

# Food (Wales) Bill

## Bill Summary

May 2023



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# **Food (Wales) Bill**

## Bill Summary

May 2023

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This briefing summarises the Food (Wales) Bill and its scrutiny during Stage 1 of the legislative process.

The **Food (Wales) Bill** (the 'Bill') is a '**Member Bill**', brought forward by Conservative Member of the Senedd, Peter Fox MS, the Member in Charge of the Bill.

**The Bill** was introduced to the Senedd on 12 December 2022, accompanied by an **Explanatory Memorandum (EM) and Regulatory Impact Assessment (RIA)**.

The **Legislative Statement** took place on 14 December where Peter Fox MS presented the Bill, and Members first discussed its proposals in Plenary.

The Bill aims to provide a new overarching framework for the food system, integrating: economic, health and social, education, environmental and food waste considerations. It would legislate in three main areas to:

- introduce 'food goals': comprising a 'primary food goal' and 'secondary food goals' with targets;
- establish a Welsh Food Commission to monitor progress, advise the Welsh Ministers and assist public bodies in relation to their duties under the Bill; and
- require production of a national food strategy and local food plans.

The Bill was referred to the **Economy, Trade and Rural Affairs Committee** for **Stage 1 scrutiny**. Although the Committee unanimously supported the policy objectives of the Bill, it could not come to a unified position on the need for legislation to deliver those objectives. Therefore it is not providing a recommendation to the Senedd on whether it should agree the Bill's general principles. The Senedd will debate and vote on whether it agrees the general principles on 24 May 2023. This will decide whether the Bill progresses further.

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# 1. Background

## The draft Bill

Peter Fox MS was successful in the September 2021 Member Bill ballot and his proposal for the Bill received the Senedd's leave to proceed on **17 November 2021**.

**Peter Fox MS ran a consultation** on his proposals with **a draft Bill**. It received 49 responses from organisations and individuals which have been **published** and **summarised**.

The consultation highlighted support for the main features of the draft Bill.

Many respondents felt current Welsh Government policy relating to food is not sufficiently joined up, and supported the need for a single overarching holistic approach to the food system in Wales.

## Current Welsh Government policy related to the food system

The Welsh Government has a range of policies relevant to the food system, spanning various departments. **A letter from the Welsh Government** to the Economy, Trade and Rural Affairs (ETRA) Committee (the 'Committee') shows the variety of policies it has, or is developing. The EM to the Bill provides a summary of current legislation and policy relevant to food (from page 4). Some of these relevant policies/laws are detailed below:

- The **Vision for the Food and Drink Industry from 2021** sets a vision and mission focused on business growth which simultaneously aims to benefit people and society;
- The **Welsh Government says** food is within the scope of the socially responsible procurement duty under the **Social Partnership and Procurement (Wales) Bill** and the **Wales Procurement Policy Statement Principles**;
- The Welsh Government is developing a **Community Food Strategy** with a vision to support community scale ventures which develop opportunities for locally produced food;
- The **Healthy Weight Healthy Wales** (2019) strategy includes a commitment that, by 2030, Wales will have "food environments where healthier food and drink is widely available, appealing and affordable, making the healthier choice the easy choice";

- **A Healthier Wales** (2018) is the Welsh Government's long-term health and social care plan. It stresses "the impact of 'lifestyle factors' such as not smoking, avoiding excessive drinking, maintaining a healthy weight, good diet and exercise";
- The Labour-Plaid Cymru **Co-operation Agreement** commits to all primary children having **free school meals by 2024**;
- The new **Curriculum for Wales** has been introduced in primary schools and is expected to be rolled out to all secondary year groups by 2026/27;
- The **Agriculture (Wales) Bill** and planned **Sustainable Farming Scheme** would introduce a new framework for agricultural support based on 'Sustainable Land Management';
- The **Welsh Government's Net Zero Plan** aims to achieve net zero carbon by 2050;
- The **Environment (Wales) Act 2016** introduced the **sustainable management of natural resources principles and biodiversity duty**, and strategies to conserve nature are set out in the **Nature Recovery Action Plan**;
- The **Beyond Recycling Strategy** commits to eradicate all avoidable food waste by working with food producers and processors across the whole supply chain, to limit food waste in all settings. The strategy sets a target to halve avoidable food waste by 2025, and by 60% by 2030; and
- The overarching **Well-being of Future Generations (Wales) Act 2015** (WFG Act) is about improving the social, economic, environmental and cultural well-being of Wales.

