

Council of Ministers

(13th Meeting)

18th October 2022

Part A (Non-Exempt)

All members were present, with the exception of Deputy K.F. Morel of St. John, St. Lawrence and Trinity, Minister for Economic Development, Tourism, Sport and Culture, Deputy P.F.C. Ozouf of St. Saviour, Minister for External Relations and Financial Services and Deputy H.M. Miles of St. Brelade, Minister for Home Affairs, from whom apologies had been received.

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter, Chief Minister
Deputy C.F. Labey of Grouville and St. Martin, Minister for International Development
Deputy I. Gardiner of St. Helier North, Minister for Children and Education
Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter, Minister for Treasury and Resources
Deputy D.J. Warr of St. Helier South, Minister for Housing and Communities
Deputy J. Renouf of St. Brelade, Minister for the Environment
Deputy H.L. Jeune of St. John, St. Lawrence and Trinity, Assistant Minister for Home Affairs
Deputy M.E. Millar of St. John, St. Lawrence and Trinity, Minister for Social Security
Deputy T.J.A. Binet of St. Saviour, Minister for Infrastructure
Deputy K.M. Wilson of St. Clement, Minister for Health and Social Services
Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, Assistant Minister for Economic Development, Tourism, Sport and Culture

In attendance -

Connétable A.N. Jehan, Connétable of St. John, Assistant Chief Minister
M.H. Temple, K.C., H.M. Attorney General
S. Wylie, OBE, Chief Executive and Head of the Public Service, Government of Jersey
R. Bell, Treasurer of the States
C. Madden, Chief of Staff, Office of the Chief Executive (for items A4 and B2 only)
T. Walker, Director General, Strategic Policy, Planning and Performance Department
P. Austen, MBE, Chairman, Jersey Electricity (for items A5 and B3 only)
C. Ambler, Chief Executive, Jersey Electricity (for items A5 and B3 only)
K. O'Neill, Non-Executive Director, Jersey Electricity (for items A5 and B3 only)
R. Summersgill, Comptroller of Taxes, Treasury and Exchequer (for item B1 only)
T. Holvey, Chief Economic Adviser, Office of the Chief Executive (for items A5 and B3 only)
A. Hacquoil, Group Director, Strategic Finance, Treasury and Exchequer (for item A2 only)

Dr. L. Magris, Acting Group Director, Strategy and Innovation, Strategic Policy, Planning and Performance Department (for items A5 and B3 only)
M. White, Head of Strategic Communications, Office of the Chief Executive
P. Bradbury, Head of Ministerial Office
M. Gavet, Head of Risk, Treasury and Exchequer (for item A4 only)
A. de Bourcier, Head of Environmental and Consumer Protection, Infrastructure, Housing and Environment Department (for item A3 only)
C. Maffia, Regulations Standards Manager – Food and Public Health, Infrastructure, Housing and Environment Department (for item A3 only)
K.L. Slack, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes. A1. The Minutes of the meetings of the Council of Ministers of 6th September (Part B only), 8th September (Part A only) and 27th September 2022 (Part B only), having previously been circulated were taken as read and were confirmed.

Government Plan 2023-2026 Annex. A2. The Council of Ministers, with reference to Minute No. B1 of its meeting of 27th September 2022, recalled that it had approved the Government Plan 2023-2026 ('the Plan'), subject to certain amendments and had been informed that the Annex thereto would be ready for publication approximately 2 weeks after the Plan had been lodged '*au Greffe*'.

The Council accordingly received and noted the draft Government Plan 2023-2026 Annex, which contained the supporting information for the Plan and was divided into 3 parts as follows –

- supplementary financial tables;
- departmental financial information; and
- the summary narrative in relation to revenue expenditure growth contained in the Government Plan.

Having discussed various figures contained within the Annex, the Council approved the same and delegated authority for final sign off to Deputies K.L. Moore and I.J. Gorst of St. Mary, St. Ouen and St. Peter, Chief Minister and Minister for Treasury and Resources.

