

Food (Wales) Bill: Explanatory Memorandum

December 2022

This Explanatory Memorandum has been prepared by Peter Fox MS and is laid before the Welsh Parliament.

Declaration of Legislative Competence

In my view, the provisions of the Food (Wales) Bill, introduced by me on 12 December 2022 would be within the legislative competence of the Welsh Parliament.

Peter Fox MS

Member in charge of the Bill

12 December 2022



Contents

Declaration of Legislative Competence	i
Part 1: Explanatory Memorandum.....	1
1. Introduction	1
2. Legislative competence.....	1
3. Purpose and intended effect of the Bill	2
The proposed policy objectives.....	2
Why the Bill is needed	3
What’s happening elsewhere in the UK?	28
Links to other legislation.....	29
4. What the Bill does and why.....	40
Food goals and targets.....	40
Welsh Food Commission	46
National food strategy.....	51
Local food plans.....	54
Meaning of ‘public bodies’	57
5. Support for the Bill and public consultation	58
General Support for the Bill	58
Initial consultation on the policy objectives of the Bill	58
Consultation on the draft Bill	62
How the final version of the Bill differs from the draft Bill	63
6. Power to make subordinate legislation	65
Part 2: Regulatory Impact Assessment.....	69
7. Summary of RIA.....	70
Unquantified costs and disbenefits.....	72

Benefits	72
Key evidence, assumptions and uncertainties.....	73
8. Option 1: continue with Welsh Government’s future plans.....	74
9. Option 2: introduce a Bill.....	78
Benefits of the Food (Wales) Bill	97
10. Specific Impact Assessments	103
A) Justice System Impact Assessment (Standing Order 26.6 (xi))	103
B) Children’s Rights Impact Assessment (CRIA).....	105
C) Impact on the Welsh Language	109
D) Other impact assessments.....	110
11. Part 3: EXPLANATORY NOTES.....	111
Introduction	111
Commentary on sections	111
12. Annex: Index of Standing Order requirements	116

Part 1: Explanatory Memorandum

1. Introduction

- 1.** On 22 September 2021 Peter Fox MS was successful in the ballot held under the Senedd's Standing Order 26.87 for the right to seek leave to introduce a Member Bill.
- 2.** On 17 November 2021 a 'leave to proceed' debate was held, and the Senedd agreed that Peter Fox could introduce a Bill within 13 months of the date of the debate to give effect to the proposal selected in the earlier ballot.
- 3.** The proposal was for a Bill that would establish a more sustainable food system in Wales to strengthen food security, improve Wales' socioeconomic well-being, and enhance consumer choice. The Bill should provide a framework that enables a coherent, consistent and strategic cross-governmental approach to policy and practice on all aspects of the food system.
- 4.** The Bill has been developed with those underlying policy objectives as its key principles, and following discussion and consultation with Welsh Government, key stakeholders, and the public. This Explanatory Memorandum has been prepared and laid in accordance with Standing Order 26.6. It sets out the background to the provisions and scope of Bill, and provides further detail on process for developing the Bill and the consultation undertaken.

2. Legislative competence

- 5.** The Senedd's Standing Orders provide for Bills to be introduced by individual Senedd Members, as well as the Welsh Government, Senedd committees and the Senedd Commission, in areas where the Senedd has legislative competence.
- 6.** Section 107 of the Government of Wales Act 2006 (GOWA) permits the Senedd to make laws for Wales known as Acts of Senedd Cymru. Section 108A provides that "an Act of the Senedd is not law so far as any provision of the Act is outside the Senedd's legislative competence".
- 7.** The provisions of the Food (Wales) Bill ("the Bill") are within the legislative competence of the Senedd.

3. Purpose and intended effect of the Bill

This chapter provides an overview of the Bill's policy objectives, sets out why the Bill is needed and places the Bill in the context of other relevant legislation and developments elsewhere in the UK.

The proposed policy objectives

- 8.** The Bill provides a framework that enables a coherent, consistent and strategic cross-governmental approach to policy and practice on all aspects of the food system.
- 9.** The purpose of the Bill is to establish a more sustainable food system in Wales. This means strengthening our food security through a resilient supply chain, supporting the development of our food industry, improving Wales' socioeconomic well-being and enhancing consumer choice. The food system the Bill seeks to establish will also have environmental considerations at its core, such as: protecting and restoring nature; tackling and mitigating the effects of climate change; and minimising Wales' global environmental footprint.
- 10.** The primary food goal set out in Bill is the provision of affordable, healthy, and economically, environmentally and socially sustainable food for the people of Wales. This goal provides an overarching vision for the food system in Wales, as well as acting as an anchor point that policy created through the Bill will aim to achieve.
- 11.** The food system is central to Wales' current and future socioeconomic and environmental prosperity. Whilst food production and consumption is inherently interlinked to the wider UK and global systems, the sector in Wales has a fundamental role to play in helping to create a more equal, healthier, and greener Wales.
- 12.** Some of the biggest issues facing Wales – such as poverty and inequality, obesity and malnutrition, nature decline and climate change – have been exacerbated by the COVID-19 pandemic, the war in Ukraine and the cost of living crisis. Ongoing supply chain issues have also highlighted the need for a more resilient food system, with such issues limiting consumer choice and creating the real risk of food shortages. These issues place a

significant strain on the Welsh Government, as well as public services, business and communities.

13. Therefore, 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.

14. The Bill will also help the Welsh Government and other public bodies to meet their duties as outlined in the Well-being of Future Generations (Wales) Act 2015. 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. In its **consultation response**, Swansea Council writes:

The aim of the legislation is to enforce the seven well-being goals set out in the Well-Being of Future Generations (Wales) Act by placing specific duties on public bodies via new primary and secondary ‘Food Goals’ . It will ensure transparency and accountability towards meeting those goals, by means of oversight by a Welsh Food Commission, which is to be welcomed.

15. The aims of the Bill are consistent with the findings of Welsh Government commissioned research. In their 2016 report **Food Policy as Public Policy** for the Wales Centre for Public Policy, Professors Terry Marsden and Kevin Morgan concluded there was an “urgent need to develop a fresh and clear vision and strategy for the food system in Wales.” Amongst other things, they recommended that sustainable diets should be at the heart of this policy and farmers should be supported to produce less intensive, more sustainable, and higher food quality products through more diversified sets of supply chains. They also recommended effective monitoring in line with the Well-being of Future Generation Act goals.

Why the Bill is needed

16. This section sets out the wide range of policy areas that comprise the food system in Wales. It outlines how the Bill fits into the current policy and legislative landscape in Wales, and explains why a strengthened statutory platform for the Welsh food system is needed

to help it better meet the needs of, and challenges facing, communities across the country.

The need for a holistic approach

17. Current Welsh Government policy relating to food is not joined up, leading to policy incoherence and unintended consequences. There is a need for a single, overarching holistic approach to the whole food system in Wales to maximise the wide range of benefits a coordinated, resilient and sustainable food system can bring.

18. Discussions with stakeholders over many months have highlighted there is a general lack of scrutiny of policy related to the wider food system in Wales. That is, food policy is too often thought of in silos, with Welsh Government departments taking different approaches to food policy, resulting in policy aims that can often contradict each other.

19. Furthermore despite the importance of food, and the wider food system, to health and well-being, the environment and socioeconomic development amongst other things, public bodies have been found to have very different and inconsistent attitudes towards food policy within their own remit. Whilst some are proactive in this area, others do very little, with pressures and a lack resources often cited as reasons why some public bodies place food policy behind other responsibilities.

20. This patchwork of policy responses that exist across Wales means that the ability of the food system to meet some of the challenges facing communities is often underutilised – whilst some of these challenges are left unaddressed. As Swansea Bay University Health Board states in its **consultation response**:

In the absence of regulation, there has been inconsistency in terms of how our food environments (including those within the public sector) enable healthy behaviours. Often the easiest or lowest cost choice/option prevails which can result in the normalisation of cheap unhealthy foodstuffs.

...Choice rests not with communities but with retailers and creates in effect 'food deserts' (defined as limited or no access to affordable and nutritious food) often for our most vulnerable communities who suffer with the greatest ill-health burden.

21. Recent events have highlighted that supply chains are more vulnerable to external shocks than commonly thought. Whilst food is inherently a global challenge – shocks to

the system mean those that do not have a resilient localised food system in place are often left vulnerable to food supply issues.

22. The Bill, therefore, intends to create a more robust system of governance to oversee the food system in Wales. In other words, to ensure that public bodies are more proactive in monitoring the health and accessibility of the food system in Wales and interactions of the Welsh food system with further beyond. These issues are important in our communities.

23. Whilst it is accepted that Welsh Government could take action to meet some of these challenges without the need for legislation, a frequent issue is that plans and strategies can contain very few mechanisms for scrutiny and accountability. Thus they are often ignored by bodies, or implemented to a limited extent, meaning there is a lack of data and evidence as to how successful previous plans and strategies have been.

24. Furthermore, new iterations of these plans are not consistent in their approach, meaning different plans focus on different things, resulting in confusion between policy aims. Recent plans have also become more narrowly focussed in their scope, with the Welsh Government placing more of an emphasis on economic growth and promoting exports as opposed to using the food system to address wider social issues. To exemplify, recent Welsh Government plans include:

- **Food for Wales. Food from Wales 2010-2020** which, when published in 2010, sought to set-out a longer-term, overarching vision for the Welsh food system. However despite the encouraging approach taken within the strategy – with an acceptance of the need to engage the wider food system in tackling wider societal challenges - it did not establish a system of targets. This meant that it is difficult to analyse how successful the strategy was in achieving its overall aims.
- **Towards Sustainable Growth: an Action Plan for the Food and Drink Industry 2014-2020** overlapped with the above plan, and established the Food and Drink Wales Industry Board. However, this plan had more of a focus on economic growth and expanding the food and drink sector in Wales, including a commitment to deliver a 30% increase in turnover to £7 billion by 2020. The Industry Board aimed to support industry innovation and improve the skills base amongst the workforce to achieve this ambition.

- **A Vision for the Food and Drink Industry from 2021** built upon the 2014 strategy, again focusing on food manufacturing and processing, further embedding the shift towards economic growth as the main area of focus for the industry. However the strategy recognised some environmental and societal issues such as climate change and the need for fair work, and lists a number of other food-related Welsh Government strategies and legislation under the heading “Everything’s Connected”. The Welsh Government says it will deliver the vision by working “seamlessly across wider policy agendas such as public health, communities, sustainability, the circular economy, decarbonisation, trade, skills and tourism.”

25. Respondents to the consultation on the draft Bill overwhelmingly believe Welsh Government food-related strategies are not joined up enough. 63% don’t believe the strategies are joined up enough with 37% not expressing a clear view. Not one respondent answered ‘yes’ to this question - 100% of those who expressed a clear view believed the strategies weren’t sufficiently joined up.

26. In its **consultation submission**, Food Policy Alliance Cymru sets out examples of policy incoherence in Wales:

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.

27. In **evidence to the Senedd’s Economy, Trade and Rural Affairs Committee** on 27 October 2022, during an evidence session on the Agriculture (Wales) Bill, Simon Wright, Director of Wright's Food Emporium and Director of Food and Rural Economy at University of Wales Trinity St David said:

... We don't have a clear vision of the direction of travel and where we want to end up, and this is causing us difficulties, even when we're discussing things like the Agriculture Bill. Because we don't have that vision, we tend to get divisions that I don't think would be there otherwise. We've talked about all the considerations and the goals and how we need to bring them together, but do we actually have a vision for how we're going to do that?

We've got to remember here we're talking about supply chains, the global food system, the nature of the global food economy. If we've learned anything from the past three or four years it's that it's almost impossible to predict how that is going to look in six months' time, let alone 10 years' time. But we do know that it's becoming increasingly unstable. For me, therefore, the key objective has to be resilience. We need to visualise what the Welsh food system should look like. In my view, we need to bring control of it home as far as we possibly can, because that is the safest and most resilient thing to do. ...

28. Calls for a single overarching approach are not new. The Climate Change, Environment and Rural Affairs Committee of the Fifth Senedd undertook a detailed inquiry into the Welsh food system entitled '**Rethinking Food in Wales**' in 2018 and 2019.

29. The **Committee concluded** there was a need for a new strategy that reflects a whole system approach and connects different policy areas, such as health, well-being and sustainability and economic growth. The Committee said this should be underpinned by the objectives and goals of the Well-being of Future Generations Act and be accompanied by targets.

30. However, there remains no overarching approach to the food system as a whole that would draw all of these policy areas together and require integration and collaboration across Ministerial portfolios.

31. This Bill, therefore, introduces a framework that seeks to simplify and streamline the complex nature of food policy by establishing a 'whole system approach' - recognising the need for the objectives of government departments, public bodies, and the food system as a whole to be aligned to deliver benefits for communities as well as the food and drink industry. It introduces specific duties on public bodies to consider how they can

develop policies that creates opportunities for better alignment with national and regional priorities for the food system, building greater resilience within communities.

32. As Torfaen County Borough Council states in its **consultation response**:

Overall we believe that the Food (Wales) Bill would significantly strengthen the work which is already being developed at a local and regional level to create a better Welsh food system. It would ensure that local initiatives are aligned with national commitments and vice versa, avoid duplication, increase efficiency and add value to our community wealth.

Community Food Strategy

33. In its **Programme for Government**, the Welsh Government proposes to introduce a Community Food Strategy. It says it will “develop a Wales Community Food Strategy to encourage the production and supply of locally-sourced food in Wales” as part of embedding its response to the climate and nature emergency in everything it does.

34. The detail of the proposed strategy has not yet been published or provided to the Senedd for scrutiny. The timing of when the Government intends to bring forward the strategy is also, at this time, not known.

35. However the **Minister said in March 2022** that the Welsh Government wants to incorporate some of the aspects of the Bill into the Community Food Strategy.

36. In June 2022 the **Minister’s paper** to the Senedd’s Economy, Trade and Rural Affairs Committee’s Cost of Living Inquiry shed some light on what the strategy may and may not do:

Welsh Government policy is to develop local networks and supply chain clusters where doing so is sustainable in the long term. We are already doing this with food manufacturers. The Community Food Strategy is an opportunity to further this work and facilitate grass roots activity also. There is evident interest and energy in communities about food related projects with myriad initiatives throughout Wales. Often the benefits are things other than the produce itself, and could contribute to a range of Future Generation Well-being goals. The government’s intention is to assist these initiatives and we have been engaged in

extensive one to one conversations with organisations active in this space to understand challenges and opportunities. It is conceivable public bodies might focus more on some of the structural barriers which exist for community projects such as availability of land, or they might consider how local suppliers can meet their procurement needs. However, it is not the government's goal these community projects can ever take the place of the mainstream agri-food system. We must be realistic about what is achievable. Alternative, food production and supply initiatives are rarely cost competitive and they are also seasonal.

37. It is clear from this that the scope of the Community Food Strategy is focused specifically on community food projects. These activities are important in helping to shorten supply chains and provide accessible local food. They are also important in garnering community involvement and supporting the mental wellbeing of participants.

38. The scope of the Community Food Strategy as described above seems to be consistent with the objectives of this Food Bill. However, the strategy is not a substitute for the broader aims of the Food Bill in achieving an overarching framework for promoting a holistic and sustainable food system in Wales.

Food production

39. Food production is an important aspect of Welsh culture that extends far beyond the specific activity of growing and processing food. Our farms are predominantly family owned and are an economic and social cornerstone of our rural communities. In many parts of Wales the farming community is also a bastion of our unique Welsh language culture.

40. **Farmland covers roughly 80% of Welsh land area** and is therefore instrumental in shaping Wales' landscape and the image we project globally. A sustainable food system is also crucial to restoring nature and helping to mitigate and tackle the effects of climate change.

41. We also **produce high quality products** to some of the highest environmental and animal welfare standards in the world.

42. Welsh food is also **important economically**. The Welsh food and drink supply chain (which contains manufacturing and related packaging, agriculture and fishing, retail and wholesale, and non-residential catering) had a total turnover value of £23bn in 2021,

an increase of 2.9% from £22.4bn in 2020. Exports in 2021 increased compared to 2020, up from £552m to £640m in 2021, an increase of 16%. However GVA for Welsh food and drink decreased by 16.4% from 2019 to 2020, from £3.82bn to £3.20bn. In 2020 the Welsh food supply chain employed 224,500 people.

43. Such is the importance of the food industry that the Welsh Government identifies it as **one of Wales' 'foundation sectors'**, saying:

*The foundation economy provides essential goods and services It is the backbone of our local communities across Wales. In parts of Wales, such as some of our rural communities, the foundation economy **is** the economy.*

44. Statistics for the agriculture sector specifically show that the GVA of farming in 2021 was £602m, an increase of £62m (or 12%) from 2020. Total income from farming also increased by £89m in 2020 (or 29%) to £394m in 2021. However **farmers are facing rising input costs** which are squeezing their profitability.

45. The Welsh Government published its **Vision for the Food and Drink Industry** in November 2021. It aims to:

- ensure an environmentally and socially responsible supply-chain with an international reputation for excellence; and
- grow the industry at a higher rate proportionally to the rest of the UK.

46. As noted above, the vision focuses on food manufacturing and processing and does not provide the overarching approach needed for the food system as a whole.

47. Government support for farming is changing significantly. Now Wales has left the EU's Common Agricultural Policy (CAP) we are free to design a scheme that meets our own needs. The Welsh Government's **draft Sustainable Farming Scheme** will support farmers to address the nature and climate emergencies alongside sustainable food production. This new approach removes Wales further away from CAP-style direct payments to farmers.

48. The objectives of the Food Bill complement those of both the Vision for the Food and Drink Industry and the draft Sustainable Farming Scheme. While these two policies are important parts of the jigsaw, they only go so far in creating the resilient and

sustainable food system we need to achieve – what they do not do is consider *how* food is used within our communities.

49. The Bill, therefore, will establish the overarching framework to ensure farming and supply chain policy is considered alongside other important aspects such as public health and tackling food poverty.

50. It also seeks to provide new opportunities to farmers and other producers to sell their produce into local and regional markets within Wales – particularly encouraging public bodies to consider how they may make locally produced food more widely accessible via local food plans. Thus the Bill may have the effect of helping to create a more economically sustainable agricultural and food sector, and encourage additional job and business creation.

Food security

51. Food security is a complex global issue. It can be seen as a measure of people's access to safe and nutritional food and depends on several factors, including the availability and affordability of food. The **UN Committee on World Food Security** defines food security as follows:

Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.

52. Food supply chains have been placed under significant pressure in recent years. The COVID pandemic, labour shortages, climate change, and an increase in oil and gas prices, have all contributed to a rise in food prices. These problems have been exacerbated by Russia's invasion of Ukraine – the two countries are significant exporters of food and fertilisers, and this has been restricted since the war began.

53. Food prices have risen significantly in the UK since the end of 2021, which particularly affects poorer households. **October 2022 data from the Food Foundation** shows that 18% of UK households have been unable to afford or get food so they have eaten less, skipped meals or gone without meals for an entire day. This is double the number affected in January.

54. Our food chains have been severely tested, but they have not broken. The **Agriculture Act 2020** requires the UK Government to present a report on food security to the UK Parliament at least once every three years. The most recent **UK Food Security**

Report was published in December 2021. It concluded the UK food system was resilient and diverse enough to absorb shocks, but also highlighted areas of dependence that could pose risks to food security. **These areas include** climate change, exploitation of natural resources, biodiversity loss, degradation of soil health, labour availability, reliance on energy imports and the impact of external shocks such as geopolitical events and global pandemics.

55. 86% of farmland in Wales is used for grazing livestock. Our climate and topography is ideally suited to growing grassland, which we convert primarily into lamb, beef and dairy products. Whilst we are very good at this, and our farmers farm to some of the highest environmental and animal welfare standards in the world, our production base is not as diverse as the UK as a whole.

56. To a large extent what we produce is defined by our climate and topography. Where environmentally and economically feasible, there is potential for Wales to broaden its production base, including into more crops and horticulture. **Controlled environment agriculture** also offers an exciting avenue to increasing the diversity of production.

57. A number of respondents to the consultation on the Bill advocate the concept of 'food sovereignty' over 'food security'. **Food Policy Alliance Cymru argues** that food sovereignty:

Contrary to the concept of food security, how and where food is produced and consumed matters to the concept of food sovereignty. Food sovereignty emphasizes ecologically appropriate production, distribution and consumption, social-economic justice and local food systems as ways to tackle hunger and poverty and guarantee sustainable food security for all peoples.

58. The Bill will create the framework for all of these issues to be considered together within the Welsh context, particularly through the lens of the food goals. For example, whilst there is no reference to food sovereignty on the face of the Bill – as suggested by some stakeholders – the environment and food waste goals in particular will help to embed similar core principles within the food system.

59. As discussed elsewhere, recent events have highlighted that it is more important than ever to establish good governance of our food system. We must ensure our supply chains are resilient and our decisions have positive impacts on people and the

environment both within and beyond our borders. The proposed Welsh Food Commission will help to provide increased oversight of the function of the food system and supply chains in Wales, working with the Welsh Government, other public bodies and the food system to ensure that supply chains are more robust and help to meet the needs of local communities.

Climate change

60. The **Environment (Wales) Act 2016** introduced statutory climate change targets in Wales for the first time and it's now over three years since the **Welsh Government declared a climate emergency**.

61. Wales has a statutory requirement to reach net-zero emissions by 2050, with interim targets along the way (a 63% reduction in emissions by 2030; 89% by 2040). The decarbonisation framework for Wales also includes five-year carbon budgets.

62. **Greenhouse gas emissions** in Wales decreased 31% between 1990 (the base year) and 2019, although there was a slight rise of 0.2% between 2018 and 2019. For agriculture, the decrease was 10% between 1990 and 2019, with an increase of 1.8% between 2018 and 2019.