On the Bill's introduction, **the Minister for Rural Affairs and North Wales, and Trefnydd (the 'Minister') said** the Bill is unnecessary and will distract and add complexity, pointing to existing and developing food policies. In particular she argued:

Wales's Well-being of Future Generations (Wales) Act 2015 already provides us with a framework and a foundation for holistic integrated policies focused on the long-term gain for citizens and society.

However, respondents to the draft Bill highlighted a lack of coherence in Welsh Government policy. **Food Policy Alliance Cymru said**:

A key reason why this Bill is important is because to date policy incoherence has often led to mixed messages, missed opportunities and contradictory approaches. For Example the strategic direction of growth and industrialisation of the food manufacturing sector versus a clear policy direction of 'sustainable agriculture'; Minimum alcohol



pricing as part of the Public Health (Wales) Act vs Welsh Government's Drink Strategy; planning policies that allow farms to pollute water courses whilst assets key to building food security (whether land or infrastructure) held in public ownership are lost to other sectors; and missed opportunities to connect Welsh Government's Food and Drink Retail Plan with opportunities within the Healthy Weight Healthy Wales (obesity strategy) - in particular around ambitions for a Healthy Food Environment.

The lack of coherence of food policy was raised in the Fifth Senedd by the **Climate Change Environment and Rural Affairs Committee which published two reports on 'Rethinking Food in Wales'** (2018 and 2019). Conclusion 2 from the 2018 report on public procurement said:

There is a need for a new, overarching, post-Brexit food strategy that reflects a whole-system approach. The strategy should be underpinned by the objectives and goals of the Well-being of Future Generations (Wales) Act 2015 and should be accompanied by an action plan, including measures and targets.

## 2. What the Bill does

The Bill aims to establish a new framework to join up different elements of the food system and provide better oversight and accountability.

### The stated policy objectives

The EM sets out the Bill's policy objectives:

... the Bill seeks to develop a holistic, coherent framework within which future food policy will be developed by removing the current 'siloisation' of policy. It will act as a platform for collaboration between public bodies and policy makers, as well as bringing together food producers and consumers. In doing so, the Bill also seeks to ensure that policies consider how the food system can respond to some of Wales' socioeconomic and environmental challenges on a national and local level.

The EM links the Bill to the WFG Act saying it will help the Welsh Government and other public bodies to meet the duties outlined in that Act:

The aims of provisions within the Bill will be focused on meeting the seven wellbeing goals, and will use the Act to facilitate a more coherent approach to the development of food policy in Wales.

### Summary of provisions, as introduced

#### Sections 1 to 3: food goals

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Section 1 imposes a duty on public bodies to advance the primary and secondary food goals.

Section 2 establishes the primary food goal – “provision of affordable, healthy, and economically, environmentally and socially sustainable food for the people of Wales”.

Section 3 sets out secondary food goals with descriptions under the headings: economic well-being; health and social; education; environment; and food waste. Descriptions can be amended by the Welsh Ministers following consultation with the Welsh Food Commission.

## **Sections 4 to 7: food targets**

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Section 4 requires the Welsh Ministers to set targets for each secondary food goal by regulations which must be made within two years of this section coming into force (which is three months after Royal Assent). They must set a measurable standard and target date.

Sections 5 to 7 establish the target setting process, the duty to set a target reporting date and a review process (the first review must be completed within five years of this section coming into force).

## **Sections 8 to 16: the Welsh Food Commission**

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Section 8 establishes the Welsh Food Commission.

Section 9 sets the Commission's objectives - to promote and facilitate achievement of the primary and secondary food goals / targets by public bodies.

Section 10 establishes the Commission's functions including: developing and advising on food policies, and overseeing / reviewing food goals and targets related to public body functions.

Section 11 introduces the Schedule which details the Commission's operation, including its status, membership, salary, staff, internal workings, funding, reports and accounts. The Welsh Ministers must consult the Senedd in appointing the chair and members.

