



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs, Islands and Natural Environment Committee

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Session 6



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Wednesday 23 February 2022

CONTENTS

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GOOD FOOD NATION (SCOTLAND) BILL: STAGE 1..... 1

RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE
6th Meeting 2022, Session 6

CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Ariane Burgess (Highlands and Islands) (Green)

*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

*Jenni Minto (Argyll and Bute) (SNP)

*Mercedes Villalba (North East Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

George Burgess (Scottish Government)

Mairi Gougeon (Cabinet Secretary for Rural Affairs and Islands)

James Hamilton (Scottish Government)

Tracy McCollin (Scottish Government)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs, Islands and Natural Environment Committee

Wednesday 23 February 2022

[The Convener opened the meeting at 09:00]

Good Food Nation (Scotland) Bill: Stage 1

The Convener (Finlay Carson): Good morning, and welcome to the sixth meeting in 2022 of the Rural Affairs, Islands and Natural Environment Committee. I ask all committee members who are using electronic devices to turn them to silent.

Our first item of business is an evidence session on the Good Food Nation (Scotland) Bill. I welcome to the meeting Mairi Gougeon, the Cabinet Secretary for Rural Affairs and Islands. We also have Scottish Government officials. Ashley Cooke, the head of food policy, Tracy McCollin, the head of the good food nation team, and James Hamilton, a solicitor for the legal directorate, are giving evidence in the room; George Burgess, the deputy director for food and drink, is giving evidence remotely. I invite the cabinet secretary to make an opening statement.

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): I am delighted to be here to speak about the Good Food Nation (Scotland) Bill, which is an important and long-awaited step in delivering our good food nation ambitions.

I thank those who have come to give evidence to the committee and those who have submitted written evidence. Reading and listening to that evidence, I appreciate not just the depth of knowledge but also the real passion of experts from across the food system. When we consider the breadth of evidence that the committee has taken and whom it has heard from, it is clear how fundamental food and food policy are and how they connect with and impact on so many aspects of our lives, including health and wellbeing, education and the environment. I look forward to reading the committee's analysis and views on the evidence it has gathered.

Our journey to becoming a good food nation has been a long one. Although, unfortunately, it has been disrupted by the pandemic, that journey is very much under way. Our vision is that Scotland will become a good food nation in which people from every walk of life take pride and pleasure in, and benefit from, the food that they produce, buy, cook, serve and eat each day. A good food nation

is a nation in which dietary-related diseases are declining and in which people have ready access to the healthy, nutritious and local food that they need. Being a good food nation means that our produce is environmentally sound and that we ensure the sustainability of our world-class food industry.

The Good Food Nation (Scotland) Bill is an important step on that journey, and it underpins the work that we are already doing. Our on-going work on the good food nation includes initiatives on environmental protection, the local economy, workers' rights, health, biodiversity, education, public procurement and much more. The bill will put such work on a legislative footing through the good food nation plans. The Government will be required to set out its stall for improving the food system and the outcomes that we want to achieve, as well as to measure and report on progress. That will ensure that momentum is sustained in making the improvements in food-related outcomes that we all want to see.

Given that it is a framework bill, at first glance it might appear narrow in focus and perhaps a little dry. However, it gives us the important tools that we need to continue improving the food system and embedding that change for the long term. It also ensures greater coherence of policy across the Scottish Government and makes the necessary links to the decision making on delivery of services at the local level.

I know that there has been discussion in these evidence sessions, and in the wider food community, on the right to food. The Scottish Government believes that the best approach is to bring together a host of rights under future human rights legislation. Although such legislation is crucial, it is the Good Food Nation (Scotland) Bill that will put in place the long-term planning that is necessary to make both the practical and cultural changes that we need to make human rights around food a reality for everyone in Scotland.

It is only with the buy-in and co-operation of others that we will see change. We require input and action from our farmers and food producers who grow and make our food; from our retailers and the wider food industry; from the third sector, which cares passionately about effecting real change; from local government and the health service, which deliver key services; and from all consumers. It is my intention that that collective experience and expertise will be used to create the future food plans, to set ever more ambitious targets and to create a cultural shift in how we think about food.

I look forward to discussing the bill and food policy with the committee today. I am genuinely excited about the next stage in our journey to becoming a good food nation as we develop long-

term plans for improving the whole system at national and local levels.

The Convener: We will move to questions. We have around 90 minutes, and I will kick off. In a nutshell, what do you consider a good food nation to be?

Mairi Gougeon: I hope that I have outlined some of that in the vision that I articulated in my opening comments. 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.

The Convener: You said that some people might be disappointed that the bill is just a framework, and that is perhaps why some of our witnesses have said that the bill lacks ambition. There is no indication in the bill of what that ambition is. We understand that much of that will come through secondary legislation, so, at this time, it is difficult to decide whether the bill will deliver. One witness suggested that it is a bit like putting the internet into a box. We understand that it includes things from soil quality right up to the nutrition of people in old folks homes, the right to food and the cost of food, but why is so much being left to secondary legislation when Parliament cannot scrutinise that? Much of that detail could have been in the bill.

Mairi Gougeon: 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.

I know that we will probably come on to discuss participation, scrutiny and how all of that will take place, because parliamentary scrutiny throughout the process will be important. However, given the nature of some of the policies that we are talking about, we have set out in section 1 that the plans will contain the outcomes, indicators and measurements of what we are looking to achieve. The plans will ultimately set out all of that and how it will be achieved.

The Convener: The plan that the Government pulls together will be critical in setting out an idea of where local authorities might pitch their plans. Should that plan come before Parliament for approval? Should the legislation require Parliament's approval of that Government plan?

Mairi Gougeon: There will be a consultation on the development of the draft plans. As the bill is

set out at the moment, there is the opportunity for periodic review of the plans, which would take place every two years, and we would have to report on that. What we have set out in the bill provides that opportunity for scrutiny, but, of course, I will not prejudge or pre-empt the committee's stage 1 consideration of all the evidence that you have heard. I will be happy to look at the report when it is published and hear any recommendations that the committee has.

Karen Adam (Banffshire and Buchan Coast) (SNP): Over the past few weeks, I have been trying to dig down into the reasoning behind some people's desire for setting targets in the bill. Over the evidence sessions, I have seen more and more how that could end up leading the process by the nose and how targets can end up being meaningless in this fast and ever-changing political and socioeconomic landscape. For example, I visited a food bank on Monday and was told that, after April, there will be an astronomical increase in demand for its services in the area. In relation to what I have heard about targets and how they can be detrimental to the kind of plan that we are considering, what could we use instead of targets as markers for outcomes?

Mairi Gougeon: The evidence given to the committee on targets has been really interesting. I am looking forward to seeing what the committee's stage 1 report says about that issue, because a lot of contrasting opinions have been expressed in response to the committee's questions.

Some of those who gave evidence expressed concern that, as you suggest, targets could be leading us by the nose. As the committee has heard from many stakeholders, the bill covers so many different areas that it could just be one long list of targets. The concern was expressed that that would become the focus of work on the issue instead of the fundamental change that we want to bring about. Even if we had a narrower range of targets, that could still become the focus.

Another reason why we did not want to put targets in the bill is that the situation is evolving. The targets might change over time and go out of date quite quickly, and, if they were in primary legislation, we would have to amend that primary legislation to change them.

The most appropriate approach is to set out in the plans the outcomes that we want to achieve. Again, the evidence on that has been really interesting. For example, Food Standards Scotland said that it would like to see an outcome related to the Scottish dietary goals. There are a broad range of areas that we would want to cover.