63. In 2019, agriculture – primary food production – was responsible for **14% of Wales' greenhouse gas emissions**. While not the biggest emitting sector, a reduction in agricultural emissions is vital if Wales is to reach the aim of net zero.

64. The Welsh Government published its **Net Zero Wales Carbon Budget 2 (2021-25)** (the Net Zero Plan) in October 2021. It sets out how Wales will meet its second carbon budget and to build the foundations for Carbon Budget 3 and the 2030 emissions reduction target, as well as net zero by 2050.

65. As well as the sector specific policies and proposals (below) the Plan includes a range of policies and proposals to show 'how' the Welsh Government will shape its emissions reduction approach. Many are directly relevant to the food system and are complementary to the objectives of the Bill. These include:

- Policy 1: Just Transition – to consider the impacts of climate action in all areas, mindful that action could potentially resolve or exacerbate existing inequalities;
- Policy 2: Nature Emergency – embedding the nature emergency response in all Welsh Government work;

- Policy 3: The Clean Air Plan, decarbonisation and Natural Resources Policy – integrating these areas to achieve complementary outcomes;
- Policy 4: Building climate resilience and reducing emissions in complementary ways;
- Policy 5: A circular economy; and
- Proposal 1: Develop a long term strategy to promote a dietary shift to a healthier and suitable diet.

66. The sector specific policies in the Net Zero Plan include agriculture, waste and ‘Land Use, Land Use Change and Forestry’ (LULUCF).

67. For agriculture, the Net Zero Plan emphasises the role of the proposed **Sustainable Farming Scheme** (see below). This new post-Brexit scheme aims to support low carbon farming practices while maintaining a strong food production sector. One of the Scheme’s four objectives is to support farmers to “mitigate and adapt to climate change”

68. The LULUCF sector covers carbon emissions and sinks associated with land use, including from forestry, urban land use and peatland. While not all of the LULUCF sector is connected directly to food production and related supply chains, how we manage our forestry and peatlands alongside sustainable food production is a key consideration. LULUCF is the only sector in Net Zero Plan with capability to remove emissions from the atmosphere.

69. The key policy objective of the Bill is to deliver affordable, healthy, and economically, environmentally and socially sustainable food for people now and for future generations. Central to this is promoting a food system that not only mitigates and adapts to climate change, but also minimises Wales’ carbon footprint by lessening the environmental impact of food production, processing and consumption.

70. Meanwhile, the food waste goal creates an additional focus on the contribution of food waste to greenhouse gas emissions and how this can be reduced by redirecting waste away from landfill. Around a **third of the food produced globally** is lost or wasted and it is having a real impact on climate change, contributing 8–10% of total man-made greenhouse gas emissions. Through the food waste goal, the Bill will tackle this issue head on in Wales, within the broader framework driving a resilient and sustainable food system.

71. No specific environmental targets have been set on the face of the Bill to avoid unnecessary duplication of existing targets, whilst amending primary legislation requires significant additional resources and Senedd time thus making the Bill inflexible to changing circumstances. However, given the focus within the Bill on the important role of the food system in responding to climate change via the secondary food goals, a duty has been placed on Welsh Ministers to set targets on how it will meet the environmental goal, as well as the other secondary goals.

Nature and biodiversity

72. Biodiversity has intrinsic value and provides benefits to humans, through 'ecosystem services', such as the provision of water and food production. Biodiversity losses can therefore cause risks to human safety and well-being.

73. The 2019 State of Nature Report highlighted that 17% of 3,902 species in Wales are threatened with extinction. In 2021 the Senedd declared a 'nature emergency' in recognition of human induced biodiversity decline. The Nature Recovery Action Plan is the Welsh Government's biodiversity strategy and action plan.

74. Pressures on biodiversity come from many sources, including, urbanisation, pollution, hydrological change, invasive non-native species and certain woodland and agricultural practices.

75. Given that agriculture covers around 80% of land area in Wales, farming, as part of a wider resilient and sustainable food system, has a central role to play in restoring nature. RSPB Cymru's submission to the consultation on the Bill sets this out succinctly:

Whilst unsuitable farming and food production, driven by poorly conceived policies, is the main driver of biodiversity loss and contributes to climate change, sustainable, nature friendly farming is also the key to restoring nature and the ecosystems we depend on.

76. The Nature Friendly Farming Network's recent report - Rethink Food: The Need For Change – challenges us to reimagine the existing food system in a different way, including transitioning to nature-friendly farming:

This is a challenging time to address how farming moves forward. But the past few years of comprehensive scientific assessments have pushed the urgency of restoring nature, protecting ecosystems and

adapting to a future where climate change is to the fore. Farming is central to this. Without extensive and widespread adoption of nature-friendly agriculture, where diversity spans the landscapes of our farms, we risk a future with greater instability. Producing bountiful nutritious food without a biodiverse and fertile natural environment will be impossible.

77. The Welsh Government's draft **Sustainable Farming Scheme** (see below) aims to reward farmers who achieve Sustainable Land Management outcomes. One of the Scheme's four objectives is to support farmers to "maintain and enhance the resilience of ecosystems and the benefits they provide".

78. The objectives of the Food Bill complement those of the draft Sustainable Farming Scheme. Protecting and restoring biodiversity and the natural environment through food production are central to the resilient and sustainable food system the Bill seeks to achieve.

79. During the consultation, some stakeholders suggested that the principles of agroecology should be included on the face of the Bill to ensure that food production delivers benefits for nature and climate. For instance, WWF Cymru's **consultation response** states:

...We believe that agroecological principles should be what underpins the bill, as those principles cover environmental, economic, social and cultural considerations, and will ensure true resilience within our food system...

80. The Bill does not make explicit reference to agroecology as doing so may inadvertently make its aims and provisions harder to interpret and less legally enforceable. A standardised, legal definition of agroecology would have needed to have been established within the Bill, which would be subject to change as the principles underpinning the concept are developed in the future. As mentioned previously, amending primary legislation can be difficult and time consuming and including such a definition may result in an inflexible Bill that does not align itself to changing circumstances in the future.

81. However in saying this the Bill, through its secondary food goals, absolutely recognises that food production, consumption and processing must have positive impacts on nature and climate - helping to restore biodiversity, habitats and soil condition, as well

as securing benefits for the climate and communities. By including food goals on the face of the Bill, creating a Welsh Food Commission, and linking the provisions to current legislative requirements such as the Wellbeing of Future Generations (Wales) Act 2015 (discussed later in this chapter), it is hoped that a coherent, robust system of governance will be created through this proposed legislation that will deliver economic, health, social and environmental benefits for Wales.

Food in schools

82. The overarching primary food goal relates to providing affordable, healthy and economically, environmentally and socially sustainable food. Local authorities provide catering services to the majority of maintained schools in Wales.

83. Section 512 of the **Education Act 1996** states that a local authority may provide meals or other refreshments to pupils either on the school premises or elsewhere where education is being provided. This was amended by the **Education and Inspections Act 2006** to give local authorities the freedom to offer all pupils free meals, fresh fruit, milk or other refreshments during the school day, regardless of family income. Where a local authority exercises the power to charge for such provision it must charge every pupil or other person, the same price for the same quantity of the same item.

84. Where a school has a delegated budget for meals the governing body takes on responsibility for their provision. This includes providing free school meals to eligible pupils, providing 'paid-for' meals where requested, complying with nutritional standards and deciding the content and cost of meals.

85. Local authorities provide 'in-house' catering services in the majority of local authority maintained schools. Other school meal providers include contract caterers and schools, who employ catering staff directly.

86. The **Healthy Eating in Schools (Nutritional Standards and Requirement) Regulations 2013** set out the types of food and drink that can and cannot be provided during the school day. They also define the nutrient content of school lunches. They apply to a local authority or governing body of a maintained school that provides food or drink on a school day to pupils on school premises before 6pm; at a place other than school premises before 6pm (i.e. school trip); and to any other person on the school premises before 6pm for example, visitors, parents/carers, staff. The Regulations impose requirements and standards about breakfasts, lunches, drinks and other food such as that sold in vending machines or tuck shops.

87. Pupils whose parents are eligible for certain means tested benefits are eligible for free school meals. The eligible benefits and tax credits which entitle a child to free school meals are set out in Section 512ZB of the Education Act 1996 (as amended). Free schools meals are awarded where the parent or pupil meets the eligibility criteria and a request has been by the parent.

88. As part of the Co-operation Agreement with Plaid Cymru, the Welsh Government made a **commitment** that all primary school children in Wales can have free school meals by 2024, beginning with learners in Reception Year from September 2022. The Minister for Education and Welsh Language said in an **Oral Statement in September 2022**, that the Welsh Government would ‘focus to how we better use our levers to drive public procurement to support local food production and distribution, to benefit local economies and to better connect learners with the origins of the food that they eat’.

89. The focus on creating more localised food chains through the National Food Strategy and Local Food Plans, as established in the Bill, aligns itself well with the laudable aims of the expansion of free school meals to primary school children in Wales. It is envisaged that the Bill will help to create the infrastructure needed to enable local food producers to take advantage of local procurement opportunities, such as those that will be established through this policy.

Food in the curriculum

90. One of the secondary food goals relates to increasing the quality and accessibility of educational provision on food-related issues and developing food skills to ensure better, healthier diets and well-being.

91. The national curriculum for England and Wales was introduced in 1989. National curriculum subjects are taught in line with programmes of study published by the Welsh Government. This national curriculum will continue to be taught to pupils in the 2022/23 Year 8 cohort and upwards. It will be phased out by 2026/27 when the first cohort studying the new **Curriculum for Wales** reaches Year 11.

92. The new Curriculum for Wales is being introduced in phases, initially in public funded nursery settings and primary schools from September 2022. Secondary schools were given a choice to delay its introduction for a year when it will be statutory for Year 7 and Year 8 in September 2023. The new curriculum will then be rolled out to an additional year group, year by year, until reaching Year 11 in 2026/27. Nearly half of secondary schools opted to introduce the new curriculum to Year 7 in September 2022.

93. The Curriculum for Wales is intended to be purpose-led rather than content-based, with a greater emphasis on skills and teaching what matters. The new age 3-16 curriculum represents a shift away from the heavily prescribed approach of the national curriculum to one where schools have flexibility to design their own curricula, within a broad national framework.

94. The Curriculum for Wales is structured around four purposes and six Areas of Learning and Experience (AoLEs). The four purposes are ‘the shared vision and aspiration for every child and young person’. They are that a child should become:

- ambitious, capable learners, ready to learn throughout their lives.
- enterprising, creative contributors, ready to play a full part in life and work.
- ethical, informed citizens of Wales and the world.
- healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

95. The detail of the AoLEs is based on “statements of what matters” (i.e. what is important for children and young people to learn about), which are set out in a statutory “What Matters” code. “Principles of progression” and “descriptions of learning” provide some details of what should be covered within each AoLE. The AoLEs are:

- expressive arts;
- health and well-being;
- humanities;
- languages, literacy and communication;
- mathematics and numeracy; and
- science and technology.

96. The Health and well-being statement of What Matters includes that this AoLE can help learners to understand the factors that affect physical health and well-being. This includes health-promoting behaviours such as physical activity, including but not limited to sport and balanced diet. It also includes an understanding of health-harming behaviours.

97. The Humanities statement of What Matters includes ‘Our natural world is diverse and dynamic, influenced by processes and human actions.’

98. Through the education food goal, it is envisaged that the Bill will help to promote the skills-based focus of the new Curriculum for Wales by emphasising the need for all children and young people to have the necessary food skills to ensure better, healthier diets, as well as increasing the provision of education on food-related issues.

Food and our health

99. The Chief Medical Officer’s **Annual Report for 2021-22, the National Survey for Wales**, and **research by Public Health Wales** reiterates ongoing concerns about the high levels of obesity, poor diet and health inequalities within the population of Wales. Excess weight and obesity is **becoming more common in Wales**, and at the same time our collective ability to recognise what being a healthy weight looks like is reducing. This is a cause of significant public health concern, since carrying excess weight can have significant implications for an individual’s physical and mental health and increases the risk of a wide range of chronic diseases.

100. Childhood obesity is a particular concern. The latest data published by the **Childhood Measurement Programme** from 2018/19 showed a rise in childhood obesity over the previous six years with Welsh children more likely to be overweight or obese at reception age **than children in Scotland or England**.

101. **A Healthier Wales** (2018), the Welsh Government’s long-term plan for health and social care, highlights the importance to good health of ‘lifestyle factors’ such as not smoking, avoiding excessive drinking, maintaining a healthy weight, and good diet.

102. Part 2 of the **Public Health (Wales) Act 2017** required the Welsh Government to publish a national strategy on preventing obesity and reducing obesity levels in Wales. In October 2019 the Welsh Government published **Healthy Weight, Healthy Wales**, a long-term strategy to prevent and reduce obesity in Wales, supported by around £13 million.

103. However, Healthy Weight, Healthy Wales recognised that a whole systems approach was needed as “preventing obesity is a complex challenge, with many contributing factors acting at individual, community, societal and global levels” and that “delivery cannot be achieved by Government, the NHS or any other individual sector alone”. The strategy is

based around the themes of healthy environments, settings and people, and leadership and enabling change.

104. Healthy Weight, Healthy Wales has been supported by delivery plans for **2020-22** (February 2020), and **2022-24** (March 2022). The latter highlights that food and physical activity choices have been adversely affected by the pandemic, especially in communities where there were already high levels of health inequalities. There is a particular focus on early years and children, and the delivery plan sets out seven national priority areas:

- shape the food and drink environment towards sustainable and healthier options;
- enable active environments and spaces to encourage more movement in daily life;
- promote and support families to provide the best start in life;
- enable education settings to be places where physical and mental health remains a priority;
- remove barriers to reduce diet and health inequalities across the population;
- equitable support services for people to become or maintain a healthy weight; and
- enhance the system of prevention which enables leadership at every level.

105. The Food Bill strongly emphasises the role of the food system in contributing to better health-related outcomes through both the health and social and education food goals. It will ensure that existing legislation, strategies and targets are brought together to consider how they can best be achieved through the food system. As the Aneurin Bevan Gwent Public Health Team states in its **consultation response**:

The inclusion of health within the food goals will facilitate greater engagement beyond the NHS from a wider range of public sector organisations who all have a role to play in tackling obesity. A stronger system of governance and reporting for food within public sector organisations will complement the Healthy Weight Whole Systems Approach.

Public procurement of food

106. The Fifth Senedd's Climate Change, Environment and Rural Affairs Committee report **Rethinking Food in Wales: Public Procurement of Food** (2018) noted annual public sector food and drink procurement of over £74 million and that

...funding is used to provide food in our schools and hospitals and should be thought of as an investment in the health and well-being of the Welsh people.

107. NHS Wales buys £22m worth of food annually to serve in its hospitals, and **there have been calls** for a model of more localised, healthy, and sustainable food supply to NHS Wales. Health and social care providers act as **anchor institutions** which have a significant stake in their local area. This could improve the well-being of patients and food communities and support local food suppliers/producers.

108. The **Welsh Government said** in July 2022 that:

Public sector procurement plays an important role in re-localising the food chain. The public sector in Wales spend around £94.4m on food and catering and while that may seem relatively small (being roughly equal to the turnover of a single Tesco hyper market) compared to the £3bn value of food retail, for our Welsh producers and suppliers it is still a desirable market that represents a huge opportunity for local supply.

109. The public procurement of food is vital for setting the tone for the food system we need in Wales. Not only is the food served in our schools, hospitals and care homes an investment in the health and well-being of our people, it is an opportunity for the public sector in Wales to lead by example in creating a better food system.

110. It is understood that the Welsh Government is undertaking a Welsh public sector food procurement survey to build a picture of food procurement spend across Wales, the amount of Welsh food being supplied and attitudes/barriers to buying Welsh.

111. The **Welsh Government is also developing** "Buying Local and Sustainable Food" procurement guidance for all food contracts/framework agreements to:

...ensure opportunities are maximised for Welsh food businesses and that social, economic, environmental and cultural outcomes are achieved.

112. The Welsh Government says this guidance will promote a move away from lowest cost approaches in food tenders with a greater weighting being placed on issues such as social and well-being objectives, reduced CO2 emissions and local supply chains.

113. It is also understood that the Welsh Government is considering how good practice on food procurement can be included in the statutory guidance supporting the Social Partnership and Public Procurement (Wales) Bill (see below).

114. The Future Generations Commissioner said in 2020 that the Well-being of Future Generations Act provides an opportunity to transform the way procurement is delivered in Wales. She said that procurement in line with the Act provides a significant opportunity for public bodies to make progress towards their well-being objectives and our national well-being goals.

115. The Bill has been written to compliment the Well-being of Future Generations Act and will establish a framework to ensure the benefits of public procurement are maximised. Recent developments in this area are welcome but more needs to be done to use public procurement of food to drive improvement in the nutrition of some of our most vulnerable people, whilst also creating opportunities for local producers and shorter food chains.

116. Done right, procurement can contribute significantly to the achievement of a number of the food goals set out in the Bill. In turn, achieving the goals ensures that public funds used for food procurement are used effectively with tangible benefits for society, the economy and the environment.

117. The Procurement Bill is currently passing through the UK Parliament. It aims to replace the rules largely derived from EU legislation with a simpler and more flexible approach. The UK Government says its Bill will:

- speed up and simplify public procurement processes;
- place value for money at their heart; and
- create greater opportunities for small businesses and social enterprises to innovate public service delivery.

118. Any changes to the Procurement Bill as it passes through the UK Parliament will be taken into consideration to ensure any affect it has on the Food Bill is taken into account.

Food poverty

119. The price of food and non-alcoholic drinks **has increased by 14.6%** in the year to September 2022. This is the largest annual rise for 42 years, and disproportionately impacts on households with the lowest incomes as they spend a **greater proportion of their household income** on food than more affluent households.

120. The Food Foundation's most recent **Insecurity Tracker states that 19%** of households in Wales were food insecure in September 2022, with four million children experiencing food insecurity across the UK. The Bevan Foundation found that, between January and July 2022, **39% of people in Wales** had seen their household cut back on food for adults. Lower-income households have been most affected by this, with over 40% of households with an annual income of less than £30,000 making cutbacks.

121. The Trades Union Congress **has found that** around a quarter of households in some constituencies are missing meals or going without food, with the highest rates seen in Rhondda, Blaenau Gwent and Swansea East.

122. Highlighting the situation in Newport, the **Third Sector Community Food Providers Network** has seen an increase in demand at food banks, with more "in work" households having to access them as a result of rising living costs.

123. The Welsh Government has allocated **£4.9 million in the current financial year** to alleviate food poverty, and to tackle its root causes. This funding supports community food organisations such as food banks to access sufficient supplies of food and baby products. It also funds initiatives that help households save money on food, for example delivering cooking sessions where participants are provided with food and recipes, and providing cooking equipment such as slow cookers.

124. The Welsh Government has also started to roll out its commitment to provide **free school meals for all primary school children**, with the intention that all pupils receive a **free school meal by 2024**. This is anticipated to cost £200 million in revenue funding **between 2022-23 and 2024-25** with an additional **£60 million capital funding being provided**. Lower-income families also receive **free school meals during the school holidays**, and delivery of this is confirmed up until the February half-term in 2023.

125. Food Policy Alliance Cymru has called for the Welsh Government to eliminate the **need for food banks by 2030**. It would like to see accountability at a local level to measure, monitor and report on food insecurity, and wants local authorities to be required to produce a strategy to mitigate against this.

126. Third Sector Community Food Providers Network would also like to see **Local Food Plans** which would include targets aimed at reducing the need for community members to access crisis food support.

127. The Bill will ensure that tackling food poverty and food insecurity is one of the central aims of the Welsh food system. As discussed elsewhere in this chapter, the Welsh Government's most recent food strategies have tended to focus more on the economic potential of the food system as opposed to its role in tackling persistent social issues. The Bill addresses this by establishing a more balanced, holistic approach to the food system via the food goals, which emphasises the role that the food system can play in addressing inequalities in the distribution of healthy, sustainable and affordable food within communities.

128. Meanwhile, the Bill also places a duty on Welsh Ministers to set targets for each secondary food goal as well as a process for reporting on and reviewing these targets. This mechanism will help to increase the level of data collection about food-related issues within communities, thus increasing accountability. The National Food Strategy and Local Food Plans will also help to ensure that there is a more focussed approach to meeting targets to reduce – and ultimately eliminate – food poverty and insecurity, with these plans working together to develop a national and localised approach to tackling food-related issues.

Food waste

129. The Welsh Government's 2021 **Beyond Recycling** strategy commits to a 50% reduction in avoidable food waste by 2025 and a 60% reduction by 2030, against a 2006-2007 baseline.

130. The strategy sets out a number of actions that the Welsh Government will take to reduce food waste. These include:

- setting out a plan to engage with retailers to ensure they encourage customers to reduce food waste, and consider whether mandatory 'Consumer Information Obligations' for reducing food waste are necessary;

- establishing a working group with representatives of the food sector supply chain to identify opportunities to meet the food waste reduction target, including reducing unnecessary packaging;
- consulting on the need for a requirement for businesses to report food waste quantities, and on introducing a requirement for major retailers to redistribute surplus edible food;
- supporting businesses to reduce food and packaging waste;
- promoting development of community infrastructure which helps citizens to redistribute surplus food; and
- develop options for a tax or charge on disposable plastic cups and food containers.

131. In July 2022 **Wrap Cymru published a report** that “aims to establish a baseline food waste arising for Wales in 2007, against which progress on a target could be monitored and evaluated”.

132. Whilst the Welsh Government’s support for FareShare Cymru in redistributing surplus food to vulnerable people is welcome, as well as the introduction of the **Environmental Protection (Single-use Plastic Products) (Wales) Bill** into the Senedd, there is clearly still a significant amount of work to be done if we are to meet the Welsh Government’s targets. Therefore, a key objective of the Bill is to reduce food waste across the whole food system, including food producers, processors and consumers.

