

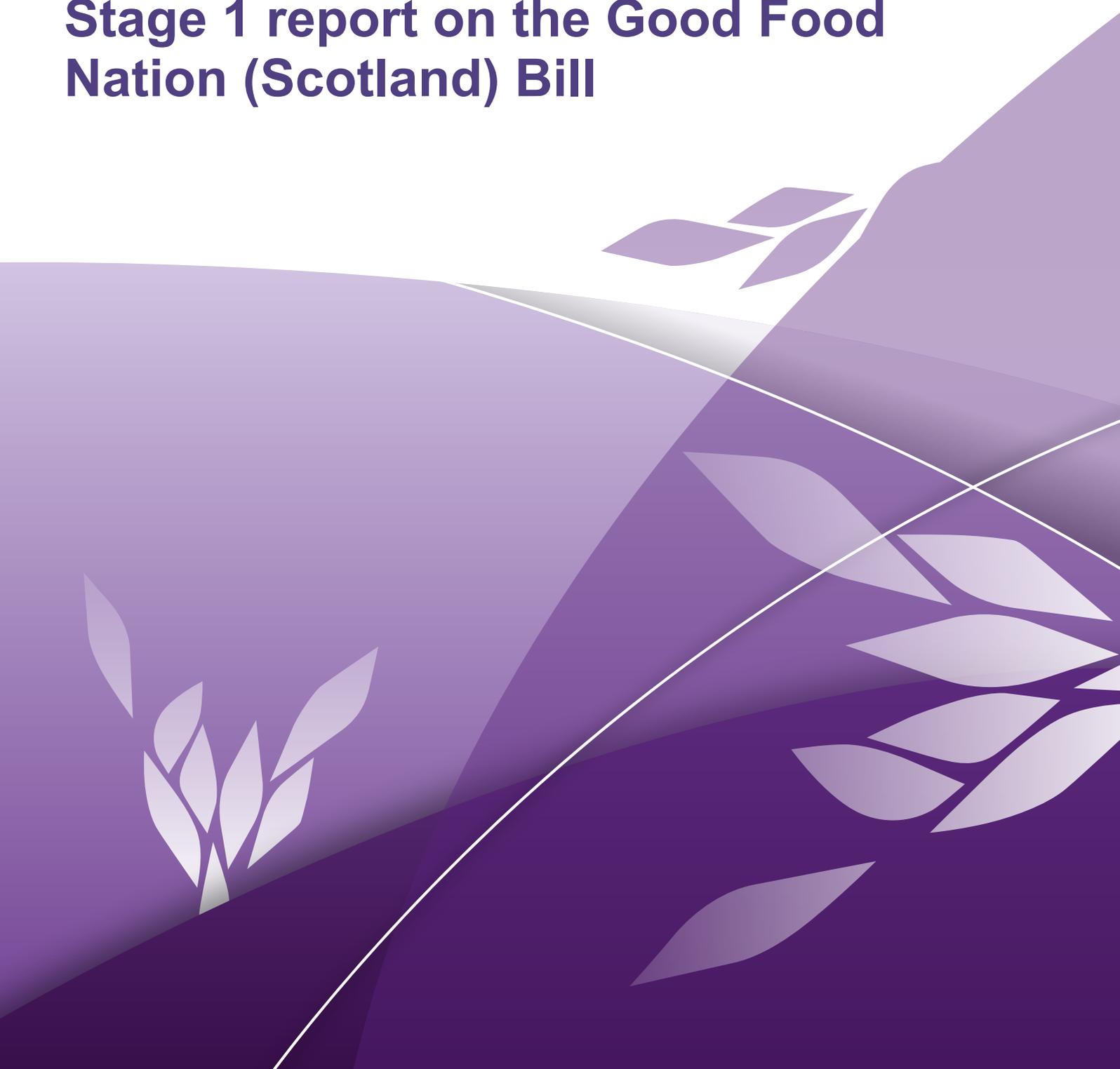


The Scottish Parliament  
Pàrlamaid na h-Alba

Published 17 March 2022  
SP141  
3rd Report, 2022 (Session 6)

## **Rural Affairs, Islands and Natural Environment Committee**

# **Stage 1 report on the Good Food Nation (Scotland) Bill**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

---

All documents are available on the Scottish Parliament website at:  
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:  
Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

<b>The bill</b>	<b>1</b>
<b>Stage 1 scrutiny</b>	<b>3</b>
<b>Consideration by other committees</b>	<b>4</b>
<b>Framework legislation</b>	<b>6</b>
<b>National good food nation plan</b>	<b>8</b>
Section 1 – requirement on the Scottish Ministers to produce a good food nation plan	8
Section 2 – preparation of plan: consultation	15
Section 3 – preparation of plan: consideration of international instruments	17
Section 4 – effect of plan	17
Section 5 – reporting	22
Section 6 – review and revision of plan	23
<b>Good food nation plans of public bodies</b>	<b>24</b>
Section 7 – requirements to produce plans	24
Section 8 – preparation of relevant authorities’ plans: consultation	31
Section 9 – preparation of relevant authorities’ plans: consideration of national plan	31
Section 10 – effect of relevant authorities’ plans	32
Section 11 – reporting	33
Section 12 – review and revision of plans	34
Sections 13 to 18 – interpretation, ancillary and commencement provisions	34
<b>Costs</b>	<b>36</b>
<b>Conclusion</b>	<b>40</b>
Annexe: Extract of minutes	40

# **Rural Affairs, Islands and Natural Environment Committee**

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.



[rural.committee@parliament.scot](mailto:rural.committee@parliament.scot)

# Committee Membership



**Convener**  
**Finlay Carson**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Beatrice Wishart**  
Scottish Liberal  
Democrats



**Karen Adam**  
Scottish National Party



**Alasdair Allan**  
Scottish National Party



**Ariane Burgess**  
Scottish Green Party



**Jim Fairlie**  
Scottish National Party



**Rachael Hamilton**  
Scottish Conservative  
and Unionist Party



**Jenni Minto**  
Scottish National Party



**Mercedes Villalba**  
Scottish Labour

# The bill

1. The bill was introduced in the Scottish Parliament on 7 October 2021 by Mairi Gougeon, Cabinet Secretary for Rural Affairs and Islands.
2. The policy memorandum (PM) published to accompany the bill states that the purpose of the bill is “to provide for the Scottish Ministers and certain other public authorities to produce good food nation plans and to make provision as to the effect of those plans, namely that the Scottish Ministers and specified public bodies must have regard to the plans when exercising certain functions”.
3. The PM goes on to state that the bill’s main policy objectives are—
  - to underpin the work that is already being done across the Scottish Government to contribute to the aim of being a Good Food Nation; and
  - to ensure that the Scottish Ministers and certain other public authorities provide a clear lead on the delivery of a Good Food Nation.
4. The PM states that the good food nation policy recognises that change was required to achieve this vision, in which:
  - it is the norm for Scots to take a keen interest in their food, knowing what constitutes good food, valuing it and seeking it out whenever they can;
  - people who serve and sell food – from schools to hospitals, retailers, cafes and restaurants – are committed to serving and selling good food;
  - everyone in Scotland has ready access to the healthy, nutritious food they need;
  - dietary-related diseases are in decline, as is the environmental impact of our food consumption;
  - Scottish producers ensure that what they produce is increasingly healthy and environmentally sound;
  - food companies are a thriving feature of the economy and places where people want to work; and
  - other countries look to Scotland to learn how to become a Good Food Nation.
5. Information about the background of the bill is set out in the PM.<sup>i</sup> Further and more detailed information about the bill’s provisions is set out in the SPICe bill briefing.<sup>ii</sup>

---

i Good Food Nation (Scotland) Bill, Policy Memorandum. Available at: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/good-food-nation-scotland-bill/introduced/policy-memorandum-accessible.pdf>

ii SPICe bill briefing, The Good Food Nation (Scotland) Bill, published 17 December 2021, available at: <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2021/12/17/a205d14c-249f-410a-a405-6b170ce68389>

6. In her opening comments, the Cabinet Secretary set out her understanding of what a good food nation would look like—

” “In essence, a good food nation is one in which everyone is knowledgeable about food, knows where their food comes from and appreciates it. It is vital that people can access healthy, locally produced food that is produced in an environmentally sustainable way. It is about access to that knowledge and understanding. Everybody in Scotland should have a right to that.”<sup>iii</sup>

---

<sup>iii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 3. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/RAINE-23-02-2022?meeting=13598&iob=123433>

## Stage 1 scrutiny

7. The Parliamentary Bureau referred the bill to the Committee for Stage 1 scrutiny on 26 October 2021. The Committee considered and agreed its scrutiny approach on 3 November 2021.
8. The Committee launched a call for views on the bill on 5 November 2021 and received 66 responses.<sup>iv</sup> The Committee agreed a series of evidence sessions, exploring both the bill's provisions and stakeholders' views and expectations for the good food nation plans themselves. Further information about the Committee's oral evidence sessions can be found in Annexe A and on the Committee's web pages.<sup>v</sup>
9. The Committee also received video evidence from Professor Michael Fakhri, UN Special Rapporteur on the Right to Food.<sup>vi</sup>
10. The Committee thanks all respondents for their written evidence and witnesses for giving evidence.
11. Although the scope of the bill relates to a requirement to consult on, and publish, a good food nation plan, the Committee agreed it would use its Stage 1 scrutiny to take a broader range of evidence around perceptions on what is meant by a 'good food nation'. In this way, the Committee's scrutiny has extended beyond the provisions of the bill and the proposed good food nation plans. The Committee undertook this work on the basis that it would inform future scrutiny of the Scottish Government's, and relevant authorities', development of their good food nation plans, if the bill is passed.

---

<sup>iv</sup> Rural Affairs, Islands and Natural Environment Committee, published responses on the Good Food Nation (Scotland) Bill, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/published\\_select\\_respondent](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/published_select_respondent)

<sup>v</sup> Rural Affairs, Islands and Natural Environment Committee, Good Food Nation (Scotland) Bill stage 1 inquiry web page, available at: <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/business-items/good-food-nation-scotland-bill>

<sup>vi</sup> [Video evidence from Professor Michael Fakhri. UN Special Rapporteur on the Right to Food](#)

# Consideration by other committees

## Consideration by the Finance and Public Administration Committee

12. A financial memorandum (FM), setting out the costs expected to be associated with implementing the bill, was published to accompany the bill.
13. As with all bills, the Finance and Public Administration Committee invited written evidence on the FM and five responses were received.<sup>vii</sup>
14. The Finance and Public Administration Committee agreed to forward the submissions received to the lead committee and to take no further action itself.