Robin Gourlay said in evidence that he acknowledges that targets would be helpful but that that is not what the bill is about. He said that,

instead of being about hitting individual targets, the bill seeks approaches that will drive change in the food system. Concerns were also expressed by the local authorities when they gave evidence to the committee.

I hope that that helps to explain why we have proposed to have outcomes and measures in the plans rather than in the bill.

The Convener: Just to be clear, although targets might not be in the bill, are you planning to have them in secondary legislation? I understand that secondary legislation will be developed in parallel with the primary legislation.

Mairi Gougeon: No. Section 1(3) talks about what the national good food nation plan must set out, which includes

“the main outcomes in relation to food-related issues”.

It must also set out

“indicators or other measures by which progress in achieving the outcomes may be assessed”

and

“policies which the Scottish Ministers intend to pursue in order to secure the achievement of the outcomes.”

That is the work that will be going into the development of plans.

Mercedes Villalba (North East Scotland) (Lab): On the topic of targets, we heard from the Scottish Food Coalition that it would like to see high-level targets in the bill around things such as a living wage, collective bargaining rights for food workers by 2025, and the halving of childhood obesity and food waste by 2030. I appreciate that you have just talked about targets in the bill and said that the national plan will need to set out indicators and measures. Do you agree that targets such as those suggested by the Scottish Food Coalition should be included in those indicators and measures?

Mairi Gougeon: They could all be. I met the Scottish Food Coalition recently, as well as having read its evidence to the committee. All the targets and measures that the SFC has talked about are critical and are areas that we would look to address. However, as I have said, we want to set out outcomes in the national plan, which is where we would look to address a lot of those issues. As was highlighted in the evidence, there are a lot of targets out there. We need to collate those targets, but what I am particularly interested in, and what is critical, is how we deliver on the outcomes.

Mercedes Villalba: We have heard concerns that food workers, in particular, are facing food poverty. The people who are producing our food are often not able to afford it themselves. I do not think that any of us wants to see that or the buck being just passed back and forth between different

agencies or levels of government. Therefore, it would be good to have a clear commitment from the Government—today, if possible—that you want to see collective bargaining rights for food workers and to see them being paid a real living wage.

09:15

Mairi Gougeon: I reiterate that, with all the issues that you have raised, it is not a case of passing the buck. If anything, what we are trying to do through the Good Food Nation (Scotland) Bill and the framework legislation is the complete opposite of that.

We want to provide a coherent basis for working across Government and between different public authorities. That is why I have, for example, re-established the ministerial working group on food. We have not yet had our first meeting, because I was interested in getting the stage 1 report from the committee and looking at the outcomes of that before we met, to make sure that we address the issues across the Government, as well. I give you an assurance on that point.

All the issues that you talked about are critically important. I recognise some of the points that you made, which were raised in evidence that the committee heard. We are, of course, committed to addressing those points.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): *[Inaudible.]*—your comments about targets. How will the Good Food Nation (Scotland) Bill change Scotland’s relationship with food if we do not have targets for addressing childhood obesity and halving it by 2030? Would the Scottish Government be open to looking at the framework as it did in the example of the Islands (Scotland) Act 2018? Issues were dealt with in that act but it was still framework legislation. Would you be open to looking at how a targeted approach could shape the way that local authorities deliver and change Scotland’s relationship with food?

Mairi Gougeon: That, again, is an issue that I would be more than happy to consider. I will read the committee’s stage 1 report and look at any recommendations that it makes in that regard. Those are critical issues that we want to work across the Government to address.

You talked about the obesity targets, and that detail will be part of the plans. Those are where we hope to address a lot of the issues, as well as setting out the measurements to monitor progress and assessing ourselves against the measures that we are taking.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): On a theme that is similar to the question

of how we will assess what local authorities are doing following the publication of the plan, I want to ask about the phrase “have regard to”. That has a well-understood legal meaning, but will you say a bit more about what you understand it to mean?

Mairi Gougeon: It has a legal definition, so I will pass that point over to James Hamilton for further explanation.

James Hamilton (Scottish Government): The legal meaning of “have regard to” is that it is an obligation to take the thing that you are required to “have regard to” into account when you are making a decision, but it falls short of being an obligation to comply with that thing or to make it your main or most important consideration. The test is, in essence, that the decision maker has to have that thing in mind when they are making the decision.

There have been a number of successful challenges. Public authorities or ministers have lost legal challenges on the basis that they have not “had regard to” things properly, so it is a meaningful legal test. There are plenty of examples of ministers being held to account on that basis. In essence, it is a requirement to have something in mind when you make a decision, but it is not necessarily the main or only consideration.

Mairi Gougeon: I will follow up on how we could demonstrate that we had complied with the requirement and had regard to the thing in question. 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.

Dr Allan: Thank you for that very helpful legal explanation. I should make it clear that I was not trying to put the Government on the spot, but it is very helpful to have that.

You have talked about holding yourselves to these standards, but how will you assess whether others in the public sector, such as local authorities, are living up to them, too?

Mairi Gougeon: That comes back to my point about the different outcomes and the monitoring that we want. Local authorities will have exactly the same obligations, but we will, of course, continue to liaise with them as the plans are developed, to ensure that those effective mechanisms are in place.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): The bill uses the phrase “specified function” in sections 4 and 10. Can you give any examples of the specified functions that the

Government expects to set out in secondary legislation?

Mairi Gougeon: Yes. We envisage their being primarily for subject areas, and I have already written to the committee, outlining examples such as food in schools and community growing. Tracy McCollin might want to elaborate on some of those examples, but I am also happy to provide further examples of how it will work in practice, if the committee would find that helpful.

Tracy McCollin (Scottish Government): I think that we talked about this issue when we officials gave evidence. The function would be specified either by being described or through a reference to legislation. With food in school, for example, there could be a reference to, say, the provision of food in schools or school meals, but there could also be a specific reference to pieces of legislation. That was set out in more detail in the examples highlighted in the cabinet secretary’s letter. We are working in the background on other examples such as food waste, food insecurity and animal welfare, and we will produce those worked examples to accompany the two that we have already provided.

I do not know how much more detail you would like at this stage.

Jim Fairlie: That was absolutely fine. So, it is being worked on as things move along.

Tracy McCollin: Yes. We are working with policy colleagues in the background on those worked examples in preparation for their being set out as specified functions in secondary legislation.

Jim Fairlie: That is excellent. Thank you.

Jenni Minto (Argyll and Bute) (SNP): I want to follow on from the convener’s earlier questions on the consultation on secondary legislation and what scrutiny the Parliament could have in that respect. I note that any such legislation will be subject to the negative rather than the affirmative procedure. Can you elaborate on the thinking behind that?

Mairi Gougeon: No problem. First, it has been proposed that the legislation be subject to the negative procedure because we could be talking about quite detailed and lengthy lists that we might want to modify over time. That procedure would be the most effective way of making changes to the list of specified functions.

As for when that detail would come out, the intention is for the draft specified functions to be available as part of the consultations on the national food plans. Of course, people would be able to make their opinions known at that time. Moreover, because these things would be in secondary legislation, if any particular opinions were expressed or particular proposals made on other specified functions that should form part of

the list, we would have a mechanism for making those modifications or amendments.

James Hamilton or the other officials might have further information to add on this point.

James Hamilton: We considered the negative procedure to be appropriate for this issue 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. We also had regard to the importance of parliamentary time and the cabinet secretary's time and therefore felt that the negative procedure would be more appropriate for this kind of detailed technical provision.

Jenni Minto: You will have read the evidence that we have received on people wanting to be involved and to participate in this and on the issue of oversight, which you have already touched on. Is there an opportunity to look at that, rethink the use of the negative procedure in that respect and use the affirmative procedure instead?

