

# STATES OF JERSEY

## Economic Affairs - Dairy Review Sub-Panel

**TUESDAY, 12th DECEMBER 2006**

**Panel:**

Deputy A. Breckon of St. Saviour (Chairman)

Deputy A.E. Pryke of Trinity

Deputy K.C. Lewis of St. Saviour

Deputy R.G. Le Hérissier of St. Saviour

Deputy S.C. Ferguson of St. Brelade

**Witnesses:**

Major S. Coleman (Chief Executive, JSPCA)

**Deputy A. Breckon of St. Saviour (Chairman):**

As you can see we are not exactly swamped with onlookers but welcome, Steve. What I will do is I will explain really where we are and why we are here. This is a scrutiny sub-panel hearing looking at the dairy and reviewing the situation and it is a joint review with the Chief Minister, the Chief Minister is involved because the Economic Development Minister is conflicted because of a family interest in the dairy industry. A consultancy firm, Promar, were brought in and given terms of reference. They have now produced a final report, just in the last week or so. The Treasury Minister took 2 propositions to the States: one was to move the dairy to the Howard Davis Farm and the other was changes to the covenant. They have since been withdrawn and the proposal is they may at some time may go back to the States and part of the purpose of our role in this review is to inform the States for that future debate if, indeed, and when it takes place. Procedurally in front of you you do have a conditions on which you give evidence. I will just remind you of that so that you fully understand conditions by which you are appearing at hearing. "The proceedings of the panel are covered by parliamentary privilege through Article 34 of the States of Jersey Law 2005 and the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006. Witnesses are protected from being sued or prosecuted for anything said during hearings unless they say something that they know to be untrue. This protection is given to witnesses to ensure that they can speak freely and openly to the panel when giving evidence without fear of legal action, although the immunity should obviously not be abused by making unsubstantiated statements about third parties who have no right of reply. The panel would like you to bear this in mind when answering questions. The proceedings are being recorded and transcripts will made available on the Scrutiny website." Just to add to that you will be given the opportunity to see those transcripts before they are published. The "ums" and "ahs" are taken out and if there is anything

that is factually incorrect that you wish to correct you will be given the opportunity to do that. The other thing I should say is that the panel, Deputy Anne Pyrke, who the Deputy Chairman, Deputy Roy Le Hérissier, Deputy Kevin Lewis and Deputy Sarah Ferguson, who for the process of this hearing wishes to declare an interest that she is Honorary Treasurer of the Chair's PAC and is present but will take no part in the proceedings. With that, Steve, that is the official bit out of the way so what I would like to do is to hand over to you. First of all, for the benefit of the tape can you say who you are and the position you hold with the JSPCA (Jersey Society for Prevention of Cruelty to Animals).

**Major S. Coleman (Chief Executive of JSPCA):**

Yes. I am Major Steve Coleman, I am the Chief Executive of the Jersey Society for Prevention of Cruelty to Animals, the Animal Shelter.

**Deputy A. Breckon:**

Thank you for that, Steve. You have had a copy of the questions and the first one was in reference to the Elizabeth Violet Annie Rowse(?) Trust and its connection with the animal crematorium. The reason why this question is asked is the plaque above the door says it was in her memory and nobody to date has given us any information about that so we hope that you will be able to tell us if it was a gift of funds, how much and what covenants and conditions, if any, are placed upon it?

**Major S. Coleman:**

We do receive money from the Annie Rowse Settlement Trust for a variety of functions that the Society carry out. It tends to be a distribution of between £1,000 and £5,000 for a specific purpose to enable the Society to carry out its mission statement. In this particular case the crematorium was requiring upgrading, maintenance and a sum of money was donated by the Annie Rowse Trust to enable us to do that. The exact sum, I am afraid, I have not yet been able to ascertain. I should say that the records of the animal shelter in terms of financial were heavily written until very, very recently and they are now computerised.

**Deputy A. Breckon:**

Can you just confirm whether that is something that you can go to regularly or if it is ...?

**Major S. Coleman:**

We tend to get a distribution probably bi-annually from that particular settlement. It always is for a specific purpose. It is known that we have obviously a large site and our costs are high because animals are 7 days a week, there are no days off and there are discretionary trusts within the Island who make disbursements to us to enable us to carry out our works.

**Deputy A. Breckon:**

Do you know how much that trust holds and anything more about it?

**Major S. Coleman:**

I have no idea.