## **Sections 12 to 16: the national food strategy**

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Section 12 requires the Welsh Ministers to prepare a national food strategy, including policies advancing the primary and secondary goals, within two years of this section coming into force (which is three months after Royal Assent).

Section 13 establishes the strategy-making process. The Welsh Ministers must seek the Commission's advice and may seek the Future Generations Commissioner's advice. They must consult independent experts / other appropriate persons and have regard to various international instruments, including the UN Convention on the Rights of the Child.

Section 14 describes the strategy's effect. Public bodies must have regard to the food strategy when exercising functions related to food goals and targets.

Section 15 requires the Welsh Ministers to report on the effectiveness of the national food strategy ('as soon as practicable' two years after the strategy is published).

Section 16 requires the Welsh Ministers to review the national food strategy every five years and revise it as they consider appropriate.

### **Sections 17 to 21: local food plans**

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Section 17 requires each public body (local authorities and local health boards but not the Welsh Ministers) to make a local food plan within two years of this section coming into force (which is three months after Royal Assent).

Section 18 establishes the process. The public bodies may consult with the Welsh Food Commission, the Future Generations Commissioner and other appropriate persons and must have regard to the national food strategy.

Section 19 requires public bodies to have regard to their food plan when exercising functions related to the food goals and targets.

Sections 20 and 21 require public bodies to report on effectiveness of the local food plans ('as soon as practicable' two years after the local plans are published) and review their plans every five years, and revise them as they consider appropriate.

### **Sections 22 to 26: general provisions**

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Section 22 defines 'public body' as the Welsh Ministers, local authorities and local health boards. The Welsh Ministers can amend this list following consultation with the Commission and other appropriate persons, but cannot remove themselves. Additions must exercise "functions of a public nature" and be consulted before they are added.

Section 23 confirms that the regulation making powers are exercisable by statutory instrument, using the affirmative procedure.

Sections 24 to 26 provide for interpretation, commencement (3 months following Royal Assent) and the short title.

## **The Regulatory Impact Assessment**

The RIA estimates costs over a five year period using a 2022-23 price base year in a range (low to high). Total five year estimated costs break down as follows:

- Transitional: £1.2m to £1.7m.
- Recurrent: £3.6m to £7m.
- Total: £4.8m to £8.7m.
- Net Present Value (discounted to 2022-23 prices): £4.51m to £8.11m,

The total costs of the Welsh Food Commission over five years are estimated at between £3.75m and £7.5m. The costs for public bodies (local health boards and local authorities) of drafting and reporting on local food plans are estimated at between £905k and £1.01m over five years.

### 3. The Economy, Trade and Rural Affairs Committee's Stage 1 scrutiny of the Bill

The Bill was remitted to the Senedd's Economy, Trade and Rural Affairs Committee ('the Committee') for Stage 1 scrutiny.

The **Committee**:

- launched a **public consultation** on the Bill which closed on 27 January 2023; 29 responses were received;
- held an **initial evidence session with Peter Fox MS, Member in Charge** on 19 January;
- heard from a **variety of stakeholders**: academics, sustainable food campaigners, land managers, food industry representatives, and health and education representatives;
- held a **session with the Minister** on 1 March; and
- held a **final session with Peter Fox MS** on 8 March.

**The Committee's report** provides a comprehensive account of the evidence, along with the Committee's views and recommendations.

Although the Committee unanimously supported the policy objectives of the Bill, it could not come to a unified position on the need for legislation to deliver those objectives. It will be for the Senedd to decide whether it agrees the general principles of the Bill during the Stage 1 debate in Plenary.

The sections below summarise key evidence received at Stage 1 and the Committee's conclusions.

#### **The case for legislation**

##### **Many stakeholders felt the Bill is necessary**

As with the draft Bill consultation, the Committee found the main arguments for the Bill related to better oversight and cohesion across Welsh Government food policies, accountability, and effective policy implementation at a national and local level.