Mairi Gougeon: James Hamilton gave the reasons why we have decided to use the negative procedure, and I intimated in my previous response that it is because there will be detailed and lengthy lists of specified functions. They will form part of the consultation and we would be happy to take views on them. I do not know whether that answers your question.

In relation to participation and our willingness to listen, I am explaining the rationale behind how we have arrived at our position, but I really want to read the committee's conclusions and recommendations on this and, if improvements need to be made, to consider those fully. We will, of course, consider any recommendations that are made.

The Convener: What plans do you have to consult on the secondary legislation? Again, if the secondary legislation is to be developed in parallel with the bill, how broadly are you going to consult on it? That is hugely important because, although we are looking at a framework bill, the secondary legislation will be the guts of it, if you like. What are your plans to consult on it?

Mairi Gougeon: As I have said, that consultation will form part of the consultation that we will undertake on the national food plans. We will not consult on the regulations in and of themselves, but they will form part of the consultation. Of course, we will listen to any responses that come back from that.

The Convener: You will consult on what will be in the plans rather than what is likely to be in the subordinate legislation.

Mairi Gougeon: The regulations will be set out prior to the plans. I am sorry if I have not been clear in setting that out.

The Convener: Could you just set out exactly what the process is? From today, when do you plan to consult on the secondary legislation and how broad will that consultation be?

Mairi Gougeon: As I say, we will not consult on the secondary legislation in and of itself. The regulations will set out the specified functions in preparation for the plans, and that is what will go out to consultation.

The Convener: It is maybe a daft-laddie question, but I do not quite understand. The secondary legislation will be put in place and the affirmative procedure will be used for Parliament to approve it. There will have been no consultation on that secondary legislation up to that point. You will consult on what needs to be in the plans only thereafter.

Mairi Gougeon: Yes, if you are speaking about the specific instrument that contains the specified functions. Obviously, there are a number of different instruments in the bill and some take the affirmative procedure and some the negative.

That is why we have done things the way we have. There is no specific consultation on the specified functions planned at the moment. The specified functions will be set out in regulations, which will then form part of the consultation when we go out to consult on the national food plan. Again, the specified functions will be in secondary legislation because we want to take opinions on them and look to modify them, should there be any recommendations for proposed changes throughout the process.

The Convener: Thank you.

Ariane Burgess (Highlands and Islands) (Green): I am going to change the theme and talk about relevant authorities and the duties to produce plans. There are two parts to my question. Local authorities and health boards have been identified as relevant authorities that are required to produce good food nation plans but, given that most local areas are covered by a local authority and a health board, I am concerned that that will result in competing or contradictory plans for the same area. I agree with Stirling Council's suggestion that local bodies should work together to produce a single plan, and I would like to hear your views on the idea of asking local authorities and health boards to work together to produce a single good food nation plan for each health and social care integration partnership area.

Mairi Gougeon: As I have said, I am more than happy to hear and consider any recommendations that the committee has in that regard. The relevant

authorities are set out as they are in the bill because local authorities and health boards are the public bodies whose remit has a considerable impact in relation to policies on food. I know that some suggestions have been made about integration joint boards but, given the impact that local authorities and health boards have on food policy, we feel that the way in which we have set out the provision is the most reasonable place to start.

On the theme of integration joint boards, the Food Train talked about the impact of food on social care, which is critical. Throughout the bill process, we should bear in mind the proposals for the reform of social care, which will be considered in the current session of Parliament. I point out that the bill states that we can amend the list of authorities through secondary legislation, and I am happy to consider any recommendations from the committee in that regard.

Ariane Burgess: Has the Government identified possible criteria for deciding which other public bodies might be designated as specified public authorities in the future?

09:30

Mairi Gougeon: Not at the moment. I hope that I have been able to explain the rationale for setting out the relevant authorities in the bill as we have done. Again, I note that we have the power to amend that list, and if the committee has any recommendations for authorities that it thinks should be added to the list, I would be happy to consider them.

The Convener: On that point, if a public authority were to be added to the list, that would be subject to the negative procedure. However, the Delegated Powers and Law Reform Committee suggested that that subordinate legislation should be subject to the affirmative procedure in order to allow for extra scrutiny. What are your views on that?

Mairi Gougeon: If that is the DPLR Committee's recommendation, I will, of course, consider it.

Jenni Minto: My question follows on from Ariane Burgess's question. Last week, the committee heard evidence that the bill will give us the opportunity to

"think differently about good food and making the best use of public investment in public sector food".—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 9 February 2022; c 56.]

I want to explore a wee bit more the question of which other organisations, whether they are public bodies or third sector bodies, could be described

as specified public authorities with regard to undertaking consideration and producing plans.

In my earlier question, I touched on collaboration and the importance of many different organisations working together. Ariane Burgess touched on that in her question, too. I am interested to know how you see the bill, and the plans, working to support that collaboration.

Mairi Gougeon: Absolutely—that point came out strongly in all the evidence that the committee heard. Many people emphasised the importance of collaboration with the food and drink industry throughout the process.

I highlight that we are not developing these proposals in isolation. We have regular contact with our stakeholders and the food and drink industry, including many of those from whom the committee has taken evidence. We will continue to work with them, because it is in our interest, and in everyone's interest, that we get the approach right. The passion from those who gave evidence to the committee was apparent. I know from the committee's work that we all have an interest in the bill and that we all want to deliver on our good food nation ambitions, and collaboration is key in that regard.

With regard to the list of relevant authorities and who will be required to produce a plan, a provision for adding other authorities is built into the bill, and I am happy to consider any suggestions from the committee as to who could be considered a relevant authority. We have the power in that regard, which means that we can consider the matter at a future date as suggestions are made and we continue with our work. If it becomes apparent through the process that other bodies should be added and specified as relevant authorities, there is a provision for that.

Jenni Minto: Perfect. It is also important to remember that, in looking at plans and outcomes across different local authorities and health boards, one size does not fit all. An outcome may be achieved differently in my constituency of Argyll and Bute from how it is achieved in Glasgow.

Mairi Gougeon: You are absolutely right. I took away from the evidence the point about the importance of flexibility, as everyone will have a different starting point. For example, the local authorities from which the committee heard—Argyll and Bute Council and East Ayrshire Council—have undertaken the journey and are a lot further along the road. They talked about the importance of flexibility, because it has been slightly easier in some respects for some local authorities than it will be for others to meet our good food nation ambitions. It is important that there is flexibility in relation to the plans in order to

enable local authorities to establish outcomes that are meaningful for them.

It might have been Jayne Jones from Argyll and Bute Council—forgive me if I have got that wrong—who said 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.

The Convener: How would you consider student facilities such as refectories in halls of residence, which operate on a private basis, more or less, but which often receive public funding? Should such student bodies have to produce a good food nation plan?

Mairi Gougeon: The proposed obligation relates to public authorities, but that is not to say that there would not be an impact on private industry as a result of that.

I would be happy to get back to the committee on how such bodies might be considered and what the impact of that might be, if that would be helpful.

The Convener: I would appreciate your doing that, because the issue came up in conversation. Such bodies deliver a public service through public funding, but they do so at arm's length. It would be interesting to find out how their situation might be dealt with.

Beatrice Wishart (Shetland Islands) (LD): Good morning. My second question follows on from your response to Jenni Minto and your remarks about ensuring that there is not a one-size-fits-all approach and recognising that some local authorities have progressed more than others with food-related policies, but my first question is on resources. How will the Government ensure that all local authorities will be able to achieve what the bill will require them to do, given the variations that exist at the moment?

Mairi Gougeon: You are absolutely right. In the financial memorandum, we have set out some of the costs that we expect to be incurred, primarily in relation to the production of a good food nation plan. As I said, everyone is at a different stage of the journey. Implementation 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.

