



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs, Islands and Natural Environment Committee

Wednesday 11 May 2022

Session 6



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Wednesday 11 May 2022

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RURAL AFFAIRS, ISLANDS AND NATURAL ENVIRONMENT COMMITTEE

15th Meeting 2022, Session 6

CONVENER

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

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

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

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

*Ariane Burgess (Highlands and Islands) (Green)

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

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

*Jenni Minto (Argyll and Bute) (SNP)

*Mercedes Villalba (North East Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Maurice Golden (North East Scotland) (Con)

Mairi Gougeon (The Cabinet Secretary for Rural Affairs and Islands)

Rhoda Grant (Highlands and Islands) (Lab)

Monica Lennon (Central Scotland) (Lab)

Colin Smyth (South Scotland) (Lab)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs, Islands and Natural Environment Committee

Wednesday 11 May 2022

[The Convener opened the meeting at 09:00]

Subordinate Legislation

Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2022 (SSI 2022/107)

The Convener (Finlay Carson): Good morning, everyone, and welcome to the 15th meeting in 2022 of the Rural Affairs, Islands and Natural Environment Committee. I remind members who are using electronic devices to switch them to silent.

Our first item of business is consideration of the Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2022. I refer members to page 3 of paper 1.

Do members have any comments on the regulations?

Ariane Burgess (Highlands and Islands) (Green): I would like the committee to ask the Scottish Government why it has chosen to make permanent changes through regulations 2 and 3(7)(b) and what the

“new approach of targeted inspections using relevant data and improved education and engagement with applicants”

means in practice, including what data the targeting is based on.

The policy note states:

“The 2022 Regulations will have no impact on stakeholders or members of the public as they simply assist and enable officials to carry out controls despite the coronavirus pandemic and related restrictions.”

If the regulations mean that there will be fewer on-the-ground inspections on farms and crofts that have not complied with rules on protecting soil and water quality and environmental protection, is it not the case that they will have an impact on the local environment as well as on biodiversity and the climate and will therefore impact on the public? I would like the committee to ask the Government that question.

The Convener: Okay. That is fine.

As there are no other questions, are members content for me to write to the Scottish Government to ask the questions that Ariane Burgess has laid out?

Members indicated agreement.

European Union (Withdrawal) Act 2018

Animal Welfare (Miscellaneous Amendments) Regulations 2022

09:02

The Convener: Agenda item 2 is consideration of the consent notification for the Animal Welfare (Miscellaneous Amendments) Regulations 2022. I refer members to paper 2 and paper 3, from page 11.

Do members have any comments on the regulations?

Ariane Burgess: I agree with the Scottish Government’s decision, but I would like the committee to ask it to explain how its decision to consent to the provisions being included in the United Kingdom legislation can be reconciled with its stated intention to maintain regulatory alignment with European Union law and the high standards that Scotland enjoyed as part of the EU when the UK is applying to join free trade agreements such as the comprehensive and progressive agreement for trans-Pacific partnership, or CPTPP. According to a House of Lords committee report, that raises concerns about food that is imported to lower standards

“undercutting UK farmers and undermining the UK’s food standards regime.”

The Convener: Are members content that we write to the Scottish Government to ask the question that Ariane Burgess has set out, to seek further information about requirements for reporting on the welfare of animals during transportation, and to ask about its policy of cost recovery from transporters in the event of non-compliance with animal welfare requirements?

Members indicated agreement.

The Convener: I will briefly suspend the meeting to allow the Cabinet Secretary for Rural Affairs and Islands to join us for our next agenda item.

09:03

Meeting suspended.

09:05

On resuming—

Good Food Nation (Scotland) Bill: Stage 2

The Convener: Under agenda item 3, we will consider the Good Food Nation (Scotland) Bill at stage 2. I welcome the Cabinet Secretary for Rural Affairs and Islands and her supporting officials.