## Consideration by the Delegated Powers and Law Reform Committee

15. The bill confers seven powers to make subordinate legislation on the Scottish Ministers<sup>viii</sup> and a delegated powers memorandum (DPM)<sup>ix</sup> was published to accompany the bill.
16. The DPM was considered by the Delegated Powers and Law Reform Committee (DPLRC) which reported on the bill on 2 February 2022.<sup>x</sup> The DPLRC's conclusions and recommendations are reflected in the main body of this report.

## Consideration by other committees with a remit interest in the good food nation plans

17. The Committee wrote to three other committees with a remit interest in the good food nation plans – the Equalities, Human Rights and Civil Justice Committee,<sup>xi</sup> the Health, Social Care and Sport Committee<sup>xii</sup> and the Local Government, Planning and Housing Committee<sup>xiii</sup> – inviting them to provide any relevant comments to the Committee's stage 1 inquiry.

---

vii Finance and Public Administration Committee, published responses on the FM, available at: [https://yourviews.parliament.scot/finance/good-food-nation-bill-fm/consultation/published\\_select\\_respondent](https://yourviews.parliament.scot/finance/good-food-nation-bill-fm/consultation/published_select_respondent)

viii Powers for the Scottish Ministers to make subordinate legislation are included at—s3(3) – power to modify the list of international instruments; s4 – power to specify functions or functions of a specified description for the national good food nation plan; s7(2)(c) – power to specify additional relevant authorities; s7(3)(b) – power to specify the period in which an additional relevant authority is required to publish a good food nation plan; s10 – power to specify functions or functions of a specified description for relevant authorities' good food nation plans; s15 – power to make ancillary provision; and s17(c) – power to commence provisions.

ix Good Food Nation (Scotland) Bill, delegated powers memorandum, available at: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/good-food-nation-scotland-bill/introduced/delegated-powers-memorandum-accessible.pdf>

x Delegated Powers and Law Reform Committee, 7<sup>th</sup> Report, 2022, published 2 February 2022, available at: <https://digitalpublications.parliament.scot/Committees/Report/DPLR/2022/2/2/51d767b4-f02b-48c6-8622-c3d0a377e50e#Introduction>

xi Letter from the Equalities, Human Rights and Civil Justice Committee, dated 4 February 2022, available at: <https://www.parliament.scot/chamber-and-committees/committees/>

---

[current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/the-good-food-nation-scotland-bill\\_letter-from-the-convener-of-the-ehrcj-committee](https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/the-good-food-nation-scotland-bill_letter-from-the-convener-of-the-ehrcj-committee)

xii Letter from the Health, Social Care and Sport Committee, dated 24 February 2022, available at: [https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill\\_letter-from-the-convener-of-the-hscsc](https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill_letter-from-the-convener-of-the-hscsc)

xiii Letter from the Local Government, Planning and Housing Committee, dated 8 February 2022, available at: [https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill\\_letter-from-the-convener-of-the-lghpc](https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill_letter-from-the-convener-of-the-lghpc)

## Framework legislation

18. The bill is a ‘framework bill’ – that is, it creates a governance structure around a particular topic in law – in this case, the legislation provides for the publication of good food nation plans but does not provide for any of the detail of the good food nation plans themselves. The Cabinet Secretary stated that, in terms of some of the specifics and details of what the plans could contain, “the bill is not the place for us to specifically set those out because, as I have outlined, it is a framework bill”.<sup>xiv</sup>

19. Many witnesses highlighted the value the bill would provide in bringing together strands of work around food. For example, the Food Foundation stated that—

” “The bill highlights the huge opportunity that there now is in Scotland to set out our ambitions for a food system that delivers the health, environmental and justice gains that we are all after. You have a unique opportunity with the bill to set out that purpose in a clear way that sets a north star for businesses and policy makers at a local and a national level, as well as civil society organisations. We know that change in the food system will take time and will require effort and iteration over several decades. The bill can set out that ambition and direction clearly.”<sup>xv</sup>

20. Other evidence received by the Committee argued there was a lack of detail around what the good food nation plans should contain. Around two-thirds of respondents to the Committee’s call for views felt that the bill should be clearer on its purpose and outcomes and many stakeholders raised serious concerns about what they saw as a lack of ambition for the legislation.

21. For example, the Scottish Human Rights Commission argued that “it is disappointing that the Bill is not framed in terms of the ambition to achieve a just transition to a fair, healthy and sustainable food system, and does not require that food plans set out the steps that will be taken to eradicate hunger and progressively realise the rights to food, health, equality, and a healthy environment”.<sup>xvi</sup>

22. Other respondents argued that the plans should provide for coherence and linkage across related plans, strategies and legislation. Scotland Excel, for example, stated the bill should enable “a coherent, consistent and strategic cross-government framework that guides future policy and practice on all aspects of the food system under the same umbrella (including land use, growing, harvesting, animal welfare, processing, procurement, marketing, selling, preparing, cooking and eating food and reducing and disposing of food-related waste)”.<sup>xvii</sup>

---

<sup>xiv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 18 and 20

<sup>xv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 26 January 2022, col. 3. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/RAINE-26-01-2022?meeting=13552&iob=122984>

<sup>xvi</sup> Scottish Human Rights Commission, written evidence, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?uuld=943969156](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?uuld=943969156)

<sup>xvii</sup> Scotland Excel written evidence, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&q\\_\\_text=excel&uuld=](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=excel&uuld=)

23. The Committee explored this issue further during its oral evidence with stakeholders. Nourish Scotland told the Committee the bill “is lacking in ambition and purpose”. It went on to argue that “we think that there is a historic opportunity to strengthen the bill and lay the foundation for a transformation of Scotland’s food system to create one that we can be genuinely proud of and which contributes to the sort of Scotland that we want to live in”.<sup>xviii</sup> The Scottish Food Coalition (SFC), a network of organisations working on food policy, also argued for greater clarity of purpose to be included on the face of the Bill.
24. The Committee discussed this issue with the Cabinet Secretary, who told the Committee-

” I have listened to the evidence and the concerns and views that people have expressed that the bill is too narrow in scope, but I come back to the fact that it is a framework bill that underpins the work that we are already doing. It puts the good food nation plans on a legislative basis. The plans will contain the detail.<sup>xix</sup>

**25. The Committee notes this is a framework bill which provides for a legal requirement to publish good food nation plans but does not make provision for the detail of the plans beyond the requirements set out in section 1(3) to (5). It acknowledges the concerns raised by the majority of stakeholders that the bill does not provide for more detail relating to either the purpose and direction of travel for Scotland’s food system or a coherent cross-government framework of food-related policies and legislation and their view that, to be effective, the bill should provide this detail.**

**26. The Committee notes and welcomes the Cabinet Secretary’s reassurances that the detail and scope called for by a significant number of those who gave evidence will be reflected in the draft good food nation plans. The Committee, therefore, fully expects the consultation on the plan to clearly articulate these wider ambitions and that these should also be reflected in the plan when it is laid before the Parliament.**

---

<sup>xviii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 January 2022, col. 2

<sup>xix</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col 3

# National good food nation plan

Sections 1 to 6 of the bill set out the requirements for Scottish Ministers to produce, and have regard to, good food nation plans.

## Section 1 – requirement on the Scottish Ministers to produce a good food nation plan

27. Section 1 of the bill requires the Scottish Ministers to publish, and lay before the Scottish Parliament, a national good food plan. Subsection (2) provides that this must be done within 12 months of the section coming into force and subsections (3) to (5) set out provisions relating to the content of the national good food nation plan.
28. The PM recognises that the Scottish Ministers do not need to legislate in order to produce a national good food nation plan and argues that “in the case of this Bill, the Scottish Ministers recognise that there is a case for legislation to underpin the significant work already being done”.<sup>xx</sup>
29. The Committee explored the Scottish Ministers’ decision to legislate for a national good food nation plan with Scottish Government officials. They agreed it was “perfectly possible to create a plan on a non-statutory basis” but that “the bill gives the plan teeth” as the legal requirement for the Scottish Ministers to have regard to the national plan “has consequences for ministers [and public bodies].”<sup>xxi</sup>

### Targets and outcomes

30. The majority of stakeholders raised concerns about the lack of any targets or outcomes to be met via the good food nation plans, although stakeholders variously referred to targets, objectives and indicators and there was no shared understanding of what these should be. Section 1(3) to (5) sets out some provisions relating to the content of the national good food nation plan but many stakeholders told the Committee that more detail should be included on the face of the bill.
31. In relation to targets, the SFC argued the bill should set out a small number of high-level targets aligned to the UN Sustainable Development Goals, such as to reduce the environmental impact of the food system, to end severe household food insecurity by 2030 and to reduce the burden of diet-related disease by one third by 2030, and the National Performance Framework.
32. Which? argued that, “rather than leaving the outcomes to the good food nation plans, we think that these, along with national targets, need to be set out directly in the bill in order to establish the level of ambition and pace of change that is now needed”.<sup>xxii</sup>

---

<sup>xx</sup> Policy Memorandum, paragraph 25

<sup>xxi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 6. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/RAINE-03-11-2021?meeting=13385&iob=121479>

<sup>xxii</sup> Which? written evidence: <https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/>

33. The Committee asked Scottish Government officials why the bill does not include targets or outcomes. Officials referred to “a basket of indicators” which would cover the breadth of food and food policy, including dietary, climate change and economic targets and went on to explain that “rather than set out in the bill what might be quite a long list of individual targets, the approach that we have taken is to require that they be included in the plans”.<sup>xxiii</sup>
34. The Committee explored the issue of including more detailed targets or high-level objectives on the face of the bill with witnesses.
35. A proportion of respondents considered the use of targets as imperative to fully achieving the ambition of a good food nation. The Food Foundation argued, “we have to grab the opportunity that the bill creates to set some good targets for the direction that we need the numbers to go in, and to put the measures in place to make that happen.”<sup>xxiv</sup> The Trussell Trust highlighted the use of child poverty targets on the face of the Child Poverty (Scotland) Act 2017 which, it argued, were helpful to focus the sector on a unified goal and to maintain momentum.<sup>xxv</sup>
36. Some witnesses representing the food and production sectors were sceptical of relying on numerical targets, however, instead preferring the use of outcomes or measures as a means of supporting the bill’s aims. NFUS stated—
- ” “Setting targets is a principle that we are somewhat averse to. Targets are something of a hostage to fortune. Certainly, in agriculture and land use, there are many Scottish Government targets kicking around that you can see the intention behind, but, nevertheless, they create something of a distraction.”<sup>xxvi</sup>
37. When asked, Robin Gourlay argued he was “less sure about targets” as “I could think of targets for the amount of local Scottish food that supermarkets offer, or targets on climate, sustainable production, obesity or food education, but I am more interested in driving good practice and monitoring that, rather than monitoring targets”.<sup>xxvii</sup>
38. The Committee also received a lot of evidence, both written and oral, setting out stakeholders’ views about what specific objectives should be included on the face of the bill. These cover an extensive range of policy areas. The Committee highlights the amount and detail of this evidence here but does not attempt to set it all out in the body of this report.

