

FDF Cymru notes to the Economy, Trade and Rural Affairs Committee consultation on the Food (Wales) Bill

January 2023

Food and Drink Federation (FDF) Cymru represents the food and drink manufacturing industry in Wales. We are Wales' largest manufacturing sector, accounting for over 12% of total manufacturing turnover. Our gross value added to the economy is £1.7 billion, representing over 15% of Welsh manufacturing value added. There are 555 food and drink manufacturing businesses, employing 22,500 people, representing 16% of the Welsh manufacturing workforce. In 2021, manufactured food and drink exports from Wales increased by 20.1% to £558 million from 2020.

We welcome the opportunity to comment on the principles of the Food (Wales) Bill. We have responded directly to the question on the individual aspects of the Bill, and in those responses we cover some questions and comments on the practical implications of the Bill and therefore cover barriers and complications we can see arising from it. Our responses are informed in part by the experience of the FDF Scotland team of the passage of the Good Food Nation (Scotland) Act 2022 which sets out similar duties on public bodies in Scotland.

Q1: The general principles of the Food (Wales) Bill and the need for legislation to deliver the stated policy intention. In coming to a view on this you may wish to consider addressing the individual aspects of the Bill:

- Food goals and targets
- Welsh Food Commission
- National food strategy
- Local food plans
- General matters including meaning of terms, regulations, interpretation, and commencement

Food goals and targets

We are supportive of the Welsh Government's approach to supporting Wales' critical food and drink industry. This has been an important part of Welsh Government activity for many years.

FDF Cymru agrees with the Bill's overall ambition for a safe and secure food and drink supply chain in Wales. To achieve this, it is fundamental that the food and drink supply chain is resilient to the challenges it faces currently, and to future challenges. Therefore, we believe that resilience of the supply chain should also be considered as one of the overarching principles that the Bill seeks to ensure.

The Food (Wales) Bill should also give due consideration to similar work in other nations in the UK, notably the Good Food Nation Bill in Scotland and the National Food Strategy in England. Where possible and appropriate, these should complement one another to address the UK Food Supply Chain as a whole.

However, we do not feel there is a compelling need for legislation. From a food and drink industry perspective we do not feel there is a particular need for this legislation and indeed are concerned it would introduce unnecessary complexity and bureaucracy. The primary food goal as set out in the Bill as introduced - "... the provision of affordable, healthy, and economically, environmentally, and socially sustainable food for the people of Wales" – is laudable but it is no different than we would expect the Welsh Government – or indeed any government across the UK – to deliver without regulatory requirement.

The secondary food goals set out in Table 1 of the Bill begin to show where some of the complexity and bureaucracy will lie. We think this will become apparent in three separate areas:

- In the passage of the Bill itself, where these food goals will be the subject of significant debate during the Bill process. Multiple interest groups will seek to insert additional secondary food goals or add to the description of individual goals. This may lead to greater burden on public bodies if the Bill balloons in content. It could also lead to less scrutiny of future government initiatives and regulations in the Senedd if wide areas are included here (and the food goals are already incredibly wide).

- In the work of public bodies as they seek ways to engage and report on the primary and secondary food goals for their local food plans to meet their legislative requirements. As noted above this will increase if the secondary goals increase (and the National Food Strategy can make this even more complex).
- In the burden on businesses, third sector bodies, business representative organisations and other parties who should be consulted on both national and local food plans. This will potentially create a separate industry of consultation and response – in particular if the local food plans are to cover all the areas supported by the primary and secondary food goals.

This will also become apparent when Welsh Ministers are tasked with the setting of targets. They will be bound by the nature and form of the goals (which is of course the policy intent of the Bill), and the targets they set will be defined by the constraints of those goals. This could potentially fetter innovation and, given the complexity and difficulty of setting targets for complex and possibly contradictory goals will definitely lead to difficulties in terms of measurement of delivery.

At this stage we do not have specific comments on individual secondary food goals other than to note that economic wellbeing in Wales also must emphasise the importance of food and drink production as a national asset, supporting Welsh businesses to stay competitive with and trade with the rest of the UK and export internationally, and deliver inward investment to Wales from UK and international businesses investing in Welsh production facilities.

We note the proposed ability of Welsh Ministers to subsequently amend description of a secondary food goal through regulation. This is welcome – though of course that power could also be extended to allow amending of the goals themselves to allow more flexibility. We also note that to do so Welsh Ministers must consult the Welsh Food Commission before laying the regulation. Whilst we assume the regulatory process will subsequently be followed including broader public consultation before the laying of any such regulation it would be reassuring for that to be spelled out. The concern being that the Welsh Government may seek to lay such regulations without normal consultation having only consulted with the Welsh Food Commission.

Welsh Food Commission

We note this parallel development to that of the Scottish Food Commission. As we understand it, in principle this adds an additional layer of scrutiny to any decisions made that are part of the food goals. We would question the need for this additional public body, especially as the Food and Drink Wales Industry Board already exists and fulfils at least some of these functions. It could also be argued that the proposed commission's functions overlap with other existing bodies such as the Food Standards Agency especially in giving advice and guidance to both public bodies and to the public. This is likely to cause confusion and at the very least added complexity.

Given the difficulties of the current financial environment we would also question whether this would be the best use of public money, potentially reducing the financial ability of the funding body to deliver more practical help and support to community groups, businesses and individuals.

If goals are included in legislation then it is imperative that any Food Commission set up includes industry representation to ensure industry views are heard and understood by the Commission.

It should be noted that, whilst the Scottish Food Commission was legislated for in June 2022 the Scottish Government has [recently intimated](#) that the Scottish draft national good food nation plan will be laid before parliament in spring 2024 and the final version published in autumn 2024. The Scottish Food Commission will also be established in autumn 2024 ready to assume its functions in relation to the first national good food nation plan.

National food strategy

In line with the Welsh Government's [Food Vision](#) we already see an approach that supports and develops food and drink production in Wales and works to enable robust and resilient supply chains at all levels. How would the Senedd intend that the National Food Strategy be different from this vision? Our comments above indicate how we feel that the goals (and the setting of the goals) may mean that any National Food Strategy legislated for in this Bill (and indeed in other Welsh legislation, for example on promotions restrictions) may create inconsistency and potentially fetter innovation. Again we would question the need for legislation. We do agree that for local food plans to make sense they would need to be set with a developed within the framework set for

a national food strategy.

We are also of the view that food and drink businesses and organisations across Wales should be consulted as part of the development of any national (or local food strategy).

Local food plans

As we note earlier, local food strategies have the potential to be significantly bureaucratic and potentially costly for the public bodies concerned (there has been no development of local food plans in Scotland as yet so we cannot comment on actual experience). To be fair and equitable there should be consultation on the development of these plans with food and drink businesses and with relevant business organisations. The ability of businesses and representative organisations to engage effectively with multiple plans from multiple public bodies is likely to be highly restricted – leading to ineffective policy and activity and the danger of a disenfranchised business community that wants to concentrate on delivering economic and social value throughout the Welsh supply chain.

General matters including meaning of terms, regulations, interpretation, and commencement

No particular comments at this stage.