Draft Food (Jersey) Law 202-. A3. The Council of Ministers received and noted a report, dated 12th October 2022, entitled 'draft Food (Jersey) Law 202-' ('the draft Law'), a copy of the draft Law and an accompanying PowerPoint presentation and heard from Ms. A. de Bourcier, Head of Environmental and Consumer Protection and Ms. C. Maffia, Regulations Standards Manager – Food and Public Health, Infrastructure, Housing and Environment Department, in relation thereto.

The Council was informed that the extant legislation relating to food safety, the Food Safety (Jersey) Law 1966 was outdated. Since its introduction there had been significant changes in the manufacturing techniques, processing, delivery, storage, cooking and presentation to the consumer of food. In August 2019, the former Minister for the Environment had undertaken an extensive public consultation on the draft Law and had sought the views of food business owners, employees, consultants and members of the public. Consultation had taken place via an online survey, public briefings, meetings with industry representatives and written communications. The final report had been published in February 2020 and the majority of respondents had indicated that they were supportive of the draft Law.

Progress on the draft Law had been delayed due to the COVID-19 pandemic and the deployment of Environmental Health Officers to establish the Contact Tracing Team. However, this hiatus had afforded officers additional time to ascertain how Brexit was progressing in the United Kingdom. In December 2020, the States Assembly had approved Regulations to protect Jersey's position at the end of the Brexit transitional period. Those Regulations had implemented Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

The next step would be to lodge the draft Law to introduce an important regulatory framework surrounding food safety, security and standards. The Council was informed that the draft Law was comprehensive and would –

- cover fixed and movable premises, non-exempt vessels and commercial operations;
- include imports and exports to facilitate trade;
- formalise hazard analysis critical control point ('HACCP') principles, which were noted to be a food safety management system designed to improve standards;
- allow for secondary legislation through Regulations and Orders; and
- facilitate a graduated approach to improvement through the use of formal notices.

It was noted that the draft Law had been crafted in such a way that any emerging pathogens, innovative food production techniques, novel foods or initiatives on the disposal of waste food could be regulated with greater ease.

The Council noted the position and approved the lodging of the draft Law '*au Greffe*' for debate by the States Assembly in due course.

Overview of
the review of
enterprise risk
management
and top
Departmental
risks.

A4. The Council of Ministers received and noted a report, dated 13th October 2022, entitled 'Overview of the review of enterprise risk management and top Departmental risks' and an associated PowerPoint presentation, which had been prepared by Ms. C. Madden, Chief of Staff, Office of the Chief Executive and Mr. M. Gavet, Head of Risk and heard from them in connexion therewith.

It was recalled that, in September 2017, at a time when risk management maturity within Government had been low, the Comptroller and Auditor General ('CAG') had published a review of risk management, which had included 18 recommendations. A report into a follow-up review had been released on 7th October 2022, during which the CAG had considered arrangements at the corporate level as well as at departmental level. In considering departmental arrangements she had reviewed 3 specific Departments *viz* Health and Community Services, the Chief Operating Office and the Probation and After-Care Service. The review had evaluated the following –

- the arrangements established to manage and monitor the implementation of the recommendations contained in the 2017 report;
- the progress made by Government in implementing the agreed recommendations;
- the effectiveness of corporate arrangements for managing risk. These included arrangements for escalation of risks from Departments and from other bodies whose accounts are consolidated in the financial statements of the States; and
- the effectiveness of arrangements for risk management within Departments.

The follow-up review had concluded that risk management in the States of Jersey had continued to develop since the 2017 CAG Report. Of the aforementioned 18 recommendations, 11 had been fully implemented, 3 had not been implemented and the remaining actions had been partially implemented. Risk management arrangements had been enhanced, including the appointment of a Head of Risk, a new Enterprise Risk Management system had been implemented and a new Risk Management Strategy, which aligned with best practice, had been launched in 2019 and updated in 2022. Corporate risk information was provided to the Executive Leadership Team ('ELT'), the Risk and Audit Committee and the Council. Risk was referred to in the Government Plan, but further work was required to ensure consistency in approach and to clarify the role of the Corporate Risk Register.

As the risk and performance culture continued to advance, it was believed that the prioritisation of resources would improve, leading to improved targeting and more proactive management to deliver efficient, safe and quality services which provided good value for money. Effective implementation of the Risk Management Strategy and of the recommendations in the 2022 report would be key to embedding risk management as an integral tool of management. Ms. Madden informed the Council that she considered the 2022 report to be fair and that the observations with respect to corporate risk and the need for a consistent approach across the organisation were accepted.