**Deputy A. Breckon:**

Okay. It is just because we did not know so we felt the reason --

**Major S. Coleman:**

I have no idea. Again, going backwards is quite difficult for me. Some of the records are not complete but I write - or wrote rather - to all the trusts that I could find with reference to asking for disbursements to enable us to carry out our mission statement because the Society receives all its funding, or the majority of its funding, from public subscription and therefore it is important to keep a trust like that in the picture as to what we are doing and what our needs are.

**Deputy A.E. Pyrke of Trinity:**

Going back to this trust, are you aware if the trust paid for the crematorium?

**Major S. Coleman:**

No, they would not have paid for it in total. It would have been a disbursement between £1,000 and £5,000 to enable ongoing maintenance or a burner may have needed to have been replaced. It would have been for a specific purpose such as that.

**The Deputy of Trinity:**

How long has the crematorium been up there?

**Major S. Coleman:**

At least 10 years to my knowledge. It was originally at 89 St. Saviour's Road and then moved to Howard Davis Farm shortly after the States purchased the Le Rondin Farm because the crematorium is on the Le Rondin side, it is not on the TB Davis side.

**The Deputy of Trinity:**

So when was it refurbished with all the money from the trust?

**Major S. Coleman:**

Probably about 3 or 4 years ago, maybe longer. I would need to look to give you an exact date.

**Deputy R.G. Le Hérissier of St. Saviour:**

Thank you, Steve. How much life in your estimation does that incinerator have?

**Major S. Coleman:**

I would say it has got at least another 10 to 15 years. It is a substantial source of revenue for the Society. It is the only one in the Island to enable those with pets to have their animals cremated individually and the ashes returned to the individual to enable them to either bury or have them as they wish.

**Deputy R.G. Le Hérissier:**

Have you done any estimate of how much - in the unlikely event - relocation would cost?

**Major S. Coleman:**

We have looked at it but it is very hard because there are a number of factors obviously that come straight to mind. With new planning laws it would be, I think, very difficult to find a site because, again, you are talking about the destruction of organic material and that is very awkward and very costly. Even though you can pay substantial sums of money, £250,000, and have the latest equipment as defined by EU (European Union) standards - perception I think is the hardest thing with any crematorium facility - people have a perception of no matter how good you tell them it is they are prejudging the situation. I would expect if we had to move we would be looking at somewhere in the region of about £250,000. But whether or not you would get planning to relocate would be the first step and clearly, as it stands currently, the crematorium was moved out of town to Trinity, being the logical place for it to be. Over its life improvements have been made to it. Clearly, as a society, we wish to remain there because it does offer a very peaceful and tranquil setting and people do come to witness their pets final moments. It also, I believe, is as far away as you can get from close human habitation.

**Deputy A. Breckon:**

Regarding the checklist specifications in the acceptable standard, has there been any appraisal of that or is it just an ongoing thing?

**Major S. Coleman:**

It is ongoing. We have conformed to the standards as laid down in the Society in the United Kingdom which talks about pet cremation facilities. Those standards are not as rigorous as human cremation. We try to ensure that we maintain those standards. Locally I am not aware of any specific legislation that the pet crematorium has to operate in terms of temperatures, in terms of size and weight. There may be some but I have yet to come across them.

**Deputy A. Breckon:**

Has anybody else done any assessment of that? Transport and Technical Services? Has anybody

suggested it is past its sell by date or anything like that?

**Major S. Coleman:**

Yes, I had meeting with Transport and Technical Services. As the committee is probably well aware, currently at the abattoir carcass disposal is an issue for the Island where it currently is frozen and then shipped back to the UK for destruction. There is talk by Transport and Technical Services to try and save the Island money and establish a carcass incineration plant, as to where I am not quite sure. They have approached the Society and myself to see as to what our views would be on that. I have to say here and now carcass disposal is not what we do, that is a totally separate function. Whether or not something could be co-located, I think there is probably room for discussion and advisement. But it is very different carcass disposal to pet cremation. Certainly in the United Kingdom, looking at societies similar to ourselves, I have yet to find anywhere where there is a co-location in operation. That is not saying that it could not be done but it is something that most people see as very different, when they want their pet cremated they do not want perhaps to go to somewhere where something has been destructive. Although, again, it is the perception really.

**Deputy A. Breckon:**

Have any costs been discussed, Steve, about that? About what the costs might be to the association?

**Major S. Coleman:**

Not in any detail at all. From the meeting with Transport and Technical Services, I do not believe they have got costings for the carcass disposal or destruction unit in train before looking at whether or not we would be co-located or in fact could be co-located.

**Deputy A. Breckon:**

Would you see that being an objection of the association to any co-locating it required because of the sensitivity of it?