Support came from a range of stakeholders including: the farming unions, environmental organisations, animal welfare groups, academics, local authorities and local health boards. The outcomes they wanted to see included improved:

- food security;
- public procurement;
- animal welfare;
- environmental protection and recovery (nature and climate);
- economic growth;
- education on food related matters;
- food affordability;
- equal access to nutritious food and reduced obesity; and
- community involvement.

### **Local authorities were concerned about resourcing**

Although supportive, some local authorities were concerned about the resource implications of the Bill and said it would need to be introduced gradually, due to the range of new responsibilities being given to local government.

Several public sector organisations cautioned that extra resource would be needed to support the Bill's implementation. The Welsh Local Government Association (WLGA) said "As with any new duty imposed on councils this will have to be properly funded and not expected to be accommodated within existing budgets." Estyn raised concerns about the cost of implementing the Bill being passed on to schools saying "It will be important that the Welsh Government provides enough financial support for the Bill so that core spending on education is not adversely affected."

Swansea Council and Monmouthshire County Council both highlighted that some primary schools were already struggling to pay the additional cost created by the roll-out of free primary school meals.

### **Several stakeholders made the 'invest to save' argument**

Simon Wright (University of Wales Trinity St David and Wright's Food Emporium) and the Nature Friendly Farming Network (NFFN) said the Bill's approach will save money in the long-term through improvements to people's health and the environment. The British Dietetic Association hoped the Bill would improve equity in the distribution of funds.

## Some didn't support the need for legislation

The Food and Drink Federation (FDF) Cymru didn't believe legislation is needed, arguing it could introduce unnecessary complexity and bureaucracy and "stifle" innovation. It felt the Bill's primary food goal could be delivered without legislation.

The Food and Drink Wales Industry Board supported the Bill's aims to join up food policy, but didn't think legislation was the best approach. It suggested the Welsh Government should first assess how far its departments are delivering against agreed objectives before "we go headlong towards a Bill".

**The Committee wrote to the Welsh Government** asking for it to undertake this exercise (based on delivery of the Bill's secondary food goals). **The Welsh Government's response** lists its policies next to the secondary food goals. Members of the Committee felt publishing and regularly updating a document like this may help the Committee and stakeholders better understand how Welsh Government food policy is aligned and improve policy implementation.

## The Minister didn't support the Bill

The Minister argued the Bill adds unnecessary complexity and cost. She asserted it doesn't solve the issues included in the EM. She told the Committee the WFG Act already provides a lens to look at food related issues and the Bill "undermines" that approach.

The Minister said that support for the Bill from stakeholders was due to the perception that Welsh Government policy was not joined up, and wanted to get to the root of that.

### Committee view

Although the Committee unanimously supported the policy objectives of the Bill, it couldn't come to a unified position on the need for legislation to deliver those objectives. It will be for the Senedd to decide whether it agrees the general principles of the Bill during the Stage 1 debate.

The Committee felt the Welsh Government should improve its approach to the food system by ensuring policies are joined-up and complementary. This could either be through this Bill or by non-legislative means. If the Bill falls, it recommended the Welsh Government must examine which elements of the Bill it could take forward by a non-legislative route.



## Food goals

### **Many supported the inclusion of food goals, while providing suggestions for their amendment.**

To list a few examples:

- RSPCA Cymru suggested the inclusion of a goal on animal welfare;
- the Welsh Language Commissioner suggested a goal on sustaining and promoting the use of the Welsh language;
- environmental organisations made suggestions around strengthening environmental aspects of the goals;
- NFU Cymru wanted more explicit provisions around public procurement and food production;
- Betsi Cadwaladr and Aneurin Bevan UHBs called for explicit mention of tackling “health inequalities”; and
- several supported Food Policy Alliance Cymru’s proposed secondary food goals which are intended to be less “sectoral” and include: food for all, food for public health, net zero food system, farming for nature and climate, sustainable food procurement, sustainable food sector jobs and livelihoods.

The Farmers’ Union of Wales (FUW) highlighted the possible opposing nature of the goals:

To have healthy, economically, environmentally and socially sustainable food that is also affordable for the consumer is obviously challenging.”

Several stakeholders supported giving equal weighting to the secondary goals (rather than a hierarchy). The Soil Association said secondary food goals should be “taken together and delivered in an integrated and balanced way to avoid selective prioritisation”. Betsi Cadwaladr University Health Board (UHB) and Estyn suggested guidance could aid interpretation of the goals and help manage conflict. Peter Fox MS emphasised that the secondary food goals should be considered equal.