The Council was apprised of the Enterprise Risk Management Framework, which comprised 3 levels of risk from community risks at level 1, to corporate risks and thence departmental risks at level 3, all of which were linked through a strategic golden thread enabling them to inform one another. The Chief of Staff emphasised the importance of politicians being involved in risk management and indicated that training would be provided in the Risk Management System, which had been developed by a supplier in Guernsey and was being embedded and would ultimately incorporate the new Community Risk Register, which was being drawn up.

The Council was informed by Mrs. S. Wylie, OBE, Chief Executive and Head of the Public Service, Government of Jersey, that the Community Risk Register would be overseen by the Emergencies Council and could include some risk 'owners' who were outside Government. However, all of the owners of the corporate risks would be within Government and it was anticipated that the owners of the departmental risks would be the relevant Accountable Officers. It was noted that the integrated technology solution programme ('ITS') was included in the project risk register, but it was acknowledged that it should also be identified as a corporate risk.

The Chief of Staff recognised that further work was required between the ELT and the Council of Ministers on the corporate risks and this had been identified by the CAG. Accordingly, it was intended to organise a workshop for Ministers to agree which risks they wished to target and the 7th November was mooted as a possible date. The Chief Executive agreed that it was important for the Council to be confident that the Corporate Risk Register contained those issues on which it wished to focus.

Ministers noted the lack of consistency in scoring risks across various Departments – with regard to recruitment and retention of staff as an example - and the Head of Risk agreed that further work was required to attain the level required by the CAG but referenced the progress that had been made over the foregoing 2 years.

The Council thanked the Chief of Staff and Head of Risk for the briefing and noting that the CAG had identified that completion of the work on the Competency Framework - including a reference to risk management as a core competency –

should be prioritised, agreed that this should be drawn up in consultation with the Connétable of St. John.

Jersey
Electricity
Limited –
update.

A5. The Council of Ministers, with reference to Minute No. B1 of the meeting of 4th May 2022 of the Council, as previously constituted, welcomed Mr. P. Austen, MBE, Chair, Mr. C. Ambler, Chief Executive and Ms. K. O'Neill, non-Executive Director, Jersey Electricity to the meeting and received and noted a PowerPoint presentation entitled 'Jersey Electricity – inspiring a Zero Carbon future'.

The Council was informed that Jersey Electricity was a fully integrated, low-carbon energy company. It had been established in 1924 and had originally been located at the Albert Pier. In 1964, it had been listed on the London Stock Exchange in order to fund the construction of La Collette Power Station. The Government of Jersey owned the majority of the shares (62 per cent), worth approximately £100 million, with the remaining 38 per cent of shares held by private individuals. It was governed by the Electricity (Jersey) Law 1937, the Competition (Jersey) Law 2005 and the rules of the London Stock Exchange.

The company's objective was to deliver an affordable, secure and sustainable supply of energy at the current time and into the future and it could be challenging to deliver these 3 things simultaneously ('the trilemma'). Jersey Electricity's vision was to enable life's essentials and inspire a zero-carbon future and its strategy was to import low-carbon energy, supported by on-Island back up and to facilitate on-Island renewables as and when these became viable. In order to help customers, Jersey Electricity was focusing on energy efficiency and investing in digital technology, such as the energy-saving App which had been downloaded 16,000 times over the foregoing 18 months and enabled people to see where energy was being consumed, set targets and receive notifications. In the future, the company would continue to focus on helping customers and increasing support for energy efficiency. It wished to continue strong collaboration with officers from within Government in order to assess market risk and explore potential mitigations and would engage in ongoing briefings with officers on various other subjects, such as the Carbon Neutral Roadmap.

The company proposed that it should provide regular quarterly briefings to the Council of Ministers - as the Government rather than the majority shareholder in Jersey Electricity - on the market position and other strategic areas of focus, as it was anticipated that the situation would become more challenging post 2023 and tariff increases were likely. Accordingly, it would be important to establish a regular dialogue in order to ascertain how these could be mitigated.

The Council noted the position and thanked the representatives from Jersey Electricity for attending.