**Major S. Coleman:**

I think it could be co-located providing there was ascetic delineation, but how that would be brought into practice I think would require quite detailed discussion and negotiation. Certainly there are many members of the society who would be very unhappy with a crematorium facility being next co-located with a carcass destruction facility.

**Deputy A. Breckon:**

Can you tell us if you pay any rent for the current facility?

**Major S. Coleman:**

No, we do not. The move from 89 St. Saviour's Road to Howard Davis Farm was done by Peter Bastion, who was then the Chief Officer, under delegated powers and it was dead land as far as - no pun intended there - the farm was concerned and therefore it was given to us as a small piece of land to enable this vital function to be carried out. I have to say that, perhaps the committee is unaware, not only do we cremate pets but also there is quite a lot of wildlife and we take wildlife from all the veterinary surgeries around the Island that are brought in, that cannot be saved, that sadly are put to sleep, and they are cremated at our facility as well. So it is not just individuals coming to the society, it is people that go to the veterinary surgeries, we do that for all the practices on the Island, so it is quite an ongoing daily activity for us. Also my manager who runs the facility is a qualified cremator and, you know, it does take time to burn bodies - without putting too fine a point on it - an 89 kilo animal does take 3 or 4 hours to burn properly. It is quite an art. I have been there and witnessed it. A 30 kilo animal -- it takes time. There are many, many animals of that weight in the Island. They are not all just small cats and parrots.

**Deputy A. Breckon:**

Can I just ask, Steve, you do that on a commercial basis with veterinary practices, do you?

**Major S. Coleman:**

We do. It is seen as a source of funding. As I alluded to earlier, 99 per cent of our funds are from public subscription and therefore this is one area where we look to try and offset our costs.

**Deputy A. Breckon:**

Have you any idea what sort of income would come from that?

**Major S. Coleman:**

Yes, I can tell you the income for last year from audited accounts was £65,000.

**Deputy A. Breckon:**

So quite substantial in your --

**Major S. Coleman:**

It is a substantial amount of our revenue.

**Deputy A. Breckon:**

Who owns the building?

**Major S. Coleman:**

I would say we do.

**Deputy A. Breckon:**

Would everybody agree with that?

**Major S. Coleman:**

In the Society, yes. Whether it would be tested in a court of law over how the land was allowed to us I would not really be able to comment.

**Deputy A. Breckon:**

Is the land still in public ownership?

**Major S. Coleman:**

I believe so.

**Deputy A. Breckon:**

It is. Can you remember who built it? Was it the association?

**Major S. Coleman:**

I would need to look that up.

**Deputy A. Breckon:**

Do you have any lease, even though you do not pay any rent? Is there a lease agreement or a service level agreement?

**Major S. Coleman:**

No, there was a letter from Peter Bastion to the then President agreeing the move and the land.

**Deputy A. Breckon:**

That is sort of the thing that makes it work?

**Deputy R.G. Le Hérissier:**

Sorry, Steve, if I can return to what I was asking you. If, for the sake of argument, a move was necessary, can the facility, so to speak, be rescued in part? Can you rescue some of the machinery and move it?

**Major S. Coleman:**

I think anything is possible. But I would assume because of the age and if you are going to move and have a new build you would be better off saying: "We will close this facility down. The new build will

have the latest equipment.” Because that is the best way to upgrade. It would be wrong to take functioning equipment that is -- when looking to the future one always wants to have the best you can. I think if you are going to move then you would like ideally to have the best equipment. I would be against taking equipment from there because, again, like all cremating facilities they are built in situ and they do not take kindly to being moved about. So you can end up incurring greater costs, because of the fire bricking and the ceiling, by trying to move it 2 or 3 miles rather than building a brand new cremating facility.

**Deputy R.G. Le Hérissier:**

If I can just clarify that, if you would, Steve. Can you clarify how old the cremator is and does it comply with acceptable standards, present day standards, and best practice?

**Major S. Coleman:**

Yes, it does.

**Deputy A. Breckon:**

It is about 10 years old?

**Major S. Coleman:**

The building is but the cremators themselves were heavily refurbished 18 months ago at a cost of over £30,000 to the Society.

**Deputy R.G. Le Hérissier:**

When they were refurbished, Steve, was there any understanding that your position at Trinity would not be disturbed for the foreseeable future?

**Major S. Coleman:**

No, the first time the Society was aware of it really, in terms of there must be a move, was a debate in the States' Chamber, which there is a transcript - I think it was 24th June this year - where it was mentioned that the dairy could go to Howard Davis Farm but there is a small problem with the JSPCA animal cremation facility and if that had to move somebody would have to bear the cost.