Wales’ global footprint and responsibility

133. ‘Global responsibility’ is one of the seven well-being goals set out in the Well-being of Future Generations Act. This means that public bodies must work to achieve the global responsibility goal and take it into consideration across all their decision-making.

134. The Bill focuses on the Welsh food system but it’s impossible to ignore that Wales is part of a wider UK and global food system. Decisions in Wales can have an impact elsewhere in the world. Size of Wales said in its **response to the consultation** on the Bill:

... a significant amount of our food is imported from countries and regions with a high risk of tropical deforestation, habitat conversion

and social impacts, e.g., the abuse of Indigenous Peoples rights and forced and child labour. This includes commodities such as beef from South America, soy and palm oil used as livestock feed, palm oil for human consumption, coffee and cocoa. Deforestation accounts for around 20% of global emissions and we cannot address climate change without addressing deforestation. Unsustainable production of these forest-risk commodities is not only driving climate change and biodiversity loss, but it is also increasing the risk of future pandemics.

135. Research published in 2021 – **Wales and Global Responsibility** – commissioned by Size of Wales, WWF Cymru and RSPB Cymru shows that:

- Wales imports 190,000 tonnes of soy a year, mostly for livestock feed. Nearly three-quarters of the soy import land footprint falls in countries that are high or very high risk for deforestation and/or social issues, including Paraguay, Brazil, and Argentina. Greenhouse gas emissions from land use change, such as deforestation, for growing Welsh imports of soy total over 1.1 million tonnes of CO₂ equivalent (CO₂e) each year.
- Palm is mostly imported into Wales in various forms as an ingredient in livestock feed and for use in processed foods (e.g. biscuits, cakes and confectionary), and personal hygiene products (e.g. soap). Welsh palm imports total 51,000 tonnes a year and 37% of the palm Wales imports is grown in Indonesia, where land use change associated with its production totals 168,500 tonnes of CO₂e each year. 85% of the palm import land footprint falls in countries that are high or very high risk for deforestation and/or social issues, including Indonesia, Malaysia, and Papua New Guinea.
- Welsh imports of beef and beef products (e.g. corned beef) total 12,000 tonnes each year and require a land area the size of the Brecon Beacons every year. 26% of the beef import land footprint falls in countries that are high risk for deforestation and/or social issues, including Brazil and Australia.
- Welsh annual imports of cacao total 15,000 tonnes. Greenhouse gas emissions from land use change associated with the production of cocoa for Welsh imports total 68,800 tonnes CO₂e each year. Wales imports the majority of its cocoa from West African countries, where there are risks of deforestation and social issues, such as child labour.

136. It is envisaged that the proposed Bill will ensure that our global footprint and obligations are placed at the heart of decision-making in Wales. The Bill sets out an holistic approach to the food system, as well creating a strong link with the aims and provisions of the Wellbeing of Future Generations (Wales) Act 2015 through the inclusion of food goals – particularly the well-being goal ‘A Globally Responsible Wales’. Not only will this help to reduce the negative global effects of our choices, but it will also promote Wales as a good global citizen that makes ethical decisions around its food system to tackle international issues.

What’s happening elsewhere in the UK?

137. The Bill will ensure that the legislative framework for the food system in Wales keeps up with developments elsewhere in the UK and does not leave food producers and consumers in Wales at a disadvantage. In developing this Bill the following recent policy developments elsewhere have been considered.

138. Recent events have highlighted that supply chains are more vulnerable to external shocks than commonly thought. While food is inherently a global challenge – shocks to the system mean that those that do not have a robust localised food system in place are often more vulnerable to others.

Scotland

139. The Good Food Nation (Scotland) Act 2022: this Act was passed by the Scottish Parliament on 15 June 2022. The Act requires Scottish Ministers and relevant public authorities to create Good Food Nation Plans, and will support the ambition of the Scottish Government for Scotland to become a ‘Good Food Nation’. These plans will set out the main outcomes to be achieved in relation to food related issues, the policies needed to do this and the indicators or other measures required to assess progress. The Act also establishes a Food Commission to scrutinise and make recommendations in relation to the Good Food Nation Plans and progress reports; conduct research; and provide advice to Scottish Ministers and relevant authorities in carrying out their duties under the Act.

England

140. The UK Government Food Strategy: the UK Government published its food strategy on 13 June 2022. The objectives of the strategy are to deliver:

- a prosperous agri-food and seafood sector that ensures a secure food supply in an unpredictable world and contributes to the levelling up agenda through the creation of good quality jobs around the country;
- a sustainable, nature positive, affordable food system that provides choice and access to high quality products that support healthier and home-grown diets for all; and
- trade that provides export opportunities and consumer choice through imports, without compromising our regulatory standards for food, whether produced domestically or imported.

141. Amongst other things, the UK Government strategy builds on the **National Food Strategy report**, an independent report commissioned by the UK Government and led by Henry Dimbleby. The report explored food production, marketing and processing, as well as the sale and purchase of food. It also looked at the resources and institutions involved in these processes.

Links to other legislation

142. This section explains how the Bill fits into the existing legislative landscape and how it will help coordinate and implement objectives across the whole of the food system.

Well-being of Future Generations (Wales) Act 2015

143. The **Well-being of Future Generations (Wales) Act 2015** aims to improve the social, economic and cultural well-being of Wales by placing a duty on certain public bodies to think in a more sustainable and long-term way.

144. The Act puts in place **seven well-being goals** that public bodies must work to achieve and take into consideration across all their decision-making, as follows:

- a prosperous Wales;
- a resilient Wales;
- a healthier Wales;
- a more equal Wales;
- a Wales of more cohesive communities;

- a Wales of vibrant culture and thriving Welsh language; and
- a globally responsible Wales

145. The Act introduced a definition of ‘sustainable development’:

...the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

146. When making their decisions, the public bodies covered by the Act need to take into account the impact they could have on people living in Wales in the future. There are five things they need to consider (the five ways of working) in order to demonstrate they have applied the sustainable development principle. They must:

- take account of the long term;
- help to prevent problems occurring or getting worse;
- take an integrated approach;
- take a collaborative approach; and
- consider and involve people of all ages and diversity.

147. The Well-being of Future Generations Act and the Environment Act (see below) place a responsibility on the Welsh Government and other public bodies to ensure sustainable development is embedded in their policies.

148. The Food Bill has been drafted to be consistent with the approach taken by the Well-being of Future Generations Act; in particular the food goals are similar in style and effect to the well-being goals. This will ensure that the Bill fits seamlessly with the existing suite of legislation and help ensure the objectives of both the Well-being of Future Generations Act and the Environment Act are embedded across the Welsh food system.

Environment (Wales) Act 2016

149. The **Environment (Wales) Act 2016** aims to enable the environment in Wales to be managed in a more proactive, sustainable and joined-up way.

150. The Environment Act introduces the concept of the sustainable management of natural resources (SMNR). It re-aligns Natural Resources Wales' (NRW) general purpose to pursue SMNR and apply the principles of SMNR. **NRW describes SMNR** as:

Using natural resources in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide. In doing so, meeting the needs of present generations of people without compromising the ability of future generations to meet their needs, and contributing to the achievement of the well-being goals in the Well-being of Future Generations Act.

151. The Environment Act also requires **certain Welsh public authorities** to “promote the resilience of ecosystems” and “maintain and enhance biodiversity”. This is known as the “biodiversity and resilience of ecosystems duty”.

152. In addition, the Act establishes a framework for placing SMNR at the core of decision-making:

- **State of Natural Resources Report**: NRW must produce a report that gives an assessment of natural resources and how they're being managed sustainably.
- **National Natural Resources Policy**: the Welsh Government must produce a national policy that sets out priorities, risks and opportunities for managing natural resources sustainably. The policy takes into account the findings of the State of Natural Resources Report.
- **Area statements**: NRW produce a local evidence base, which helps to implement the priorities, risks and opportunities identified in the National Policy and how NRW intends to address these.

153. Furthermore, the Environment Act places a duty on Welsh Ministers to set targets for reducing greenhouse emissions and also to set carbon budgets. As noted above, as a direct result of the Act, Wales has a statutory requirement to reach net-zero emissions by 2050, with interim targets along the way and the decarbonisation framework for Wales also includes five-year carbon budgets.

154. The objectives of the Food Bill are consistent with those of the Environment Act. The food system that the Bill seeks to achieve will be based on the principles of SMNR and contribute to Wales achieving its net zero emissions target.

155. It is hoped that once the Bill becomes law, the relationship between the two pieces of legislation will be mutually reinforcing. Just as the Food Bill can shape a food system that helps deliver the objectives of the Environment Act, once that food system is established, it will in turn inform iterations of the State of Natural Resources Report, National Natural Resources Policy and area statements. This complementary and reinforcing process will promote collaboration and contribute to a holistic approach to food policy.

Public Health (Wales) Act 2017

156. The **Public Health (Wales) Act 2017** aims to address a number of specific public health concerns, and to create social conditions that are conducive to good health and where avoidable harms can be prevented. It includes provisions relating to obesity, tobacco and nicotine products, intimate piercing, health impact assessments, pharmaceutical services, and toilets for public use. The Welsh Government has emphasised that the Act is intended to sit alongside a broader suite of actions for improving public health.

157. Part 2 of the Act requires the Welsh Government to publish a national strategy on preventing obesity and reducing obesity levels in Wales. The strategy would be subject to review every three years with the Welsh Government publishing a progress report after each review.

158. Part 6 of the Act places a duty on the Welsh Ministers to make regulations which require public bodies to carry out health impact assessments (HIAs) in specified circumstances. **HIAs are described** as offering ‘a systematic means of taking health into account as part of decision making and planning processes’. Assessments would be limited to policies, plans and programmes which have outcomes of national or major significance, or which have a significant effect at the local level on public health. The **Wales Health Impact Assessment Support Unit** provides support for the practice of HIA.

159. Part 9 of the Act makes a minor technical amendment to the **Food Hygiene Rating (Wales) Act 2013** so that the receipts from fixed penalty notices for non-

compliance with the food hygiene rating scheme must be used by food authorities (primarily local authorities) to enforce the scheme.

160. The Food Bill strongly emphasises the role of the food system in contributing to better health-related outcomes through both the health and social and education food goals. In doing so, it helps to provide additional focus on the role that the food system can play in helping the Welsh Government to achieve the aims of the Public Health (Wales) Act 2017.

Public Health (Minimum Price for Alcohol) (Wales) Act 2018

161. Wales' legislation on minimum pricing for alcohol came into effect in March 2020. The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 sets a baseline price for the sale and supply of alcohol in Wales, and makes it an offence for alcohol to be sold below that price. In Wales this is currently set at 50p.

162. Scotland implemented similar legislation in 2018. A report by Public Health Scotland in June 2022 concluded that among those drinking at harmful levels or people with alcohol dependence, the study found no clear evidence of a change in consumption or severity of dependence.

163. Minimum pricing for alcohol will end in Wales in March 2026, unless the Welsh Government makes regulations to extend it. Further evaluation of the effectiveness of the policy, which is a requirement of the legislation will be crucial to the future of the legislation.

164. Similar to the Public Health (Wales) Act 2017, the Food Bill may assist the Welsh Government to achieve the aims of the Public Health (Minimum Price for Alcohol) (Wales) Act 2018 through its emphasis on the role that the food system can play in improving public health and wellbeing.

Other potential health-related legislation

165. The Welsh Government has also recently consulted on two proposed policy initiatives:

- Ensuring a healthy food environment, focused around healthier shopping baskets, healthier eating out of the home and healthier local food environments (ended 1 September 2022). This includes proposals to introduce legislation around calorie labelling and to set rules for what products can be

sold on promotion such as temporary price reductions, multi-buy and volume offers or in prime positions such as store entrances and end of aisles.

- Proposals to end the sale of energy drinks to children under 16 (ended 1 September 2022). Since the publication of a review of related health risks by the World Health Organisation, some countries have implemented restrictions on energy drink sales.

Curriculum and Assessment (Wales) Act 2021

166. The Curriculum and Assessment (Wales) Act 2021 established the Curriculum for Wales in law and replaced the basic curriculum. The Act makes provision about progression and assessment in connection with the curriculum for 3 to 16 year olds in Wales. The Act sets out the four purposes of the curriculum in law. It also sets out the mandatory elements including cross-curricular skills and the names of the areas of learning and experience. The Act requires that the Welsh Ministers issue three Codes that must form the basis of curriculum and assessment arrangements in every school and setting subject to the Act. These are: the statements of what matters Code; the progression Code and the relationships and sexuality education Code.

167. Headteachers must ensure a curriculum is designed for learning and teaching for all registered learners at the school aged 3 to 16. The curriculum must (amongst other things):

- enable learners to develop in the ways described in the four purposes;
- be suitable for learners of differing ages, abilities and aptitudes;
- be broad and balanced; and
- make provision for learning and teaching that encompasses each of the Areas, including the mandatory elements. A curriculum only does this if it incorporates all the statements of What Matters.

168. Through the education food goal, it is envisaged that the Food Bill will help to promote the skills-based focus of the new Curriculum for Wales by emphasising the need for all children and young people to have the necessary food skills to ensure better, healthier diets, as well as increasing the provision of education on food-related issues. Meanwhile, the new Curriculum should provide greater opportunities for children and

young people to consider food-related issues as part of their learning, helping to progress the education food goal.

Healthy Eating in Schools (Wales) Measure 2009

169. Section 4 of the **Healthy Eating in Schools (Wales) Measure 2009** gives Welsh Ministers the power to make regulations about food and drink provided by local authorities or governing bodies to pupils of maintained schools, whether they are on school premises or not, and to other persons on school premises.

170. The **Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013** were made under this power. They apply to all food and drink served to pupils at breakfast, break times, lunchtimes, afternoon break and after-school-clubs across the whole school day in all maintained schools. This is whether such food/drink is provided by the local authority, in-house by the school or by a contract caterer. The Healthy Eating Regulations also apply to food and drink served at any outlet on school premises throughout the school day.

171. The Measure also places duties on:

- local authorities and governing bodies of maintained schools to take action to promote healthy eating and drinking among registered pupils;
- governing bodies of a maintained school to include in their annual report information on the action taken to promote healthy eating and drinking by pupils of the school;
- the Chief Inspector of Education and Training in Wales to keep Welsh Ministers informed about actions taken at maintained schools to promote healthy eating and drinking;
- local authorities to ensure that drinking water is available, free of charge, on the premises of any maintained school;
- local authorities or the governing bodies of maintained schools which provides school meals or milk, to encourage the take-up of school meals or milk, and to take reasonable steps to ensure that every pupil who is entitled to receive free school lunches and free school milk receives them; and

- local authorities or governing bodies to take reasonable steps to ensure that a pupil cannot be identified by any person, other than a person authorised under the legislation, as a pupil who receives a free school lunch or free school milk.

172. The 2009 Measure and 2013 Regulations directly relate to the food goals established within the Bill; in particular the health and social and education goals. By placing an emphasis on the need for healthy eating and drinking within schools, it emphasises the role that the food system can play in improving people’s health and wellbeing.

173. Meanwhile, it is envisaged that the Bill will help to create the infrastructure needed to enable local food producers to take advantage of local procurement opportunities, such as those that will be established through this policy. This may help local authorities or governing bodies of maintained schools to more easily access high quality, sustainable food that will help them to meet the duties placed upon them through the 2013 Regulations.

Agriculture (Wales) Bill

174. The Welsh Government published its **draft Sustainable Farming Scheme** on 6 July 2022. The Government’s **Agriculture (Wales) Bill** was introduced on 26 September 2022 and provides the legislative vehicle for the Scheme. This new approach replaces the EU Common Agricultural Policy (CAP)-style payments to farmers.

175. The draft Sustainable Farming Scheme aims to reward farmers who achieve Sustainable Land Management outcomes. The objectives are to

- produce food in a sustainable manner;
- mitigate and adapt to climate change;
- maintain and enhance the resilience of ecosystems and the benefits they provide; and
- conserve and enhance the countryside and cultural resources, promoting public access and engagement with them.

176. This includes, amongst other things, supporting farmers to diversify the food they produce. The Scheme intends to help farmers build new markets and add value to their

produce; support local food keeping value in communities; and to build a more diverse food system which is more resilient to climate change.

177. After a period of consultation and piloting, the Sustainable Farming Scheme is expected to open in January 2025.

178. The objectives of the Food Bill will complement those of the draft Sustainable Farming Scheme and together they will help to make high quality ethically sourced local food more readily available in Wales, while supporting our farmers to keep farming sustainably.

179. The Agriculture Bill refers to 'ancillary activities', which relates to activities further up the food supply chain - selling, marketing, preparing, packaging, processing or distributing products deriving from agriculture. The Agriculture Bill confers powers on the Welsh Ministers to provide support to these ancillary activities and to require those in, or closely connected with an 'agri-food supply chain' to provide information about their activities, connected with that supply chain.

180. The Minister for Rural Affairs and North Wales, and Trefnydd, Lesley Griffiths (the Minister), **has said that these powers** will be used to develop shorter supply chains, promote the circular economy and encourage collaboration between farmers to make the most of market opportunities.

181. While these activities may be ancillary to the Agriculture Bill, they are fundamental to helping to create the resilient and sustainable supply chain that the Food Bill seeks to achieve. The powers conferred on the Welsh Ministers appear to provide tools to achieve this.

182. The Agriculture Bill's reinforcement of the close dependencies between sustainable farming and the rest of the food supply chain is to be welcomed. However, this also needs to be considered within the broader context of the whole of the Welsh food system.

183. For example, **Senedd scrutiny** has highlighted stakeholder concern about the definition of 'sustainable land management' in the Agriculture Bill. The Environment Act (see above) already provides a definition of 'sustainable management of natural resources' (SMNR). Environmental stakeholders have queried why, given that farming occupies so much of Wales' land area, the SMNR definition is not used in the Agriculture Bill.

184. The Food Bill will provide the overarching framework to align policy on farming and food supply chains with other important areas such as the environment, food security, public health issues, nutritional requirements, the public procurement of food, customer choice and Wales' international environmental and ethical footprint.

185. Scrutiny of the Agriculture Bill is of great interest. Any amendments to it will be taken into consideration to ensure the Agriculture Bill and Food Bill remain complimentary.

Social Partnerships and Procurement Bill

186. On 7 June 2022, the Welsh Government introduced the **Social Partnership and Public Procurement (Wales) Bill** (the Social Partnership Bill). The policy objectives for the Social Partnership Bill are set out in full on the Senedd's website but include areas that cross over with the policy objectives for the Food Bill.

187. In particular, the Social Partnership Bill includes provision for:

- a statutory duty on certain public bodies (set out in Schedule 1 to the Social Partnership Bill) to consider socially responsible public procurement when carrying out procurement, to set objectives in relation to well-being goals, and to publish a procurement strategy
- certain public bodies to carry out contract management duties to ensure that socially responsible outcomes are pursued through supply chains.

188. The Social Partnership Bill is currently going through scrutiny in the Senedd, and the general principles are being considered by the Senedd's **Equality and Social Justice Committee**. The legislative process for the Social Partnership Bill was ongoing at the time of writing of this Explanatory Memorandum.

189. The Social Partnership Bill as drafted on introduction to the Senedd requires certain public bodies to consider social responsibility when carrying out procurement. Socially responsible public procurement of food is very much consistent with the ethos of what the Food Bill aims to achieve.

190. The Social Partnership Bill also requires certain public bodies to publish a procurement strategy. Where the public bodies specified in the Social Partnership Bill are the same as those specified in the Food Bill, this work could be aligned with the Food Bill requirement for certain public bodies to produce local foods. While the local food plans

would have a broader remit than the procurement strategies, considering both together would conserve valuable resources and help take a more rounded view of local food issues.

191. Any changes to the Social Partnership Bill as it passed through the Senedd will be taken into consideration to ensure the two Bills remain complimentary.

4. What the Bill does and why

192. The scope of the Bill includes the following areas, which are explored in further detail throughout this Explanatory Memorandum:

- **Introducing 'Food Goals':** including a 'primary food goal' to put in place an overarching duty for the provision of affordable, healthy, and economically, environmentally and socially sustainable food; supplemented by 'secondary food goals' in specific areas. The Bill also makes provision for setting 'targets' for each of the secondary food goals.
- **Establishing a Welsh Food Commission:** including powers to monitor and report on progress towards Welsh Government commitments, as well as statutory commitments, and to oversee the delivery of the Food Goals and food plans.
- **National Food Strategy and Local Food Plans:** to require public bodies to have regard to existing policy and legislative commitments – including the Well-being of Future Generations Act, as well as international agreements such as the UN Development Goals – when designing food policy.

193. The main policy objectives of the Bill are set out in four separate parts, each with a descriptive crossheading, divided into sections. There are also more general provisions contained in separate sections within the Bill. The Bill is supplemented by a Schedule which contains further detail on the composition and operation of the Welsh Food Commission.

Food goals and targets

194. A key policy objective of the Bill is to deliver affordable, healthy, and economically, environmentally and socially sustainable food for people now and for future generations. The establishment of "food goals" in the opening part of the Bill provides a mechanism to help towards the delivery of that key policy objective.

195. The Bill places a duty on the Welsh Ministers to set targets for each of the secondary food goals. The use of these targets will be the main mechanism in the Bill for measuring progress being made towards achieving each of the secondary food goals.

Food goals

196. The Bill sets out the food goals in two categories:

- **Primary Food Goal:** this is the overarching goal of providing affordable, healthy, and economically, environmentally and socially sustainable food for the people of Wales.
- **Secondary Food Goals:** these underpin the primary food goal and cover specific areas including: Economic well-being, Health and social, Education, Environment and Food waste.