RSPB Cymru called for a strengthened consultation requirement for Ministers when amending the secondary food goal descriptions by regulations (with persons with independent and relevant expertise).

The Food and Drink Wales Industry Board described the goals as “nebulous” calling for “smart objectives” to build a vision of what should be achieved in 5-10 years’ time.

Minister said the relationship between the primary and secondary food goals is unclear and “the Welsh Government is already pursuing diverse policies relevant to delivering the secondary goals. These policies have or commit to create explicit targets and indicators.”

### **Committee view**

The Committee supported the inclusion of the food goals in the Bill. However Members felt they could be better aligned and shared concerns that the secondary goals were too sectoral. It supported Food Policy Alliance Cymru’s suggestion of less sectoral goals.

If the Bill falls, the Committee recommended the Welsh Government should commit to publishing a document setting out all of its food policies, across departments, and how these align against its key overarching objectives. It said this document should be regularly updated.

## **Food targets**

### **The majority of evidence gathered by the Committee supported the inclusion of food targets in the Bill.**

Some said the Bill could cause misalignment and confusion with existing targets. Others said the Bill would consolidate targets and add clarity to avoid misalignment across different policies.

The farming unions told the Committee that targets were necessary to allow progress towards the goals to be measured. However FUW emphasised the targets “must not create additional red tape or burdensome requirements for farmers or other businesses throughout the food supply chain”.

Some suggested the Bill could elevate some existing targets to statutory status to provide better accountability.

Some would like to see the requirement for certain targets on the face of the Bill – RSPB Cymru, Size of Wales, Soil Association suggested both biodiversity and climate change targets to ensure equal status.

The British Dietetic Association was concerned the Bill doesn’t provide for ‘aspirational’ targets referring to section 5(2) which emphasises achievability. The WLGA said the targets could require at least a minimum standard so as not to “limit

ambition” with incentives for those achieving superior performance.

The farming unions and NFFN called for a shorter reporting timeframe. FUW explained that annual reporting might be better because “food supply chains are extremely sensitive to global events”.

There was also a call from the agricultural sector for a shorter reviewing period. The farming unions, NFFN and Hybu Cig Cymru all suggested that five years was too long.

The Minister **told the Legislation, Justice and Constitution Committee** that the timescales to set and report on targets were blunt and challenging. She explained “you’d have to target set, you’d have to report, you’d have to review activities. I think it would be hard for Government, but I think it would be really hard for other public bodies to fit in with this timescale as well.”

### **Committee view**

The Committee supported the inclusion of targets in the Bill to drive progress in the food system. However, Members felt it is important that any targets set must have a strong mechanism for evaluation to measure progress.

Members were content that the suggested method and timeframe for setting and reviewing targets in the Bill are appropriate.

If the Bill falls the Committee recommended the Welsh Government should undertake a gap analysis exercise of existing targets of relevance to the food system, and in consultation with stakeholders, introduce new targets to fill any gaps.

## **Welsh Food Commission**

### **The case for a Welsh Food Commission**

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#### **Many supported the establishment of an adequately resourced Welsh Food Commission**

To avoid duplication, several highlighted the need for the Food Commission to work complementarily with existing Commissioners, including the Future Generations Commissioner and the Children’s Commissioner.

**Others, including PHW and Swansea Council felt the proposed functions could be handled by the Future Generations Commissioner's office.**

When asked if the office of the Future Generations Commissioner could provide a quick route to achieve some of the aims of the Bill, Peter Fox MS **told the Committee** he had spoken to the previous Future Generations Commissioner and “at that time, the commissioner felt that that wasn't the right way forward”. He went on to say “However, we've a new commissioner, and there's nothing stopping people thinking of strengthening the future generations Bill, perhaps, to do some of this.” However, he ultimately said he felt his Bill was a better solution.

NFU Cymru and FDF Cymru highlighted possible overlap with the Food Standards Agency (FSA), and FDF Cymru said the Food and Drink Wales Industry Board already fulfils some of the Food Commission's proposed functions.