---

view\_respondent?show\_all\_questions=0&sort=submitted&order=ascending&\_q\_\_text=Which%3F&uuld-

<sup>xxiii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November, col. 5

<sup>xxiv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 26 January, col. 12

<sup>xxv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 26 January, col. 17

<sup>xxvi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 26 January, col. 40

<sup>xxvii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 19 January, col. 22. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/RAINE-19-01-2022?meeting=13534&iob=122827>

39. The Committee discussed this issue with the Cabinet Secretary. The Cabinet Secretary said that setting targets on the face of the bill would risk them becoming “the focus of work on the issue instead of the fundamental change that we want to bring about” and would remove the Scottish Ministers’ flexibility in this evolving policy area, requiring primary legislation to amend the statutory targets. The Cabinet Secretary argued that, for these reasons, including information about the objectives in the plans would be the “most appropriate approach”.<sup>xxviii</sup>
40. Members discussed a number of the policy issues raised with the Committee – such as childhood obesity and procurement – and the Cabinet Secretary gave her view that targets or objectives relating to these matters would be best set out in the plans themselves.

**41. The Committee has explored in detail the issue of whether targets or more detailed outcomes should be included in the bill. The Committee notes the strong views expressed by many stakeholders that some targets or more detailed outcomes on the face of the bill are essential to drive progress; and strong views expressed by other stakeholders that statutory targets or more detailed outcomes would restrict the Scottish Ministers’ flexibility.**

**42. The Committee has given due consideration to all the views expressed to it over the course of its inquiry and a number of possible targets were proposed but there was no overall clear consensus. The Committee agrees it would not be appropriate to include detailed targets on the face of the bill and that the national good food nation plan is the best place for these to be set out. The Committee asks for further information in advance of the Stage 1 debate about how these detailed targets would be reflected in the national good food nation plan.**

**43. The Committee is more persuaded by representations made to it about the bill being amended to include more high-level objectives to reflect the broad vision and ambitions for the good food nation policy. The Committee urges the Scottish Government to give further thought to how high-level objectives could be included in the bill at Stage 2, and whether section 1(5) should be widened, and to update the Parliament on its thinking in advance of the Stage 1 debate.**

#### Oversight and accountability

44. Oversight and accountability of the good food nation policy and plans has been a recurring theme over the course of the development of the policy, as well as the Committee’s scrutiny of the bill. The oversight mechanisms set out in the bill are the requirement to lay all national plans in the Scottish Parliament (sections 1 and 6) and to lay a progress report every five years (section 5).

45. There was broad agreement across the majority of responses to the Committee's call for views for the bill to provide for an oversight function beyond the reporting and review mechanisms included in the bill, although views differed in relation to what this should be and who it should be tasked to.
46. For example, Scottish Environment LINK argued in its response that the lack of an oversight function "means that a vital piece of the jigsaw is missing and risks the effectiveness of this legislation in driving the changes that are urgently needed".<sup>xxix</sup> The Trussell Trust stated that a statutory body was its "strong recommendation" from its experience of the role of the Poverty and Inequality Commission in achieving the aims of the Child Poverty (Scotland) Act 2017.<sup>xxx</sup>
47. Over half of the respondents to the call for views argued the implementation of the bill should be overseen by a public body, although views differed over whether a new body should be established and different options were suggested to the Committee.
48. The SFC argued for "an independent Scottish food commission" which would be "a slightly smaller and more agile body that is similar to ... the Scottish Land Commission. ... I think that it cost about £1.2 million or £1.3 million to set up." The SFC went on to propose it would have a role and remit similar to the Scottish Land Commission in monitoring and reporting on progress, commissioning and/or undertaking food systems related research, data gathering and innovation, provision of advice and guidance, ensuring legislative compatibility and policy coherence, and supporting citizen engagement. It also proposed the commission should be required to work with other commissions and existing agencies and bodies, including Food Standards Scotland (FSS), and that the two bodies could co-report and co-develop monitoring and scrutiny.<sup>xxxi</sup>
49. The Scottish Human Rights Commission also argued the role should be undertaken by a new body as allocating responsibility to an existing body is "likely to underestimate the scale of work involved and the specialisms required to deliver it".<sup>xxxii</sup>
50. Other respondents argued that an oversight function should be given to an existing body, arguing there is already a "cluttered" governance framework, and a range of suggested organisations and bodies across the food system were proposed. FSS argued that it is "well placed" to undertake this function and that "conferring these reporting and oversight duties on a body like FSS would be less confusing and expensive than establishing a whole new body to monitor progress". The FSS

---

<sup>xxix</sup> Scottish Environment LINK written evidence available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&q\\_\\_text=&uuld=73341634](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=&uuld=73341634)

<sup>xxx</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 26 January 2022, col. 23

<sup>xxxi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 19 January 2022, col. 19

<sup>xxxii</sup> Scottish Human Rights Commission written evidence, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&q\\_\\_text=&uuld=94396915](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=&uuld=94396915)

stressed its independence from Scottish Ministers, policy expertise and its established relationships with public and private sectors.<sup>xxxiii</sup>

51. The Committee explored this issue with Scottish Government officials during its oral evidence. Officials re-stated the Scottish Government's view that it "did not consider that a new bespoke oversight body was required" and went on to refer to the Scottish Parliament's role in scrutinising the Scottish Government and the existing scrutiny mechanisms in place for local authorities. Officials did, however, refer to the Scottish Government's shared policy programme agreed with the Scottish Green Party (known as the Bute House Agreement) which agreed that "consideration should be given to the need for a statutory body, such as a Food Commission".<sup>xxxiv</sup> Officials later agreed that there were a number of existing public sector bodies which could take on this role.<sup>xxxv</sup>
52. When asked about the Scottish Government's agreement to consider the need for a statutory body, the Cabinet Secretary stated this exercise was still in its early stages.
53. The Committee asked about the role of the Parliament in holding the Scottish Government to account for the national good food nation plan. In response, officials referred to the opportunity for the Parliament to contribute to the consultation on the draft national good food nation plan (required under section 2) and to look at the progress report to be published every two years (required under section 5).
54. The Cabinet Secretary acknowledged the amount of evidence the Committee received on this issue and referred to the accountability mechanisms included in the bill – "we have to report on our plans every two years, with a review after five, and there will be opportunities at those different stages for scrutiny to take place".<sup>xxxvi</sup>

**55. The Committee agrees that effective oversight of the good food nation policy, and accountability for the statutory good food nation plans, are essential to achieving the good food nation ambitions. The Committee does not believe that the current oversight provisions in the bill – the requirement to lay all national plans in the Scottish Parliament (sections 1 and 6) and to lay a progress report every five years (section 5) – are sufficient. Accordingly, the Committee recommends the bill is amended at Stage 2 to strengthen the oversight function.**

---

<sup>xxxiii</sup> Food Standards Scotland written evidence, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&q\\_\\_text=&b\\_index=](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=&b_index=)

<sup>xxxiv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 2-3

<sup>xxxv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 7

<sup>xxxvi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 30

56. **The Committee notes that, as currently drafted, there would be a limited statutory role for the Scottish Parliament in relation to the good food nation plans. The bill does not provide for parliamentary approval of the national good food nation plans or consideration of the section 5 progress report.**

57. **The Committee believes the Parliament should have a greater role in relation to the good food nation plans. The Committee recommends the bill should be amended to require parliamentary approval after the national good food nation plan has been laid. This will give Parliament its place in the good food nation plan process and provide parliamentary accountability of the Scottish Government in achieving its good food nation aims. The Committee recommends parliamentary approval should be required after the first national plan has been laid under section 1 of the bill and any revised plans subsequently laid under section 6.**

58. **In relation to oversight of the good food nation plans more generally, the Committee notes there are significantly differing views about what this oversight function should look like and who should be tasked with it. The Committee is not in a position to make a clear recommendation as to where this oversight function should sit.**

59. **The Committee also notes the Scottish Government's long-standing position that a new oversight body is not required but that it is currently considering this under the terms of the Bute House Agreement. The Committee notes with concern that this consideration is in its early stages. The Committee's assumption is that any oversight role deemed necessary would be provided for through this Bill.**

60. **The Committee urges the Scottish Government to report back with an update on its thinking in advance of the Stage 1 debate. The Committee believes further information, and reassurance, about an oversight function is essential.**

### *A right to food*

61. A recurring theme throughout the wider good food nation debate in Scotland has been around whether the Scottish Government should incorporate the right to food in this bill. As part of the Bute House Agreement "a human rights bill will be brought forward which will give effect to international human rights law in Scots law, including a right to adequate food, as part of the overall right to an adequate standard of living.<sup>xxxvii</sup>

---

xxxvii Scottish Government and Scottish Green Party - Shared Policy Programme, available at: <https://www.gov.scot/publications/scottish-government-scottish-green-party-shared-policy->