Before we begin, I will explain the procedure briefly for anybody who is watching. There will be one debate on each group of amendments. I will call the member who lodged the first amendment in the group to speak to and move that amendment and to speak to all the other amendments in the group. I will then call any other members who have lodged amendments in the group. Members who have not lodged amendments in the group but who wish to speak should catch my attention. If the cabinet secretary has not already spoken on the group, I will then invite her to contribute to the debate. The debate on the group will be concluded when I invite the member who moved the first amendment in the group to wind up.

Following the debate on the group, I will check whether the member who moved the first amendment in the group wishes to press it to a vote or to withdraw it. If they wish to press it, I will put the question on that amendment. If a member wishes to withdraw their amendment after it has been moved, they must seek the agreement of other members to do so. If any member present objects, the committee will immediately move to the vote on the amendment.

If any member does not want to move their amendment when they are called, they should say, "Not moved". Please note that any other member present may move that amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in a division is by a show of hands. It is important that members keep their hands clearly raised until the clerk has recorded the vote.

The committee is required to indicate formally that it has considered and agreed to each section of the bill, so I will put a question on each section at the appropriate point.

We might not be able to conclude stage 2 consideration at today's meeting, in which case we will do so at next week's meeting.

I draw members' attention to a pre-emption in the final group, which is on scrutiny of regulations. Amendment 60 pre-empts amendments 61 to 63,

which means that, if amendment 60 is agreed to, I cannot call amendments 61 to 63. I do not anticipate reaching that group today, but I wanted to ensure that that was brought to members' attention. That information will be included in the groupings document ahead of next week's meeting.

Before section 1

The Convener: Amendment 1, in the name of Rhoda Grant, is grouped with amendments 31, 2, 9, 16, 23, 81, 25, 82 and 27.

Rhoda Grant (Highlands and Islands) (Lab): In February, the cabinet secretary told the Rural Affairs, Islands and Natural Environment Committee that

"it is the Good Food Nation (Scotland) Bill that will put in place the long-term planning that is necessary to make both the practical and cultural changes that we need to make human rights around food a reality for everyone in Scotland."—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 23 February 2022; c 2.]

I welcome that commitment. The bill has the potential to be world leading in its approach, and amendment 1 seeks to put that aim and purpose in the bill. When we introduce legislation, its central aim should be clear for all to see in the bill. The Scottish Government has committed to enshrine our human rights into Scots law, and I welcome that step. However, without legislation and policies in place, that will simply repeat the rights that we already have.

As part of our ratification of international treaties, we already have the right to food. Despite that, we have a growing problem with hunger and malnutrition, which we must address. If we do not implement that right to food, we will store up problems for the future, such as the cost of poor health, the resurfacing of diseases due to malnutrition and the impact of hunger on our younger generations. It is impossible to learn on an empty stomach, so I welcome moves towards free school meals and policies that address holiday hunger. However, those policies are simply sticking plasters for the problem. To deal with hunger, we need to deal with the root causes and allow every family to be able to feed their children. The inability to do that is inhumane and soul destroying. With this bill, we have the opportunity to put in train policies to deal with that. I urge members to support the amendment in my name.

I move amendment 1.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Amendment 31 seeks to address a number of issues that I believe the bill should set out to tackle. The bill must encompass diet, climate change, agriculture, resilience and

public health, and I believe that amendment 31 matches the ambition that the bill intends to achieve.

In proposed new subsections (2)(c) to (2)(e), which my amendment 31 would insert, I have included agriculture and, importantly, farmers. For far too long, farmers have felt frustrated by the lack of local food in schools and hospitals. If we are truly to be a good food nation, farmers must be absolutely at the heart of the bill.

We also need to improve Scotland's health record on food, diet and obesity. In Scotland, 65 per cent of people are overweight and a third are obese. When it comes to our diet, we have been branded the sick man of Europe, because people regularly eat calorie-dense, nutrient-deficient foodstuffs. According to current trends, by 2035, more than 480,000 people in Scotland will be living with diabetes. It is estimated that 6.7 per cent of men and 4.2 per cent of women are living with chronic heart disease. The issue of diet is covered in proposed subsection (2)(h). I believe that the purpose list—from proposed subsections 2(a) to (i)—is succinct and easily interpreted. The comprehensive list combines to form a robust purpose for the bill.