FDF Cymru was concerned the Food Commission would take a long time to establish.

**The Minister was not supportive of a Welsh Food Commission but said she would consider setting up an internal board to join up food policy across departments**

She highlighted this non-legislative approach would be cheaper, quicker and more flexible.

The Minister was concerned about the cost of a Welsh Food Commission, and overlap with the FSA and the Future Generations Commissioner. Peter Fox MS argued **in correspondence to LJC Committee** that the FSA's focus is on food safety and standards.

**Functions of the Commission**

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**Many supported a role for the Food Commission to provide oversight of food policy, advise Ministers on the food goals, targets and national strategy and to support public bodies to deliver their responsibilities effectively and consistently.**

Several suggested the Food Commission should have a stronger role in developing the national strategy (e.g. Food Policy Alliance Cymru said it should lead on the strategy and provide a draft to the Ministers to approve). Many believed that accountability should rest with the Ministers.

The Soil Association called for the Food Commission to undertake “strategic planning, assessing the potential impact of emerging economic, environmental and social risks and opportunities for the delivery of the primary food goal”.

Sustain and Aneurin Bevan UHB wanted to see the role broadened to monitor UK and international food policy and trading relationships which impact on the Welsh food system.

PHW said the Food Commission’s time risks being consumed by monitoring the local food plans and called for it to have “wider reach”.

### **A Food Commissioner or chair-and-board model?**

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**Several stakeholders wanted a dedicated Food Commissioner (as opposed to a chair-and-board model proposed in the Bill).**

Several argued a Food Commissioner would provide a figurehead and elevate food policy matters. Food Sense Wales and NFFN believed a Commissioner could navigate the process of integration of food related policies across government.

Peter Fox MS explained the rationale for the Commission’s structure, saying “to get the breadth of expertise that is needed within that commission role, it needed to be a chair and board, not an individual commissioner”.

### **Membership**

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**A key message from stakeholders was to ensure the Food Commission has appropriate membership and expertise.**

The majority called for broad and inclusive membership representing all the secondary food goals from across the food system.

Some were concerned the proposed process for selecting members may not create a sufficiently independent and representative Food Commission.

## **Committee view**

The Committee could not come to an agreed position on the requirement for, or design of, a Welsh Food Commission, and so will not be making a recommendation regarding its establishment or make-up. However Members did agree that if a Commission is established, it must have a wide range of expertise relevant to the food goals.

The Committee agreed it might be beneficial for the Commission, if established, to take on certain other functions to those set out in the Bill. For example monitoring UK and international food policy and trading relationships. The Committee recommended that if the Bill progresses, the Welsh Government should, in consultation with stakeholders, consider what additional functions may be beneficial to include in its remit.

Members were pleased to hear the Minister say that she was willing to consider the establishment of an internal food policy board, or a similar action, to improve co-ordination across policies and departments.

If the Bill falls, Members discussed two options - the internal board as suggested by the Minister, or the creation of a dedicated food-systems post within the office of the Future Generations Commissioner. The Committee felt that the internal board or Future Generations office postholder should carry the over-arching responsibility of promoting a joined-up approach to food policy, with a driving aspiration of delivering affordable and healthy food that is economically, environmentally, culturally and socially sustainable for people now and in the future.

On balance, if the Bill falls, Members decided to recommend the creation of an internal board but also felt that consideration could be given to establishing a post in the Future Generation Commissioner's office as a secondary option.

## National food strategy

**Many stakeholders supported the requirement for a national food strategy, mainly to join up the different strands of food policy, calling for wide consultation during its development.**

Although the Food and Drink Wales Industry Board didn't support the need for legislation, it called for a national strategy for "sustainable food, food security, socioeconomic well-being and enhanced consumer choice". However it **cautioned** that lessons need to be learned from the UK national food strategy which it said hasn't been implemented.

Food Sense Wales highlighted the previous Future Generations Commissioner's call for a national food strategy as part of her **five-point plan for the cost-of-living crisis**.

The Soil Association said a systems-level approach could ensure equality in terms of access to food across Wales. It argued for a requirement to be imposed on Welsh Ministers to ensure the strategy supported uptake of 'Sustainable Land Management' (linking to the **Agriculture (Wales) Bill**).