We do not know what the implications of that might be, but the discussions that we are continuing to have with the Convention of Scottish Local Authorities will be important in ensuring that authorities have the right resources in place. Some authorities have already been able to do that in house through other pieces of work that they have been involved in.

Beatrice Wishart: When we took evidence from Public Health Scotland, we heard that it was difficult to comment on the possible costs for health boards because the bill provides little detail on what the good food nation plans should include. The answer is probably similar to the one that you gave about the situation of local authorities, but could you explain why the financial memorandum does not anticipate any additional cost or activity on the part of health boards? How will the good food nation plans interact with existing national health service plans?

Mairi Gougeon: The costs in that regard for health boards were expected to be negligible because they already have in place a number of policies in relation to food. Officials might want to elaborate on that.

Tracy McCollin: When we drafted the financial memorandum, we worked with colleagues in the Scottish Government who work directly with health boards. The information that was sent back to us was that the costs would be negligible because health boards would already be doing that work.

As we progress with the bill process, we are keeping in touch with that team. Once further discussions have taken place about what will be in the good food nation plans and there is clarity on that, the health boards might liaise with colleagues in the Scottish Government and provide further, more detailed information on what they do already and what financial implications, if any, the additional requirements in the bill, once enacted, would have for them.

At this stage, the feedback that we have received and the information that we have got back from colleagues who work directly with health boards is that the costs would be negligible.

Beatrice Wishart: Thank you.

The Convener: Just to clarify that, the health boards have said that they agree with you that there will not be financial implications from producing a plan, have they? My fear is that the plans may be restricted, given a health board's budget. The board might like to put something in its plan yet be unable to implement it, even though the plan suggests that it should be implemented. Are you saying that health boards have responded that they do not have any concerns about the costs or the resources that are required to put a plan together and implement it in the future?

Tracy McCollin: The way it works is that we have a colleague who liaises with the health boards, so they 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.

The bill is a framework bill, and we need to take into account what information boards have at the moment. Once there is more detail on the good food nation plans, we will have to go back again to clarify whether what they thought the bill was setting out is the reality of what the good food nation plans will set out for the boards. There would have to be an on-going discussion about that to ensure that the financial costs to them are assessed to be negligible.

The Convener: So, at the moment, the boards are not responding, and they cannot really respond because they do not know what the plan might entail. It is not that they do not think that there is any cost; they are unwilling to say what the costs might be because of the uncertainty of the implications in the plan.

Tracy McCollin: I do not know that that is the case. We asked for information and that is what we got back. I would not want to be putting words into people's mouths by saying that boards do not know. We requested information via the liaison, we clearly set out what the draft bill was and that was the response that we got.

The Convener: The financial memorandum suggests that there are no costs, but we are not confident that that is the case. That is quite concerning.

Mairi Gougeon: What we have set out in relation to local authorities is for the preparation of the plan itself. Health boards already have plans in place, and that is where the costs are expected to be negligible. In much the same way that we will continue to have discussions with COSLA, we intend to continue the discussion when it comes to implementation and once we have a better idea. Each plan may be different, so it is not possible for us to quantify all those costs at the moment.

Jim Fairlie: You touched on this before. I was going to ask about the reasons why the financial memorandum does not include implementation and on-going costs.

We talked earlier about how a number of local authorities are well ahead of the game. East Ayrshire Council started its journey 10 years ago. It took the money from hungry for success and recipe for success and used it in the way that it was required to be used in order to improve the food offering. If other local authorities are going to

need funding, will they be given that additional funding, or was the funding already provided previously, through recipe for success and hungry for success, such that those other councils will have to catch up? How do you see that working?

Mairi Gougeon: That is the thing. It is hard because, as we have discussed, everybody is at a different stage. Without knowing the detail of what is going to be in local authority plans, it is not possible to quantify things at this stage, but the on-going discussion that we have been having with local authorities and COSLA will be important as we see what, if any, extra resource will be required. Some local authorities already have that built in through the food-related work that they have been doing, and you have cited an example. There is also the funding that has already been allocated to local authorities to support food-related matters, such as free school meals. We would have an on-going dialogue to identify any challenges regarding the implementation of the plans.

Jim Fairlie: In the past, local authorities have been given funding and they have used it exactly how they would want it to be used. East Ayrshire is the most obvious example, but I had better not forget my colleague Jenni Minto's Argyll: she is very proud of the fact that Argyll and Bute Council is doing so well. Will the Government provide something that says how the plans need to be set out? Public authorities have been given money before and have not done it, so how do we ensure that they do it this time and make it happen?

We heard in evidence that it will be far harder for people in Glasgow to set out a plan that will get them up to standard than it will be for people somewhere such as rural Perthshire. I presume that the Government will have some way of saying what it requires authorities to do. Is that correct?

09:45

Mairi Gougeon: We would look to publish the national good food nation plan in advance and not expect local authorities to publish theirs at the same time, so that we can set out what we expect from local authorities and help to provide coherence. At the same time, I note the points that we have discussed about the importance of flexibility, which we will take into consideration.

Jim Fairlie: I take the point about flexibility, but I emphasise the fact that we have to get local authorities to implement the measure.

Mairi Gougeon: The legislation that we propose is critical in ensuring that that happens. Setting out the framework will enable that to happen and ensure that it takes place.

Rachael Hamilton: My question is a good progression from the previous set of questions. We know that the money that is spent by local authorities will return investment to local economies and we all want to encourage that. However, during our evidence sessions, we heard from many stakeholders that there are huge challenges with procurement. They are not only bureaucratic challenges but infrastructure issues, processing facility issues and budget restraints. Is the procurement system in Scotland broken?

Mairi Gougeon: It was really interesting to go through the evidence that the committee heard. The local authorities talked about the flexibilities in the existing procurement system. I think that, in one of the first evidence sessions, Robin Gourlay talked about being able to break down the procurement of meat into 70 different lots, which enables local suppliers to take a place in the process.

The evidence that I am really interested in hearing is what the stakeholders have to say about whether the procurement system is working or whether, as you suggested, we need to examine it. I do not know whether the committee has any comments or recommendations in that regard, but one thing that I took from the evidence was that local authorities, in particular, felt that the procurement process allowed them flexibility.

Rachael Hamilton: On that point, should there be a reporting requirement on the sourcing of food for public procurement?

Mairi Gougeon: I am more than happy to listen to any views that the committee has on that. It could be considered as part of the development of the good food nation plans.

We want to harness the power that we have in the public sector in relation to food policy. There is a lot of power there, which enables us to have a huge impact. We have seen the impact of some of that work through, for example, the food for life campaign, which we deliver with the Soil Association. The positive impacts from that have been talked about and can be seen in education, health and the local economy.

Currently, 18 local authorities are part of the food for life scheme. We hope to reach all local authorities. The scheme is having a positive impact, so we very much hope to continue that work and develop it.

Rachael Hamilton: Cabinet secretary, can I push you on the financial aspect of delivering fairly and equitably to all local authorities so that the ambition of the policy statement is met and everybody has access to good food? Is it in the Scottish Government's interest to look at the financial implications of funding more generously areas that do not have access to short supply

chains so that everybody, from people in city centres to those in island communities, can benefit from the intention of the Good Food Nation (Scotland) Bill?

Mairi Gougeon: I am sorry, but I am not sure that I understand the question. Are you talking about the Government directly funding something in particular?

Rachael Hamilton: Let me explain. In some areas, there may not be local facilities, such as abattoirs. There may not be infrastructure and processing facilities, and transport may be limited. We hear that those things are holding people back from supporting local producers and farmers and from getting involved in local procurement activity. Would it be right for the Scottish Government to support areas that have more difficulties in accessing local food because of those challenges? Would you consider that?