62. Whilst this proposal that a right to food should be incorporated into Scots law is noted, the evidence received by the Committee showed some support for the right to food to be incorporated via this bill, rather than human rights legislation. The main reasons given for this view was to ensure the national and relevant authorities' good food nation plans are drafted with regard to the right to food or concerns around the implications of a possible delay or gap between the passage of this bill and the human rights legislation.
63. The UN Rapporteur for a right to food, who gave video evidence to the Committee, argued that incorporating the right to food via this bill would "empower both the Scottish Government and the people of Scotland in very specific and practical ways...If the Good Food Bill is strengthened and infused with human rights commitments, Scotland will stand out as one of the leading nations that seek to promote and realise the right to food for its people".<sup>xxxviii</sup>
64. The Committee explored this issue with the Cabinet Secretary, who confirmed the proposed human rights legislation was considered the appropriate legislative vehicle, "rather than separating out one individual right and given that the rights are indivisible in so many ways".<sup>xxxix</sup> Officials added that it "would be problematic to have the right to food in more than one piece of legislation" and that—
- ” If you consider the legal machinery that would sit behind the incorporation of an international right, and all the other rights, you will see that it is preferable to have the right in a single and consistent piece of legislation. If it is in two different places, there will inevitably be inconsistencies and conflicts.<sup>xl</sup>
65. Other evidence reflected many stakeholders' agreement that human rights legislation should be used to incorporate a right to food but stressed the need for there to be clear alignment between the proposed right to food and the Good Food Nation (Scotland) Bill. The SFC, for example, argued that—
- ” "if the human rights bill is considered to be the better legislative route, we must take real care to ensure that, as Robin Gourlay requested, the commitment to, and effects of, delivering the right to food are explicit in the Good Food Nation (Scotland) Bill. The guiding principle and core purpose must be that we nourish people healthily and in a way that supports them so that they can give back as much as possible socially and economically to their communities, their households and the country as a whole. ... We can also use much stronger human-rights-based language and indicators when we are working through that bill."
66. The Cabinet Secretary reiterated her view that section 3(2)(a) (in relation to the International Covenant on Economic, Social and Cultural rights) would give effect to the right. She also stated the Scottish Government is "already trying to ensure that we deliver on that human right" and that the Scottish Ministers' intention was,

---

programme/pages/7/

<sup>xxxviii</sup> [Video evidence from Professor Michael Fakhri. UN Special Rapporteur on the Right to Food](#)

<sup>xxxix</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 22

<sup>xl</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 23

regardless of when the human rights bill is introduced “we will still be doing what we can to ensure that we are delivering on that right”.<sup>xli</sup>

**67. The Committee welcomes the Scottish Government’s commitment, through the Bute House Agreement, to create a statutory right to food and notes the Scottish Ministers’ preference for this to be incorporated via the forthcoming human rights legislation.**

**68. The Committee notes the views of some stakeholders who want the right to food to be incorporated into this bill. Members recognise, however, that human rights legislation is the best vehicle to provide for a right to food and the Committee is, therefore, content with the right to food not being formally incorporated into Scots law via this bill.**

**69. The Committee, however, also calls for the bill to align closely to the proposed right to food, especially until a statutory right to food is in place. The Committee would welcome further information about the timescale for the proposed human rights legislation.**

## **Section 2 – preparation of plan: consultation**

70. Section 2 requires the Scottish Ministers to consult with “those who the Scottish Ministers consider appropriate” on a published draft national good food nation plan and to have regard to any responses.

71. Over half the respondents to the Committee’s call for views highlighted the need to ensure an inclusive consultation with the participation of specific groups. These included those vulnerable to food insecurity, people with protected characteristics, those with lived experience of food-related issues and specific industry sectors and trade unions. Some respondents put forward an argument for a ‘citizens’ assembly on food’ and others stressed the importance of adequate resources to ensure full and representative engagement. The Children and Young People’s Commissioner highlighted the importance of engagement with children and young people as part of the consultation on the national good food nation plan.

72. Respondents also highlighted the importance of ensuring that stigma around sensitive subjects, such as health and poverty, does not become a barrier to participation. For example, Obesity Action Scotland noted it is important to be mindful of the language used and to avoid stigmatisation and victim blaming when both designing participation activities and making policy decisions and drafting the plans.<sup>xlii</sup>

---

<sup>xli</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 24

<sup>xlii</sup> Obesity Action Scotland written evidence, available at: <https://yourviews.parliament.scot/>

73. In oral evidence, the Food Foundation highlighted the participation activities undertaken, and resources required, as part of the development of the English national food plan. The consultation work was undertaken over two years, led by a team of civil servants supported by consultants. They held deliberative dialogues in five different regions, workshops and online consultations and youth engagement which included workshops and consultations in schools.
74. Officials acknowledged that a traditional three-month consultation seeking written views should not be “the sum total” and suggested the Scottish Government would need to follow a similar model to the Scottish Food Commission which had represented a diverse range of backgrounds and life experiences.<sup>xliii</sup>
75. The Cabinet Secretary also emphasised the importance of extensive consultation on the plans, especially with those most affected by food-related issues, stating in evidence that—

” It is in everyone’s interest that we get this right, and we can do so only by listening to people. I want to ensure that the process is as open, accessible and inclusive as possible. The point about lived experience is vital in that regard.<sup>xliv</sup>

76. Supporting officials gave examples of recent methods used to consult on a food-related policy and stressed that ‘one size does not fit all’. Officials went on to say that—

” The approach needs to be adapted, depending on where we go and to whom we speak. There can be structured workshops, citizens assemblies and the community networks that Argyll and Bute Council told you about. There are a range of models, all of which have advantages and disadvantages; it is a matter of trying to adapt what works best for the people whose opinions we want to get.<sup>xlv</sup>

- 77. The Committee agrees that any consultation undertaken by the Scottish Ministers on the draft national good food nation plan must be as wide, inclusive and participatory as possible, in line with its own guidance and equalities duties. The Committee agrees with the evidence it received that the consultation methods used should be tailored for each specific audience and that ‘one size will not fit all’. The Committee, therefore, welcomes the commitments made by the Cabinet Secretary, and her officials, that the Scottish Government’s approach to consultation will be as open, accessible and inclusive as possible.**

---

[raine/good-food-nation-scotland-bill/consultation/](https://www.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&_q__text=obesity&uul)

[view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&\\_q\\_\\_text=obesity&uul](https://www.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&_q__text=obesity&uul)

<sup>xliii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 16

<sup>xliv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 27

<sup>xlv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 26

## Section 3 – preparation of plan: consideration of international instruments

78. Section 3 provides that the Scottish Ministers must, when preparing the national good food nation plan, have regard to four international instruments. Subsection (3) would give the Scottish Ministers the power to modify the list of international instruments by regulations; these would be under the affirmative procedure.
79. Little of the evidence received by the Committee related to this part of the Bill and, where it did, it mainly suggested that the international instruments would equate to the proposed right to food. For example, FSS argued the national good food nation plan would link to the right to food through the Scottish Ministers' duty to have regard to the International Covenant on Economic, Social and Cultural Rights under s3(2)(a).<sup>xlvi</sup>
80. Dr Kirsteen Shields suggested that reference should also be made to general comment 12 of the International Covenant on Economic, Social and Cultural Rights, which has much more detail on the obligations on states in relation to its production, availability and affordability. Dr Shields argued that "just linking to article 11 is not enough" and that "general comment 12 is where all the detail is, and linking to that would give the right to food a much stronger platform in the bill".<sup>xlvii</sup>
81. In their evidence to the Committee, Scottish Government officials also argued that the Scottish Ministers' duty to have regard to the international instruments would ensure "the plans will give life to the right to food".
82. In its report, the DPLRC agreed it was content with the provision that any regulations made under section 3(3) should be made under the affirmative procedure.

**83. The Committee is content with the policy intention set out in section 3. The Committee notes, and agrees with, the provision that any amendments to the list of international instruments should be made under the affirmative procedure.**

## Section 4 – effect of plan

84. Section 4 of the bill provides that the Scottish Ministers, when exercising "a specified function or function falling within a specified description" must "have regard" to the national good food nation plan.
85. Section 4 provides the Scottish Ministers with the power to make regulations

---

<sup>xlvi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 19 January 2022, col. 24

<sup>xlvii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 2 February 2022, col. 18. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/RAINE-02-02-2022?meeting=13570&iob=123143>

detailing the specified functions or specified descriptions; these would be under the negative procedure.

86. The Committee explored a number of strands in relation to section 4.

*Specified functions or functions falling within a specified description*

87. The Committee asked for stakeholders' views about these specified functions. A wide variety of views were expressed although, overall, many argued that the functions should encompass a broad range of issues impacted by food. The Glasgow Food Policy Partnership argued, for example, that—

” It is particularly important that these obligations are met when Scottish Ministers and relevant authorities are developing, implementing or approving measures relating to agricultural production, trade, supply chains, investment, procurement and economic development but it must also extend to other aspects of the political economy, including the provision of welfare, labour and housing markets, health and education. Consideration of the good food nation plan should further inform how Scottish Ministers and relevant authorities regulate and determine the scope of the entitlements of private actors (landowners, developers, business owners, supermarkets, retailers, etc).<sup>xlviii</sup>

88. The role of education was highlighted by the majority of stakeholders. For example, the James Hutton Institute argued—

” “there are good opportunities to make the link between food, food education and environmental education. If we are trying to foster a culture of care in our society, we need people to have an understanding of where food comes from, how best to prepare it and the consequences of our choices for the environment. There are good opportunities for the bill to make a connection to the curriculum and how we educate our young people about the value of the environment, how ecosystems function and, most important, the threats to food security if they do not function. There is a neat multiway link between those issues.”<sup>xlix</sup>

89. The role of procurement, and the role of the public and private sectors to work together to promote more local procurement was also highlighted. For example, Scottish Land & Estates highlighted that—

---

<sup>xlviii</sup> Glasgow Food Policy Partnership, written evidence, available at:

[https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&q\\_\\_text=&b\\_index=](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=&b_index=)

<sup>xlix</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 2 February 2022, col. 27

” it is...incumbent on the Scottish Government to ensure that public sector organisations receive sufficient funding to increase the procurement of locally produced food in support of their Good Food Nation plans. Relatively small increases in budget alongside increased awareness of what is available locally and improved menu planning would allow public sector procurement to better support local producers and suppliers. Consumers may also be willing to accept small increases in the cost of meals if they are aware of the additional benefits of locally produced food. Local multipliers also show that money spent by local authorities will return the investment to the local economy and have wide ranging benefits and cost savings for local authorities.<sup>i</sup>