**Deputy A. Breckon:**

It must be of real concern to the Society, Steve, the cost?

**Major S. Coleman:**

Well, yes, it is because clearly we are in the business of looking after animals not spending donations to move unless we absolutely have to. Equally the move from 89 St. Saviour's Road to Trinity was done



for the best possible reasons. Speaking as the Chief Executive, I cannot see any justification for the cremation facility to be moved.

**The Deputy of Trinity:**

Just to confirm something, the site of the dairy would include where you are now?

**Major S. Coleman:**

No, my understanding is that under best practice the dairy would have difficulty operating its variety of food lines in such close proximity to a cremation facility. I have asked for documentary evidence of that from the dairy but I have had nothing back - and from Transport and Technical Services - as to why we would have to move. Nobody has managed to, as yet, find me something, a piece of legislation, that says: "You cannot do this."

**The Deputy of Trinity:**

You have not found anything from your side?

**Major S. Coleman:**

I have not, no. I would expect it depends predominantly on what outside legislation you look at regarding your best practice. Clearly I would think there must be some EU legislation which is very anti, because they do not like co-location, they like to have things very separate because of their strictures. I would expect that, looking at the best practice, it is not ideal to have a food production facility, which milk is, and cremation of animals.

**Deputy A. Breckon:**

So they would question it is a bad neighbour?

**Major S. Coleman:**

Yes. In simplistic terms, yes.

**The Deputy of Trinity:**

How far away would you be?

**Major S. Coleman:**

Again, it would depend on the size of how big the dairy is and where they put their administration buildings. It is quite a difficult question to answer because even the plans that they drew up, of course, could be changed. I would have thought we would be at least 150 metres from any food production facility. I would also expect that facility to be fully enclosed. So, again, it would be hard for me to see how the destruction of animals would interfere with their facility. I would have thought the modern

micro dairy would use some form of over pressure system to ensure that bacteria could not get in when they are carrying out their homogenisation and pasteurisation processes, for milk as well as cheese and other products that they produce. So, I cannot see how -- if one looks at the worst possible case as a risk assessment, I suppose what the dairy is saying is that if a burner fails doing a part cremation there is a potential possibility that the chimney may have some form of ejector that could be, in an extreme, detrimental to what they doing. But my counter to that would be: "Well, surely you will be fully enclosed and you will have some form of over pressure system because you are keen to keep any form of infection to the minimum. Therefore to enable that type of material to be ingested into your factory would be -- if you had over pressure it would not happen because it would be burnt away." But I do not know. That is just my personal opinion on the experience I have got.

**The Deputy of Trinity:**

So you are hoping that you would be able to stay there?

**Major S. Coleman:**

Absolutely.

**The Deputy of Trinity:**

If you meet all the EU regulations and --

**Major S. Coleman:**

Well, as it stands so far nobody has said we do not. Certainly I am not aware of any local legislation which the States have enacted that would prevent us from continuing.

**The Deputy of Trinity:**

Have you got a garden of remembrance up there?

**Major S. Coleman:**

We would like to have a garden of remembrance and there is an area alongside the cremation facility which used to be a fruit garden, which has fallen into some disuse. Once this difficult time for us is over, that is something we will be -- I have already spoken to Chris Newton about it and will speak to him again, because it would be very nice to do so. We have an avenue which is lined down to the facility. It would be nice to have a little garden for people who do show up just to wait before they are given the casket and they go away.

**Deputy A. Breckon:**

A question I would like to ask you was what was the consultation process that took place before the reports and propositions were before the States? Did anyone come to you and advise you or ask you or

whatever?

**Major S. Coleman:**

I believe there was one meeting which was very, very brief and there was nothing until I raised the issue with the dairy.

**Deputy A. Breckon:**

So you were probably told rather than consulted?

**Major S. Coleman:**

I believe so, but it was before my time as Chief Executive so it is difficult for me to answer.

**Deputy A. Breckon:**

There is nothing documented about anybody writing to you or asking you or seeking your opinion or --

**Major S. Coleman:**

No, none whatsoever.

**Deputy A. Breckon:**

-- inquiring about how this would affect your financially?

**Major S. Coleman:**

None whatsoever, until I raised it with the dairy. I raised with the dairy and TTS (Transport and Technical Services) when I saw the proposition in June that talked about us moving because nobody had said anything to me.

**Deputy A. Breckon:**

Nobody had given you the courtesy of saying this might happen, how does this affect you, what would you like to say? You were not given that opportunity?

