHS Trust (HHCT) a six month exclusivity period on surplus land at Cambridgeshire Constabulary ("the Constabulary") Headquarters Hinchingsbrooke Park, Huntingdon, Cambridgeshire PE29 6NP ("Constabulary Headquarters").

2. Recommendation

2.1 The Board is recommended to grant HHCT a six month exclusivity period on the surplus land at the Constabulary Headquarters.

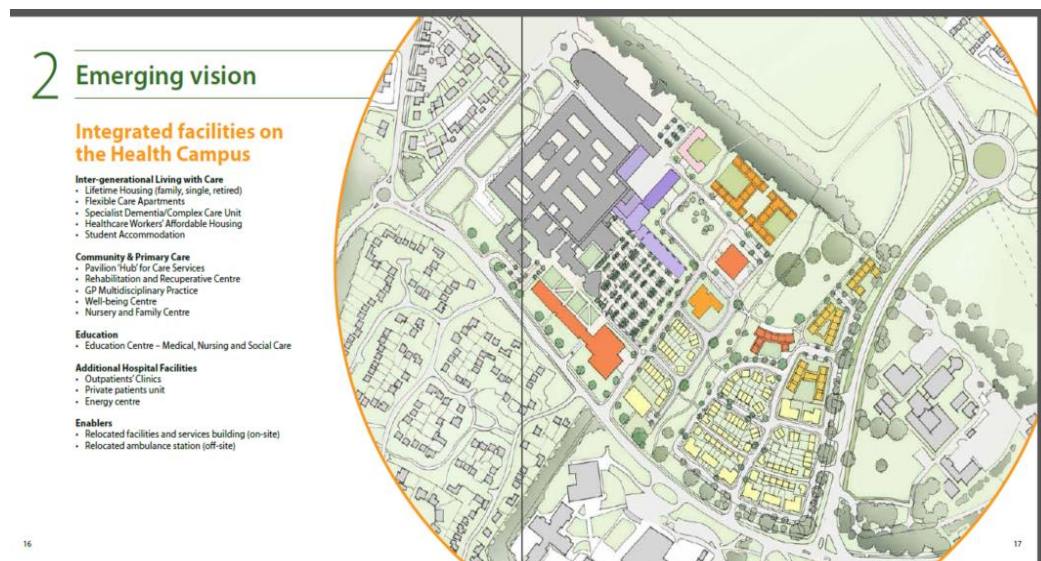
2.2 That the Police and Crime Commissioner ("the Commissioner") signs the Decision Notice to effect the agreement to grant HHCT the exclusivity period.

3. Background

3.1 In May 2014 the Commissioner and HHCT signed a Memorandum of Understanding for the production of a feasibility study for a joint property scheme on 5ha (12.43 acres) of surplus land at Constabulary Headquarters.

3.2 Part of the site will also be used for the A14 link road, if the highway scheme proceeds.

- 3.3 During 2014 HHCT produced a vision document for an innovative and sustainable community and leisure campus across their own site and the Constabulary's surplus land taking account of the proposed link road, as shown below:



4. Summary

- 4.1 The exclusivity Agreement gives HHTC a six month window to agree heads of terms and exchange contracts for the lease or purchase of the surplus land at Constabulary Headquarters.
- 4.2 The six month period is planned to commence from 4th March 2015.
- 4.3 During the exclusivity period the Commissioner will undertake:
- to act in good faith and to co-operate with the Buyer in seeking to agree heads of terms for the Transaction;
 - to use reasonable endeavours to answer promptly all reasonable enquiries raised by the Buyer relating to the Property or the Transaction;
 - subject to the heads of terms for the Transaction being agreed promptly thereafter to supply the Buyer's Solicitors all documentation and information relating to the Transaction;
 - not to market or solicit (or respond positively to any expression of) interest in any transaction relating to the Property and not to send, instruct or allow anyone else to send any title information or draft contracts to anyone other than the Buyer's Solicitors.
- 4.4 Neither party has any liability to the other for any costs, expenses or losses incurred in the performance of its obligations under the agreement or otherwise relating to the Transaction.

4.5 Exchange of contracts is subject to each party first obtaining its internal approvals to such exchange.

4.6 The full details of the Exclusivity Agreement are shown at Appendix 1.

5. Recommendation

5.1 The Board is recommended to grant HHCT a six month exclusivity period on the surplus land at the Constabulary's Headquarters.

5.2 That the Commissioner signs the Decision Notice to effect the agreement to grant HHCT the exclusivity period.

BIBLIOGRAPHY

Source Document	Estate Management – Property Files
Contact Officer(s)	Colin Luscombe, Director of Estates, Office of Police and Crime Commissioner and Elly McKee, Estates Management Surveyor, Cambridgeshire Constabulary