197. The Secondary Food Goals are set out in the table below:

Table 1: Secondary Food Goals

Secondary Food Goal	Description
Economic well-being	<p>Creating new economic opportunities through promotion of locally produced food.</p> <p>Promoting sustainable economic, social and community development.</p> <p>Encouraging better links between food producers, processors and consumers.</p>
Health and social	<p>Reducing malnutrition, food poverty and food insecurity.</p> <p>Reducing obesity.</p> <p>Encouraging equitable distribution of healthy and sustainable food within communities.</p> <p>Promoting the social well-being benefits of food, for example through community growing and allotments.</p> <p>Promoting the importance of consuming healthy food for improving physical and mental health and well-being.</p>

Secondary Food Goal	Description
Education	<p>Increasing the quality and accessibility of educational provision on food-related issues.</p> <p>Developing food skills to ensure better, healthier diets and well-being.</p>
Environment	<p>Lessening environmental impacts of food production, processing and consumption.</p> <p>Enhancing and regenerating the natural environment through food production.</p> <p>Restoring and maintaining biodiversity and habitats through food production.</p> <p>Promoting a food system that mitigates and adapts to climate change, and minimises Wales' global environmental footprint.</p>
Food waste	<p>Reducing food waste across the food system, including by food producers, processors and consumers.</p>

198. The Bill places a duty on “public bodies” to take reasonable steps to advance the primary food goal and the secondary food goals (see Section 1). For the purposes of the Bill, “public bodies” means the Welsh Ministers, a local authority, or a Local Health Board. However, the Bill also includes a provision for the list of public bodies to be amended in future if that is considered to be required, and provides a specific process for that (see Section 22 of the Bill). The Bill does not allow for the Welsh Ministers to remove themselves from this definition.

199. The food goals are similar in style and effect to the “well-being goals” set out in section 4 of the **Well-being of Future Generations Act**. In the same way as the ‘well-being goals’ are woven into the Well-being of Future Generations Act, the food goals

form an integral thread throughout the Bill, and must be considered when undertaking other duties under the Bill (such as the development of the National Food Strategy).

200. Detailed discussions with stakeholders during development of the Bill made it clear that the establishment of ‘food goals’ within the Bill, as an overarching theme to tie together the proposals, would be essential in delivering the Bill’s aims. A large majority of respondents to the consultation on the draft Bill agreed with the inclusion of food goals and most (59%) agreed with the inclusion of a primary food goal supplemented by secondary food goals. One third (33%) didn’t express a clear view. Of those who did, 88% supported the proposals in the draft Bill.

Setting targets

201. The Bill places a duty on the Welsh Ministers to set targets for each of the secondary food goals. These targets must specify (a) a standard to be achieved, which must be capable of being measured, and (b) a date by which that target should be achieved.

202. The setting of targets such as these is an accepted practice and is seen under many Acts. A recent example of the use of such targets is set out in Chapter 1 of the **Environment Act 2021**, passed by the UK Parliament. A similar approach can be seen in the Well-being of Future Generations Act 2015 which sets out a series of goals, which are accompanied by (albeit non-statutory) milestones and national indicators. The use of targets is the main mechanism in the Bill for helping to ensure that specified standards are achieved against each of the secondary food goals.

203. Targets will be made through secondary legislation known as regulations. These will be made by the Welsh Ministers, and those regulations will include the detail of what the standard to be achieved is and how it will be measured. The first regulations setting one or more targets for each secondary food goal must be made within 24 months of the relevant section of the Bill coming into force.

204. The specific process for setting the targets is set out in Section 5 of the Bill. This process places a duty on the Welsh Ministers, before making the regulations, to seek advice from the Welsh Food Commission (which will be established through this Bill), and from other persons who are considered to be independent and who have relevant expertise. The inclusion of this provision will ensure that there must be an independent element included in setting the specific targets.

205. Section 6 of the Bill includes requirements relating to the reporting on the targets that have been set. The inclusion of reporting requirements is an important element of the Bill as it provides the mechanism for scrutiny and accountability for progress towards meeting the targets set.

206. The Welsh Government must publish a statement stating whether the targets have been met or not. If targets have not been met, the Welsh Government must explain in the statement why the target has not been met and what steps have been taken, and will be taken to ensure the target is met as soon as possible.

207. To help ensure that the targets set in accordance with the Bill remain relevant and measurable, the Bill contains a duty for the Welsh Ministers to review the targets they have set. The main purpose of the review is to assess whether meeting the target would significantly contribute to the primary food goal and, if it is considered that it would not do so, the Welsh Ministers must set out the steps they intend to take to ensure that it will (by amending the target).

208. The Bill provides for the first review of the targets to be undertaken within 5 years of the provision coming into force, with subsequent reviews being completed within 5 years of the completion of the previous review. Each review must be published by the Welsh Ministers.

209. Just over half of respondents to the consultation on the draft Bill agreed with including targets as a means of measuring progress against the secondary food goals. Only 6% disagreed, with 43% not expressing a clear view. A large majority (89%) of those expressing a clear view agreed with including targets.

Implementing the food goals and targets

210. The food goals and associated targets will ensure that the Welsh Government and other public bodies, as well as stakeholders, food producers and consumers, are able to clearly analyse the outcomes of the national food strategy and the local food plans.

211. They will allow policy makers and other interested stakeholders to assess how sustainable and resilient food production is in Wales, for example, how well producers would be able to respond to the challenges presented by climate change, and what impact that this will have on Wales' future well-being.

212. Increased data collection will also allow for enhanced accountability within the food system. For example, the food goals and associated targets will enable for a better assessment of how food produced in Wales is used, and how much produce is wasted. This will help to improve policy-making as it will make it easier for decision-makers to identify areas where the food system is contributing positively to the aims of the wider Welsh Government and areas where the food system could improve.

213. We live in turbulent times with one major issue after another significantly impacting our food supply chain – Brexit, the Covid pandemic, war in Ukraine and the cost of living crisis. A resilient food chain seems more important now than ever. For this reason I would like to see Welsh Ministers use their powers under this Bill to set targets for a resilient and sustainable food chain which would secure advancement of a number of the food goals.

214. The Bill has been drafted to ensure that the targets are set in a way that truly does advance the food goals. The Bill enables targets that are SMART - specific, measurable, achievable, realistic and time-bound. While it is not appropriate to set unachievable targets, goals should be aspirational and sufficiently bold to allow advancement of the food goals.

215. Before making the regulations that set the targets, the Bill requires the Welsh Ministers to seek advice from the Food Commission (see below) and from other persons who are considered to be independent and who have relevant expertise. It is for the Welsh Ministers to decide who these persons are. Such consultation should be broad and involve the wide range of stakeholders who have an interest in food issues. The response to the consultation on the Bill showed there is a wealth of knowledge and expertise on food issues in Wales which the target-setting process should embrace to make sure we get the targets right.

216. Targets have not been set out on the face of the Bill because this would be too inflexible to enable targets to be reviewed and amended to respond to changes in circumstances in a timely way. Developing primary legislation is a significant undertaking and it is not possible to justify the resources required to amend primary legislation when amending the targets through secondary legislation provides for a more efficient process, while remaining open to scrutiny by the Senedd.

217. Public bodies have limited resource, and the duplication of targets through the process set out in the Bill is not desirable. Where there are existing targets (for example ones already set out in separate legislation) that are suitable and which meet the

requirements of the Bill, these could be used or referenced in regulations made under this Bill. This will be for the Welsh Ministers to decide within the context of the requirements of the Bill.

218. The regulations setting the targets are required to specify a reporting date for any target set. On, or before, this date, the Welsh Ministers must publish and lay before the Senedd a statement stating whether the targets have been met or not. I see this as the minimum requirement. As recent years have shown, unforeseen issues can arise that affect our food security and the food system in general. The legislation does not prevent the Welsh Ministers from providing interim updates on progress against the targets. I hope that such updates would be provided to the Senedd when deemed necessary in the public and national interest.

219. The Bill provides for the targets to be reviewed at least every five years. Again this is the minimum requirement. The Welsh Ministers may review a target or targets at shorter time interval should this be deemed necessary.

Welsh Food Commission

220. Establishing a Welsh Food Commission (the Commission) is a key part of the Bill. The Commission will reset the governance of the food system in Wales, and will co-create and oversee the delivery of a national food strategy alongside Welsh Ministers and other stakeholders.

221. The majority of respondents to the consultation on the Bill (67%) supported the need for a Welsh Food Commission, while over a quarter (27%) didn't express a clear view. Of those who did express a clear view, the vast majority (92%) supported establishing a Commission.

Establishing the Welsh Food Commission

222. Section 8 of the Bill establishes the Welsh Food Commission or Comisiwn Bwyd Cymru and Section 9 sets out its objectives. These are to promote and facilitate:

- the advancement of the primary and secondary food goals by public bodies; and
- the achievement of the food targets.

223. The Commission's functions are listed in Section 10. These are as follows:

- to develop, and assist public bodies to develop, policies in relation to food matters;
- to advise, inform and assist public bodies, and other persons, in relation to food matters;
- to keep the public adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about food matters;
- to provide oversight and performance review of the exercise of the functions of public bodies in relation to the food goals and food targets;
- to scrutinise the national food strategy and local food plans,
- to act as a consultee for the Welsh Ministers when the food goals are to be amended; and
- to give advice to the Welsh Ministers in their review of food targets.

Running the Welsh Food Commission

224. The Schedule to the Bill sets out the details of how the Welsh Food Commission will operate.

Part 2: Membership

225. The Commission is to consist of a Chair and between five and seven other members, all appointed by the Welsh Ministers. Before appointing the Chair, the Welsh Ministers must consult with the Senedd. Before appointing the other members, the Welsh Ministers must consult with the Chair and the Senedd.

226. In appointing an individual, the Welsh Ministers must have regard to the desirability of members having a range of skills and experiences.

227. The Welsh Ministers can specify the terms of membership, subject to the provisions of the Schedule, which include a maximum term of membership of five years and that an individual may be re-appointed as a member only once.

228. An individual cannot be appointed as a member of the Commission if they are a Member of the Senedd, UK Parliament, Scottish Parliament or Northern Ireland Assembly,

or a member of a number of other specified public bodies or have been appointed to certain public positions. Paragraph 4 of the Schedule sets out the full list.

229. An individual can resign membership of the Commission by giving the Welsh Ministers three months' notice in writing.

230. The Welsh Ministers can dismiss an individual as a member if the individual becomes an undischarged bankrupt or the Welsh Ministers are satisfied that the individual is unfit to continue as a member.

231. The Welsh Ministers can pay remuneration, allowances (including travelling and subsistence allowances) and gratuities to members of the Commission. The Welsh Ministers can also pay or contribute to pensions to individuals who have been members of the Commission. Paragraph 6 of the Schedule contains more information.

Part 3: Operational matters

232. The Commission can do anything it considers appropriate in connection with its functions.

233. The Commission can appoint staff to carry out its functions. It can pay remuneration, allowances (including travelling and subsistence allowances) and gratuities to staff. The Commission can also pay or contribute to pensions to individuals who have been members of staff.

234. The Commission must obtain the approval of the Welsh Ministers for:

- the number of staff that can be appointed;
- the terms and conditions of the staff; and
- any payments to be made to the staff, as noted above.

235. The Commission can regulate its own procedures (including any quorum).

236. The Commission can establish committees, which can include a member who isn't a member of the Commission. Such an individual is entitled to remuneration and expenses as determined by the Commission. The Commission can regulate the procedures (including any quorum) of any committee established by it.

237. The Commission can delegate the exercise of any of its functions to one (or some) of its members, a committee established by it, or a member of its staff. This can be a general delegation or limited to a function in specific circumstances, and doesn't affect the responsibility of the Commission for that function.

238. In order to fund the work of the Commission, the Bill enables the Welsh Ministers to pay the Commission as they think appropriate.

Part 4: Plans, report and accounts

239. Before the beginning of the Commission's second financial year, and for each subsequent financial year, the Commission must prepare a plan of how it intends to discharge its functions during that financial year, and in the interest of transparency lay a copy of the plan before the Senedd.

240. As soon as practicable after the end of each financial year, the Commission must prepare and publish an annual report on the exercise of its functions during that financial year. The Commission must send a copy of this report to the Welsh Ministers and lay a copy of the report before the Senedd.

241. The Commission can lay a copy of any other report prepared by it before the Senedd.

242. The Commission must keep accounts for each financial year in accordance with directions given by the Welsh Ministers (see paragraph 16 of the Schedule).

243. The accounts must be submitted to the Auditor General for Wales for audit, and within four months of submission the Auditor General must examine, certify and report on those accounts, and lay a copy of the certified accounts and accompanying report before the Senedd. The Auditor General may lay a copy of the certified accounts and report before the Senedd after the four month deadline if it is not reasonably practicable for the Auditor General to meet that deadline. In such circumstances the Auditor General must provide a statement before the Senedd explaining why it is not reasonably practicable to lay a copy of the accounts, and must lay a copy of the certified account and report as soon as reasonably practicable after that deadline.

244. The Auditor General must be satisfied when examining the accounts that the expenditure to which the accounts relate has been incurred lawfully and in accordance

with the authority that governs it, and that the Commission has made appropriate arrangements for the economic, efficient and effective use of the Commission's resources.

Implementing the Welsh Food Commission

245. Establishing the Wales Food Commission is a key part of the Bill. The Commission will re-set the governance of the food system in Wales, and co-create and oversee the delivery of the national food strategy alongside Welsh Ministers and other stakeholders. As such, the Commission will help to ensure a more coherent approach to discussions on food policy in Wales, as well as bringing together different cross-cutting policy strands (such as the Vision for the Food and Drink Industry, the Agriculture Bill and Sustainable Farming Scheme, and the Healthy Weight Healthy Wales Strategy).

246. It is expected that the Commission will oversee delivery of the national food strategy, and hold delivery partners to account to ensure that food goal targets and policy aims are met. The Commission can also use its role to build policy expertise and capacity within Wales, and work with the higher and further education sectors to conduct research into ways of further developing the food sector.

247. The Bill requires the Welsh Ministers to seek advice from the Commission when developing the national strategy. During the consultation on the Bill, stakeholders said the Commission should be responsible for leading development of the national food strategy. As the Executive, it is necessary that the Welsh Ministers lead on what will be a Welsh Government strategy. However, in practical terms I envisage development of the strategy to be very much on the basis of co-creation with the Commission and other stakeholders, as well as wider public participation.

248. It is important that the make-up of the Commission is representative of interests across different sectors and reflects the diversity of the people and geography of Wales. The Commission should represent at least the following:

- the agriculture industry;
- the food and drink industry;
- the health and social care sectors;
- the education sector;
- environment and nature organisations;

- organisations involved in tackling food poverty; and
- community food organisations.

249. The Bill allows the Chair and Board members to serve a maximum of two five-year terms. This strikes a balance between maintaining continuity and embracing new thinking. It also allows sufficient time for the Chair and each Board member to make an impact in their roles on the Commission, ensures that individuals do not remain in place for too long, and enables new people with fresh ideas to be appointed to the Board.

250. It is unlikely to envisage a scenario where the Chair and all Board members leave the Commission at the same time leaving a cliff-edge of lost knowledge and experience. Some members may not be reappointed after the first five-year term and others may leave during the course of a term. The Welsh Ministers and the Senedd should be cognisant of maintaining the balance between continuity and new ideas when fulfilling their responsibilities under the Bill during the appointment process.

251. To help fulfil its duties, the Commission could request support and advice from other Commissions, Commissioners and similar organisations in Wales. I would expect the Commission to work closely with the Future Generations Commissioner.

252. The Commission should also be empowered to work with relevant actors across the UK, Europe and further afield to fulfil its duties, and to make progress on advancing the overarching food system principles.

253. The Commission will be provided with a budget, as agreed by Welsh Ministers, to employ staff and to purchase assets to facilitate its duties. I expect the Commission to be subject to scrutiny by Senedd Committees during the ordinary course of their business.

National food strategy

254. Detailed discussions with stakeholders during development of the Bill and the responses to the Bill consultation demonstrate there is an overwhelming feeling that the Welsh Government's food-related strategies are not joined up enough.

255. While the Commission will re-set governance for the food system, the national food strategy will provide a holistic and overarching approach necessary to draw together policies and strategies for the whole of the Welsh food system.

256. A large majority of respondents to the consultation on the Bill (78%) agreed there's a need for a national food strategy, only two respondents (4%) disagreed. The majority increases to 95% when those who didn't provide a clear answer are removed.

257. The Bill requires the Welsh Ministers to publish a national food strategy setting out the overall strategy and individual policies that they intend to pursue in order to advance the primary and secondary food goals, and achieve the food targets (details of which are set out earlier in this Explanatory Memorandum).

258. Specified 'public bodies' – set out in section 22 of the Bill - would then be required to have regard to the national food strategy in exercising any functions related to the primary food goal, the secondary food goals, and the food targets.

259. While the Bill places the duty to publish the strategy on Welsh Ministers, it requires Welsh Ministers to seek advice from the Welsh Food Commission before making the strategy. The Bill also says that the Welsh Ministers may also seek advice from the Future Generations Commissioner on how to align the strategy with the sustainable development principle as set out in the Well-being of Future Generations Act (though this is not a requirement).

260. Before making the strategy, the Welsh Ministers must also consult with persons they consider to be independent and to have relevant expertise, and such other persons as the Welsh Ministers consider appropriate.

Reporting on the national food strategy

261. The Welsh Ministers must lay before the Senedd, and publish, a report assessing the effectiveness of the national food strategy, and in particular, setting out the contribution it has made towards:

- advancing the primary food goal and the secondary food goals, and
- achieving the food targets.

262. Before making a report on the national food strategy, the Welsh Ministers must consult with the Welsh Food Commission.

263. Reports under this section must be produced as soon as practicable after the end of 2 years beginning with the day the first strategy is published, and each subsequent period of 2 years.

Reviewing the national food strategy

264. Before the end of the period of 5 years beginning with the day on which the first strategy is published, and then in each subsequent period of 5 years, the Welsh Ministers must review the national food strategy.

265. Following a review, the Welsh Ministers must revise the strategy as they consider appropriate.

Implementing the national food strategy

266. The Bill places a duty on Welsh Ministers to produce a Welsh national food strategy in conjunction with other stakeholders. It will provide a much needed strategic overarching framework that integrates policies relating to the food system across multiple Welsh Government departments.

267. The Bill requires the Welsh Ministers to seek advice from the Food Commission and consult with persons they consider to be independent and to have relevant expertise, and such other persons as they consider appropriate. I expect development of the strategy to take place on the basis of co-production with interested parties across the food system and with extensive public engagement and consultation. This should very much be a team Wales approach.

268. The Bill also says that Welsh Ministers may also seek advice from the Future Generations Commissioner on how to align the strategy with the sustainable development principle as set out in the Well-being of Future Generations Act. While this is not a requirement, in the spirit of co-creation I would expect the Food Commission and the Future Generations Commissioner to work closely on developing the national food strategy.

269. The Welsh Ministers must lay before the Senedd, and publish, a report assessing the effectiveness of the national food strategy at least every two years from the date it is first published. As previously stated, unforeseen issues can arise that affect our food security and the food system in general. The Bill does not prevent the Welsh Ministers from providing interim updates on the effectiveness of the strategy should this be deemed necessary in the public and national interest.

270. The Bill requires the Welsh Ministers to review the strategy at least every five years. They may review the strategy at shorter time intervals should it be deemed necessary.

Local food plans

271. There is widespread support for local food plans among stakeholders. A large majority (71%) of respondents to the consultation on the Bill agreed there's a need for local food plans. The majority increases to 92% when those who didn't provide a clear answer are removed.

272. The Bill requires public bodies (other than the Welsh Ministers) to publish a local food plan setting out the policies that they intend to pursue in order to contribute to the advancement of the primary food goal and the secondary food goals, and the achievement of the food targets (details of which are set out earlier in this Explanatory Memorandum).

273. Those public bodies would then be required to have regard to its local food plan in exercising any functions related to the primary food goal, the secondary food goals, and the food targets.

274. Before making the local food plans, a public body may consult with the Welsh Food Commission, Future Generations Commissioner, or such other persons they consider appropriate. In making a plan, a public body must have regard to the national food strategy

Reporting on local food plans

275. A public body must publish a report assessing the effectiveness of its local food plan, and in particular, the contribution it has made towards:

- advancing the primary food goal and the secondary food goals; and
- achieving the food targets.

276. Before making a report on its local food plan, a public body must consult with the Welsh Food Commission.

277. Reports under this section must be produced as soon as practicable after the end of 2 years beginning with the day the first local food plan is published, and each subsequent period of 2 years.

Reviewing the local food plans

278. Before the end of the period of 5 years beginning with the day the first food plan is published by a public body, and then in each subsequent period of 5 years, a public body must review its local food plan.

279. Following a review, the public body must revise the plan as it considers appropriate.

Implementing the local food plans

280. The Bill will help to deliver a more sustainable, localised food system by requiring public bodies, defined in the Bill as local authorities and local health boards, to develop local food plans.

281. Local food plans will boost the food and drink sector in Wales by strengthening the resilience of local supply chains, creating new economic opportunities within communities by ensuring that local public bodies increase their procurement of locally produced food, and improving the local environment by focusing on the production of more sustainable produce. They can also look at ways to improve local public health and well-being, including community growing projects and tailored support programmes for those at risk of food poverty and malnutrition.

282. Local food plans would build on the good practice that is already taking place across Wales and would encourage other local communities to explore how they can strengthen the link between producers and consumers within their area.

283. For example Food Cardiff's **Good Food Strategy**, which was co-produced by almost 2,500 individuals and organisations in the city, looks to create a healthy and environmentally sustainable Cardiff, a thriving local economy, a fair and connected food system and an empowering food movement.

284. Monmouthshire Council's **Food Development Action Plan** seeks to increase local employment opportunities and wealth creation, as well as reducing environmental food miles.