90. The role of shorter supply chains was also widely raised. For example, Zero Waste Scotland pointed out in evidence that “we need to grow more food in Scotland to save emissions from importing food and to ensure that our food supply chain is more resilient to global shocks such as the pandemic”.<sup>ii</sup>
91. The Committee asked Scottish Government officials about what might be considered a specified function or description. Officials confirmed that the specification would primarily be by reference to a subject area – such as the provision of food in schools – or certain aspects of related legislation.
92. The Committee subsequently sought further detail from officials, who responded setting out examples of the provision of food in schools and food growing strategies.<sup>iii</sup>
93. The Committee also discussed with officials the Scottish Government’s decision not to include any information about these functions on the face of the bill. Officials admitted that this had been considered but that, “eventually, we concluded that it was neater to have those functions in one place – in a set of regulations”.<sup>iiii</sup>
94. The Committee notes the DPLRC also asked similar questions when it considered the DPM. In its response to the DPLRC, the Scottish Government argued the proposed approach was “advantageous” as it would allow for consultation on the proposed secondary legislation and would give Scottish Ministers flexibility to add or amend measures whilst requiring less parliamentary time or further primary legislation. The DPLRC noted this response and concluded it was content with the regulation-making powers set out in section 4.<sup>liv</sup>

---

<sup>i</sup> Scottish Land & Estates, written evidence, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?uuld=811743283](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?uuld=811743283)

<sup>ii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 2 February 2022, col. 27

<sup>iii</sup> Letter from the Cabinet Secretary for Rural Affairs and Islands to the Convener, dated 29 December 2021, available at: [https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2021/good-food-nation-scotland-bill\\_response-from-cabinet-secretary](https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2021/good-food-nation-scotland-bill_response-from-cabinet-secretary)

<sup>iiii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 11

<sup>liv</sup> Delegated Powers and Law Reform Committee, 7<sup>th</sup> Report 2022, published on 2 February 2022 and available at: <https://digitalpublications.parliament.scot/Committees/Report/DPLR/2022/2/2/51d767b4-f02b-48c6-8622-c3d0a377e50e#Introduction>

95. The Cabinet Secretary confirmed the Scottish Government’s intention to include the draft specified functions as part of the consultation on the national good food nation plan.

**96. The Committee believes that section 4 – the requirement on the Scottish Ministers to have regard to the national plan when exercising specified functions to be set out in subordinate legislation – is key to the effectiveness of the plans. It is regrettable that a draft list has not been available for the Parliament to scrutinise alongside the primary legislation.**

**97. The Committee welcomes, however, the Cabinet Secretary’s confirmation that the proposed specified functions or functions falling within a specified description will be included with the consultation on the draft national good food nation plan.**

**98. The Committee recommends the Scottish Government consult on whether the list of specified functions or functions falling within a specified description remain fit for purpose or should be revised when undertaking future consultations under section 2.**

*Parliamentary scrutiny of the specified functions or functions falling within a specified description*

99. The Committee asked officials why it had been decided that the regulations setting out the specified functions or functions falling within a specified description should be considered under the negative procedure. Officials recognised that, by the time the regulations would be considered by the Parliament – and this Committee – under the negative procedure, by that stage, the only option open to the Parliament would be to “take it or leave it”.

100. Officials also said the Parliament would have an opportunity to “feed in points” during the consultation on the national plan, which would include the proposed specified functions.<sup>iv</sup>

101. The Committee also raised this point with the Cabinet Secretary who said that the negative procedure was considered “the most effective way of making changes to the list of specified functions” as “we could be talking about quite detailed and lengthy lists that we might want to modify over time”.<sup>lvi</sup>

102. Officials added that the negative procedure had been chosen “after taking into account the things that are usually reserved for the affirmative procedure such as the creation of criminal offences or new charges or other provisions that would have significant effects on individuals”.<sup>lvii</sup>

---

<sup>iv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 11

<sup>lvi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 8

103. **The Committee notes the negative procedure was chosen as it was felt the purpose of section 4 did not meet the criteria “usually reserved for the affirmative procedure” and that the subordinate legislation could include “quite detailed and lengthy lists”. The Committee, however, believes section 4 should meet the criteria for the affirmative procedure and that subordinate legislation made under section 4 should be given the more detailed parliamentary scrutiny which is part of the affirmative procedure.**

104. **Accordingly, the Committee believes there should be a stronger role for the Parliament in scrutinising these specified functions. The Committee believes a proportionate approach needs to be taken and recommends, therefore, that the first list of specified functions should be considered under the affirmative procedure, with subsequent amendments considered under the negative procedure. This would enable this Committee to reassure itself that the range of functions raised in evidence have been properly taken into account.**

*Duty to ‘have regard’ to the national good food nation plan*

105. The Committee asked Scottish Government officials for further information about what obligation the duty to ‘have regard’ would place on the Scottish Minister; and about the scope for Scottish Ministers to ‘disregard’ their plan instead. Officials referred to this “well-worn” phrase used in legislation and explained—

” “It requires the body to take something into account and give it proper consideration, not simply say, “Yes, we’ve looked at it once and that’s fine – we don’t need to go back to it”. It also requires the body to be able to justify the approach that it has taken. It does not, however, go as far as creating a slavish requirement to follow what is in the plan. There may well be circumstances, or other duties that the body is subject to, that mean that, in a particular circumstance, absolute adherence to the plan is not the right approach.”<sup>lviii</sup>

106. Officials went on to confirm that bodies would have to demonstrate that they had been through this process.<sup>lix</sup>

107. The Cabinet Secretary spoke to the issue of the Scottish Ministers being able to demonstrate they had had regard to the national good food nation plan—

” It could also be something that is set out in the good food nation plans. For example, if it related to a function such as giving grants, the grant paperwork could express how we had had regard to it. If it was a legislative purpose, that could be specified in the policy note. There are different ways in which we could demonstrate that we had had regard to the good food nation plan.<sup>lx</sup>

---

<sup>lvii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 9

<sup>lviii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 8

<sup>lix</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 8

108. **The Committee notes the Scottish Government’s explanation about what the duty to ‘have regard’ would mean in practice and the Cabinet Secretary’s comments about the national plan including information about how the Scottish Ministers could demonstrate they have had regard. The Committee welcomes these comments and recommends the Scottish Government include this information in the national plan.**

## **Section 5 – reporting**

109. Section 5 requires the Scottish Ministers to publish, and lay before the Scottish Parliament, a report setting out the progress made towards achieving the outcomes set out in the national good food nation plan using the indicators or other measures included in the plan. Section 5(3) provides that a report must be published and laid every two years.

110. The Committee did not receive any evidence relating to this part of the Bill.

111. **The Committee recognises this reporting provision is an important aspect of the Scottish Government’s proposed oversight mechanisms.**

112. **The Committee notes the Bill does not require the Scottish Government to consult with stakeholders in advance of publishing its section 5 reports and the Committee queries the value of a progress report which is not informed by key stakeholders’ views. The Committee seeks further information from the Scottish Government, in advance of the Stage 1 debate, about how it intends to inform its section 5 reports and how it will engage with key stakeholders as part of this process.**

113. **As these section 5 reports will be fundamental in the path towards achieving the good food nation ambitions, the Committee expects they will be given an appropriate level of scrutiny, both by the Parliament and by any body is charged with an oversight function for the national good food plan. The Committee commits to scrutinise these reports over the course of this parliamentary session in order to track the Scottish Government’s progress towards a good food nation. When responding to the Committee’s recommendations in relation to an oversight body, the Committee asks that the Scottish Government include information about how it expects this body will scrutinise section 5 reports.**

## Section 6 – review and revision of plan

114. Section 6 provides that the Scottish Ministers must review the national good food nation plans every five years and, at the end of that review, may revise the plan. The requirements as to the content of the plan (set out in section 1), consultation (section 2) and international agreements (section 3) would apply to revised plans, as would the section 1(1) requirement to publish the revised plan and lay it before the Parliament.
115. The Committee did not receive any evidence relating to this part of the Bill.

- 116. The Committee notes the Scottish Ministers are not required to consult as part of its section 6 reviews of the national good food nation plan and in advance of revising the national plan. The Committee asks the Scottish Government, in its response to this report, to reflect on whether it would be open to a requirement to consult as part of the review process.**

# Good food nation plans of public bodies

117. Sections 7 to 12 of the Bill set out the requirements for relevant authorities to produce, and have regard to, good food nation plans.

## Section 7 – requirements to produce plans

118. Section 7(1) of the Bill requires relevant authorities to publish a good food nation plan. This places a similar requirement on relevant authorities to the requirement placed on the Scottish Ministers by section 1, although there is no requirement for relevant authorities' reports to be laid in the Scottish Parliament.
119. Subsection 2 defines a relevant authority as a local authority, health board or a 'specified public authority' and section 7(2)(c) provides the Scottish Ministers with the power to make regulations to specify any additional public authorities; these would be under the negative procedure.
120. Section 7(3)(a) provides that local authorities and health boards must publish their good food nation plans within 12 months of section 7(1) coming into force. Section 7(3)(b) provides the Scottish Ministers with the power to make regulations to specify the period any additional relevant authority must publish a good food nation plan by; these would be made under the negative procedure. Sections 7(4) to (6) set out provisions relating to the content of the good food nation plans.