RSPB Cymru said public bodies must have a duty to implement the strategy (rather than 'have regard' to it (section 18(2)) to ensure the strategy's effectiveness. Several called for a clearer linkage between the national food strategy and local food plans.

Size of Wales and WWF said the strategy should be guided by agroecological principles and take account of Wales's impact overseas. RSPCA Cymru highlighted animal welfare must be a focus of the national strategy (as well as local food plans).

WLGA said five years is too long before the first review of the strategy.

### **The Minister disagreed with the need for a national strategy**

The Minister said there is a comprehensive set of policies already in place and she's taking action to fill any gaps, e.g. the Community Food Strategy. However she later **conceded** that whilst she did not think a national food strategy was necessary "if, during the scrutiny of the Food Bill, it becomes apparent that it could do something for us as a Government, and it could make the complexity of policy simpler, I'm very prepared to look at it."

She highlighted existing groups and reporting systems within the Welsh Government to support join-up of policy and that there is cross-working between Ministers e.g. her work with the Deputy Minister for Mental Health and Wellbeing.

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### Committee view

The Committee strongly supported the inclusion of a national food strategy in the Bill. Members also recommended if the Bill falls, the Welsh Government should commit to publishing a national food strategy as set out in the Bill on a non-statutory basis. This would include a commitment to undertake the consultation and review process for such a strategy.

### Local food plans

**Many stakeholders supported the requirement for public bodies to produce local food plans to drive action at a local level. A common theme was these additional responsibilities would require appropriate resource.**

PLANED wanted to see local food plans integrate with community-based organisations and projects. A few stakeholders argued the Bill doesn't do enough to tap into the resource of grass roots community movements and that co-design is needed.

PLANED said the consultation requirements for public bodies when making their local food plans are too weak. It suggested a requirement for consultation with "community-based organisations currently delivering and promoting local food projects" be added to section 18 of the Bill. Peter Fox's Bill team told the Committee they didn't want the Bill to be too prescriptive on the consultation requirement for local food plans. They said public bodies will "inherently consult".

The Soil Association called for alignment with other legislative proposals (the Social Partnership and Public Procurement (Wales) Bill) in relation to public procurement requirements. Aneurin Bevan UHB called for alignment with wellbeing plans and reporting under the WFG Act.

NFU Cymru would like the timeframe for publishing local food plans (2 years) to be shortened and said that reporting on those plans (2 years after publication) could be more ambitious. However PHW said the timescales were too short and suggested five yearly cycles to align with well-being plans of the WFG Act.

Local health boards welcomed the local food plans, while recognising the public sector is stretched. Betsi Cadwaladr UHB said it had already identified access to healthy food as a priority and valued a new structure that would bring together different stakeholders.



Local authorities were more concerned about resource and the ability to take on more responsibilities, highlighting they were already trying to roll out free primary school meals and this wasn't the right time for more duties. Peter Fox MS accepted this and suggested changing the timeline for development from two years to three years by amending the Bill at Stage 2 "to offset some of that anxiety".

### **Some didn't support the introduction of local food plans**

PHW wasn't supportive of local food plans arguing "the levers to create a system approach to food in Wales predominantly sit at a national level."

FDF Cymru believed local food plans may be overly bureaucratic and costly. It said if they are to be developed, food and drink businesses and other relevant organisations should be consulted.

The Food and Drink Wales Industry Board had concerns that the public bodies could draft very different local food plans if they prioritise different elements. However, the Soil Association stated the Bill should ensure local food plans are produced to a common standard and Size of Wales said the national food strategy should guide the local plans.

Some (e.g. PHW and Aneurin Bevan UHB) said the WFG Act framework could bring forward some of the Bill's aims at a local level. For example the local well-being plans and assessments could be strengthened to consider the food system further. Food Sense Wales highlighted the absence of food indicators under the WFG framework and said, as a result, food matters are lacking in well-being assessments of the Public Services Boards.

In written evidence **the Minister told Members:**

The duty on public bodies to produce local food plans potentially duplicates what can be done through the requirement to produce local well-being plans which are the focus of local authority led Public Service Boards (PSBs) established under the WFG Act. PSBs are revising their initial plans and there is opportunity to increase their focus on food matters.