Mairi Gougeon: Essentially, the Good Food Nation (Scotland) Bill is a framework bill. It will underpin the work that we are currently undertaking, but it will also ensure that we address a lot of issues that we see in a coherent way across the Government and with other public authorities. A lot of the issues that you have raised could well be looked at or addressed in the light of the outcomes that we would want to have as part of the good food nation plans. The bill is not the place for us to specifically set those out because, as I have outlined, it is a framework bill.

Rachael Hamilton: The evidence that the stakeholders have given has highlighted the limitations of that. The bill simply does not go far enough. As you have quite rightly said, you will listen to stakeholders, but what I am concerned about is whether you will listen to them and take on board the issues and challenges that they present or simply fall back on the excuse that the Good Food Nation (Scotland) Bill is just a framework bill. I have no guarantee so far from anyone in Government or from civil servants that the bill will set out to deliver the policy intent that you clearly want to achieve.

Mairi Gougeon: Two different things are probably being conflated. We have a framework bill that will enable all the work that you are talking about to happen, and the further details—the outcomes, measures and indicators—will all be set out in the good food nation plans. We cannot lose sight of the fact that, as I have said, the bill may appear narrow in scope, but it is absolutely fundamental to enabling us to deliver on our ambition to become a good food nation. As I have said, the good food nation plans will set out the details—the outcomes, measures and indicators—of what we will do to tackle some of the challenges that we face, how we are working across all the different policies and, ultimately, how we will

measure that and ensure that we are on the road to success in that regard.

A lot of work is under way anyway. You talked about the concern that we would not listen to stakeholders. That is absolutely not the case. I go back to a point that I made in response to a previous question. We are in constant dialogue with our stakeholders. We have listened to the evidence that the committee has heard so far, and we are, of course, keen to see any recommendations that the committee makes in its stage 1 report. I do not want to prejudge that. We will, of course, consider that report carefully.

Jim Fairlie: I have a wee follow-up question. I do not entirely agree with what my colleague Rachael Hamilton said about some areas that are not achieving the highest standards not necessarily having access to provisions to be able to do that. Some cities have slaughterhouses and processing facilities on their doorstep, but they are not connected. In Highland Perthshire, lamb went into school meals collaboratively, through the local networks. We are fortunate to have that approach close at hand. There are other local authorities, which we spoke about earlier on, that are doing a good job.

Given that there are local authorities that are not fully engaged with the process at the moment, is there any value in asking the likes of COSLA to bring all the local authorities together and say, "This is where everybody is"? Local authorities—or most of them, at least—will know where they are. Is there an opportunity for them to come together, say, "I know where you are—this is how we got to where we are" and work collaboratively as a national organisation with one shared goal?

Mairi Gougeon: I should point out that, as this is a framework bill, it is not the place to set out these things individually. It also underpins the work that we are already doing; it is not as if these problems are not being addressed. I have talked about our food for life programme, and there is also the local food strategy. We consulted on that strategy towards the end of last year and we are currently analysing the responses.

This gets to the root of some of the issues that you have raised and what exactly we are trying to address, because the bill itself underpins that work and provides the enabling framework to ensure that it happens and that our policy is more coherent. We are addressing all those issues.

The Convener: Karen Adam has a short supplementary question.

Karen Adam: I want to dig down a little bit more into the cabinet secretary's comments about the bill's scope. We are trying to gather evidence and see things from an implementation point of view, but I felt that, with Rachael Hamilton's question,

more tentacles were being added and that what was said was not necessarily what I thought the cabinet secretary was trying to get across with regard to the bill.

Perhaps I should caveat this, but what are we looking for the bill to cover? For example, as a result of European Union exit, shipbuilders in my constituency face serious labour shortages, which really impact on their work of building and repairing the boats that are needed to go out and catch the fish that we then need to land and eat. Surely we are not looking for the bill to have an all-encompassing scope and to cover, say, shipbuilding. What is the scope of the bill? We could be forever picking out and trying to deal with problems that have nothing to do with it. If we just cracked on with the bill, its overarching framework and what it is supposed to be, would that support other industries and more collaborative working?

Mairi Gougeon: You make a really important point. It is important to focus on what the bill is actually setting out to do and what it will enable us to do. It provides a legislative framework for and an underpinning of the work that we are already undertaking. The detail of what we hope to achieve and how we will deliver on our good food nation ambitions will be in the good food nation plans, while the bill itself provides the framework and legislative underpinning for those plans. You are absolutely right to make that point. It is important that we focus on what exactly the bill will do. A lot of the points that have been raised are matters for discussion with regard to some of the other policies that we are considering or the good food nation plans themselves.

Karen Adam: Thank you. It is really helpful to know what we are focusing on.

The Convener: We will move on to theme 3.

Dr Allan: The committee has talked quite a bit about how the bill relates to the proposed human rights bill, and I appreciate that much of what is in the plan that will come out of this bill will touch on issues that will come up in that future legislation. How will the plan be agile enough to deal with emerging situations, one of which, as we have already touched on, is the fact that fuel poverty is bound to create food insecurity as energy prices increase? I use that as an example, but can you talk a bit about the need for plans to be flexible and whether you think this one is agile enough to cope with such emerging situations?

10:00

Mairi Gougeon: I feel that it is, in what we have set out in the bill so far. We have talked about some of the regulations that allow us to be agile in that way. Perhaps that goes back to our discussion about targets and the reticence to put

those in the bill because they evolve and change over time, which means that legislation can go out of date very quickly and we would have less flexibility. However, I believe that what we have set out in the bill gives us the flexibility to deal with any emerging issues and provides for the appropriate frequency to review and report on the bill. As far as is possible, we can ensure that the bill is up to date and meets the challenges that it needs to address.

Dr Allan: I will not hold you accountable for the forthcoming legislation on human rights, but are you able to say anything on how the right to food and other related rights might be integrated in that bill?

Mairi Gougeon: First, I want to make it absolutely clear that, as a Government, we have agreed to incorporate the right to food into Scots law. The issue is, in essence, the vehicle that we choose to use to do that. We felt that it was more appropriate, based on the recommendations of the Scottish Human Rights Commission, for such a right to be part of the human rights bill, which will be introduced in the current parliamentary session. We made that decision because the national task force for human rights leadership stated that that would help to reinforce the interrelationships between rights and obligations. Given that the right to food is related to other rights that are of vital importance, it was felt that it would make more sense and be more appropriate for that to form part of human rights legislation and to be incorporated into Scots law in that way.

Section 3 of the Good Food Nation (Scotland) Bill states that we must

“have regard to the international instruments”

that are listed, and the first on the list is

“Article 11 (so far as it concerns adequate food) of the International Covenant on Economic, Social and Cultural Rights”.

We have said in the bill that we must have regard to that in our legislation. Some of the measures that I have discussed today, such as our local food strategy, food for life and other initiatives not just in my portfolio but across the Government, are all about giving effect to that right. We are already trying to give effect to that right. However, the forthcoming human rights bill is the legislative vehicle through which it will be incorporated into Scots law.

Dr Allan: Finally, on the subject of integration, where does Scotland’s global food footprint feature in the Government’s approach to the bill? I appreciate that, as Karen Adam pointed out, the bill cannot be about everything, but I presume that the Government wishes at the very least to do no harm and, I hope, to do some good in integrating how we think about food in Scotland with how we

think about our food footprint in the developing world and the work that we are doing there. How does that feature in the Government’s thinking about the bill and the plan?