285. The Welsh Government is currently developing its Community Food Strategy. While there is little information in the public domain at present, it is understood that this strategy will focus specifically on community food projects. The local food plans produced under this Bill will be broader in scope than the Community Food Strategy and will be developed and implemented to suit the needs of their local areas.

286. For example, local food plans could be aligned to the public body procurement strategies required under the Social Partnership Bill and to provide direction in local implementation. As such, the local food plans will draw together what are currently standalone strategies to make direct links between national and local objectives ensuring that there is a coherent wider policy.

287. The Bill requires local food plans to be focused on the advancement of the primary and secondary food goals, and the achievement of the food targets. The Bill also requires the local plans to have regard to the national strategy. Within this framework it is hoped that local food plans will be developed from the bottom up.

288. Local food plans should be co-produced with the people they will serve. This should involve comprehensive engagement with community groups, businesses, other stakeholder and the general public. This will embed them in their communities and reflect the unique circumstances of every part of Wales.

289. Where they are in place, Local Food Partnerships should have a central role in working with public bodies to develop and implement the local food plans. Where Local Food Partnerships are not in place, their establishment should be made a priority in the local food plans.

290. Public bodies must report on the effectiveness of their food plans at least every two years from the date they are first published. Unforeseen issues can arise therefore the Bill does not prevent public bodies from providing interim updates should this be deemed necessary.

291. The Bill requires public bodies to review their local food plans at least every five years. They may review the plans at shorter time intervals should this be deemed necessary.

292. As noted previously, there is limited resources available to our public bodies. The development of local food plans should not duplicate existing policies or activities that may already be required under separate legislation. Local food plans should be developed in accordance with the requirements of the Bill, but where there is already appropriate existing activity the local food plan should have a coordinating role.

Meaning of ‘public bodies’

293. Section 22 defines which persons are to be included in the meaning of a public body. The Bill defines this as being (a) the Welsh Ministers; (b) a local authority; and (c) a Local Health Board.

294. Welsh Ministers may amend the list of persons defined as a public body by adding a person, removing a person or amending the description of a person. However, new persons may only be added if that person exercises functions of a public nature.

295. The Bill does not allow for the Welsh Ministers to remove themselves from this definition.

296. Before making any regulations to amend the list of public bodies, Welsh Ministers must consult with the Welsh Food Commission; any person being added to the list, and any other person that they consider appropriate.

5. Support for the Bill and public consultation

General Support for the Bill

297. Throughout the development of the Bill a number of organisations and individuals with an interest in the food system have shown their interest in, and support for, the Bill's overall principles and policy objectives. These include amongst others, the Farmers' Union of Wales and National Farmers' Union Cymru; Countryside Alliance and the Campaign for the Protection of Rural Wales. Support for the general aims of the Bill were also received from offices such as the Future Generations Commissioner.

298. There was also cross-party support for these proposals, with Members of the Senedd from different political parties indicating their personal and political support for the overarching aims of the Bill.

Initial consultation on the policy objectives of the Bill

299. An initial online consultation was held between 4 November and 26 November to garner the views of both stakeholders and the public on the proposals as outlined in the original [Explanatory Memorandum](#) tabled on 27 October 2022. The consultation was emailed to a number of stakeholders from across the food system as well as published on social media. The purpose of this consultation was to inform the 'leave to proceed' debate and to identify potential future work streams to strengthen the Bill should it have gained the support of the Senedd.

300. A total of 21 responses were received to the consultation, with 17 respondents (81%) agreeing with the need for the Bill. 3 respondents responded to the 'other' category, and raised comments such as:

"Some of the aims, yes"

"It's very wordy and very complicated and confusing"

"Provided it also considers environmental impact and need"

301. Support was also received for the main proposals to be included within the Bill:

16 respondents (76%) agreed with the need to establish a Welsh Food Commission. Of those who voted 'other', it was noted that any potential Commission should be properly resourced and have a

sufficiently broad terms of reference to ensure that it had the necessary scope to have a positive impact on Welsh food policy. Other respondents noted that the Commission should work with the UK food system as a whole. More generally, respondents suggested that the Commission should cover the whole of the food system, as well as linking food to other cross-cutting policy areas such as health and education.

14 respondents (70%) agreed with the proposal for public bodies to develop Food Plans. Of those who voted 'other', it was suggested that the Plans should be subject to the overall direction set out by the Welsh and UK Governments whilst the Plans needed to be properly resourced to prevent them from becoming redundant.

302. Based on the responses received there was a general perception that such a Bill was needed and that its overarching aims had wider support. The questionnaire provided areas of future work should the Bill be formally introduced, including:

Focus would be placed on strengthening the link between the proposals and the need to secure positive environmental change, as well as recognising the impact of the food system on climate change and biodiversity.

There was to be a focus on simplifying and streamlining the Bill, ensuring that the provisions to be included were easy to understand and helped the legislation to meet its overarching objectives.

The Bill needed to be drafted in a way that encompassed the wider food system, with a focus shifting away from simply encouraging greater local food production and towards the role that localised food systems can play in meeting wider societal challenges.

The Bill needed to ensure that its provisions were not seen as additional bureaucracy, and so must work with current and future legislation to avoid unnecessary duplication.

303. However it is worth noting that since the initial consultation, some of the provisions that were originally suggested have been removed. Proposals for specific measures to require supermarkets and other relevant shops to donate unwanted food to charities and food banks have been removed due to potential difficulties in enforcing this policy on a

Wales-wide rather than a UK-wide scale. Despite this, many stakeholders were clear that food labelling could be strengthened to simplify to make it easier for consumers to identify products that have a more positive impact on people and the environment, as well where exactly their food is produced and processed.

304. Proposals for measures to strengthen food labelling were removed as the practical effect of such provisions may be limited due to the effect of the **UK Internal Market Act 2020**. Instead, references to food waste and improving the public's knowledge of food-related issues were included within the Bill as part of the Secondary Food Goals.

Roundtable Discussions

305. Following approval from the Senedd to introduce a Bill, four roundtable events were held with expert stakeholders from across the food system and academia to discuss and refine the proposals outlined in the original Explanatory Memorandum. These stakeholders were drawn from organisations that had already offered additional support to the Bill's development and those identified as key partners. Four main themes of the Bill were identified, with discussions based around these areas:

- The main principles of the Bill;
- The structure and workings of a Welsh Food Commission;
- The aims and structure of the National Food Strategy and Local Food Plans;
- Proposals for 'Food Goals' to underpin the provisions within the Bill.

306. From these discussions, a number of potential areas for future work were identified, including:

- That the Bill needed to put into place an overarching legislative framework for the food system, putting into place a system of goals and targets with relevant accountability measures.
- That there was a need to integrate the principles of sustainability within the Bill, as well as ensuring that the Bill helped Wales to achieve its climate change commitments.

- That the Welsh Food Commission should not simply replicate the powers of the Future Generations Commissioner for Wales, rather the Commission required sufficient powers to deliver the system change that is required.
- There was a need to ensure that the requirements of the National Food Strategy and Local Food Plans were lined-up so that the Bill was coherent and that the plans did not unnecessarily duplicate one another.

307. As a result, the draft proposals were amended in the following ways:

- The Bill introduced 'Food Goals' based on the Well-being Goals of the Well-being of Future Generations (Wales) Act 2015 to establish a high-level direction of travel of things that the food system as a whole should aim to help achieve. The goals include associated duties on the Welsh Government to set targets on these goals, and to report progress on achieving these goals.
- As part of the Food Goals, a Primary Goal was to be established with specific reference to the provision of economically, environmentally and socially sustainable food
- The Welsh Food Commission were provided with powers to promote and facilitate the advancement of the Food Goals as well as the achievement of the food targets. Duties were also placed within the Bill to ensure that the Commission were to be consulted of the creation of the National and Local Food Plans, and had oversight of the process of the setting and reviewing of the food targets.
- Provision was made within the Bill so that a public body has to have regard to the National Food Strategy when making its Local Food Plan, whilst public bodies may also consult with the Welsh Food Commission and/or the Future Generations Commissioner for Wales so that the strategy and plans are consistent with one another.

Other Discussions

308. Throughout the Bill process, a number of discussions have been held with a range of stakeholders from across academia, the food system and interacting policy spheres such as the health sector to help inform its development. For example, a number of regular meetings have been held with the Minister for Rural Affairs and officials from the

Welsh Government to discuss the Bill's development and how it will engage with current and future Welsh Government policy. The Bill and the Explanatory Memorandum have been drafted so that they complement the existing legislative framework and assist the Welsh Government in achieving its aims via new pieces of legislation, including the recent introduced Social Partnership and Public Procurement (Wales) Bill and the Agriculture (Wales) Bill.

309. Support has been received from a range of stakeholders, most notably the Office of the Future Generations Commissioner for Wales. The Commissioner's Office have offered advice and support on how to align the Bill with the Well-being of Future Generations (Wales) Act 2015 and how a Welsh Food Commission may be established and how this would interact with existing Commissioners. Following these discussions, the Bill was amended to reflect the WBFG Act through establishing Food Goals – similar to the Well-being Goals – whilst the functions and duties of the Future Generations Commissioner have been used as a basis to inform and expand the functions and duties of the Welsh Food Commission.

Consultation on the draft Bill

310. A consultation on a draft Food (Wales) Bill was undertaken between 18 July and 16 September 2022. In total, 49 responses were received, 30 by e-mail and 19 through an online survey.

311. A full [list of the consultation responses](#) has been published, together with a [detailed summary](#) of those responses. The key points to emerge from the consultation are:

There was strong support for the main features of the draft Bill.

Respondents said current Welsh Government policy relating to food is not sufficiently joined up and overwhelmingly supported the need for a single overarching holistic approach to the whole food system in Wales.

While respondents generally supported the proposals in the draft Bill, there were specific suggestions on how the Bill could be improved in a number of areas, including:

the food goals should be strengthened, most prominently with regards to the environment and climate change;

there should be greater consultation and collaboration with stakeholders and the public in developing the targets, national food strategy and local food plans;

the proposed Welsh Food Commission could have a stronger role in developing the targets and the national food strategy; and

there should be more flexibility to allow more frequent reporting and review in relation to the targets, national food strategy and local food plans.

How the final version of the Bill differs from the draft Bill

312. Careful consideration was given to the consultation responses and the Bill was amended in a number of areas.

Food Goals

313. It was noted from responses that ‘sustainability’ is usually taken to comprise three elements: economic, environmental, and social. The primary food goal included in the draft Bill mentioned two of these ‘economic and environmental’. This primary food goal has therefore been updated to include reference to the ‘social’ element of sustainability.

314. The secondary food goals have been strengthened in a number of areas in direct response to some of the calls contained in the consultation, this includes adding additional elements to the descriptions of a number of the secondary food goals. Those additional elements added are:

Health and Social Goal:

- Encouraging equitable distribution of healthy and sustainable food within communities
- Promoting the social well-being benefits of food, for example through community growing and allotments
- Promoting the importance of consuming healthy food for improving physical and mental health and well-being

Education Goal:

- Developing food skills to ensure better, healthier diets and well-being
-

Environment Goal:

- Enhancing and regenerating the natural environment through food production
- Restoring and maintaining biodiversity and habitats through food production
- Promoting a food system that mitigates and adapts to climate change, and minimises Wales' global environmental footprint

Food Waste Goal:

- This goal was refocused to reflect the whole food chain. The revised goal now reads "Reducing food waste across the food system, including by food producers, processors and consumers".

315. Covering the whole food chain, particularly those involved in processing food, was also seen to be vital for the other food goals, and reference to food 'processors' been included in the existing food goals for the Environment and Economic well-being.

List of Public Bodies

316. A potential issue was highlighted in the consultation relating to the powers provided in the Bill that enable Welsh Ministers to remove a 'person' from the list of public bodies to which provisions of the Bill would apply. As Welsh Ministers themselves are included in that list of persons, it was considered appropriate that in using those powers Welsh ministers could not remove themselves from that list of persons.

317. Section 22(2) of the Bill has therefore been amended to include a specific provision precluding Welsh Ministers from removing themselves from the list of persons.

Audit provisions for the Food Commission

318. The audit provisions for the Food Commission have been strengthened to take account of the response from Audit Wales. These amended provisions are contained in Part 4 of the Schedule to the Bill. These changes were needed to bring the provisions up to the standard that now applies to most Welsh public bodies, including Local Government and NHS bodies.

6. Power to make subordinate legislation

319. The Bill contains provisions to make subordinate legislation. Table 2 sets out in relation to these:

- the person upon whom, or the body upon which, the power is conferred;
- the form in which the power is to be exercised;
- the appropriateness of the delegated power;
- the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

320. The Welsh Government will be expected to consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of the consultation (if any) will be decided when the proposals have been formalised.

Table 2: Summary of powers to make subordinate legislation in the provisions of the Food (Wales) Bill

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
Secondary Food Goals – Section 3(2)	Welsh Ministers	Regulations	<p>The regulation-making powers in this section allow the Welsh Ministers to amend the description of a secondary food goal.</p> <p>It is reasonable to expect that those descriptions may need to change over time to react to changing circumstances, and as such it is appropriate that this should be done through regulations.</p>	Affirmative Resolution Procedure	<p>This is a power to amend primary legislation and to change the description of a secondary food goal.</p> <p>Therefore, regulations made under this section should be brought to the Senedd's attention and properly debated via the affirmative procedure.</p> <p>Before making regulations under this section, the Welsh Ministers must also consult with the Welsh Food Commission.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
<p>Duty to set targets for secondary food goals Section 4(1)</p> <p>Reporting Duties Section 6(1)</p>	Welsh Ministers	Regulations	<p>The regulation-making Power in Section 4 requires the Welsh Ministers to set one or more targets for each secondary food goal.</p> <p>Section 6 of the Bill also requires any regulations made under Section 4 to specify a reporting date for any target set.</p> <p>It is reasonable to expect that those targets may need to change over time to react to changing circumstances, including any changes made to the secondary food goal descriptions set out above. Similarly any reporting deadline may need to change to reflect amended or newly set targets.</p> <p>As such it is appropriate for this to be done through regulations.</p>	Affirmative Resolution Procedure	<p>This is a power to enable Welsh Ministers to set targets for each of the secondary food goals; and to set a reporting date for such targets.</p> <p>Therefore, regulations made under this section should be brought to the Senedd's attention and properly debated via the affirmative procedure.</p> <p>Before making regulations under this section the Welsh Ministers must also seek advice from—</p> <p>(a) the Welsh Food Commission, and</p> <p>(b) other persons the Welsh Ministers consider to be independent and to have relevant expertise.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
<p>Meaning of public body Section 22(2)</p>	<p>Welsh Ministers</p>	<p>Regulations</p>	<p>The regulation-making power in this section allows the Welsh Ministers to amend the list of those ‘persons’ who are deemed to be a public body for the purposes of this Bill.</p> <p>It is reasonable to expect that changes to those persons could be required in the future, and it is appropriate for this to be done through regulations.</p>	<p>Affirmative Resolution Procedure</p>	<p>This is a power to amend primary legislation and to amend a list of persons who are deemed to be public bodies under the Bill, and who are therefore subject to the Bills provisions.</p> <p>Therefore, regulations made under this section should be brought to the Senedd’s attention and properly debated via the affirmative procedure.</p> <p>Before making regulations under this section the Welsh Ministers must consult with—</p> <ul style="list-style-type: none"> (a)the Welsh Food Commission; (b)if the regulations add a person, that person; (c)any other person the Welsh Ministers consider appropriate.

Part 2: Regulatory Impact Assessment

This Regulatory Impact Assessment (RIA) considers the options available in respect of the main provisions within the Bill, and analyses how far each of these would meet Peter Fox's desired policy objectives. In doing so, it considers the associated risks, costs and benefits of each option.

321. The RIA also explores the potential for unintended consequences and includes equality considerations. The costs and benefits associated with each option have been produced using the best information available at the time.

322. This information has been prepared through discussion with key stakeholders, including: the Welsh Government, professionals within the field, and third sector bodies. In addition, two consultations have been undertaken to allow the RIA to incorporate the views of stakeholders, including local authorities.

323. The costs and benefits associated with each option have been assessed over a five-year period from implementation of the Bill, with recurring costs that are expected to last beyond this period being identified in the text.

324. The HM Treasury central discount rate of 3.5%¹ has been used throughout this analysis to calculate the present value of the preferred option.

¹ <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government>

7. Summary of RIA

325. The tables below presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

Table 3: summary of the overall costs and benefits for the Bill

Food (Wales) Bill		
Preferred option: Option 2:		
Stage: Introduction	Appraisal period: 5 years from implementation of Bill	Price base year: 2022-23
Total Cost: Present value: Range: £4,729,250 to £8,584,370	Total Benefits Present value: Not quantified	Net Present Value (NPV): Range: £4,509,560 to £8,111,600

Table 4: total administrative, compliance and other costs

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Food Commission costs						
Range – low	750,000	750,000	750,000	750,000	750,000	3,750,000
Range – high	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
National Food Strategy: Welsh Government costs						
Formation and consultation	20,960	20,960				41,920
Reporting				8,000		8,000
Review	(falls outside 5 year period – costs in relation of revision of £12,550 to £17,550 – 5 years after strategy is published)					
National Food Strategy: Food Commission Costs (these costs are included within their overall annual costs)						
	32,175	32,175				64,350
Future Generations Commissioner costs						
	21,280	21,280	21,280	21,280	21,280	106,400
Local Government and Local Health Boards Costs						
Awareness raising			23,500			23,540
Local Food Plans – drafting and reporting						
Range: low			734,050		171,740	905,790
Range: high			824,670		186,240	1,010,910
Total costs						
Total – range low	792,240	792,240	1,528,870	779,280	943,020	4,835,650
Total – range high	1,542,240	1,542,240	2,369,490	1,529,280	1,707,520	8,690,770
Transitional	417,240	42,240	757,590	0	0	1,217,070
	792,240	42,240	848,210	0	0	1,682,690
On-going	375,000	750,000	771,280	779,280	943,020	3,618,580
	750,000	1,500,000	1,521,280	1,529,280	1,707,520	7,008,080

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Transitional: £1,217,070 to £1,682,690	Recurrent: £ £3,618,580 to £7,008,080		Total: Range: £4,835,650 to £8,690,770			PV: Range: £4,509,560 to £8,111,600
Cost-savings:						
It has not been possible to quantify cost savings that will result due to the Bill, given these will be informed by the content of the National Food Strategy. Also, as it is not possible to estimate the current administrative burdens on the Welsh Government roles and functions that will no longer be needed, or benefit from the improved functioning of food policy, following the establishment of the Food Commission.						
Transitional: £ 0	Recurrent: £0		Total: £ 0			PV: £ 0
Net administrative, compliance and other cost: Range: £4,835,650 to £8,690,770						

Unquantified costs and disbenefits

326. Cost of implementing local food plans. As identified in our consultation process, without knowing the full detail of local food plans the costs attributed to them must be counted as unquantified.

Benefits

327. Significant feedback given by stakeholders regarding the need for coordination of different Welsh Government policies and requirements in the areas covered by this Bill. However, current Welsh Government food policy is approached in silos across several initiatives, without an overarching whole-systems approach. As such it is not possible to estimate current status quo costs so it is not possible to estimate the savings in terms of how the Food Commission would reduce burdens on existing Welsh Government staff working in this area.

328. Over 200,000 people are living with obesity in Wales, almost 60% of adults and 27% of children living in Wales are overweight or obese. The current cost of obesity to Wales is approximately £3 billion a year. The Bill also has the potential to improve the rights disadvantaged by poverty through measures to tackle obesity rates in Wales. Whilst the economic reduction may reduce the £3 billion annual cost, the greater benefit will be

societal in developing a healthier population who are at a lower risk of long term health complications. The Bill may also enable the establishment of a more sustainable food system in Wales to strengthen food security and improve Wales' socioeconomic well-being.

329. The Bill may have environmental benefits through environmental actions taken towards reaching primary and secondary goals. Stakeholders highlighted that this may in turn benefit species and habitats, improve soil health, air and water quality. **Analysis of environmental investment** has shown that for every £1 invested into improving standards, there is a proven return of at least £3.20. Additionally, there may a significant social value return on investment driven by the introduction the Bill. Local food program investments have shown returns of over £4 for every £1 invested.

330. The Bill will allow Wales to achieve its global responsibility commitments through the reduction of environmentally and socially costly food imports, thus promoting Wales as a good global citizen.

Total: £ Not possible to quantify until national strategy, policies and goals are formed.	PV: £ NA
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Key evidence, assumptions and uncertainties

331. This Regulatory Impact Assessment has been informed by formal conversations and a variety of informal discussions with representative groups and organisations who will be impacted upon by the Bill and related academics and experts. Additional assumptions have been made following liaison with Scottish Government officials who produced cost estimates for the **Good Food Nation (Scotland) Bill** and also from approaches and assumptions made by the Welsh Government in recent impact assessments. Throughout the RIA, assumptions are set out as to how costs have been calculated.

8. Option 1: continue with Welsh Government's future plans

This is the baseline option, as such there are no additional costs associated with this option. It is not possible to quantify the current expenditure in terms of internal administration within the Welsh Government to develop, implement and assess current policies.

332. Instability caused by the current global context and the uncertain future outlook felt is being felt across the United Kingdom and the wider world; putting the food system under significant strain. Whilst there is some welcome work currently being led by the Welsh Government regarding food policy, these events have highlighted a lack of resilience across the entirety of the food system in Wales. For example:

- Supply chain issues as a result of a period of readjustment following the United Kingdom's exit from the European Union have been exacerbated by the Coronavirus (COVID-19) pandemic, with national lockdowns and labour shortages resulting in disruption in the supply of some food products.
- The re-start of the global economy and continuing efforts to respond to the ongoing economic shock following the COVID-19 pandemic has contributed to increasing inflationary pressures and production costs, raising the cost of food and drink being imported as well as produced in Wales.
- Inflation rates for food and drink have since increased further owing to the Russian invasion of Ukraine, which began in February 2022. Both countries are major exporters of important food products such as wheat and grain, as well as necessary resources for food production including fertiliser and gas for energy. Figures published in October 2022 published by the **Office for National Statistics** showed that the annual UK inflation rate for food and non-alcoholic beverages was 14.6% as of September 2022. The current rate is estimated to be the highest since April 1980.