**Major S. Coleman:**

Not really, no.

**Deputy A. Breckon:**

We would like to think that this process has enabled that to happen.

**Major S. Coleman:**

I think since June we have had a number of meetings which have been very beneficial. I have certainly

informed both TTS and the dairy that we are not going anywhere unless we have somewhere to go to because we moved in good faith, we have operated -- we have not been a bad neighbour. Certainly RJAHS (Royal Jersey Agricultural and Horticultural Society) who are our closest neighbour - they are about 85 metres from the building - have ever complained. Certainly the houses which are just south of Springside, who are about 400 metres from us, have never complained. I do believe historically there have been a couple of complaints from the farm itself, from employees, but that is about as far as it goes. I would say, by and large, the site is - in terms of a footprint - about as remote from people as you can get really. It is very fortuitous where it is.

**Deputy S.C. Ferguson of St. Brelade:**

Do you use it every day?

**Major S. Coleman:**

It is used everyday.

**The Deputy of Trinity:**

Between 9.00 a.m. and 5.00 p.m.?

**Major S. Coleman:**

It depends on the - dare I say - workload. If there are some larger animals to be cremated then we start early because it takes time. Sometimes we can be starting there sort of 8.00 a.m. We always try to finish around about 4.00 p.m. because obviously you do not want to cause any undue disturbance. Sometimes we do operate on a weekend if there has been a lot of death. That is the problem with it again, you have no control over how many creatures die unfortunately.

**Deputy A. Breckon:**

It is a single cremator, Steve?

**Major S. Coleman:**

Two, they will have 2 in there.

**Deputy K.C. Lewis of St. Saviour:**

What was the nature of the complaints and/or disturbances?

**Major S. Coleman:**

From the farm was one of smell, which is very difficult to substantiate. As far as my operators are concerned there is not any smell. I have been there myself and taken part in the cremations - as a trainee for want of a better word - and it is very hard --

using the experience that he has as a qualified cremator, there is no smell. Again, going back historically possibly, somebody got it a little bit wrong perhaps when he was holiday. There might have been the odd day or so when things perhaps might not have been as right but certainly in my time there has been no question of any bad neighbourism.

**Deputy K.C. Lewis:**

So, theoretically, if you had to move 5 miles or 10 feet, it is still going to cost £250,000 minimum, is it not? Apart from the actual burners there is not much you can salvage.

**Major S. Coleman:**

No. If one had to move possibly there may be options, depending on what TTS are going to do, to buy from the same company that is going to make their burners so there might be economies of scale there. There may be an option to have different fuelling which could break down. But really we as a society have not looked and spent huge amounts of time until we know what the outcome is because, of course, it is a lot of time and effort to bring together a formal document and a tender document and then put it out to tender if you then discover a little bit further down the line that you do not need to. So we have looked at very broad figures which we feel is fair.

**Deputy A. Breckon:**

Anybody got anything else?

**The Deputy of Trinity:**

Has there been any suggestion that you could be located to Bellozane?

**Major S. Coleman:**

That, I believe, is where TTS would like their carcass disposal unit, but I understand when Energy From Waste moves there was an undertaking, I believe, given that there would be no further destruction in Bellozane Valley.

**Deputy K.C. Lewis:**

Is there an emotive issue there as well?

**Major S. Coleman:**

I think that is very fair, Deputy, to say that. Yes, carcass disposal, cremation, as I was saying earlier, whether or not you perhaps have the best equipment, the most latest, people naturally will have a preconceived idea because they know what is happening. I often think that, you know, psychosomatic is a reality for a lot of people. I think you would have that issue, whether or not the carcass disposal does go to Bellozane I really do not know.

**Deputy A. Breckon:**

Steve, thank you for attending and answer our questions. Just finally I would ask if there is anything you would like to say that we have not covered for the benefit of the Society in the procedure and anything else that you may wish to add?

**Major S. Coleman:**

I do not think so other than, obviously, the Society will take whatever decisions are made but I do feel that it would be wrong for the society to be forced to incur costs because there has not been a fully thought out and structured process. I do not personally believe that looking at perhaps what the dairy is looking to do that we do have to move. Yes, we may be a bad neighbour but we are not alone in that particular area. I think perhaps people have looked at a very draconian solution rather than one that might be suitable for both parties.

**The Deputy of Trinity:**

Something to ask Andrew this afternoon, I think.

**Deputy A. Breckon:**

Well, thanks for your time, Steve, anyway.

**ADJOURNMENT**