Mairi Gougeon: That is why I have re-established the ministerial working group on food. As members will know from the evidence that the committee has taken and the sheer variety of stakeholders involved, food touches on so many different areas; food is a fundamental aspect of many different things and links all of us in a way. The ministerial working group on food will be crucial in ensuring that we have that coherence and that we consider all the relevant issues as we develop our good food nation plan.

Mercedes Villalba: I would like to get some clarification on the right to food. It sounds as though you are saying that you support there being a right to food in Scots law, that the issue is only the vehicle through which that is introduced, and that it would be more appropriate to include such a right in the human rights bill that will be introduced later in the parliamentary session. I apologise if this is an obvious question, but can a right to food be specified in only one place?

Mairi Gougeon: I hope that I have been able to outline the rationale for our decision about how to incorporate that right into Scots law. That was based on the recommendations that we received. Rather than separating out one individual right, and given that the rights are indivisible in so many ways—the rights and obligations that we are looking to incorporate in the human rights bill are interrelated—that bill was considered to be the appropriate vehicle to take that right forward. We made the provision that I referenced in section 3 of the bill to recognise that and to ensure that we have regard to that right in the future.

Mercedes Villalba: To clarify, does that mean that it would not be possible for the right to food to also be in this bill, or is it just a preference? I am trying to establish whether the issue involves a legal technicality or a political choice.

Mairi Gougeon: It is a choice. We are dealing with it through the human rights legislation because of the rationale that I have set out. It is not that it would be legally impossible for that right to be in this bill. However, given the interdependencies and the fact that it ties in with so many other rights, it makes sense for that to form part of the human rights legislation. That decision is based on the recommendations that we have received.

Mercedes Villalba: The right could also be in the Good Food Nation (Scotland) Bill, if you wanted it to be.

Mairi Gougeon: Again, it is not in the bill because we have committed to introducing it as

part of the human rights legislation. It is not legally impossible for us to introduce a right to food, but we have decided that the human rights bill is the place to include it.

James Hamilton might want to add something.

James Hamilton: It would be problematic to have the right to food in more than one piece of legislation. 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. The Scottish Government's ambition is to have a single coherent framework with all the social and economic rights in a single place, with a single enforcement framework.

It is not that it would be impossible to have the right in two acts; it is that it would be significantly more optimal to have it in only one act. That is our strong preference, as that would avoid fragmentation and lots of other disadvantages. That is consistent with the task force's recommendations on the coherent implementation of rights. We have a strong preference with lots of justifications.

Mercedes Villalba: The reason for the approach is to make implementing the right as effective as possible; it is not to do with just making your jobs easier or something.

James Hamilton: That is correct; it is about effective and consistent implementation of all the different rights. It is important to remember that a lot of the social and economic rights are interdependent. It is also better for stakeholders if there is one consistent system that enables them to enforce rights against the Government and other public bodies that are required to act compatibly with those rights, too.

Mercedes Villalba: Will the human rights bill refer explicitly to the Good Food Nation (Scotland) Bill, so that there is a link between the right to food in the human rights bill and the good food nation plans?

Mairi Gougeon: It is not possible for me to say that at the moment. I believe that the consultation on that bill will be carried out this year, so I cannot comment on the detail of it at the moment. However, we have the ministerial working group on food to ensure that we address issues that cut across other portfolios. I hope that that is helpful.

Mercedes Villalba: Thank you.

The Convener: It is obvious that you consider the right to food to be important. On that basis, can you tell me the timescales for introducing the human rights bill? We have been consulting on the

Good Food Nation (Scotland) Bill since 2006, broadly, which is a long time. Witnesses have said that it is important to bring in the right to food as quickly as possible, so it would be good to know when we will see the human rights bill.

Mairi Gougeon: I cannot give you a definitive timescale, and the bill is not in my portfolio. We have committed to introducing the bill in this parliamentary session, and I believe that the consultation on it is due to take place this year.

Beatrice Wishart: A lot of my questions have just been answered.

What would the response be to concerns that, if the human rights bill is delayed, there could be a gap of years without the right to food being enshrined in legislation?

Mairi Gougeon: Again, I highlight section 3 of the bill, which says that we must have regard to the right to food. Furthermore, through all the policy initiatives that I have talked about, we are already trying to ensure that we deliver on that human right. That is very much the intention, so, regardless of when the human rights bill is introduced—which we have committed to do in this parliamentary session—we will still be doing what we can to ensure that we are delivering on that right.

Beatrice Wishart: Is there any way in which the right to food can be strengthened without being fully enshrined in the bill?

Mairi Gougeon: I know, from the evidence that the committee has received, that some people would like the right to food to be incorporated in the bill, but others have asked whether reference to the right to food could strengthen it. I feel that the bill is adequate in that respect, but I will consider any recommendations that the committee makes in its stage 1 report.

The Convener: Professor Mary Brennan suggested that the bill's credibility would be damaged if it did not explicitly include the right to food and that,

"as Robin Gourlay requested, the commitment to, and effects of, delivering the right to food"

should be

"explicit in the Good Food Nation (Scotland) Bill."—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 19 January 2022; c 23-4.]

Will that be the case? Will there be enough in the bill to deliver the right to food, as suggested by Mary Brennan, Robin Gourlay and other witnesses, without waiting for the human rights bill?

Mairi Gougeon: Absolutely. I reiterate what I said in response to Beatrice Wishart's question. Section 3 says that

“the Scottish Ministers must have regard to the international instruments”,

as listed. I believe that what we have set out is adequate, but I acknowledge the evidence that the committee has taken. Again, if the committee has recommendations in that regard, I am happy to consider them.

Jenni Minto: I would like to move on to participation in the process, which the cabinet secretary touched on in some of her earlier answers. A lot of the written and oral evidence to the committee talked about the importance of getting a wide range of views—for example, from children. Jayne Jones talked about the importance of the 1,140 hours of childcare and how that can set children on a journey to improving their knowledge about food and sitting down for a meal.

We also heard about hard-to-reach people and the importance of getting lived-experience evidence. Last week, I met some farmers who see the bill as very important. We have previously touched on the importance of local procurement and how that works. What do you think the participation should look like, and how will it feed into the development of the plans?

Mairi Gougeon: Everything that you have outlined is of absolute importance to us. Karen Adam has also talked about the importance of feeding lived experience into the process. I see that as vital and will ensure that we are as inclusive as possible. I do not want the good food nation plans, as we develop them, to be something that we are thrusting on people. They should feel like they belong to everyone, especially in relation to the local authorities. We want to ensure that, ultimately, the plans deliver the outcomes that we want them to deliver, and we will achieve that only if we have that participation and people feel like they are actively involved in the plans.

There have been lots of different suggestions in the evidence about how that could take place. We try to do that—we already continually engage with our stakeholders. I do not want the consultation to be about sticking something online and hoping that somebody ticks a few boxes. We need to go out and make sure that engagement is strong, so that we get that active participation.

A good example of work that we have done recently in that area is our consultation process on the local food strategy. I do not know whether officials could give more detail on that. Can you talk about the approach that we took? I think that it was exactly what Jenni Minto referred to—ensuring that we included the lived experience.

Tracy McCollin: The consultation was done in conjunction with Nourish Scotland, which arranged workshops with various themes in a lot of different

areas. That involved much more than just putting something online; there were focused discussions in the workshops, and I think that, before the workshops, various themes and questions were put to the participants.

10:15

The analysis has just come in and I have seen a draft of it. It is very detailed; a lot of different opinions were expressed. People are working their way through that, which will be quite tricky. The workshops helped to focus discussion and enabled people to hear different views, as there were a range of views within the group. Such an approach is always helpful in getting to a better end point.