333. It is of course important to recognise the Welsh Government cannot fully insulate communities from the consequences of these global shocks. However, there have been repeated calls by stakeholders and Senedd Committees – as discussed in Part 1, Chapter 3 – for Welsh Ministers to underpin the food system with a coherent, top-level legislative framework to ensure that levels of food production in Wales remain robust. As NFU Cymru state in their **consultation submission**:

Whilst legislation will never be able to anticipate unforeseen or sudden events, it does have the potential to ensure that as a nation we are in the best possible position in terms of our domestic food security to respond to challenges and disruption in food supply chains and to mitigate some of these adverse impacts by having a more resilient food system in place.

334. As such, continuing with current policy initiatives risks failing to suitably prepare the Welsh food system and local communities for future shocks. Whilst Wales is part of an ever-increasingly globalised food system, there is still sufficient scope to shape a more localised system based on encouraging more local food production and then developing the infrastructure that provides greater opportunities for such produce to be supplied into local communities.

335. The Welsh Government has started to make some progress in joining-up its key agendas. For example, the commitment to **rolling-out universal free school meals** to all children of primary school age also recognises the opportunity to encourage sustainable local food production. This policy links with the Welsh Government’s proposed **Community Food Strategy** is also a welcome development which should help to encourage local food production projects and community involvement with food. However, there is a risk that its specific focus on community food projects will mean that the Strategy will not on its own establish the system change that is needed to create a more robust and sustainable food system.

336. Local Authorities and community organisations have also led on initiatives within the lens of current policy that focus on tackling social issues including food poverty, health and sustainability through the encouragement of local food partnerships. For example, the **‘Food 4 Growth’** programme is a partnership between Torfaen, Monmouthshire and Caerphilly Councils which has gained funding via the UK Government’s **Community Renewal Fund**. This project is exploring the opportunities and barriers to economic growth in agriculture and community growing.

337. However there are more general concerns the Welsh Government's current suite of policies lack coherence and a collective vision, meaning policies often contradict one another or do not take into account the need for a 'system based approach'. Although Wales already has a legislative framework in place for a more joined-up approach to policy making through partnership working, such as through the **Wellbeing of Future Generations (Wales) Act 2015** and the **Environment (Wales) Act 2016**, food policy is still often approached in silos, meaning that there is a lack of integration of the economic, health, social, environmental and agricultural agendas. In their **consultation response**, WWF provide some examples of this lack of a joined-up approach to current Welsh Government policy-making:

The strategic direction of growth and industrialisation, as laid out in the KPIs for growth in the 'vision' for the Welsh food and drink sector, which is at odds with sustainability objectives (for example climate change targets, the restoration of ecosystems, Welsh Governments commitment at COP 26 to do everything within their power to ensure Wales does not deforest the planet as a result of our supply chains and sustainable land management objectives in the Sustainable Farming Scheme).

338. Whilst the **Aneurin Bevan Gwent Public Health Team** note in their response to the consultation on the draft Bill:

However, we feel that greater integration is required. The 'Healthy Weight: Healthy Wales' 1 long term strategy to prevent and reduce obesity includes a national priority area to shape the food and drink environment towards sustainable and healthier options. This priority would benefit from alignment with economic and agricultural policy so that longer term planning of Welsh food production could better meet health goals.

There is a significant gap between the food that is produced in Wales and the Eatwell Guide. Whilst there will inevitably be limitations due to soils / land / climate etc., it would be good to have a policy framework that includes maximising the contribution that agriculture can make to the health agenda e.g. expansion of horticulture.

339. Meanwhile, **Torfaen County Borough Council** stated in their response that:

Given the extent of local and regional activity we are pleased to see that the possibility of a Food (Wales) Bill is being discussed. It is proven difficult to align our work to the wider policy agenda in Wales without a Food Bill or associated policy.

340. Some stakeholders have also said that the Welsh Government's wider policy response to the various crises has been insufficient. In their consultation response, **Food Policy Alliance Cymru** state:

It has been less than 18 months since that piece of work ['Priorities for a Food System Fit for Future Generations'] was published and in that short time we have seen the scale of those challenges escalate at an alarming rate that few could have imagined. Meanwhile, moves towards a comprehensive policy response have only crept along with no clear picture yet emerging as to what shape that response might take.

341. Meanwhile, there have been legislative developments elsewhere in the United Kingdom that risk placing the Welsh food system at a competitive disadvantage. As discussed in Chapter 1 Section 3, the Scottish Parliament has recently passed the **Good Food Nation (Scotland) Act 2022** whilst the UK Government introduced its **Food Strategy** earlier this year. Both developments seek to enhance food security as well as encourage more local food production. This means that Wales is the only UK nation currently without an overarching, holistic food strategy which brings various policy strands together.

Summary

342. In summary, this option would have the following negative impacts:

- Not responding sufficiently to present and future shocks that will place the food system under further pressure, potentially risking food security in Wales;
- Further embed the current practice of approaching food policy in silos, potentially resulting in food policies that do not recognise the need for a whole system approach to tackling persistent issues within communities; and
- Risk placing the Welsh food system in a comparative disadvantage to other food systems in the United Kingdom as a result of recent policy and legislative developments.

9. Option 2: introduce a Bill

343. The Bill sets up a framework for the Welsh Government to set the direction for the Welsh Food Commission, national food strategy and local food plans. How these are finalised will impact on how plans and policy is implemented across public bodies and consequentially the costs and savings that will be realised.

344. All costs presented below are annual figures and assumed to be maintained in real terms throughout the appraisal period, unless otherwise stated. Calculations have been rounded to the nearest ten in tables.

345. Welsh Government staff costs have been based on the average gross costs for civil staff pay bands 2021-22, increased by 3% in the absence of agreed pay award for 2022-23 and use a 52-week year and five-day working week. The standard working week is considered 37 hours a week as per the National Agreement 'Green Book'. Average costs for Welsh Government staff includes additional employment costs such as pensions and national insurance contributions.

346. Local government staff costs are based on National Joint Council for Local Government Services issued the pay agreement information for the 2021-22, again increased by 3%, with National Insurance and pensions contributions added on top of this. As a proxy, an assumption has been made that staff pay working on administrative duties in local health boards will have similar pay to those working on the same tasks in local government.

347. All costs and benefits quantified are based on information and data available to the Member in charge leading up to publication of this document.

348. Unfortunately, as discussed in Section 8 of the Regulatory Impact Assessment, current Welsh Government food policy is approached in silos across several initiatives, without an overarching whole-systems approach. As such it is not possible to estimate the current staffing resource that goes into administration of Welsh Government food policy in order to estimate current status quo costs. Therefore, it is not possible to calculate how resource currently used could be reassigned or administrative savings for the Welsh Government that would arise from this Bill.

Food Commission

349. The Food Bill consultation highlighted the importance of introducing a Food Commission in Wales. The Farmer's Union of Wales highlighted that between 2014 and 2020 the sector saw a 30% growth achieving sales worth £7.5 billion in 2019 – exceeding the 2020 target of £7 billion. The demand for local and sustainable food was also evident during the pandemic where spending on local Welsh lamb increased by 20% during the first lockdown in 2020 compared to 2019.

350. Welsh food is an important part of the economy. The Welsh food and drink supply chain contains manufacturing and related packaging, agriculture and fishing, retail and wholesale, and non-residential catering. The total turnover of the supply chain was **£23bn in 2021**, an increase of 2.9% from the £22.4bn for 2020. Welsh food and drink supply chain exports rose by 16% to **£640m in 2021** from £552 in 2020 – however GVA for Welsh food and drink decreased by 16.4% from £3.82bn to £3.20bn.

351. In 2020, the Welsh food and drink chain employed 224,500 individuals in Wales – accounting for 16.9% of the total workforce in Wales. The **GVA of farming** increased by 12% to £602m in 2021 from 2020. Whilst total income from farming also increased to £394m in 2021, rising input costs are squeezing the profitability of farmer's businesses.

352. The Welsh Government published the **Vision for the Food and Drink Industry** in November 2021. The vision focuses on food manufacturing and processing. The Welsh Government's draft Sustainable Farming Scheme will also support farmers to address the nature and climate emergencies alongside sustainable food production however these policies do not provide a holistic approach to the food system.

353. Annual public sector food and drink procurement had been **reported** to be in excess of £74 million. The Fifth Senedd's Climate Change, Environment and Rural Affairs Committee **noted** that this funding is "used to provide food in our schools and hospitals and should be thought of as an investment in the health and wellbeing of the Welsh people".

354. A report by North Star Transition highlighted that NHS Wales spend on food and drink amount to £22m – this is in comparison to the £23bn supply chain turnover we have reported in Paragraph 42 and 343.

355. In-patient meals in NHS Wales account for less than **0.3% of all meals eaten in Wales each day**. NHS supply chains are small in relation to those associated with major

multiple retailers, which most supply chains are aligned to. As such, a model for a more localised, healthy, and sustainable food supply to NHS Wales has been called for.

356. Net school catering expenditure including nursery to secondary in Wales for 2021-22 amounted to over £34 million.

357. Universal free-school meals were rolled out in September 2022, as part of the Co-operation Agreement commitment for every primary school pupil to receive a free school meal by 2024. £225m has been committed to securing the delivery of the commitment over the next three years. The **Bevan Foundation has estimated** that free school meals for all primary and secondary children would cost £180 million a year, this does include considerably more than the cost of the food element.

358. The Food Bill will establish the overarching framework to ensure the farming and supply chain policy is considered alongside other important aspects such as public health and food poverty. The Food Bill will also seek to provide new opportunities to farmers and other producers to sell their produce into local and regional markets in Wales. The Bill will encourage public bodies, including local authorities and health boards to consider how they may make locally produced food more widely accessible through local food plans.

359. The Bill requires the setting up of a Food Commission. This Commission's functions are listed in Section 10 of the Bill. These are as follows:

- a. to develop, and assist public bodies to develop, policies in relation to food matters;
- b. to advise, inform and assist public bodies, and other persons, in relation to food matters;
- c. to keep the public adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about food matters;
- d. to provide oversight and performance review of the exercise of the functions of public bodies in relation to the food goals and food targets;
- e. to scrutinise the national food strategy and local food plans,
- f. to act as a consultee for the Welsh Ministers when the food goals are to be amended; and

g. to give advice to the Welsh Ministers in their review of food targets.

360. The Welsh Government will have flexibility to set up and fund the Commission within the framework set out in this Bill. The Commission is to consist of a Chair and between five and seven other members, all appointed by the Welsh Ministers. Before appointing the Chair, the Welsh Ministers must consult with the Senedd. Before appointing the other members, the Welsh Ministers must consult with the Chair and the Senedd.

361. The Commission must obtain the approval of the Welsh Ministers for: the number of staff that can be appointed; the terms and conditions of the staff; and any payments to be made to the staff, as noted above.

362. It is expected that the Commission would oversee the delivery of the national food strategy, and hold delivery partners to account to ensure that policy aims and targets are met. The Commission would also use its role to build policy expertise and capacity within Wales, and work with the higher and further education sectors to conduct research into ways of further developing the food sector.

363. Although not exhaustive, it is envisaged that the Commission would comprise of a number of stakeholders from across different sectors, as set out previously in this Explanatory Memorandum. Therefore in terms of costing this function comparisons have been made with existing commissioners, dependent on their own functions. Depending on the model of Commission decided upon, costs for consultation etc may fall on the Commission itself or stakeholders. For the purpose of this assessment the majority of these functions are assumed to be undertaken by the Commission itself.

364. Some of the models considered when looking at how the commission was to be set up ranged from a very light touch approach, such as the National Infrastructure Commission (NIC) to an organisation that is fully separate from the Welsh Government both in terms of staff, reporting and premises. According to our research a more integrated organisation such as the National Infrastructure Commission, has lower running costs, more in the region of £300,000 to £400,000 a year. Such an arrangement is considered too limited for the expectations set out in this Bill, in terms of independence of the organisation. As a comparator the Scottish Government estimated, 2022, that the cost of their food commission would be in the region of £750,000 as part of their **Good Food Nation (Scotland) Bill**.

365. There are currently four Commissioners in Wales, which are set up as separate bodies from the Welsh Government: the Future Generations Commissioner, Children’s Commissioner and Older People’s Commissioner and Welsh Language Commissioner. Each Commissioner has defined core responsibilities and functions, which are scrutinised by the appropriate Senedd Committee and Government Minister. The Welsh Government 2022-2023 final budget included a separate budget line for each Commissioner. The following costs were included:

- Welsh Language Commissioner: £3.207 million
- Children’s Commissioner: £1.589 million
- Future Generations Commissioner: £1.509 million
- Older People’s Commissioner: £1.589 million

366. Financial estimates submitted by Commissioners detail expenditure and estimated financial requirements. Upper and lower range estimates based upon current Commissioner costs are detailed in the Table 5 below.

Table 5: Cost range for existing four commissioners estimates, either 2021-22 or 2022-23

Cost heading	Cost Range £'000	
	Lower	Upper
Salaries	1,250	2,500
Premises/Rent	70	145
Training/Wellbeing	23	42
Travel & Subsistence	9	33
Communication	31	41
IT	33	95
Project/Programme Costs	98	163
Legal & Audit Fees	30	67
Total	1,544	3,086

Note: All figures are 2022-23, except 2021-22 for Future Generations Commissioner.

367. The scope of the Food Commission and hence resource need is expected to be significantly narrower than that of the current Commissioners in Wales. As such, costs incurred by the Food Commission will be likely to be closer to the costs estimated by the Scottish Government. However, the breakdown of lower range costs may be helpful in terms of showing how fixed and variable costs of a commission could be split.

368. There is scope for size of the Food Commission to reflect the Chair of the Commission and Welsh Government’s own judgement. Annual operating costs could be within the range determined by the Scottish Government estimate of £750,000 to the sort of allocations shown in the Welsh Government Final Budget 2022-23 for the Commissioners (excluding the Welsh Language Commissioner) of around £1,500,000 million a year. If the Welsh Government consider the Commissioner needs a wider role and associated resourcing is provided.

369. To reflect the fact that the Commission will need to be recruited for and set up its own functions, reporting requirements are phased in as appropriate. There will be costs in setting up the Commission while the Chair and commission members and a staff structure is put in place. Rather than set out expectations of how this will be phased, there is an assumption that the cost of the Commission will be at full annual cost in the first year, to cover transitional and implementation costs, including recruitment/staff secondments, setting up any required premises (if needed), ICT infrastructures, web presence etc. Half of the Commission costs in the first year have been assigned as transitional costs to reflect this.

370. The Commission needs to prepare an annual plan, starting before the beginning of the Commission’s second financial year, of how it will discharge its functions and lay a copy before the Senedd. The Commission must publish an annual plan after the end of each financial year and also submit annual accounts. In common with other organisations, the annual report and accounts can form one document.

371. The Auditor General is required to audit the Food Commission’s annual report and accounts. Auditor costs would form part of the Food Commission’s annual budget. The external auditor’s remuneration reported in the Future Generations Commissioner for Wales **annual report and accounts** has been in the region of £16,000. Costs such as these audit fees will form a part of overall budget and running costs of the Commission.

Table 6: overall cost ranges of the Food Commission

Food Commission costs	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Range – low	750,000	750,000	750,000	750,000	750,000	3,750,000
Range – high	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000

National Food Strategy

372. The approach to setting the national strategy is set out in Paragraphs 254 to 270 of this Explanatory Memorandum.

373. The requirement is on the Welsh Ministers to publish this strategy, following seeking advice from the Welsh Food Commission. They may also seek advice from the Future Generations Commissioner and consult. It is envisaged that in practice Welsh Ministers will have significant input from the Food Commission. The first report must be published within 2 years of the Bill being passed.

374. Having met with Scottish Government officials, we have confirmed that the approach and circumstances bear a close resemblance to the policy and approach in Scotland when the impact assessment of the Good Food Nation (Scotland) Bill was researched. It would therefore be estimated that over the entire first two years, to amount of staff resource to develop the first food strategy and deliver related work would be a fifth of a Grade 7, £17,756 and a fifth of a higher executive officer £10,858. We have calculated that additionally there would be need for deputy director sign off which would add an additional £545. Translation costs would be estimated at £1,250, the cost of online publication would be in the region of £500-£1,000. If physically published document were required, this would add an additional £3,100 cost. So this is a total cost for the Welsh Government of £31,409. It is worth noting that it has not been possible to quantify the current resource working within Welsh Government working on this policy area that would no longer be needed as work on this Bill was being taken forward.

375. In addition to the Welsh Government resource, there would be a need for input from the Food Commission to advise and help co-produce and lead on advising on formulating the policy, setting food goals, providing guidance and training materials. Consideration would need to be given to how policies and goals would impact in terms of for example, the value of social benefit in decision making.

376. Hands-on guidance would include how to deliver the duties and how this ties in with existing Welsh Government initiatives and policies. So this may involve reviewing existing guidance and in other areas new material may need to be developed. This would include a higher executive officer for 120 days, £29,610, a senior executive officer for 60 days, £18,600 and 40 days of a grade 7/Commission members (to reflect input from impacted sectors), £16,140, these costs are included in the overall costs of the Food Commission across the first two years.

377. The Welsh Ministers may also seek advice from the Future Generations Commissioner on how to align the strategy with the sustainable development principle as set out in the Wellbeing of Future Generations Act. This input from the Future Generations Commissioner’s office is set out later in this impact assessment. The Commissioner has suggested that a **long -term national food strategy** is one of a range of policies that should be considered in Wales.

378. Consultation costs for the Welsh Government could also be assumed to be in line with those estimated by the Scottish Government, of £5,000 for a substantial exercise involving public meetings, plus £500 for a short online consultation. Added to this would be £5,000 for a consultation analysis. There will be opportunity costs for other organisations who participate in these consultations, which were not included within the Good Food Nation (Scotland) Bill. These costs will be transitional costs in the first two years following implementation.

Table 7.1: Food strategy Welsh Government costs, split across year 1 and year 2

	Annual cost	Time input	Cost
Deputy director	119,899	1 day	550
Grade 7	88,782	1/5 FTE	17,760
Higher Executive officer	54,292	1/5 FTE	10,860
Translation			1,250
Publication			1,000
Consultation			10,500
Total			41,920

Table 7.2: Food strategy Food Commission co-produce and lead on advising on formulating the policy, setting food goals, providing guidance and training materials – included in overall Commission costs, split across year 1 and year 2

	Annual cost	Time input	Cost
Grade 7 / Board input	88,782	40 days	16,140
Senior policy officer	68,210	60 days	18,600
Higher Executive officer	54,292	120 days	29,610
Total			64,350

379. There is a requirement to report on the strategy every two years, the first report being laid within 2 years of the publication of the first strategy.

380. These costs will fall on the Welsh Government. The Good Food Nation (Scotland) Bill estimated that annual reporting costs would be in the region of £6,673 and £7,173. This is broadly in line with reporting costs estimated by the Welsh Government for annual reporting costs within the Social Partnership Bill, estimated as £7,950. In line with this evidence, estimated costs for the Welsh Government included are £8,000.

381. The strategy must be reviewed every 5 years. This would fall outside the 5 year timeframe for estimating costs. However, the costs would not be significant. For example, the Good Food Nation Bill estimated that their 5 year update and consultation around their strategy would cost between £12,549 and £17,549.

382. NFU Cymru felt in the consultation process that having a National Food Strategy would help to co-ordinate action and improve coherence between government department departments. Whilst acknowledging the resource implications of creating a National food Strategy, NFU Cymru felt that a National Food Strategy would be beneficial to consumers in accessing high quality, affordable food and for farmers in producing food.

Implementation of National Food Strategy

383. The costs and benefits of implementing the National Food Strategy will effectively be driven by the content of the strategy and what constitutes the food goals and how this changes policies within local authorities, health boards and suppliers.

384. It will be important that the Food Strategy, goals and targets explain what is expected in the written objectives and the strategy and what needs to be considered by public bodies in the overarching duty. It will therefore need hands-on guidance as to how to deliver the duties and how this ties in with existing Welsh Government initiatives and policies. So this may involve reviewing existing guidance and in other areas new material may need to be developed. Provision has been made for the production of hands-on guidance and training in the previous section of this impact assessment, Tables 7.1 and 7.2 paragraph 378.

385. The previous section includes resources to prepare and deliver training and familiarisation. It is assumed that initial familiarisation sessions with the duties, guidance and support would be offered to representatives of each of the 29 in scope public bodies.

386. Public sector organisations already work collaboratively in the areas of food and procurement. Lead organisations will need this higher level of input into this training and familiarisation, knowledge will be fed through to other public sector bodies through existing networks. For example Caerphilly lead on a Welsh public sector food framework.

387. It is likely that only around a quarter of organisations will need to the following level of resource input: 1 day of a staff member on point 48, 2 days of a staff member on point 40 and 3 days of a staff member on point 25. The remainder will not need any of the higher level input and half of the staff time on points 40 (1 day) and points 25 (1.5 days).

Table 8: Transitional costs – local authorities and local health boards, year 3

Familiarisation and training	Annual cost	Time input days	Cost
Staff - level 48	77,160	1	351
Staff - level 40	64,762	2	588
Staff - level 25	43,676	3	597
8 public bodies			12,288
Staff - level 40	64,762	1	294
Staff - level 25	43,676	1.5	298
19 public bodies			11,248
Total			23,536

Local food plans

388. The Bill requires certain public bodies (other than Welsh Ministers) to publish a local food plan setting out the policies that they intend to pursue in order to contribute to the advancement of the primary food goal and the secondary food goals, and the achievement of the food targets.

