



HSE Board Briefing Template

Subject: Proposed granting of 10-year lease for property at [REDACTED] [REDACTED] Loughrea, Co. Galway to Brothers of Charity Services Ireland for a nominal fee.

PRG ref: **W/L/0922/2723**

Submitted for meeting on: 8 December (ARC), 13 December (EMT), 16 December 2022 (Board).

Name & title of author: Dean Sullivan, Chief Strategy Officer

Why is this information being brought to the Boards attention?

As the transaction is at a nominal value, the approval of the HSE Board is required.

Is there an action by the Board required, if so please provide detail?

This transaction was approved at EMT and ARC, it is recommended that the HSE Board approve the proposal for the granting of a 10-year lease of the property at [REDACTED] [REDACTED] Loughrea, Co. Galway from HSE to Brothers of Charity Services Ireland.

Please indicate which of the Board's objectives this relates to;

- The development and implementing of an effective Corporate Governance Framework, incorporating clinical governance and a performance management and accountability system; ☒
- Developing a plan for building public trust and confidence in the HSE and the wider health service; ☒
- Ensuring the HSE's full support for and implementation of the Government's programme of health reform as set out in the Sláintecare Implementation Strategy; ☒
- Exercising effective budgetary management, including improving the value achieved with existing resources and securing target saving, with the objective of delivering the National Service Plan within Budget. ☒

Brief summary of link to Board objectives.

It is proposed to grant a 10-year lease at Topping Apartments [REDACTED], Loughrea, Co. Galway to Brothers of Charity Services Ireland.

As this lease is for a total nominal amount of €100 per annum the transaction will require Board approval.

Background - provide context in order to ensure that the Board fully understand the issue.

Two independent living units were constructed on lands at St. Brendan's Community Nursing Unit, Loughrea, Co Galway, following a bequest to the HSE under the last will and testament of Ms. Nora Topping dated 19 October 1998. The bequest was administered by the Topping Trust.

Construction was undertaken in agreement with HSE. Construction has recently concluded and the properties are currently being handed over to HSE.

[REDACTED]

The basis for the administration of the funds used by the Trust towards construction of the units included that, in the event that the independent living units are to be used for a purpose other than as set out under the Trust, the consent of the Topping Trustees is required. The Topping Trust have agreed to the use of the independent living units by the Brothers of Charity Services and have applied to the Charities Regulator for consent to the use outside the terms of the original Trust.

Brothers of Charity Services Ireland provide a wide range of services to people with intellectual disability/autism in HSE West and the services are funded by the HSE.

It is proposed to grant a lease for 10-years to Brothers of Charity Services Ireland for the purpose of housing persons currently in facilities [REDACTED] to transition to more appropriate residential accommodation in the community. This lease will facilitate individuals currently residing in an institutional setting to move to community based facility.

[REDACTED]

In order to facilitate the use of the property for this purpose, a lease between the HSE and Brothers of Charity Services Ireland will be required and the service will be delivered through an SLA between HSE & Brothers of Charity Ireland. [REDACTED] As outlined above the Topping Trustees are consenting to the proposed use by HSE which will be by way of lease to Brothers of Charity Services Ireland.

The lease to Brothers of Charity Services Ireland will be for a period of 10 years at a cost of €100 per annum; the tenant will be responsible for the full repair and upkeep of the property.

Highlight any implications that the Board should be made aware of in its consideration such as;

- **Current status**
Awaiting Board Approval
- **Budget**
Revenue is covered in existing budget.
- **Resources**
There is no implication for HSE resources, as all services are provided through an existing SLA.
- **Impact to delivery of services**
The Brothers of Charity Ireland have the appropriate team of skilled staff to provide these specialised placements, which the HSE do not provide directly in the Galway area.
- **Corporate Plan**
Aligned with HSE Corporate Plan & Service Plan.
- **Sláintecare**
Aligned with Sláintecare on service delivery
- **Social factors** (e.g., impact on specific area such as the elderly, disabilities)
Providing newly constructed independent living facilities for the three identified persons will have a positive impact for the service users and their families
- **Technological factors**
Not applicable

▪ **Legal factors**

A formal lease will be put in place between the parties, together with a Deed of Renunciation. This will ensure that HSE estate is protected and that the property is used for its intended purpose. The operation of services will be via a SLA with Brothers of Charity.

Sustainability

The Property has been constructed to A3 BER Rating in line with Building Regulations.

Value for Money

Not Applicable

Conclusion

Not applicable

Recommendation

It is recommended that the HSE Board approve this proposal as outlined above.