That was one way in which the consultation was done quite differently. The use of an organisation with experience of the approach was helpful and there was some really good feedback. I think that the draft analysis will be published by spring—“spring” is a bit vague; I think that it will be published in the next couple of months.

The consultation was a useful exercise and I think that the people who were involved in it were impressed by the range of views that they were able to hear and to contribute to the development of the strategy.

Jenni Minto: We took evidence on whether a citizens assembly would be a way forward. I am sure that the cabinet secretary and her officials have read Dr Rivington’s advice to us about the importance of participation and the requirement for mechanisms in relation to achieving best practice. It sounds as though the approach was incorporated into the sessions that you set up.

Tracy McCollin: There are a range of models when it comes to consultation. A phrase that has come up a lot in this context has been “one size does not fit all”. 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 Jayne Jones 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.

Jenni Minto: It is interesting to look at Argyll and Bute, given the diversity of the community. Something might work well on one island but less well on another; it is about understanding that. Jayne Jones and her team have worked on that really well. Jim Fairlie talked about collaboration across local authority areas. It is important to remember that, although one size does not fit all, there is a need for collaboration and learning from best practice in other areas.

Mairi Gougeon: We are open to looking at all those examples, so it has been useful to hear all the evidence that has been given in that regard. 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.

Jenni Minto: Thank you.

The Convener: All of that sounds very positive, cabinet secretary. You are listening and you want the process to be open and transparent. How do you respond to concern that the consultation requirements give greater weight to the views of the Scottish Government than they do to the views of stakeholders and the general public? For example, relevant authorities are to be consulted after, not before, the Government drafts the good food nation plan and after, not before, the review of the plan after five years. Why was that decision taken?

Mairi Gougeon: The approach that we have taken and talked about here is about trying to get a balance. It is important that we provide a basis on which consultation and discussion can take place; we are not trying to impose our view. As I said in response to previous questions, we would not form a plan in isolation; we are in constant dialogue with stakeholders. We would not write a plan in isolation and then unleash it on the public; we very much want to hear people's views and take them on board. As I said, we want the process to be as inclusive as possible. The proposed approach is more about trying to provide the basis that enables discussion to take place, but if the committee recommends otherwise and thinks that the area could be improved, I will be happy to consider its recommendations.

The Convener: Thank you.

Mercedes Villalba: May I briefly bring us back to the right to food? The cabinet secretary and James Hamilton said that it would be more effective to have such a right in a human rights bill, as opposed to the Good Food Nation (Scotland) Bill. However, at this stage, you cannot confirm that a right to food in the human rights bill will explicitly link to the good food nation plan—I understand that that is just to do with how the legislative process works. Why have you chosen to introduce the Good Food Nation (Scotland) Bill before you introduce the human rights bill?

Mairi Gougeon: Because of all the groundwork that has been done for the Good Food Nation (Scotland) Bill. It was unfortunate that, in the previous session of Parliament, the bill's introduction was delayed. It was a case of trying to introduce it at the earliest possible opportunity.

It is also about giving effect to the right to food. Although the right to food will be incorporated into Scots law through the human rights bill, it is vital that we have introduced the Good Food Nation (Scotland) Bill, so that there is a framework that underpins the work that we are doing to deliver our good food nation ambitions. We should not delay that process.

Mercedes Villalba: A cynic might worry that the Scottish Government is looking to capitalise on warm words around the bill without delivering the right to food in practice. How would you reassure such a person that there is a serious commitment to having a right to food in Scots law?

Mairi Gougeon: There absolutely is such a commitment; we have made the commitment that that right will be in the human rights bill. In effect, though, all the work that we have talked about today is what gives effect to that right, and section 3 specifically requires us to have regard to it. Let me provide that assurance.

Rachael Hamilton: In a previous meeting, George Burgess said that there is no need for a new, bespoke oversight board, but the Scottish National Party manifesto said:

“As part of a Good Food Nation Bill, we will create a single independent Scottish Food agency”.

What is your opinion on that?

Mairi Gougeon: The commitment is in our manifesto, as you rightly said, but we need to take time to undertake a detailed review of the existing bodies and consider international comparators. The discussion about whether there should be an oversight body and the number of bodies that already exist in this space has come through in the evidence, and it has been interesting to consider what has been said. It is important that we take time to get the approach right. There is a commitment, as part of the Bute house agreement, to give the matter further consideration. The work is on-going.

Rachael Hamilton: Will that be a Scottish Government consultation that is separate from the good food nation consultation? Will you allow this committee to make recommendations?

Mairi Gougeon: We are taking forward the commitment and that detailed piece of work is at an early stage. I will keep the committee updated as the work progresses.

Rachael Hamilton: What will the relationship be between the Good Food Nation (Scotland) Bill, which is progressing more quickly, and the work on whether we need an oversight body that is independent of the current offering through, for example, Food Standards Scotland?

Mairi Gougeon: I am sorry, but I missed the first part of your question.

Rachael Hamilton: Geoff Ogle of Food Standards Scotland said that there was no need for a new oversight board, but other witnesses, such as Mary Brennan, think that such a board is needed. Some people suggested that Public Health Scotland could do something. Given that we are considering the matter through the lens of the Good Food Nation (Scotland) Bill, I am slightly confused to hear that a separate piece of work is going on in that regard. How will the committee have the opportunity to understand that work that you are doing in parallel, given that what we have been doing is taking evidence on and asking questions about the bill?

Mairi Gougeon: Again, what we are taking forward is the overall framework for the good food nation plans, which will set out more of the detail of how we will deliver on this policy. With regard to the proposal for an oversight board, the evidence to the committee shows that views in that respect are very mixed.

As for the Scottish food agency, our manifesto set out quite a remit in that respect. It was about promoting food, drink and horticulture, attracting investment, increasing process and capacity and improving supply chains and infrastructure. Again, there is a lot of detail involved in that, and, given the other bodies that we have in that space, it is only right that we take the time to analyse that fully, see the potential impact and ensure that we fully understand the implications.

Rachael Hamilton: Thank you for that insight. It sounds as if the committee will possibly have a role in scrutinising some of that work.

Continuing in the same vein with questions of ministerial accountability and oversight, I note that, in its submission to the committee, Seafood Scotland said:

“We have been trying for over 20 years to encourage increased consumption of locally produced seafood with little assistance from policy to deliver this despite initiatives such as Health Eating in Schools (2008) and industry funded (short term) programmes of support.”

It was disappointed that there was no accountability with regard to policy initiatives. How will that situation improve with the bill? How will the Parliament have oversight, and how will ministers be accountable for delivering the bill’s objectives?

Mairi Gougeon: The detail of the outcomes that we will be setting out and hoping to achieve will be in the good food nation plans. As far as the oversight and monitoring of that is concerned, the bill itself talks about how progress will be monitored, and there will be periodic reports on and reviews of the plans, which are set out in the

legislation, too. 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. Again, though, I will be keen to see what is in the stage 1 report and whether the committee feels that that has not necessarily been set out in the bill, that the provision is not strong enough or that there is a greater role for parliamentary scrutiny.

Rachael Hamilton: What would happen then? Would local authorities have the confidence—

The Convener: I apologise for interrupting you, Rachael, but could you please keep your supplementary question brief? We are fast running out of time.

Rachael Hamilton: Do not worry, convener. I can leave it.

The Convener: I appreciate that.

Jim Fairlie: As you have pointed out, cabinet secretary, there is, in all the vast amounts of evidence that we have taken, no fixed view on whether there should be an oversight board. In fact, views are very much mixed. On 3 November, George Burgess said that the Government could look at the matter again, and you have just committed to doing that in light of the Bute house agreement. However, would it not be preferable for Parliament to be the scrutinising body instead of—dare I say it?—an unelected quango that would be established at huge cost to the public purse to have oversight of something so fundamental to Scotland’s future good food plans?