389. Public bodies may consult with the Welsh Food Commission, Future Generations Commissioner or other persons and must have regard to the national food strategy.

390. There is a requirement to publish reports on local plans every 2 years, starting 2 years after the publication of the first local food plan.

391. There is also a requirement to review the food plan every 5 years.

392. Many of the relevant bodies already have forms of local or community food plans or strategies. Health boards will already have policies in place to prepare and publish reports on various matters relating to food and nutrition in hospitals and it would be anticipated

that local health boards could incorporate their planning and reporting requirements under this Bill as part of existing reports, such as their integrated medium term plans.

393. NFU Cymru agreed that given the role of local authorities and local health boards as significant procurers of food, there do need to be local food plans in place.

Additionally, NFU Cymru agreed that the food goals identified in the Bill are within the scope and interest of local authorities and health boards to deliver.

394. However, there will be a need for existing plans to be refocused to reflect the national strategy and in particular to take account of the food goals and targets. Care will need to be taken to ensure that these requirements are proportionate.

395. NHS Wales Shared Services Partnership currently produces Category Strategy reports. The Swansea Bay UHB Integrated Partnership Provisions team manage requirements for patient and retail food provision on behalf of all NHS Wales Health Boards and Trusts. Consultation with NWSSP has found that the current procurement strategy is in a state of transition from using National Procurement Service frameworks to the creation of bespoke NHS Wales agreements.

396. A Sustainability strategy is included within the Category Strategy report and highlights the importance of reducing supply chain lengths through innovative procurement solutions and activities which promote seasonality.

397. These procurement strategies and Category Reports may be incorporated by local health boards as the basis for local food plans. This in turn may align the requirements of the Food Bill with current practice and improve efficiency in food procurement at local health board level.

398. As highlighted by Monmouthshire County Council during the consultation process, the themes identified within the Food Goals and subsequent Local Food Plans align closely with the focus of the Sustainable Food Places movement – a UK wide movement campaigning for food system change through joined up strategic thinking and food governance at local and regional levels.

399. Sustainable Food Places (SFP) is **coordinated the Soil Association, Sustain and Food Matters – Food Sense Wales is the key delivery partner in Wales**. Using established network of food partnerships, which are central to the SFP framework would be an efficient way of using existing expertise and collaborations to develop and deliver local food plans.

400. Within Wales there are currently seven Sustainable Food Places members supported by the existing Food Sense Wales infrastructure, including Food Cardiff, Food Vale, Monmouthshire Food Partnership, RCT Food, Blaenau Gwent Food Partnership, North Powys Food Partnership and Blwyd Sir Gar Food in Carmarthenshire. SFP is funded by the Esmeé Fairbairn Foundation and The National Lottery Community Fund.

401. Further existing examples of food partnerships and regional working include the collaboration between Monmouthshire, **Caerphilly and Torfaen CBCs to deliver the Community Renewal Fund project “Food4Growth”**. This joint project aims to support producers, processors and food poverty services to develop a whole system approach to developing local food.

402. During stakeholder roundtable discussions Caerphilly County Borough was highlighted as a best practice example for community food programmes. Caerphilly CBC are the lead organisation on food procurement on behalf of the Welsh Local Government Association and other public sector bodies. The council is leading on a national framework for 16 local authorities on food procurement with the aim of developing more supply chains locally. It has received national praise for its’ approach to **delivering over 2 million healthy** and nutritious free school meals since the start of the pandemic. As part of the **council’s Corporate Plan (2018-2023) it has committed** to increasing awareness and availability of local and affordable healthy food by working across different sectors.

403. Caerphilly County Borough Council has committed to including Social Value as a weighted criteria for procurements in excess of £75,000, which must have a minimum of 10% social value.

404. As earlier stated there will be a need for hands-on guidance to be provided by the Food Commission. There are already very good examples of good practice in this area (including Caerphilly County Borough) which can be used as case studies to share best practice and ensure the process of setting up and implementing plans is efficient and effective.

405. The Bill requires local authorities and local health boards to set out a local food plan. This plan is subject to consultation, and the body will have regard to the consultation responses. Plans must be reported on every 2 years and reviewed at least every 5 years and revisions made as necessary.

406. Therefore, there will be additional costs on local authorities and local health boards in order to deliver co-ordination, local consultation, publication and awareness raising. There are no capital costs.

407. Additional staff time will be needed to co-ordinate the development of local food plans; draft; consult and assess responses; publish final document ; raise awareness within the organisation that officers need to have regard to the plans when exercising functions; and co-ordinate and report on progress every 2 years.

408. While there will be some organisation who currently have made considerable progress in these areas, it is assumed that the additional staff time needed to undertake this work will be the same at all public bodies. Also, there is potential for public bodies to work together, for example, there is already joint working between Caerphilly, other local authorities and NHS Shared Service Partnership. The NHS Shared Service Partnership could also provide a lead in terms of supporting the production of plans for health boards, to reduce any administrative burdens.

409. Estimated costs are based on local authority pay scales, with an assumed 3% in addition to current salaries. Assessment of required staff resource time to develop the first local food plans and deliver related work is 20% of staff member on point 40, £64,762 including on-costs, £12,952 and 20% of staff member on point 25, £43,676 including on-costs, £8,735. So £21,687 per public sector organisation.

410. Applying that figure to each of the 22 local authorities and 7 local health boards provides a total cost of £628,923. There is sufficient resource within the overall funding range suggested earlier in this impact assessment to support public bodies who wish to consult with the Food Commission regarding drafting these plans.

411. Consultation costs are estimated to be in line with estimates agreed in the Scottish Good Food Nation Bill. Between £500 and £2,500 per body, plus £2,000 consultation analysis. Publication costs are estimated to be between £500 and £1,000. Additionally, translation costs will be in the range of £625 to £1,250.

Table 9: Estimated range of costs of producing first local plan for local authorities and local health boards, year 3

Local authority & LHB	Staff costs	Consultation	Publication	Translation	Total
Lower range	628,920	72,500	14,500	18,130	734,050
Higher Range	628,920	130,500	29,000	36,250	824,670

412. Following publication of local food plans, there will be a requirement for public bodies to report every two years. It would be anticipated that local food plans and reporting will be joined up and amalgamated with other reporting requirements under legislation such as the Future Generations (Wales) Act. Assuming that this would take 5% of staff member on point 40, £3,238 including on-costs and 5% of staff member on point 25, £43,676 including on-costs, £2,184. So £5,422 per public sector organisation. In total for the 29 organisations reporting, this would suggest a cost of £157,238 every two years.

413. The costs to provide oversight and performance review of the exercise of the functions of public bodies in relation to the food goals and food targets and scrutinising local food plans for the Food Commission will be part of the overall cost estimated earlier in this assessment.

414. Discussions with stakeholders including Caerphilly County Borough Council and Betsi Cadwaladr UHB highlighted the need for reporting mechanisms that fall under local food plans to dovetail with current reporting timetables and to avoid duplication of already available data. Amalgamating with other reporting requirements under current legislation (e.g Well-being of Future Generations (Wales) Act) may lead to increased efficiency in food policy decisions at Local Authority and Health Board levels.

415. Applying the above figures and assumptions to each of the 22 local authorities and 7 local health boards provides a total cost of £157,238 each year. Publication costs could be £14,500 to £29,000 in addition to this. So the biannual cost is estimated to be between £171,740 and £186,240.

416. Costs in relation to the 5 year review of plans will fall outside the timeframe of costing of this impact assessment.

417. It is anticipated that the costs of production of the food plans for public bodies who are already undertaking considerable work with their communities will be far lower. Also,

for other bodies, the food plans will help them quantify what they are doing, learn from others, cut duplication and access and use current funding more efficiently.

Table 10: Estimated range of costs of reporting on local plan for local authorities and local health boards, year 5

Local authority & LHB	Total
Lower range	171,740
Higher Range	186,240

Costs for the Future Generations Commissioners office

418. The Future Generations Commissioners office has provided estimates of the annual costs of engaging with the Food Commission, both in senior staff and administrative resource. Also, the costs to support public bodies with the development of food goals and duties. These estimates are based on an annual number of days input for the Future Generations Commissioner, public affairs lead (Grade 5), public body support team (Grade 5), Public body team change analyst (Grade 3) and team support (grade 1). The overall annual costs are estimated to be £21,284.

Implementing local food plans

419. The Bill will lead to the delivery of a more sustainable, localised food system by requiring public bodies, defined as local authorities and local health boards, to develop local food plans.

420. Local food plans will boost the food and drink sector in Wales by:

- Strengthening the resilience of local food supply chains
- Creating new economic opportunities within communities by ensuring that local public bodies increase their procurement of locally produced food
- Improving the local environment by focusing on the production of more sustainable produce

421. Local food plans can also look at ways of improving local public health and wellbeing, including growing projects and tailored support programmes for those at risk of food poverty and malnutrition.

422. Local food plans will build on the good practice already in place across Wales. For example, Caerphilly CBC currently leads on procurement for 16 local authorities and works in partnership with the NHS Wales Shared Services Partnership on procurement.

Caerphilly County Borough Council also places a commitment towards using social value as a key parameter of procurement – in 2020 Caerphilly CBC won the Social Value category of the Welsh Go Award for its local supply chain work.

423. Caerphilly CBC also lead in addressing the weights given to price and quality regarding procurement. Caerphilly CBC uses 40% price and 60% quality in its tenders for milk, fresh and cooked meats, and fruit and vegetables – compared to 70% price and 30% quality used by some local authorities in Wales.

424. Food Cardiff's Good Food Strategy is a further example of current good practice. The strategy was co-produced by almost 2,500 individuals and organisations in the city, with the aims to create a health environmentally sustainable Cardiff, a thriving local economy, empowering food movement and a fair, connected food system. Food Cardiff worked with 15 partners during 2021/22 to deliver a multi-stranded approach towards tackling root causes of food insecurity. Cardiff Council became one of the first local authorities in the UK to publish its **own Food Strategy** in 2019. Regarding procurement, this **strategy aims** to review and agree actions to ensure food options are healthy, local and have low environmental impact. The Move More, Eat Well Plan led by Cardiff & Vale University Health Board includes a health communities priority area and a commitment to the development of sustainable food partnerships.

425. Monmouthshire Council's **Food Development Action Plan** seeks to increase local employment opportunities and wealth creation, as well as reducing environmental food miles. The collaboration between Monmouthshire, Caerphilly and Torfaen CBCs to deliver the Community Renewal Fund project "Food4Growth". This joint project aims to support producers, processors and food poverty services to develop a whole system approach to developing local food. The project is also piloting small grant schemes to act as a catalyst for engagement, rid food poverty stigma and add value to local food products. Torfaen Council is also leading on the development of a Gwent wide Food Resilience Programme under the Shared Prosperity Fund.

426. The Welsh Government is currently developing its Community Food Strategy. The local food plans produced under this Bill will be broader in scope than the Community Food Strategy and will be developed and implemented to suit the needs of their local areas.

427. Local food plans will likely be aligned to the public body procurement strategies required under the Social Partnership Bill and to provide direction in local implementation. As such, the local food plans will draw together what are currently standalone strategies to make direct links between national and local objectives ensuring that there is a coherent wider policy.

428. Local food plans will be co-produced with the people they will serve. This should involve comprehensive engagement with community groups, businesses, other stakeholder and the general public. This will embed them in their communities and reflect the unique circumstances of every part of Wales.

429. Where they are in place, Local Food Partnerships should have a central role in working with public bodies to develop and implement the local food plans. Where Local Food Partnerships are not in place, their establishment should be placed as a priority in the local food plan.

430. Public bodies must report on the effectiveness of their food plans at least every two years from the date they are first published. Unforeseen issues can arise therefore the Bill does not prevent public bodies from providing interim updates should this be deemed necessary.

431. The Bill requires public bodies to review their local food plans at least every five years. They may review the plans at shorter time intervals should this be deemed necessary.

432. Public bodies have limited resources available. Local food plans should not cause the duplication of existing policies or activities, that may already be required under separate legislation. Local food plans should be developed in accordance with the requirements of the Bill, but where there is already appropriate existing activity the local food plan should have a coordinating role.

433. The **Education and Inspections Act 2006** to give local authorities the freedom to offer all pupils free meals, fresh fruit, milk or other refreshments during the school day, regardless of family income. Where a local authority exercises the power to charge for such provision it must charge every pupil or other person, the same price for the same quantity of the same item. Local authorities provide 'in-house' catering services in the majority of local authority maintained schools. Other school meal providers include contract caterers and schools, who employ catering staff directly. Net school catering

expenditure including nursery to secondary) in Wales for 2021-22 amounted to over £34 million.

434. As part of the **Co-operation Agreement** with Plaid Cymru, the Welsh Government made a **commitment** that all primary school children in Wales can have free school meals by 2024, beginning with learners in Reception Year from September 2022. **£225m has been committed** to securing the delivery of the commitment over the next three years.

435. The focus on creating more localised food chains through the National Food Strategy and Local Food Plans, as established in the Bill, aligns itself well with the aims of the expansion of free school meals to primary school children in Wales. It is envisaged that the Bill will help to create the infrastructure needed to enable local food producers to take advantage of local procurement opportunities, such as those that will be established through this policy.

436. The Bill gives the Welsh Government, Food Commissioner and public sector in general flexibility to shape the national strategy, associated policies and goals that will inform local plans. How this shapes future costs, social and economic benefit will be very much dependent on what is included in this strategy, policies and goals.

437. The Bill is intended to help co-ordination of existing Welsh Government initiatives and funding streams. For example, on 11 July a **series of intervention packages were announced**, including financial support for cross-sector food partnerships in Wales. This funding from Welsh Government is worth £3 million and will support the development of cross-sector food partnerships. Going forward the National Strategy and architecture of this Bill will help ensure that decision making is joined up and reflects both national policy and local need. Therefore, costs and benefits of implementing local plans will need to be considered as part of the formation of these local food plans and the cost impact of the Bill in this area is not quantifiable until after the National strategy, policies and goals are decided.

Costs to voluntary organisations and the private sector

438. There are no costs directly resulting from the Bill as it stands. The impacts of the Bill will feed through the national strategy, food goals and local food plans. The opportunities, benefits and costs will manifest when these are set out in the future and are not currently quantifiable.

Benefits of the Food (Wales) Bill

439. Considerable feedback was given on the need for co-ordination of different Welsh Government policies and requirements in the areas covered by this Bill. Unfortunately, current Welsh Government food policy is approached in silos across several initiatives, without an overarching whole-systems approach. As such it is not possible to estimate the current status quo costs so it is not possible to estimate the savings in terms of how the Food Commission would reduce burdens on existing Welsh Government staff working in this area.

440. Furthermore, it is difficult to quantify exactly what socioeconomic benefits the Bill will deliver. However it is intended that policies created through the provisions contained within the Bill will take into account the ‘food goals’, which consider the range of policy spheres that food interacts with – such as health, the environment and climate change. As such, it is envisaged that the Bill will help to encourage positive outcomes for communities, and help towards improving people’s health, create additional economic opportunities for local business, and secure environmental benefits.

441. This section outlines the perceived benefits that that Bill may help to achieve if enacted. In doing so, it recognises that the Bill is designed to bring together existing legislative and policy commitments, creating mutually reinforcing policies that seek to accelerate achieving their overall aims and objectives.

Possible Health, Well-being and Social Benefits

442. Almost **60% of adults and 27% of children in Wales are overweight or obese**. Wales has the highest proportion of overweight and obese 4-5 year olds in Great Britain. Obesity is the leading cause of major health conditions including Type 2 diabetes, stroke, cardiovascular disease and a range of cancers.

443. Our consultation with **Diabetes UK Cymru** highlighted that over 200,000 people live with diabetes in Wales, equivalent to 1 in 13 people – the highest prevalence of any of the UK nations. 57.2% of children with type 1 diabetes aged 4 to 5 years in Wales were overweight or obese – an increase from 47.2% in 2019/20.

444. One of the issues that have resulted in an increased prevalence of obesity and other food-related health issues is what Swansea Bay University Health Board (SBUHB) define in their **consultation response** as ‘food deserts’. SBUHB state that:

...Our most vulnerable in society are often left with the only feasible option being cheap, unhealthy highly processed foods that ultimately harm their and their families' health. Whilst there is a growing industry of online food delivery, research indicates that may not be the solution for people living in 'food deserts' with over 1/3 on low income indicating they would never use online shopping.

445. This Bill focuses on improving local food infrastructure by ensuring that public bodies consider how to promote the availability and affordability of sustainable, healthy locally produced food. This may have the secondary effect of tackling such 'food deserts' by increasing consumer choice within communities, creating stronger links between people and local food produce and helping to create healthier attitudes towards food.

446. The reduction and prevention of obesity through better nutrition and food options can lead to an improvement in national health. A 2014 analysis by **McKinsey Global Institute**, as highlighted by Diabetes UK Cymru, examined different policy interventions on the impact of reducing obesity, including cost-effectiveness.

447. The current economic cost of obesity to Wales is around **£3 billion** a year. The Bill may work towards a reduction in this economic and health burden. Whilst the economic reduction may go towards reducing the £3 billion annual cost, the greater benefit will be societal in developing a healthier population who are at a lower risk of long term health complications. This may have an associated positive impact on the National Health Service in Wales, with a reduced need for services and appointments alleviating pressures on staffing and resources whilst also making money available to develop and improve other much-needed services.

448. Meanwhile according to the **Nature Friendly Farming Network**, 9% of people in Wales experience low food security whilst a fifth of people in Wales are concerned about running out of food. The Food (Wales) Bill may enable the establishment a more sustainable food system in Wales to strengthen food security, improve Wales' socioeconomic well-being, and enhance consumer choice.

449. In turn, a more sustainable, equal food system has the potential to secure wider social benefits - such the potential to improve the rights of children disadvantaged by poverty through measures to tackle obesity rates in Wales. At reception age, children are significantly more likely than the Welsh average to be obese, if they live in areas of higher deprivation. In **2018/19 15.2% of children living in the most deprived quintile**

were obese compared to 8.5% in the least deprived quintile. This legislation aims to reduce obesity and increase equality through the Health and Well-being food goal, contributing to improved life chances for children from low income households.

450. Furthermore, a Social Return on Investment Analysis (SROI) on two **Food for Life (FFL) programmes** (Kirklees and Calderdale) found that for every £1 of investment, £4.41 of social value was created. Food for Life operates a programme of schools awards to support work to embed food within the curriculum and wider setting. FFL locally commissioned programmes involve a coordinated approach between networks of schools, food producers, suppliers, caterers and agencies. The SROI analysis found that through a programme such as FFL, local suppliers (farmers, processors and wholesalers) retained or gained new sales through contracts with school caterers. Additionally, pupils from schools in Kirklees and Calderdale who were engaged with the program were found to be twice as likely to eat five or more portions of fruit or vegetables compared to pupils in schools not involved in the programme.

Possible Environmental Benefits

451. Central to the Bill is promoting a food system that not only mitigates and adapts to climate change, but also minimises Wales' carbon footprint by lessening the environmental impact of food production, processing and consumption. It does this by strengthening the current legislative framework relating to the environment and climate change, as well as working with future Welsh Government policy such as the proposed **Agriculture (Wales) Bill**. This may reduce the overall cost borne by communities in responding to climate change, as well as creating opportunities for economic prosperity.

452. The UK Government's recent **Food Security Report 2021** highlights the significant financial risks caused by the mismanagement of natural resources and the lack of response to climate change. At an English and Welsh level, it has been estimated that soil degradation costs £1.2 billion per year, whilst soil erosion results in a potential yield penalty of £163 million every year.

453. On the other hand, our consultation with the Nature Friendly Farming Network noted that environmental actions, which may be taken towards reaching primary and secondary food goals, may in turn benefit species and habitats, improve soil health, air and water quality. For every £1 invested into improving environmental standards, there has been a **proven return of at least £3.20**.

454. Thus by strengthening the environmental framework in which the Welsh food system operates within, this Bill could play a part in increasing the potential of the land to sustain higher levels of sustainable production in Wales whilst also achieving environmental benefits. These benefits also have wider positive financial and social benefits, such as by reducing the need to redirect public expenditure towards mitigating the effects of climate change.

455. Furthermore, 'global responsibility' is one of the seven well-being goals set out in the Well-being of Future Generations Act. This means that public bodies must work to achieve the global responsibility goal and take it into consideration across all their decision-making.

456. Research published in 2021 – **Wales and Global Responsibility** – commissioned by Size of Wales, WWF Cymru and RSPB Cymru shows that 30% of the land used to grow Welsh imports of commodities is in countries where there is a high or very high risk for deforestation and social issues, including child or forced labour.

457. Meanwhile, **Wrap estimates** that at a UK-level, an area almost the size of Wales would be needed to produce the food and drink that are currently wasted. According to **Wrap Cymru**, around 525,000 tonnes of food waste was produced in Wales in 2018.

458. It is envisaged that the proposed Bill will ensure that our global footprint and obligations are placed at the heart of decision-making in Wales. The Bill sets out an holistic approach to the food system, as well creating a strong link with the aims and provisions of the Wellbeing of Future Generations (Wales) Act 2015 through the inclusion of food goals – particularly the well-being goal 'A Globally Responsible Wales'. Not only will this help to reduce the negative global effects of our choices, but it will also promote Wales as a good global citizen that makes ethical decisions around its food system to tackle international issues.

Possible Economic Benefits

459. The Bill's focus on reducing the impact of food production on the global environment through the shortening of supply chains – as is hoped to be established through the National Food Strategy and Local Food Plans – may have positive economic benefits for local producers.