### **Committee view**

The Committee supported the inclusion of local food plans in the Bill. Members hoped they can build on and complement the work already being undertaken at a local level, for example by local food partnerships.

The Committee would like to see grass roots organisations consulted by public bodies when they develop their local food plans. Members would like a requirement to consult these groups, principally local food partnerships, to be considered at further amending stages if the Bill progresses.

If the Bill falls Members would like to see more emphasis on food in Public Services Board's well-being plans and assessments to improve public procurement and local level improvements to the food system. The Committee recommends that the Welsh Government encourage more emphasis on food sustainability through the best mechanisms available under the WFG Act. This could be through including a new Well-being indicator/s with milestones to support improvement to the food system.

The Committee supports the policy aim of the Bill to “ensure the benefits of public procurement are maximised” and the use of public procurement to drive improvement in the nutrition of some of our most vulnerable people, whilst also creating opportunities for local producers and shorter supply chains. Members believe that section 17 should be amended to include the need for local food plans to support the procurement of local food. If the Bill falls Members believe this policy should still be taken forwards via non-legislative routes.

## 4. Other Senedd committees' scrutiny

The Finance Committee considered the financial implications of the Bill. The Legislation, Constitution and Justice Committee considered the Bill in accordance with its remit.

### Finance Committee

**The Finance Committee** was disappointed with the lack of information on a number of elements of the Bill and therefore is unable to draw a conclusion as to whether the resources are adequate and reasonable to deliver the legislation. It makes a number of recommendations and, if the Bill proceeds, expects to see the information requested included in an updated Regulatory Impact Assessment following Stage 2 proceedings.

### The Legislation, Justice and Constitution Committee

**The Legislation, Justice and Constitution Committee** made several recommendations on the Bill. These included that the Bill should be amended to ensure statutory guidance is issued to public bodies on how their duties under the Bill interact with their existing duties under the WFG Act.

This Committee didn't feel the inclusion of a primary food goal is necessary given the details in the descriptions for the secondary food goals. For the sake of clarity it suggested the primary food goal should be removed from the Bill. The Committee feels clarity should also be provided on the meaning of some of the concepts and wording included within the secondary food goals and therefore how they are to be interpreted consistently by public bodies. It recommended that the Bill should be amended so that the duty to consult before amending the descriptions of the secondary food goals applies to other appropriate bodies as well as the Welsh Food Commission.

It recommended the Bill should be amended to extend the time period within which a public body should publish a local food plan, from two years after the Bill coming into force to three years after that date.

It recommended the Member in Charge should provide examples of circumstances where a public body may be removed by the Welsh Ministers from the list of public bodies within section 22(1) of the Bill.

As a more general point, the Committee saw merit in considering the development of a more formalised and transparent process for engagement between the Welsh Government, its officials and Members of the Senedd who have secured leave to proceed to introduce a Member Bill.

It was disappointed to hear evidence, provided by both the Member in Charge and the Minister, which it felt suggested that the Minister has not engaged with the detail of the Bill.

## 5. Next steps

The Senedd will debate the general principles of the Bill (the Stage 1 debate) on 24 May 2023.

Should the Senedd agree the general principles of the Bill it will move onto Stage 2. However before Stage 2 proceedings can begin, the Welsh Ministers must move a financial resolution, supporting expenditure required to realise the Bill.

If a financial resolution is moved, and agreed by Plenary, then Stage 2 proceedings can begin and the Economy, Trade and Rural Affairs Committee have the opportunity to move and vote on amendments. The Bill would then be subject to further amendments by all Members of the Senedd in Plenary (Stage 3) before a final Plenary vote on whether to pass the legislation (Stage 4).

If the Senedd does not agree the general principles at Stage 1, the Bill will fall following that vote. If the Senedd agrees the general principles but the Welsh Ministers choose not to move a financial resolution, the Bill will fall six months after the Stage 1 debate. In the case of the Bill falling, the Economy, Trade and Rural Affairs Committee hopes the recommendations within its report will improve the sustainability of the food system in the absence of the legislation.