### Specified authorities

121. Amongst the seven local authorities who replied to the Committee's call for views, responses highlighted broad agreement with, and support for, improving food-related outcomes via good food nation plans. Argyll and Bute Council argued the requirement to publish a plan would give authorities "an opportunity to think better about how we draw together all those various policy areas to change our food systems and our food culture for good".<sup>lxi</sup> Stirling Council asked for "an explicit statement that local bodies should work together to produce a single plan within the community planning partnership process would be appropriate". It was noted that some local authorities already have food-related plans in place which could easily be developed into good food nation plans, whilst some other local authorities may have less progressed food-related policies.
122. The Committee asked Scottish Government officials what the bill would do to ensure all local authorities embrace the good food nation plans as a mechanism to develop food-related policy; members highlighted the different levels of local authority engagement with the good food nation agenda to date. Officials acknowledged that some authorities have been more proactive than others and expressed a hope that "the local authorities that have already put in more effort can perhaps provide assistance and guidance to others".<sup>lxii</sup>

---

<sup>lxi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 51. Available at: <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/RAINE-09-02-2022?meeting=13586&iob=123302>

<sup>lxii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 19

123. When the Committee pursued this issue with the Cabinet Secretary, she highlighted that the bill would be “critical” in ensuring local authorities engage with the good food nation plans, arguing that “setting out the framework will enable that to happen and ensure that it takes place”.<sup>lxiii</sup>
124. The response from the NHS Board Chief Executives' Group indicated health boards' support for “the principles and policy intent” of the bill.<sup>lxiv</sup> In their response, however, the NHS Board Chief Executives' Group seemed to be unclear whether the bill would permit their existing mechanisms and plans to be utilised to deliver their good food nation plans. The Group argued this would using “proven and established systems [would] avoid the potential for resources to be diverted from delivery into planning and reporting”.
125. The Cabinet Secretary told the Committee that only local authorities and health boards were specified as relevant authorities in the bill as they are the public bodies whose remit has a considerable impact in relation to policies on food.

**126. The Committee notes that, whilst some local authorities embraced the good food nation vision some time ago, other authorities will be at an earlier stage of their good food nation journey. The Committee considers it essential to ensure that these authorities have access to information and advice to support the development of their plans. The Committee, therefore, calls on the Scottish Government to set out in its response to this report how it intends to provide this information and advice.**

**127. The Committee notes health boards' chief executives' request for clarification about how the requirement to produce a good food nation plan would sit alongside health boards' existing mechanisms and plans. The Committee asks for a direct response on this point in the Cabinet Secretary's response to this report and in advance of the Stage 1 debate.**

#### Additional specified authorities

128. The Committee received a range of suggestions about which public bodies could be specified as an additional relevant authority, including—
- Health and social care partnerships and integration joint boards, to include social care;
  - NatureScot and SEPA, as well as public authorities who own land, from the perspective of maintaining sustainable food supply in Scotland;

---

<sup>lxiii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 16

<sup>lxiv</sup> Letter from the NHS Board Chief Executives' Group, dated 10 February 2022, available at: [https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill\\_letter-from-nhs-board-chief-executives](https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill_letter-from-nhs-board-chief-executives)

- Scottish Prison Service; and
  - Further and higher education institutions.
129. The Committee notes that the DPLRC wrote to the Scottish Government seeking further information about the circumstances where the Scottish Government may wish to create additional relevant authorities, especially when this would be done promptly, and why there is no formal requirement to consult with a public authority in advance, considering the resource implications this may have.
130. In their response, Scottish Government officials replied that the Government may wish to specify additional authorities where new relevant bodies are established through legislation and which might be expected to create a good food nation plan or where an existing body increases its role or functions in relation to food. In response to the circumstances where an additional relevant authority might be specified promptly, officials stated “this may be the case in the scenario where an authority is giving cause for concern with regard to their policies on food”.
131. Officials noted “the Committee’s concern about the lack of a formal process of consultation in such circumstances” and committed to provide further advice to the Cabinet Secretary for Rural Affairs and Islands for her consideration.
132. In its report, the DPLRC recommended the bill be amended to require consultation with proposed additional specified relevant authorities before any regulations are made.
133. The DPLRC also asked why the negative procedure was chosen to specify additional relevant authorities on the basis that this “could be a significant matter for a public authority which may have budgetary, staffing and/or other administrative implications”. In their response, Scottish Government officials set out their expectation that there would be “on-going collaboration, communication and informal consultation” as part of this process.<sup>lxv</sup>
134. In its report, the DPLRC recommended the bill be amended to require regulations made to create additional relevant authorities should be made under the affirmative procedure. The DPLRC argued this would allow for the “enhanced scrutiny” of any proposed changes to the public bodies required to publish a good food nation plan.
135. The DPLRC also agreed it was content with the provision that any regulations made under section 7(3)(b) – the power to specify the period in which any additional relevant authority should publish its good food nation plan – should be made under the negative procedure.
136. The Scottish Government confirmed there are no current plans to specify any additional relevant authorities and the Cabinet Secretary confirmed that the Scottish Government has not established any criteria for use in identifying any such additional authorities.<sup>lxvi</sup>

---

<sup>lxv</sup> Delegated Powers and Law Reform Committee, Good Food Nation (Scotland) Bill, Stage 1 Report

<sup>lxvi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 11

137. On the proposal for social care partnerships and integration joint boards to be included as relevant authorities, the Cabinet Secretary highlighted the proposals for the reform of social care which will be considered in the current parliamentary session.

**138. The Committee sees the potential value of extending the section 7 requirement to other public bodies in appropriate circumstances but is concerned that the bill would give the Scottish Ministers the power to do so without any formal consultation with stakeholders or scrutiny by the Scottish Parliament. The Committee believes there should be some level of consultation and scrutiny associated with the decision to specify additional relevant authorities.**

**139. Accordingly, the Committee notes the DPLRC's recommendation that the bill should be amended to require the Scottish Government to consult in advance of specifying an additional relevant authority under section 7(2)(c). The Committee asks the Scottish Government for its response to this recommendation.**

**140. The Committee also recommends that the Scottish Ministers, and relevant authorities, use their progress reports (required under section 5 and section 11 respectively) as a vehicle to set out any comments or recommendations on whether any additional relevant authorities should be specified.**

#### Targets and outcomes

141. As with the provisions in section 1 of the bill, concerns were raised with the Committee that section 7 does not include detailed targets or outcomes that relevant authorities must meet via their good food nation plans.

142. The Committee discussed this issue with Scottish Government officials, who argued that “for relevant authorities, it would not be appropriate to specify at a national level the targets that each local authority, for example, must have”.<sup>lxvii</sup>

143. The Committee also discussed this issue further with witnesses. There was some agreement that clear outcomes and indicators could be helpful to identify and signpost the direction of travel but there was caution about the use of more detailed targets. Argyll and Bute Council argued that—

” targets can be useful and there is a place for them in making sure we are going in the right direction, but it is more about having clear outcomes and indicators that give us the framework to work within. That also gives us flexibility to be able to deliver things appropriately and locally and to enable collaboration. If we have too many targets and they are too rigorous, that can be a barrier to safe implementation. We need to ensure that the targets are meaningful for everyone and that they move us forward rather than overwhelming some people with targets that are either unattainable or not reasonable.<sup>lxviii</sup>

144. East Ayrshire Council, in its oral evidence, outlined the different approaches taken in local authority areas and emphasised the need for the Bill to support authorities who were at different stages of their good food journey.<sup>lxix</sup> Argyll and Bute Council added that “we need to be sure that no one will be left behind if we set targets that are simply not achievable”.<sup>lxx</sup>

145. The need for the bill to be flexible to allow different relevant authorities to draft the most appropriate good food nation plan for their particular circumstances was highlighted throughout the Committee’s inquiry. The Committee heard a number of times that “one size does not fit all”. One example given was in relation to procurement, where different authorities have different staff capacity to develop relationships with, and access to, a range of food and drink producers.<sup>lxxi</sup>

146. The Cabinet Secretary acknowledged the need for flexibility across relevant authorities “in order to enable local authorities to establish outcomes that are meaningful for them”. She went on to say that—

” if we were to set a target of 60 per cent for Scottish food in local authority procurement, although that might be okay for some councils, it would be an enormous challenge for others. The provisions that we have set out in the bill provide flexibility in that respect and allow local circumstances to be recognised.<sup>lxxii</sup>

147. In relation to calls for the bill to include specific targets and outcomes for relevant authorities, the Cabinet Secretary referred to the framework nature of the bill and that this level of detail would be more appropriately included in individual good food nation plans.<sup>lxxiii</sup>

---

lxviii Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 58

lxix Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 47

lxx Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 47

lxxi Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 49.

lxxii Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 13

lxxiii Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 18-19

148. **The Committee has already set out its main conclusions and recommendations in relation to the question of whether more detailed targets or outcomes should be included in the bill earlier in this report.**

149. **Whilst the Committee agrees it would not be appropriate to include detailed targets on the face of the bill, it is more persuaded by representations made to it about the bill being amended to include high-level objectives to reflect the broad vision and ambitions for the good food nation policy. The Committee urges the Scottish Government to give further thought to how high-level objectives could be included in the bill at Stage 2 and to update the Parliament on its thinking in advance of the Stage 1 debate.**

### Oversight and accountability

150. As set out in paragraph 44 in relation to the national plan, the question of oversight and accountability of the good food nation plans has been a recurring theme over the Committee's inquiry. The oversight mechanisms set out in the bill for relevant authorities' plans is the section 11 requirement to publish a progress report every five years.

151. Scottish Government officials told the Committee—

” We are not requiring local authorities and other bodies to report to the Scottish Ministers. We are not putting ourselves in the position of marking their homework. Rather, as long as they follow the requirements in publishing their report, we are not putting in any further checking by the Scottish Ministers of their plans and progress.<sup>lxxiv</sup>

152. Officials confirmed that local authorities will be accountable for their good food nation plans via local authority elections. When asked about how health boards would be accountable for their good food nation plans, officials suggested that—

” It might be worth considering other duties that health bodies have to report on matters. There is no shortage of scrutiny of what health boards do or their performance on a range of matters. Their good food plans will be just another one.<sup>lxxv</sup>

153. The local authority representatives who gave evidence to the Committee had mixed views about the oversight of relevant authorities' duties to consulting on, publish and deliver their good food plans. COSLA argued that the existing accountability mechanisms and oversight bodies are sufficient. Argyll and Bute Council argued that “to achieve a systemic approach we need to make sure that there is cohesion, and central oversight is an essential part of that”.<sup>lxxvi</sup>

---

<sup>lxxiv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 15

<sup>lxxv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 3 November 2021, col. 20-21

<sup>lxxvi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col 63

154. In terms of who might be tasked with an oversight function, COSLA did not support the creation of a new body.<sup>lxxvii</sup> Argyll and Bute Council noted that it could see the value of establishing a new body “akin to the Poverty and Inequality Commission” and equally could see the value of additional duties for an existing body, “provided that it was not just seen as a bolt-on to existing roles and responsibilities”. They noted the need to consider carefully the cost implications of setting up a new body, and that it would prefer to see a body simplify the reporting and accountability landscape around food, rather than add to it. East Ayrshire Council suggested in its written evidence that it did not think a new body was required, but noted in oral evidence that it was “very keen for oversight to be undertaken by one particular body, rather than the add-on to Food Standards Scotland”.<sup>lxxviii</sup>
155. In written evidence, South Lanarkshire and North Ayrshire councils noted an explicit need for oversight and supported the creation of a new body. Stirling Council and Comhairle nan Eilean Siar suggested that the role could be taken on by an existing body. West Lothian Council suggested the role could be done by either an existing or a new body.
156. Other stakeholders also raised the question of oversight, particularly in relation to ensuring relevant authorities engage and collaborate with all partner organisation. Zero Waste Scotland asked “who will brigade organisations such as Zero Waste Scotland to provide the right support alongside the participants—active citizenship and so on?” Zero Waste Scotland argued that establishing a commission or a similar body would be “fundamental to success”.
157. When asked directly about a role for the Scottish Parliament in scrutinising relevant authorities’ progress on delivering their plans, Argyll and Bute Council argued it would be “entirely appropriate ... so that we can see and understand how well the process is performing”.