460. It is difficult to quantify exactly what this potential impact will be as this is dependent on the extent to which public bodies are able to source local produce, as well as the

capacity and resources of local producers to meet demand. Public bodies are also bound by their existing procurement contracts, which may limit their ability to source more local produce in the short-to-medium term.

461. However in saying this, public procurement of local food could be a significant market for producers in Wales. Arguably, public bodies currently under-utilise locally produced food when considering their procurement contracts. In a Plenary debate on 9th November 2022, the **Minister for Climate Change stated** that:

... Public sector food procurement spend accounts for some £84 million expenditure a year...

... And whilst I absolutely agree we must use public procurement to lever wide change, we should also put this in context: the total public expenditure on food procurement in Wales is similar to the consumer spending at just one major supermarket outlet in Cardiff...

...Therefore.. there needs to be a societal change in food purchasing patterns.

462. Thus this Bill's focus on placing requirements on public bodies in Wales to focus more on how they procure local food, in conjunction with the **Social Partnership and Public Procurement (Wales) Bill's** focus on 'socially responsible procurement, will help to create more opportunities for Welsh-based producers to supply their products. In turn this may result in more opportunities for Welsh-based companies to expand their operations to meet demand and create more jobs within their community.

463. The food waste goal established by the Bill could have a positive impact on family finances. **Wrap** estimate that – according to 2018 levels of food waste in the UK - food that could have been eaten but gets thrown away is worth around £14 billion at a UK level. This is around £60 per month for the average family with children. During the current cost-of-living crisis, such a reduction in food bills would help to improve people's finances, as well as providing them with more disposable income to put back into local economies.

Possible Benefits for Public Bodies

464. Furthermore, the Bill may have a positive financial impact on public bodies, such as the Welsh Government and Local Authorities, through the intended rationalisation of food-related policies via both the National Food Strategy and Local Food Plans. These

provisions will encourage public bodies to consider and consolidate their existing policies and funding schemes linked to supporting food-related initiatives and tackling food-related issues.

465. This may mean that bodies are able to identify areas of duplicate spending, or areas in which current spending has not achieved its original aims. As such, the Bill could make more funding available in which additional resources could be re-directed to better achieve the aims of this Bill and its wider objectives.

466. As discussed elsewhere in this section, the Food (Wales) Bill has wider societal benefits that may help to reduce the need for additional public spending currently required to meet persistent social challenges. For example, the Bill's focus on establishing a 'more equitable distribution of healthy and sustainable food within communities' - as stated in the Health and Wellbeing food goal – may help levels of food poverty in Wales. Whilst this would clearly have a beneficial outcome for communities, it may have a knock-on effect of reducing Welsh Government spend on combatting the challenges caused by food poverty. The Welsh Government has allocated £4.9 million in the current financial year to alleviate food poverty, and to tackle its root causes.

10. Specific Impact Assessments

This chapter sets out the results of specific impact assessments carried out as part of the RIA.

A) Justice System Impact Assessment (Standing Order 26.6 (xi))

467. This Justice Impact Assessment (JIA) has been prepared in accordance with Section 100 of the Government of Wales Act 2006 and Standing Order 26.6(Xii).

468. Neither the GoWA or Standing Orders specify what a JIA must contain, or the format it should take, only that it is a requirement that a JIA is undertaken. In considering the detail of the JIA for this Bill, I have considered in detail the Ministry of Justice's 'Justice impact tests guidance', together with the relevant test form. I have also considered guidance from Welsh Government on Justice System Impact Identification.

469. While both sets of guidance are aimed primarily at Government Departments, they form a good reference for how to approach the JIA for this Bill.

470. The guidance from both Ministry of Justice and Welsh Government set out two key questions that must be considered when establishing whether a full Justice Impact Test has to be undertaken. The MoJ guidance states:

"Do I need to complete a JIT?"

A JIT needs to be completed for all new policy proposals that could potentially have an impact on any aspect of the justice system. Even if the impacts are expected to be minimal, this must be supported by evidence and agreed between MoJ and the policy-owning department via the JIT process.

The key questions that policy-makers should ask themselves are:

- Is it possible that the policy will increase or decrease the volume of cases going through the courts or tribunals? and/or*
- Will the policy change the way that cases are dealt with by the justice system?*

If the answer to either question is yes, there will be a justice impact however small the change in volume or process might be."

471. I have considered the potential impacts on the justice system of the proposals set out in the Food (Wales) Bill, including on:

- a. courts (criminal and civil);
- b. non-devolved tribunals;
- c. devolved tribunals;
- d. legal aid;
- e. the judiciary;
- f. prosecuting bodies; and
- g. prisons, youth justice and probation services.

472. The Food (Wales) Bill does not create any new offences, sanctions or penalties I am satisfied that it will have no impact on the justice system in England and Wales. The answer to the two key questions set out in the governmental guidance is a clear no.

B) Children's Rights Impact Assessment (CRIA)

Introduction

473. This Children's Rights Impact Assessment (CRIA) considers the effect of the Food (Wales) Bill on children in Wales and their rights under the United Nations Convention on the Rights of the Child (UNCRC).

474. It has been drafted with reference to both the **Children's Commissioner for Wales' Right Way CRIA Framework** and the Welsh Government's **Children's Rights Impact Assessment template: guidance for staff**.

475. In preparing the Bill, children's rights have been considered in terms of the way the policy objectives the Bill seeks to achieve, will have a positive effect or otherwise on the articles of the convention .

Summary

476. This legislation is assessed as having a positive effect on children's rights and should be passed and enacted.

477. It will be universally applied to further the rights of all children in Wales through universal measures set out later in this CRIA. There are not groups of children that will be excluded, or disadvantaged by this policy, either directly or indirectly.

478. It has the potential to improve the rights of children disadvantaged by poverty through measures to tackle obesity rates in Wales. At reception age, children are significantly more likely than the Welsh average to be obese, if they live in areas of higher deprivation. In 2018/19 15.2% of children living in the most deprived quintile were obese compared to 8.5% in the least deprived quintile. This legislation clearly aims to reduce obesity and increase equality through Secondary Food Goal 2, contributing to improved life chances for children from low income households.

The purpose of the Bill

479. The Food (Wales) Bill seeks to establish a more sustainable food system in Wales to strengthen food security, improve Wales' socioeconomic well-being, and enhance consumer choice. The Bill also provides a framework that enables a coherent, consistent and strategic cross-governmental approach to policy and practice on all aspects of the food system.

480. The main focus of the Bill – the Primary Food Goal – is for *"the provision of affordable, healthy, and economically, environmentally and socially sustainable food"*. This is underpinned by

Secondary Food Goals which will have specific targets set by Welsh Ministers in relation to key areas including 'Health and Social', 'Education' and 'Environment'.

481. Welsh Ministers must then prepare and publish a National Food strategy which must set out the overall strategy and individual policies that the Welsh Ministers intend to pursue in order to advance the primary and secondary food goals, and achieve the food targets.

482. The Bill also puts in place a requirement for public bodies, including local authorities and health boards to make and publish a local food plan which must set out the policies that they intend to pursue in order to contribute towards the advancement of the primary and secondary food goals, and the achievement of the food targets.

483. The policies that underpin the Bill are therefore universal and the effect will be to improve the food system at both a national and local level, and across all aspects of it. We believe this will benefit people of all ages, and that there will be a positive impact on children resulting from successful implementation of the provisions of the Bill.

Requirements on Welsh Ministers

484. The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on the Welsh Ministers to pay due regard to the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols when exercising any of their functions. This will include any action required as a consequence of the Bill.

485. The Bill also goes a small step further and places a specific requirement on Welsh Ministers, when making the national food strategy, to have regard to the following United Nations conventions:

- *Article 11 (so far as it concerns adequate food) of the International Covenant on Economic, Social and Cultural Rights,*
- *Article 24(2)(c) (so far as it concerns the provision of adequate nutritious foods) of the United Nations Convention on the Rights of the Child,*
- *Article 27(1) and (3) (so far as they concern nutrition) of the United Nations Convention on the Rights of the Child,*
- *Article 12(2) (so far as it as concerns adequate nutrition during pregnancy and lactation) of the Convention on the Elimination of All Forms of Discrimination Against Women.*

486. The framework set out by the Bill, and the specific requirements placed on Welsh Ministers and other public bodies will, we believe, have a positive impact on the rights of children.

Impact of the Bill on Children

a) Rights to survival and protection from environmental pollution: articles 6 and 27

487. UNICEF have declared that the climate crisis is a children's rights crisis. The basic rights of access to clean water, clean air and health are threatened by climate change and children are disproportionately vulnerable. The UK has been scored 'medium' on the risk index due to a high exposure to environmental shocks and hazards, indicating that children's rights in the UK are threatened by climate change.

488. Taking action to mitigate climate change and reduce exposure to hazards such as air pollution and extreme weather events should therefore reduce threats to the rights of children in Wales and improve wellbeing.

489. The Secondary Food Goal in the Bill for Environment includes a requirement for Welsh Ministers to set targets for:

- Enhancing and regenerating the natural environment through food production.
- Restoring and maintaining biodiversity and habitats through food production
- Promoting a food system that—
 - a) mitigates and adapts to climate change; and
 - b) minimises Wales' global environmental footprint.

490. This will ensure that the Bill can play its part in helping to tackle the climate emergency which will have a positive benefit for children now and in future generations.

491. We also know that climate anxiety is a rising concern among young people in Wales. This has already been discussed in the Senedd in questions to the Minister for Education and the Welsh Language. We note that the Climate and the Environment is one of the three priorities chosen by Members of the Second Youth Parliament.

b) Rights to health and development : article 6, article 24, and article 27

492. The provision of healthy food is included within the Primary Food Goal of the Bill. The Secondary Food Goal within for Bill on Health and Social includes a number of areas against which the Welsh Ministers will set targets. We believe these too will all have a positive impact on children's rights. For example in tackling childhood obesity where latest [all.Wales.statistics](#) show that 12.6% of children in Wales were categorised as obese.

493. These areas include:

- Reducing malnutrition, food poverty and food insecurity.
- Reducing obesity.
- Encouraging equitable distribution of healthy and sustainable food within communities.
- Promoting the social wellbeing benefits of food, including through community growing and allotments.
- Promoting the importance of consuming healthy food for improving physical and mental health and wellbeing.

c) Rights to development, food education and nutrition: article 6 and article 24

494. Another of the Secondary Food Goals in the Bill relates to Education, and again includes a number of areas against which the Welsh Ministers will set targets. These areas include:

- Increasing the quality and accessibility of educational provision on food-related issues.
- Developing food skills to ensure better, healthier diets and well-being.

495. Improving education on the benefit of healthy food will provide benefits to all ages. Providing education to include children and young people should maximise their opportunities to develop healthy lifestyles at a young age. While it would be for the Welsh Government to set any targets relating to these areas, and for public bodies to embed these within local food plans, there is clear scope for targets to extend to schools, nurseries, and other settings where children are provided with food.

Consultation

496. Two consultations have been undertaken on this proposed legislation. Some of the benefits identified in these responses will have a clear and positive impact on children's rights - such as health and environmental rights. In its response, Aneurin Bevan Gwent Public Health Team said:

the recent commitment to provide universal Free School Meals to all Primary aged children also included the desire to increase the amount of locally produced food. This ties in with the commitment to produce a Community Food Strategy to strengthen local food supply chains.

497. No concerns were raised specifically in relation to children and young people.

C) Impact on the Welsh Language

Purpose of the Bill

498. The Food (Wales) Bill seeks to establish a more sustainable food system in Wales to strengthen food security, improve Wales' socioeconomic well-being, and enhance consumer choice. The Bill also provides a framework that enables a coherent, consistent and strategic cross-governmental approach to policy and practice on all aspects of the food system.

499. Public consultations on the proposals, including consultation on the draft Bill, did not result in any consultee outlining a way these proposals could harm the Welsh language. The proposals will not affect the sustainability of Welsh speaking communities or Welsh medium education and Welsh learners of any ages.

500. While the provisions of the Bill may not impact directly on Welsh Government policies on the Welsh Language, I believe there could be a number of positive impacts across the agriculture sector flowing from the Bill.

501. Despite the small size of the agricultural sector (2% of all workers in Wales), agriculture accounts for a relatively larger share of all Welsh speakers (5% of all speakers). The agriculture sector has the highest share of Welsh speaking workers in Wales at 43%, compared with the average for workers across all sectors at 16.6%.

502. There is evidence that agri-food businesses, including agriculture, in Wales are providing more favourable conditions for use of the Welsh language compared with other industries, with high proportions of the workforce not only being able to speak Welsh, but using it in the

workplace. Research shows almost two-thirds (65%) of Welsh speakers on Small and Very Small farms in Wales speak the language daily.

503. Given the relatively high proportion of Welsh speakers in agriculture, the prevalence of the Welsh language on small family farms, and the evidence that Welsh is in everyday use in the industry, there is the potential that the Bill could have a positive impact on the Welsh language.

504. The Bill includes provisions that require Welsh Government to make a National Food Strategy, and to set specific targets for meeting the 'Food Goals' prescribed in the Bill. In delivering on these duties the Welsh Government has a statutory obligation to fully consider the effects of its work on the Welsh language.

505. The other public bodies with duties falling from the Bill's provisions also have a statutory duty to meet the Welsh Language standards set out in the Welsh Language (Wales) Measure 2011. The Bill also provides for the newly created Food Commission to be added to the list of public bodies required to meet the standards of that Measure.

D) Other impact assessments

506. The policy objectives of the Bill will have a direct impact on many areas on life. The benefits and implications of this are covered in detail in the main body of the Explanatory Memorandum.

507. The specific impact on different areas are covered in Part 1, Chapter 3: Purpose and intended effect of the Bill; and Part 2: Regulatory Impact Assessment. These areas include the impacts on, and benefits to, areas that include:

- Health and well-being
- Rural
- Sustainable Development

11. Part 3: EXPLANATORY NOTES

Introduction

508. These Explanatory Notes are for the Food (Wales) Act, which Peter Fox MS was given leave to introduce on 17 November 2021, introduced on 12 December 2022 and which received Royal Assent on [XXXX]. They have been prepared by Peter Fox MS to assist the reader of the Act.

509. The Explanatory Notes should be read in conjunction with the Act but are not part of it. They are not meant to be a comprehensive description of the Act.

Commentary on sections

Food goals

510. Sections 1 to 3 set out the general duty to advance the primary and secondary food goals.

Section 1

511. Section 1 places a duty on all public bodies (as defined in section 22) to take reasonable steps to advance the food goals. These food goals are the primary food goal (in section 2) and the secondary food goals (in section 3).

Section 2

512. This section sets out the primary food goal. That goal is the provision of affordable, healthy, and economically, environmentally, and socially sustainable food for the people of Wales.

Section 3

513. This section sets out the secondary food goals. There are five secondary food goals, and the table in section 3 describes these goals in more detail. The Welsh Ministers may make regulations amending these descriptions of secondary food goals. Before making any amendments, they must first consult with the Welsh Food Commission (as established in section 8).

Food targets

514. Sections 4 to 7 set out specific duties for the Welsh Ministers to set and review food targets.

Section 4

515. The Welsh Ministers must set one or more targets for each secondary food goal. These targets must be set out in regulations (a form of secondary legislation). Targets must be concrete, that is they must be capable of being measured and must include a date by which they will be achieved. The first regulations setting targets must be made within 2 years of this section coming into force. A target must be set for each individual secondary food goal.

Section 5

516. Before setting the targets, the Welsh Ministers must first get the advice of the Welsh Food Commission and independent experts. Targets must be realistic, that is, they must be capable of being met.

Section 6

517. Targets must include a reporting date. On or before that reporting date, the Welsh Ministers must make a statement setting out whether that target has been met, or not met. If the target is not going to be met, the statement must set out why this is so, and what measures are being taken to meet it. This statement must be published and laid before the Senedd.

Section 7

518. Targets must be reviewed at least once every 5 years to determine if the target would contribute towards meeting the primary food goal. Reviews must be published and laid before the Senedd. Welsh Ministers must seek the advice of the Welsh Food Commission in carrying out reviews.

Welsh Food Commission

519. Sections 8 to 11 and the Schedule establish the Welsh Food Commission.

Section 8

520. Section 8 establishes a new public body, the Welsh Food Commission, in Welsh, Comisiwn Bwyd Cymru.

Section 9

521. The primary purpose of the Commission is to advance the food goals and to facilitate the achievement of the food targets.

Section 10

522. This section sets out in more detail how the Commission is to carry out its role. In overview, it advises and informs the Government, scrutinises official policies and educates the Government and the general public on food matters.

Section 11

523. This section introduces the Schedule. The Schedule sets out the detail of the administrative workings of the Commission.

National food strategy

524. Sections 12 to 16 set out new duties upon the Welsh Ministers to make, report on, and review a national food strategy. All public bodies must work towards this strategy.

Section 12

525. The Welsh Ministers are under a duty to create a national food strategy within 2 years. This must cover the general approach they will take as a Government as well as specific policies in order to advance the food goals and hit the food targets. The strategy must be laid before the Senedd.

Section 13

526. In making the national food strategy, the Welsh Ministers must take on board views from other parties: the Welsh Food Commission, the Future Generations Commissioner, and other independent experts. They must also consider various international standards on food.

Section 14

527. In carrying out their functions, all public bodies must bear in mind the national food strategy.

Section 15

528. Every two years the Welsh Ministers must report on the effectiveness of the national food strategy, and whether or not it is contributing towards meeting the food goals and food targets. This report must be laid to the Senedd.

Section 16

529. The national food strategy must be reviewed every five years by the Welsh Ministers. If appropriate, the strategy must then be revised. If the strategy is to be revised, it must follow the same procedure on consultations as it does when the strategy was made.

Local food plans

530. Sections 17 to 21 set out the requirements to make a local food plan – the level below the national food strategy. All public bodies must make local food plans.

Section 17

531. Every public body (except the Welsh Ministers) must make a local food plan within two years. Public bodies are defined in section 22. The local food plan will set out the policies that the public body will pursue in order to meet the food goals and the food targets.

Section 18

532. In making a local food plan, a public body has the power to consult with the Welsh Food Commission, the Future Generations Commissioner and others. In making the local food plan, the public body must also bear in mind the national food strategy.

Section 19

533. In carrying out work relating to food matters, the public body must bear in mind its local food plan.

Section 20

534. Every two years, public bodies must report upon their local food plans. The report must state how the plan has contributed towards the food goals and the food targets.

Section 21

535. Every five years public bodies must review their local food plans. They may then amend their plan. If the plan is to be revised, it must follow the same procedure on consultations as it does when the plan was made.

General provisions

536. Sections 22 to 26 set out general provisions.

Section 22

537. Public bodies include the Welsh Ministers, local authorities and Local Health Boards. There is a power to amend this list, but Welsh Ministers cannot be removed from the list.

Section 23

538. Regulations must not be made under this Act unless Senedd Cymru has first approved a draft of those regulations.

Schedule – Welsh Food Commission

539. The Schedule contains standard administrative and technical provisions about the Commission. These include provisions on its status, membership, salary, staff, internal workings, funding, reports, accounts, audit and consequential amendments to other legislation.

12. Annex: Index of Standing Order requirements

Standing Order 26.6 requires certain documentation to accompany a Bill. The following index sets out where these can be found in the Explanatory Memorandum.

Table 11: Index of Standing Order requirements.

Standing order		Section	Page
26.6(i)	Statement that the provisions of the Bill would be within the legislative competence of the Senedd.	Member's declaration	Page i
26.6(ii)	Set out the policy objectives of the Bill.	Chapter 3 - Purpose and intended effect of the legislation Chapter 4 – What the Bill does and why	Pages 2 to 39 Pages 40 to 57
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted.	Part 2 – Regulatory Impact Assessment	Pages 70 to 102
26.6(iv)	Set out the consultation, if any, which was undertaken on: (a) the policy objectives of the Bill and the ways of meeting them; (b) the detail of the Bill, and (c) a draft Bill, either in full or in part (and if in part, which parts).	Chapter 5 – Support for the Bill and public consultation	Pages 58 to 64
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended.	Chapter 5 – Support for the Bill and public consultation	Pages 58 to 64

Standing order		Section	Page
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision.	Not applicable for this Bill as it was previously published as a draft.	
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill.	Part 3 – Explanatory Notes	Pages 111 to 115
26.6(viii)	Set out the best estimates of: (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise; (b) the administrative savings arising from the Bill; (c) net administrative costs of the Bill's provisions; (d) the timescales over which such costs and savings would be expected to arise; and (e) on whom the costs would fall.	Part 2 – Regulatory Impact assessment	Pages 70 to 102
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially. *note: no environmental and social disbenefits arising from the Bill have been identified, and as such are not covered in the Explanatory Memorandum.	Chapter 3 - Purpose and intended effect of the legislation Chapter 4 – What the Bill does and why Part 2 – Regulatory impact assessment	Pages 2 to 39 Pages 40 to 57 Pages 70 to 102

Standing order	Section	Page
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure).</p>	Chapter 5 - Power to make subordinate legislation Pages 65 to 68
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.	The Bill contains no provision that would charge expenditure on the WCF and therefore the requirement of Standing Order 26.6(xi) does not apply to this Bill
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a "justice impact assessment"), in accordance with section 110A of the Government of Wales Act 2006.	Part 2 - Regulatory impact assessment. Justice Impact Assessment Pages 103 to 104

26.6A	The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26.6 can be found within it, by means of an index or otherwise.	Annex: Index of Standing Order Requirements	This Annex
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	No provisions contained in the Bill are derived from existing primary legislation. Therefore the table of derivations set out in Standing Order 26.6B is not required.	
26.6C	Where the Bill proposes to significantly amend existing legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	The Bill does not significantly amend existing primary legislation. Therefore the schedule set out in Standing Order 26.6C is not required.	