

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
1 November 2016

**Subject:** TRANSFER OF 23-25 KIRKGATE, THIRSK TO WORLD OF JAMES HERRIOT LTD

**All Ward(s)**  
**Portfolio Holder for Economic Development & Finance: Councillor P R Wilkinson**

---

### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 This report provides background to the proposed transfer of the Council assets of 23-25 Kirkgate, Thirsk, the former surgery of author Alf White which now houses the World of James Herriot attraction to the World of James Herriot Ltd. The issues that Members will need to consider in order that an informed decision on the transfer can be made are set out below.
- 1.2 Two earlier Cabinet reports need to be referenced, they being a report on 21<sup>st</sup> February 2012 on the Proposed Transfer of the World of James Herriot and a report on 3<sup>rd</sup> September 2013 on the Disposal of Surplus Land and Buildings.
- 1.3 The World of James Herriot opened in 1999 following a £1.4 million investment in 23-25 Kirkgate, No 23 being the former veterinary practice of Alf Wight. This investment comprised of contributions from public and private sources. As well as being an attraction relating to the life and works of Alf Wight, the buildings house a museum of veterinary medicine. Both elements of the attraction have benefitted from donations of artefacts which have been utilised to develop the exhibitions and displays.
- 1.4 Between 2010 and 2012 the Council undertook a process of review of the ongoing operation of the attraction. Commercial operators were invited to tender for the operation of the museum but no satisfactory proposals were received. Consideration was given to establishing a charitable trust but this route offered no significant benefit to the Council or the attraction.
- 1.5 Following a proposal put forward by the Herriot Country Tourism Group, which was to establish the operation of the attraction on a commercial footing and allow the Council to make a long term revenue saving, the Council agreed to the transfer of the activities of the attraction to The World of James Herriot Ltd. The Council also agreed to a 20 year lease of 23-25 Kirkgate at a peppercorn rent. A separate agreement was drawn up pertaining to the attraction and museum artefacts.
- 1.6 Under the operation of the World of James Herriot Ltd. the decline in visitor numbers has been reversed. As visitor numbers are increasing so is the recognition of the attraction which was named as Visit England's Small Visitor Attraction of the Year in 2015.
- 1.7 To mark what would have been the centenary birthday of Alf Wight a proposal has been made to transfer the property to the World of James Herriot Ltd. as an asset of community benefit.
- 1.8 The World of James Herriot Ltd. is a not for profit Limited company, surpluses are used to further the company's objectives and activities.

- 1.9 Transfer of the freehold to a not for profit limited company is likely to give the World of James Herriot Ltd. better access to grant assistance for the further development of the attraction and promotion of the district.
- 1.10 Prior Cabinet reports have considered the disposal of the asset and have concluded it is in the economic interests of the local community, though this was on the assumption that the activities of the operation of a visitor attraction in the premises are maintained.
- 1.11 As the property is leased, and as the Council is unlikely to try to realise the value of the asset whilst it is operating as a visitor attraction and contributing to the local economy, it has limited practical value to the Council. Whilst the Council owns the asset under the terms of the current lease it is responsible for structural maintenance and is therefore a financial liability to the Council. Whilst the 3rd September 2013 Cabinet paper on the Disposal of Surplus Land and Buildings advocated keeping the asset stating it had a value, it did not articulate that the asset could not be easily realised due to the long term lease to The World of James Herriot Ltd. Other than this the transfer of the asset is in general accordance with the principles in this Cabinet paper of seeking to dispose of assets that would have on ongoing liability to the Council.
- 1.12 A valuation from 2013 states the value of the properties as £491,000.

## **2.0 LINK TO COUNCIL PRIORITIES:**

- 2.1 The continued success of the attraction, its role in promoting the district and attracting domestic and international visitors to the district supports the Council's priority of driving economic vitality.

## **3.0 RISK ASSESSMENT:**

- 3.1 There is no significant risk associated with the recommendation.

## **4.0 FINANCIAL IMPLICATIONS:**

- 4.1 The current lease with the World of James Herriot Ltd. leaves the Council with responsibility for the structure maintenance of the property and therefore long term financial implications in the upkeep of the buildings. The transfer of the assets to the World of James Herriot Ltd. would relieve the Council of this responsibility and its financial obligations.

## **5.0 LEGAL IMPLICATIONS:**

- 5.1 The freehold title for 23-25 Kirkgate will be transferred to the World of James Herriot Ltd. subject to any encumbrances.
- 5.2 The current legal agreement relating to the attraction and museum artefacts will be reviewed to ensure it is still appropriate and safeguards items owned or donated to the Council.
- 5.3 The transfer will need to be made with conditions that would see the asset returned to the Council should changes of use that are not of benefit to the community be proposed. The uses that the Council is prepared to allow, that would be considered to be of benefit to the community will need to be defined and stated in a manner that is legally enforceable prior to the transfer being agreed. It is recommended that the Council applies conditions that maintain the use of the properties as a visitor attraction to ensure they continue to provide an economic and community benefit.

5.4 The Council will be disposing of an asset at less than market value. Government consent for disposals of this nature are allowed if the asset value is less than £2m provided the Council is satisfied that the disposal is in the social, environmental or economic interests of the community. The Cabinet decision in respect of the report of 21 February 2012 where, because the 20-year lease was in effect transferring the asset, stated the Council was satisfied that the economic viability of the World of James Herriot was sufficient benefit to justify the transfer of the asset. The wider benefit to the economy, to the local shops, accommodation providers, hostelrys, cafés etc. from the attractions visitors was not stated but should also be taken in to consideration. The later Cabinet report of 3rd September 2013 did recommend retaining the asset but did not take account of the earlier Cabinet decision.

## **6.0 EQUALITY/DIVERSITY ISSUES:**

6.1 Equality and Diversity Issues and have been considered however there are no issues associated with this report.

## **7.0 HEALTH AND SAFETY ISSUES:**

7.1 An Asbestos Survey has highlighted instances of asbestos within the properties. A series of recommendations were proposed for the management of the materials found to contain asbestos. Five of the six instances of asbestos were deemed to be low risk, one instance medium risk. The main recommendation was to undertake periodic inspection of materials to ensure they are not degrading and becoming a higher risk. One instance of asbestos was recommended for removal. It is considered that in transferring the property the Council would not be transferring a health and safety risk or an onerous financial liability.

## **8.0 RECOMMENDATIONS:**

8.1 It is recommended that:-

- (1) Cabinet agrees to the transfer of the title of 23-25 Kirkgate, Thirsk to the World of James Herriot Ltd. on condition that it continues to be utilised as a visitor attraction; and
- (2) legal agreements relating to the artefacts utilised by the attraction and museum are reviewed to ensure they are appropriately safeguarded under the new arrangements.

EXECUTIVE DIRECTOR

**Background papers:** Proposed Transfer of the World of James Herriot 21 February 2012  
Disposal of Surplus Land and Buildings 3 September 2013

**Author ref:** MHaynes

**Contact:** Mark Haynes  
Business & Economy  
Direct Line No: 01609 767056