**158. The Committee believes that the current oversight provision in relation to relevant authorities’ plans – to lay a progress report under section 11 – and to use existing reporting mechanisms could be strengthened. Accordingly, the Committee recommends the bill is amended at Stage 2 to enhanced the oversight function.**

**159. The Committee has already noted the Scottish Government’s consideration of whether a new national oversight body is required and has asked the Scottish Government to report back with an update on its thinking in advance of the Stage 1 debate. The Committee asks this update to include proposals around what role a national oversight body could have to support and monitor relevant authorities’ progress against their good food nation plans and outcomes.**

---

<sup>lxxvii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 55

<sup>lxxviii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col 63

## Section 8 – preparation of relevant authorities’ plans: consultation

160. Section 8 requires relevant authorities to consult with “those who the relevant authority considers appropriate” on a published draft good food nation plan and to have regard to any responses. This places a similar requirement on relevant authorities to the requirement placed on the Scottish Ministers by section 2.
161. Written evidence received by the Committee stressed the importance of consultations effectively engaging with a wide demographic and in a variety of different ways to ensure that participation was open and accessible. The same groups and demographics were suggested as had been suggested in relation to the national good food nation plan and set out at paragraph 71. A number of witnesses highlighted the lessons learned over the course of the pandemic about how to engage effectively with ‘difficult to reach’ groups.
162. Responses also emphasised the need for relevant authorities to take a joined-up approach to consultation. Argyll and Bute Council, for example, highlighted “a risk that, if consultation is not done in a collaborative and cohesive way, different organisations and public bodies will be asking similar questions, but perhaps at different times, of the same community groups.” The Council went on to say “it is about local authorities, community planning partnerships, community groups, the third sector and businesses working together to inform and design what the consultation process looks like”<sup>lxxix</sup>.
163. When the Committee discussed this issue with the Cabinet Secretary, she agreed with the importance of open and participative engagement, arguing that the plans “should feel like they belong to everyone, especially in relation to the local authorities” and that “we will achieve that [the good food nation ambitions] only if we have that participation and people feel like they are actively involved in the plans.”

- 164. Similar to the Committee’s conclusions in relation to the national good food nation plan, members agree that any consultation undertaken by relevant authorities on their good food nation plans must be as wide, inclusive and participatory as possible, in line with their own guidance and equalities duties. The Committee also agrees that the consultation methods used by relevant authorities should be tailored for each specific audience and that ‘one size will not fit all’.**

## Section 9 – preparation of relevant authorities’ plans: consideration of national plan

165. Section 9 provides that relevant authorities must, when preparing their good food nation plans, have regard to the national plan.

166. Some local authorities asked for more information about how relevant authorities' plans and the national plan would complement and communicate with one another. In her evidence to the Committee, the Cabinet Secretary explained that the national good food nation plan would be published before relevant authorities' plans would be drafted "so that we can set out what we expect from local authorities and help to provide coherence"<sup>lxxx</sup>.
167. Witnesses from local authorities spoke about some of the challenges of this requirement, highlighting that responsibility for food policy is often split within different parts of central government, local authorities, stakeholder groups and regulatory bodies. Argyll and Bute Council did, however, suggest this bill provides an opportunity to draw some of these strands together and create a more holistic and focused approach.
168. The Committee notes the Scottish Government's decision to publish its draft national plan before relevant authorities draft their plans and for the consultation to include the specified functions. The Committee encourages dialogue between the Scottish Government and relevant authorities at this point in order to inform and support relevant authorities' development of their plans.

## Section 10 – effect of relevant authorities' plans

169. Section 10 of the bill provides that relevant authorities, when exercising "a specified function or function falling within a specified description", must "have regard" to their good food nation plans. This places a similar requirement on relevant authorities to the requirement placed on the Scottish Ministers by section 4.
170. Section 10 provides the Scottish Ministers with the power to make regulations detailing the specified functions or specified descriptions; these would be made under the negative procedure.
171. The Committee asked for stakeholders' views about these specified functions. Local authority witnesses told the Committee that the specified functions need to be developed between national and local government and should be as broad as possible to cover the scope of the good food nation policy.<sup>lxxxi</sup>
172. Like many other local authorities, Argyll and Bute Council spoke about the need for the specified functions to encompass all areas of food policy "including, but not restricted to, agroecological growing and farming, supporting local community wealth building, tackling inequality, use of public sector food and reviewing sustainable public sector food procurement practices, health functions around nutrition and healthy weight, including management of malnutrition, using food as a way of tackling the attainment gap for all children and young people". Other submissions spoke about the need for relevant authorities to also have regard to

---

<sup>lxxx</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 16

<sup>lxxxi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 56

their plans during budget or financial and planning decisions.

173. Scotland Food & Drink argued in its written submission that plans should also support “route-mapping for the just transition to net zero – including ensuring that the key just transition plans take into account the national good food plan and afford fairness around access to and production of local food, including primary producers”.
174. In its report, the DPLRC agreed it was content with the provision that any regulations made under section 10 should be made under the negative procedure.

**175. As the Committee concluded in relation to section 4, members believe that the requirement for relevant authorities to have regard to their plans is key to the effectiveness of the plans. The Committee would prefer the bill to include a mechanism to monitor how relevant authorities are implementing the bill provisions and demonstrating they are having regard to their good food nation plans when exercising these functions. The Committee has asked for an update on the Scottish Government’s thinking in relation to the oversight provisions included in the bill.**

**176. The Committee notes the Scottish Government’s decision to publish the proposed specified functions with the draft national plan before relevant authorities’ draft their plans. The Committee urges the Scottish Government to liaise with the proposed relevant authorities when drafting this list and in advance on the consultation.**

## Section 11 – reporting

177. Section 11 requires relevant authorities to publish a report setting out the progress made towards achieving the outcomes set in their good food nation plans using the indicators or other measures included in the plan. Section 11(3) provides that a report must be published every two years. This places a similar requirement on relevant authorities to the requirement placed on the Scottish Ministers by section 5, although there is no requirement for relevant authorities’ reports to be laid in the Scottish Parliament.
178. Local authorities told the Committee that reporting every two years was “an appropriate starting point” but also argued the approach needs to be light-touch, rather than overly burdensome, flexible and with an “understanding that, after the initial two years, we may only see small incremental moves forward, even if we are heading in the right direction”<sup>lxxxii</sup>.

**179. The Committee notes that section 11 is the only oversight provision for**

**relevant authorities set out in the bill. The Committee has already set out its view that the oversight provisions relating to relevant authorities should be strengthened.**

**180. The Committee notes and agrees with relevant authorities' comments that the reporting mechanisms should not be burdensome.**

**181. The Committee seeks further information from the Scottish Government, in advance of the Stage 1 debate, about what information it envisages section 11 progress reports would include and what scrutiny mechanisms will be in place to monitor relevant authorities' progress.**

## **Section 12 – review and revision of plans**

182. Section 12 provides that relevant authorities must review their good food nation plans every five years and, at the end of that review, may revise their plans. The requirements as to the content of the plan (set out in section 7), consultation (section 8) and the national plan (section 9) would apply to revised plans, as would the section 7(1) requirement to publish the revised plans. This places a similar requirement on relevant authorities to the requirement placed on the Scottish Ministers by section 6, although there is no requirement for relevant authorities' revised plans to be laid in the Scottish Parliament.

**183. The Committee notes that relevant authorities are not required to consult as part of the section 12 reviews of their good food nation plans and in advance of revising their plans. The Committee asks the Scottish Government, in its response to this report, to reflect on whether relevant authorities should be required to consult as part of the review process.**

## **Sections 13 to 18 – interpretation, ancillary and commencement provisions**

184. Sections 13 to 18 make various provisions in relation to interpretation and definitions (sections 13 and 14), ancillary provisions (section 15), the regulation-making powers to be conferred on the Scottish Ministers (section 16) and the commencement dates and short title (sections 17 and 18).

185. The Committee did not receive any evidence in relation to these sections.

186. **The Committee notes the DPLRC reported that it was content with the section 15 power for Scottish Ministers to make ancillary provision in relation to the bill and the section 17(2) power to commence provisions.**

## Costs

187. As part of its consideration of the bill, the Committee considered the estimated costs as set out in the FM.

### Estimated costs for the Scottish administration

188. The FM estimates there will be no anticipated significant financial implications for the Scottish administration as a result of the bill.<sup>lxxxiii</sup> The FM sets out an average administrative cost for staff resources, consultation and publication of the plans of £31,772 (year one); £6,923 (every other year subsequently); and £15,049 (every fifth year subsequently).

189. The FM identifies that there will be costs incurred in implementing the plans but that, as these are dependent on the – as yet, undrafted – national good food nation plan, “it is not yet possible to provide an estimate of these costs”.

**190. The Committee has no comment to make in relation to the estimated costs for the Scottish administration.**

### Estimated costs for local authorities

191. The FM estimates there will be some additional administrative costs for local authorities.<sup>lxxxiv</sup> The FM sets out an average administrative cost for staff resources, consultation and publication of the plans across all local authorities of £880,704 (year one); £221,536 (every other year subsequently); and £345,568 (every fifth year subsequently).