Colin Smyth (South Scotland) (Lab): Like amendment 1, in the name of Rhoda Grant, and amendment 31, in the name of Rachael Hamilton, amendment 2, in my name, seeks to provide a purpose clause in the bill. That purpose should be unambiguous, and the bill should enable Scotland to become a good food nation. It must establish a clear framework for legislation and policy that aims to ensure that everyone in Scotland can fully realise their right to food, protects and enhances our environment and animal welfare, improves public health and delivers improved social and economic wellbeing, which is a key point in the Government's vision for the good food nation.

In its stage 1 report, the committee highlighted that two thirds of respondents felt that the bill needed to be

“clearer on its purpose and outcomes”.

Many stakeholders raised “serious concerns” about the bill's “lack of ambition” and direction. The bill has been described by the Scottish Government as giving practical effect to the right to food as well as being a means of ensuring that the food system contributes to improved social, economic, environmental and health outcomes. However, those principles need to be in the bill and, crucially, must relate to the bill as a whole, not just a “good food nation plan”, as is suggested in amendment 9, in the name of the cabinet secretary.

The bill is an opportunity to set out the Government's ambition for the future of food

policy, and that goes beyond just a good food nation plan. Amendment 9 does not achieve that. Unlike the purpose clauses that have been proposed, it simply asks for “regard” to be had to a number of areas, and even the wording of those areas does not offer any meaningful direction of what we want the bill to achieve. A statutory expression of purpose would provide a clearer, more specific statement of the aims of the bill to ultimately assess progress. That is the very clear view of stakeholders, and it would be hugely frustrating if, at this stage in the bill process—when there has been so much consensus from so many organisations and such strong cross-party support—the Government were to unilaterally opt out of that consensus. I urge members to support the amendments in the group, particularly those that propose a purpose clause, because the bill would be weaker without them.

09:15

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): Amendments 9 and 23 are a response to the committee's recommendations in its stage 1 report on giving further thought to the inclusion of more high-level objectives to reflect the broad vision and ambitions of the good food nation policy. The recommendation also reflected the views of many stakeholders. We agree that it would be valuable to set out our ambition in the bill, to underpin what it aims to achieve.

We have taken into account the recommendations of the committee and the contributions from stakeholders as to how that ambition should be included in the bill. We have carefully considered how to reflect that input while ensuring that any amendment has the necessary legal effect and provides clear direction to ministers.

Amendments 9 and 23 set out five principles that the Scottish ministers and relevant authorities must have regard to when preparing their good food nation plan. The five principles are intentionally high level and are set out in a format that gives them legal effect and provides clarity for the Scottish ministers and relevant authorities on what is expected of them.

We consider that the right place in the bill to state the principles is immediately following the obligations on the Scottish ministers and relevant authorities to prepare the plans. That is so that all the provisions in relation to preparing the plans follow on from one another, in a logical order.

Amendments 16 and 25, in my name, are consequential amendments arising from amendments 9 and 23. The amendments are to

ensure that, as well as having regard to the principles when preparing the good food nation plans, the Scottish ministers and relevant authorities must have regard to the principles when revising the plan. Amendment 27, in my name, is also a consequential amendment arising from amendments 9 and 23. It provides a definition of “food business sector”, given that the phrase is used in amendments 9 and 23.

Amendments 81 and 82, in the name of Ariane Burgess, set out that relevant authorities should publish a statement alongside their good food nation plan and any revision of the plan, which sets out how, in preparing or revising the plan, the authorities complied with the requirement to have regard to the national good food nation plan. It would also have a section relating to the principles inserted by amendment 9. I am happy to support amendments 81 and 82.