Mairi Gougeon: The costs that you have just mentioned were part of our initial concerns and are the reason why, when the bill was introduced, a food commission or oversight body was not considered. Indeed, the costs associated with such a move can be substantial. I know that Food Standards Scotland’s remit is quite detailed, but I would point out that it cost £50 million to set it up. It is a concern but, in any case, I think that Parliament has a very important—indeed, critical—role in scrutinising this matter.

Jim Fairlie: I would have thought that, given the bill’s breadth and scope, any body that was set up would have to be a substantial one. Surely we already have mechanisms in place to carry out that function.

10:30

Mairi Gougeon: That is part of the work that we will undertake to go through all the possibilities thoroughly. The issues that you have talked about are exactly those that we have experienced in considering the matter before. That is why we need to undertake detailed work to see whether that should be considered.

As you have said, there are a number of bodies. I know that people have suggested in other evidence sessions that it could be something for Public Health Scotland or Food Standards Scotland as well. That is why we are undertaking that work.

Jim Fairlie: You have committed to doing that.

Mairi Gougeon: Yes.

Jim Fairlie: That is the important bit.

Dr Allan: On a similar theme, a number of people have said to us that the food public bodies landscape in Scotland is a rather crowded or even cluttered one. That was certainly one argument that was put to us against creating a new body. What do you make of the comments that have been put to us about there being quite a crowded landscape already?

Mairi Gougeon: It was interesting to go through the evidence and hear comments on that. Obviously, a number of different bodies have different and specific roles and responsibilities. The committee has heard from some of those bodies in taking evidence. The work that we committed to undertake, and are undertaking, to properly scrutinise that will help us to fully assess what that landscape looks like and how we can develop work in relation to that.

Mercedes Villalba: On the issue of a statutory body, the Scottish Food Coalition believes that there should be an independent Scottish food commission to undertake work such as monitoring progress towards achieving good food nation plans, facilitating citizen engagement and providing research on food system issues. As Jim Fairlie said, there has not been agreement across all stakeholders about which body should have that role. Do you or the Scottish Government believe that, whichever body that is, it should be independent of the Scottish Government?

Mairi Gougeon: There have been proposals for a number of different bodies that could undertake that role. That came out in evidence. That is exactly why we are undertaking careful consideration to fully examine that issue.

Mercedes Villalba: So, you do not currently have a view on the independence of the body.

Mairi Gougeon: We are undertaking the work to establish that. We need to ensure that the role and remit of the body would justify establishing a new body. The work that will be undertaken is important in that regard.

Mercedes Villalba: Do you think that the principle of independence is important?

Mairi Gougeon: The independence of monitoring is important, as is the scrutiny of Parliament. The question that we have to get to

grips with is whether we need to establish an entirely new body to do that.

The Convener: We are focusing on who should do that. It is clear that we need to understand whether the Government thinks that there needs to be something to oversee that. The big question is: do you believe that something needs to oversee that? We can have an argument another day about who will do that, but do you think that there needs to be an external body overseeing the plans?

Mairi Gougeon: Jim Fairlie raised a very important point about the role of Parliament in ultimately holding the Government to account on the plans that will be produced. That is a very important role.

The Convener: The Good Food Nation (Scotland) Bill is a Government bill. What are your views? You keep telling us that you will listen to our views. The bill is in front of us. Do you think that we need an independent body to oversee the plans?

Mairi Gougeon: I turn that back to the committee and say that I am willing to listen because, obviously, I want to listen as we go through the process. I have tried to explain the rationale for the position that we have reached and for what is in the bill that is before the committee. I am open to hearing recommendations in that regard, given that there have been very mixed views.

As I have said, when the matter was looked at initially, it was not considered that a food commission or an oversight body should be established for a variety of reasons, some of which I have already outlined. I do not think that you would appreciate it if I came here and said, hard and fast, that I was not going to listen to anything that you say or make any changes. That is why the stage 1 consideration of the bill and my hearing all the evidence that the committee has taken are so important. I want to ensure that, when we implement the bill, we get it right. We have already made a commitment to look at the potential for a statutory body. I will not commit further to that at this stage, given that that work will be undertaken.

The Convener: I think that that is the important point. You did not initially think that there was a need for another body, but you are now reconsidering that.

Mairi Gougeon: Yes. We will analyse that.

Ariane Burgess: I will move on to the theme of the private sector, which you have touched on a little already. It is important for the public sector to lead by example, but we heard evidence from Pete Ritchie of Nourish Scotland, who reminded

us that public food is a maximum of 1.5 to 2 per cent of the food supply. The private sector delivers the vast majority of our food and, to quote Pete,

“is operating on rules that generate ill health and environmental degradation”.—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 26 January 2022; c 27-28.]

A first step in changing those rules could be mandatory reporting for the private sector, which would increase accountability. Can the minister give us an update on whether Westminster will proceed with the recommendations from its national food strategy report. If it will, can the data for Scotland be separated out to inform policy development here?

Mairi Gougeon: Discussions between officials from the four nations to see what that recommendation might look like are on-going. I do not know whether the officials would like to come in on that point.

George Burgess (Scottish Government): As the minister said, work between the Administrations to look at the recommendations in the Henry Dumbleby review is on-going. Ministers agreed to that last autumn. I will have further discussions with the Department for Environment, Food and Rural Affairs and with Welsh and Northern Irish colleagues tomorrow.

Ariane Burgess: As you have heard, witnesses have been clear in their evidence that we must take the private sector with us on the journey towards being a good food nation. The bill does not set out a clear mechanism for that to happen. I understand from previous evidence why that is the case. What are your thoughts about amending the bill to require the Government and relevant authorities to engage with the private sector when drafting and implementing their plans? What form would you see that engagement taking?

Mairi Gougeon: I hope that that would happen anyway. Throughout this process, we have talked about the importance of collaboration with all aspects of society and industry. We have strong links with Scotland Food & Drink. Our relationships are unique, compared with those in other countries. We work closely together.

Pete Ritchie's evidence was interesting. I also picked out his point about percentages. Even though public food is a small percentage, it has a massive knock-on impact for industry and the private sector through the policies that we decide to implement. For example, private industry and the private sector will be impacted by how we take forward our local food strategy. It would not be true to say that there will be no impact. The collaboration that you have talked about is important. If you have suggestions of any areas in

which you think that it could be strengthened, I would be happy to consider those.

The Convener: Karen Adam has a supplementary question.

Karen Adam: It was for an earlier question—I must have been skipped over.

The Convener: I call Rachael Hamilton.

Rachael Hamilton: I have asked you this question before. How will the Good Food Nation (Scotland) Bill have regard to future farm policy and the work that the agriculture reform implementation oversight board is doing? How does it tie in with the natural environment bill and the climate change targets? We have unfortunately not had much time today to talk about sustainability goals or net zero.

Mairi Gougeon: All of that will be critically important as we develop our good food nation plans. As we have previously discussed, food policy is cross-cutting. We want to ensure that our food is produced in an environmentally sustainable way. That will all feature as we develop our good food nation plans.

Rachael Hamilton: Will we be able to look at the agriculture reform implementation oversight board's work to acknowledge what is happening in the Good Food Nation (Scotland) Bill?

Mairi Gougeon: That point is separate from the discussion that we are having today about the bill. If you have specific questions about that, I am happy to follow up on that afterwards.

The Convener: Cabinet secretary, we thank you, as always, for your evidence and we thank the officials who accompanied you today.

That concludes the public part of our business.

10:40

Meeting continued in private until 12:14.

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