192. The FM also states these were shared with COSLA who “indicated that the areas identified where costs would arise seemed appropriate”.

193. The FM does not refer to any implementation costs for local authorities.

194. Many local authorities raised concerns about the costs associated with the bill, both in relation to the resources anticipated relating to drafting and consulting on the good food nation plans as well as those in relation to the implementation, monitoring and reporting on the plans. COSLA argued that “there has been an underestimation of the work, time and resource required to act on the requirements of the good food nation local plan rather than simply draft one”.<sup>lxxxv</sup>

195. Argyll and Bute Council put forward the view that, “without adequate resources, the plan will ultimately become a piece of paper with ambitions on it”.<sup>lxxxvi</sup>

---

<sup>lxxxiii</sup> Financial Memorandum, paragraphs 10 to 15

<sup>lxxxiv</sup> Financial Memorandum, paragraphs 16 to 23

<sup>lxxxv</sup> COSLA written evidence, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?\\_b\\_index=60&uuld=909832266](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?_b_index=60&uuld=909832266)

<sup>lxxxvi</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 9 February 2022, col. 50

196. When the Committee asked the Cabinet Secretary about the FM, she highlighted the difficulty in being precise about potential costs because local authorities were at different stages of their good food nation journey. The Cabinet Secretary recognised that—

” Implementation [of the bill] might not be as much of an issue for some councils as it might be for others. An authority that is just starting out on the journey will need to find out how it will make the process work and how that work will be resourced, whereas other authorities will have already built that in. It is not possible for us to quantify in the financial memorandum what the on-going costs of implementation of a plan might be, because each plan might be different.<sup>lxxxvii</sup>

197. In response to questions about the on-going costs associated with the implementation of the plans themselves, the Cabinet Secretary referred to continuing discussions to identify these. The Cabinet Secretary stated “we do not know what the implications of that [on-going implementation of the plans] might be, but the discussions that we are continuing to have with COSLA will be important in ensuring that authorities have the right resources in place”.<sup>lxxxviii</sup>

### Estimated costs for health boards

198. The FM states that, as health boards already have policies in place in order to prepare and publish reports on various matters relating to food and nutrition, “the Bill will not require significant additional activity by health boards and any new costs are considered to be negligible”.<sup>lxxxix</sup>

199. In relation to health boards’ good food nation plans, RCN Scotland questioned the statement that the Bill would not require significant additional activity, asking “if no ‘significant additional activity’ is due to be required by this legislation, this begs the question, what is the point of enacting it?” RCN Scotland went on to state that, “if additional burdens are in fact being placed on health boards, [...] then it is important that health boards are adequately resourced to both meet the burden of developing and reviewing their plans, but to also to have regard to these plans, particularly in the context of current pressures on services”.<sup>xc</sup>

200. Public Health Scotland, during oral evidence to the Committee, argued that the bill would require “significant resource” in order for health boards to draft, consult and deliver their plans. It argued it was unable to comment further on the possible costs as there was so little detail about what the plans would include and, thus, what would be involved in their implementation.<sup>xc</sup>

201. In their letter to the Committee, NHS Board chief executives strongly argued that

---

<sup>lxxxvii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2021, col. 13

<sup>lxxxviii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 14

<sup>lxxxix</sup> Financial Memorandum, paragraphs 24 to 26

<sup>xc</sup> RCN Scotland written evidence, available at: [https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view\\_respondent?\\_b\\_index=0&uuld=978102277](https://yourviews.parliament.scot/raine/good-food-nation-scotland-bill/consultation/view_respondent?_b_index=0&uuld=978102277)

<sup>xc</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 2 February 2022, col. 52

health boards should be able to use their existing “proven and established systems” as their good food nation plans in order to maximise resources.<sup>xcii</sup>

202. The Committee discussed the costs for health boards with the Scottish Government during its evidence. Scottish Government officials explained that—

” the way it works is that we have a colleague who liaises with the health boards, so they [health boards] have not replied directly to us. We work through the colleagues who work with the health boards more directly on a day-to-day basis. During the drafting of the financial memorandum, we asked several times whether it was correct that the costs would be negligible, and the response was always the same from the team.<sup>xciii</sup>

203. The Cabinet Secretary clarified that negligible costs for implementation of the bill have been identified for health boards as they already have plans in place. She went on to confirm that, with regard to on-going costs of implementation of the plans themselves “and once we have a better idea [of what health boards’ plans contain]”, the Scottish Government intends to continue discussions with health boards. She indicated that “each plan may be different, so it is not possible for us to quantify all those costs at the moment”.<sup>xciv</sup>

**204. The Committee notes the financial memorandum only sets out the estimated costs for the relevant authorities to draft and consult on their good food nation plans, and to report every two years and review, and potentially revise, every five years.**

**205. The Committee also notes, however, that the FM does not set out any costs relating to the implementation of the bill. Although this is a framework bill, and the detailed content of the plans is not set out in the legislation, there is a clear intention that these plans will support relevant authorities to progress their food-related policies and to make meaningful strides in achieving the good food nation ambitions.**

**206. The Cabinet Secretary sought to reassure the Committee on this point, indicating that discussions are on-going with local authorities and health boards around these possible costs. The Committee notes there is no scope for parliamentary scrutiny of these costs. The Committee requests that a revised financial statement is provided to the Parliament in advance**

---

<sup>xcii</sup> Letter from NHS Board Chief Executives' Group, available at: [https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill\\_letter-from-nhs-board-chief-executives](https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-rural-affairs-islands-and-natural-environment-committee/correspondence/2022/good-food-nation-scotland-bill_letter-from-nhs-board-chief-executives)

<sup>xciii</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 15

<sup>xciv</sup> Rural Affairs, Islands and Natural Environment Committee, Official Report, 23 February 2022, col. 15

**of Stage 2 setting out the Scottish Government's expectations about what costs may fall to relevant authorities and how this will be resourced.**

# Conclusion

207. The Committee agrees with the general principles of the bill.

## Annexe: Extract of minutes

### [9th Meeting, 2021 \(Session 6\) Wednesday, November 3, 2021](#)

**1 Good Food Nation (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from— George Burgess, Deputy Director Food and Drink, Scottish Government, Ashley Cooke, Head of Food Policy, Scottish Government, James Hamilton, Solicitor, Scottish Government, Tracy McCollin, Good Food Nation Bill Team, Scottish Government

**2. Good Food Nation (Scotland) Bill (In Private):** The Committee agreed its approach to the scrutiny of the Bill at Stage 1.

### [2nd Meeting, 2022 \(Session 6\) Wednesday, January 19, 2022](#)

**1. Good Food Nation (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from— Professor Mary Brennan, Chair, Scottish Food Coalition; Robin Gourlay OBE; and Geoff Ogle, Chief Executive, Food Standards Scotland.

**3. Good Food Nation (Scotland) Bill (In Private):** The Committee reviewed the evidence heard earlier in the meeting.

### [3rd Meeting, 2022 \(Session 6\) Wednesday, January 26, 2022](#)

**1. Good Food Nation (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from— Polly Jones, Head of Scotland, The Trussell Trust; Pete Ritchie, Director, Nourish Scotland; Tilly Robinson-Miles, Impact and Policy Officer, Food Train; and Anna Taylor, Executive Director, The Food Foundation.**and then from—** John Davidson, Deputy Chief Executive and Strategy Director, Scotland Food & Drink; Karen Galloway, Head of Retail and Insights, Seafood Scotland; Jonnie Hall, Director of Policy, National Farmers Union Scotland; and Claire White, Manager, Shetland Food & Drink Limited.

**4. Good Food Nation (Scotland) Bill (In Private):** The Committee reviewed the evidence heard earlier in the meeting.

### [4th Meeting, 2022 \(Session 6\) Wednesday, February 2, 2022](#)

**2. Good Food Nation (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from— Iain Gulland, Executive director and chief executive officer, Zero Waste Scotland; Dr Mike Rivington, Land Use System Modeller, James Hutton Institute; Dr Kirsteen Shields, Lecturer in International Law and Food Security, Global Academy of Agriculture and Food Security; Vicki Swales, Head of Land Use Policy, RSPB Scotland, Scottish Environment LINK;**and then from—** Dr Isabel Fletcher, Senior Research Fellow, University of Edinburgh; Claire Hislop, Organisational Lead for Diet, Physical Activity and Healthy Weight, Public Health Scotland; Jill Muirie, Public Health Programme Manager, Glasgow Centre for Population Health; and Jo Teece, Project Manager, British Dietetic Association.

**7. Good Food Nation (Scotland) Bill (In Private):** The Committee reviewed the evidence heard earlier in the meeting.

[5th Meeting, 2022 \(Session 6\) Wednesday, February 9, 2022](#)

**5. Good Food Nation (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from— Jayne Jones, National Chair of ASSIST FM Food and Drink, Argyll & Bute Council; Mark Hunter, Strategic Lead Food and Facilities Support, East Ayrshire Council; Mike Callaghan, COSLA Policy Manager, COSLA.

**7. Good Food Nation (Scotland) Bill (In Private):** The Committee reviewed the evidence heard earlier in the meeting.

[6th Meeting, 2022 \(Session 6\) Wednesday, February 23, 2022](#)

**1. Good Food Nation (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from— Mairi Gougeon, Cabinet Secretary for Rural Affairs and Islands; George Burgess, Deputy Director Food and Drink; Ashley Cooke, Head of Food Policy; James Hamilton, Lawyer, Scottish Government Legal Directorate; and Tracy McCollin, Head of Good Food Nation Team, Scottish Government.

**2. Good Food Nation (Scotland) Bill (In Private):** The Committee reviewed the evidence heard earlier in the meeting.

[8th Meeting, 2022 \(Session 6\) Wednesday, March 9, 2022](#)

**6. Good Food Nation (Scotland) Bill (In Private):** The Committee considered a draft Stage 1 report. The Committee agreed (by division: For 5, Against 4, Abstentions 0) to postpone the evidence session scheduled for 16 March 2022 with the Secretary of State for Environment, Food and Rural Affairs to a future meeting.

[9th Meeting, 2022 \(Session 6\) Wednesday, March 16, 2022](#)

**3. Good Food Nation (Scotland) Bill (In Private):** The Committee considered a draft Stage 1 report. Various changes were proposed and decided upon (one by division), and the report was agreed.