I turn to amendments 1, 2 and 31, in the names of Rhoda Grant, Colin Smyth and Rachael Hamilton respectively. I recognise the points that the members have made. All those amendments propose text for setting out a purpose in the bill. However, as I hope that I have been able to outline, when drafting the proposed principles of the bill, we have taken care to ensure that they have legal effect. Amendments 1, 2 and 31 do not have legal effect: they are statements that do not place a duty on the Scottish Government or relevant authorities. The effectiveness of the Parliament’s legislative function depends on ensuring that bills, which will become the law of the land, contain only propositions that will have legal effect.

Amendments 9 and 23, in my name, have been drafted to reflect the views of stakeholders, to have the text in the bill that sets out its purpose or objective and to ensure that the text has the legal effect that the Scottish ministers and relevant authorities must have regard to the principles when developing their good food nation plans. For those reasons, I urge the committee not to support amendments 1, 2, and 31 but instead to support amendments 9 and 23 and amendments 16, 25 and 27, which are consequential to those.

Ariane Burgess: Section 9 requires relevant authorities to have regard to the national good food nation plan when preparing their own plans. Amendments 81 and 82, in my name, provide that relevant authorities should publish a statement alongside their good food nation plan and any revision of that plan, which sets out how, in preparing or revising the plan, they have complied with the requirement. The statement will have to set out how the relevant authorities have complied with the set of principles that are inserted by amendment 9, which the cabinet secretary spoke about a moment ago. It is vital that the relevant

authority plans, as well as the national ones, reflect those key principles. The statements will provide the necessary underpinning to ensure that the plans are effective.

Amendments 81 and 82 will ensure that there is clarity about how relevant authorities have considered the content of the national plan when drafting their own plans. They also reflect the importance of maintaining clear links between the national and local, acknowledging that a whole systems approach to food requires effective dialogue between those two levels.

I urge the committee to support the cabinet secretary’s amendments in the group and amendments 81 and 82.

I will also comment on amendments 1, 2 and 31. On amendment 1, the purpose of the bill should be wider than to give effect to the right to food; it should be to achieve all the principles that are set out in the Government’s amendment, which includes the principle that adequate food is a human right that is essential to the realisation of other human rights.

In the case of amendments 2 and 31, I prefer the list of principles in amendment 9, in the name of the cabinet secretary. Her list serves to make clear the purpose of the plans and, by extension, the bill. It has a firmer legislative basis than a general purpose clause. Given that the principles have a specific legal effect, they need to be reflected in the creation of good food nation plans.

Under the Bute house agreement, I contributed to the development of Ms Gougeon’s principles to ensure that they include the good recommendations from witnesses from whom we heard in committee, including in relation to the role of the food system in contributing to the mitigation of climate change; the reversal of biodiversity loss and the improvement in animal welfare; the fact that adequate food is a human right that is essential to the realisation of other human rights; and the importance of resilient supply chains, fair work standards and resilient local economies. I will continue to work with the Government to further improve the list of principles through stage 3 amendments.

The Convener: I call Rhoda Grant to wind up and to press or withdraw amendment 1.

Rhoda Grant: I will press amendment 1, and I support the other amendments in the group. However, I have to agree with Colin Smyth that the Government’s amendments do not go far enough on their own. The purpose of the legislation must be clear in the bill. If we draft legislation properly, it will last for generations, and we must remind future generations what the bill set out to do. Being clear that the purpose of the legislation is

“to give effect to the human right to food”

will ensure that future generations will not face hunger as the current generation has. I appeal to the committee to support amendment 1, because I believe that it will make a difference to the bill and its implementation in the future.

I am disappointed that Ariane Burgess does not support my amendment—I urge her to think again, because I believe that it is a principle that the Greens hold dear and that we will be judged badly if we do not support it. Therefore, I ask members to support amendment 1.

The Convener: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 1 disagreed to.

Amendment 31 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 31 disagreed to.

Amendment 2 moved—[Colin Smyth].

The Convener: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 2 disagreed to.

Section 1—Requirement to produce plan

The Convener: Amendment 3, in the name of Rhoda Grant, is grouped with amendments 5, 40, 10, 10A, 12, 12A, 14, 15, 17, 18, 28 and 29.

Rhoda Grant: Amendments 3, 15, 17, 28 and 29 would require plans and revisions to be set out by regulation. Amendment 3 would require that for the first plan and amendment 15 would require it for revisions. Amendment 17 is a consequential amendment, because section 6(4) would no longer be required if the plan was set out in regulations, as all regulations are published and laid before the Parliament.

Amendments 28 and 29 are consequential amendments to make the regulations subject to the affirmative procedure. That would mean that plans and revisions were subject to scrutiny by the Parliament—in committee and in the chamber—and were voted on. It is only right for such plans to have parliamentary scrutiny and approval, if we are to put right our broken food system.

I move amendment 3.

Mairi Gougeon: First, I will deal with the amendments on additional parliamentary scrutiny. The bill provides for parliamentary scrutiny of the national good food nation plan, and the Scottish ministers are required to lay the plan before Parliament within 12 months of the relevant section coming into force. They must also lay before Parliament every two years a report that sets out the progress that has been made in that reporting period towards achieving the outcomes that the national good food nation plan sets out. They must review and, if necessary, revise the plan every five years and, again, lay the revision before Parliament.

We have taken on board the calls from the committee and stakeholders at stage 1 for greater levels of parliamentary scrutiny for the national

good food nation plan. Amendments 5 and 10, which are in my name, will achieve that aim by requiring the Scottish ministers to lay a draft version of the national plan before Parliament and then giving Parliament a 28-day period to scrutinise and comment on the draft plan. The Scottish ministers will then have three months to finalise the plan before publishing and laying the final plan under section 1(1). When finalising the plan, ministers will be required to have regard to any comments that Parliament has made.

The Scottish ministers will be required to demonstrate that they have had regard to Parliament's views by laying a statement alongside the final plan that sets out what representations they received from Parliament on the plan's contents and outlining how they have had regard to those points when preparing the final version of the plan. Amendment 18, which is in my name, will ensure that the additional scrutiny process also applies to revised versions of the plan. That approach fairly and appropriately increases the amount of scrutiny that is afforded to Parliament over the preparation of the plan, without unduly complicating or delaying the process of publishing and implementing it.

Colin Smyth's amendment 12 proposes a similar approach to scrutiny, albeit with a much longer period of 120 days to scrutinise and comment on the plan. As I set out, we believe that amendments 5 and 10 set out a proportionate approach that will still allow for scrutiny, without causing a lengthy delay to publishing the national good food nation plan, which would have a knock-on impact on the relevant authority plans. However, I think that there is middle ground to be agreed on, so I urge Colin Smyth not to move his amendment. I will be happy to work with him in the run-up to stage 3 to try to find a workable alternative.

Amendments 10A and 12A, from Beatrice Wishart, set out that the Scottish ministers cannot lay a final national good food nation plan unless the draft version is approved by resolution of the Parliament. The proposed approach of laying documents before Parliament, along with a duty to have regard to representations made by Parliament, is an appropriate and proportionate level of scrutiny for good food nation plans. The same process is required for climate change plans under the Climate Change (Scotland) Act 2009. Adding a separate step that requires parliamentary approval would risk significant delays in agreeing and implementing the plan and subsequent local authority plans, so I urge the committee not to accept amendments 10A and 12A.

09:30

Rhoda Grant's amendments 3 and 15 would mean that the national good food nation plan and

any revised national plan would have to be set out in regulations. Amendment 17 is consequential to amendment 15, as section 6(4), on the duty to publish and lay a revised plan, would not be required. Amendments 28 and 29, which are consequential to amendments 3 and 15, propose that the regulations in question should be subject to the affirmative procedure.

As regulations set out rules of law, it would not be appropriate to set out good food nation plans in regulations, given that the plans will contain a mixture of outcomes, indicators and policies. I therefore urge the committee not to support amendments 3, 15, 28 and 29.

Beatrice Wishart's amendment 40 provides that

"The Scottish Ministers must publish in such a manner as they consider appropriate any national good food nation plan prepared under"

section 1, but section 1(1) already includes a requirement to publish the plan. For that reason, I ask the committee not to accept amendment 40. Beatrice Wishart's impetus for lodging amendment 40 might have been to address the concern that, if Rhoda Grant's amendment 3 were agreed to, the bill would not include an explicit requirement to publish the plan, but that concern is unfounded, because regulations that contained the plan would be published as secondary legislation.

Colin Smyth's amendment 14 is unnecessary at this stage, as comment on progress is likely to form part of the oversight function of any body that is eventually agreed on. I therefore urge Colin Smyth not to move amendment 14. I would be happy to discuss the matter further before stage 3.

In summary, I urge the committee to support my amendments 5, 10 and 18, which provide a proportionate and appropriate approach to the committee's recommendation to provide additional parliamentary scrutiny. I ask Colin Smyth not to move amendments 12 and 14, as I would be happy to discuss his proposals in more detail before stage 3. I also ask the committee not to support amendments 3, 40, 10A, 12A, 15, 17, 28 and 29.

Beatrice Wishart (Shetland Islands) (LD): My amendment 40 is conditional on Rhoda Grant's amendment 3, which would require the national good food nation plan to be set out in regulations. I support that. Although new regulations are published automatically, amendment 40 would ensure that the plan was more widely publicised, which is important to strengthen the scrutiny that the draft plan receives and befits the bill's importance.

Amendments 10A and 12A would strengthen Mairi Gougeon's amendment 10 and Colin Smyth's amendment 12, which set out requirements on the Scottish ministers to lay the

proposed national good food nation plan before the Scottish Parliament. Although amendments 10 and 12 require the Scottish ministers to have regard to

“any resolution relating to the draft plan passed by the Parliament”,

neither requires the Parliament to pass a resolution. Requiring the Parliament to pass a resolution would ensure that the draft good food nation plan received proper scrutiny and that the Parliament had stated a view on the draft plan before the plan moved to the next stage. Amendments 10A and 12A would achieve that by requiring the draft plan to be approved by a resolution of the Parliament.

Colin Smyth: My amendments 12 and 14 would give Parliament a greater role in relation to the good food nation plan by ensuring that Parliament was consulted on the plan and had to approve it. Amendment 14 would require the Government, if sufficient progress had not been made, to set out what action was being taken to address that lack of progress.

Amendments 12 and 14 would mean that the Scottish Government was more accountable for achieving its good food nation aims. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 provides a helpful example of enabling a greater level of parliamentary scrutiny and transparency. It places a duty on ministers to lay a draft plan before Parliament for a period of 120 days and to have regard to any representation on the draft plan. The Government thought that that period was reasonable, and I agree, which is why the same period is replicated in amendment 12. It is unclear why the cabinet secretary thinks that that is not a reasonable period.

The lack of opportunity for Parliament to scrutinise the bill is a recurring theme in the responses from stakeholders and in the committee’s report—for example, in its submission, Obesity Action Scotland stated:

“the Scottish Government has a commitment to Open Government, which outlines the government’s dedication to improving its own practices relating to transparency, participation and empowerment ... This commitment needs to be met and enacted in delivery of the national good food plan, with learnings cascaded down to the local plans”,

Government and scrutiny of Scotland’s food system.

I urge members to support amendments 12 and 14, which would ensure that the Parliament was given its rightful place and was able to effectively hold the Scottish Government to account on how it delivers our collective ambition to be a good food nation. I note the cabinet secretary’s offer to consider further the details of my two amendments and I would certainly welcome that discussion. It is

disappointing that there has been very little engagement from the Government to date on amendments to the bill, but I look forward to that changing.

The Convener: Cabinet secretary, given the convention that a committee has 60 or 120 days for scrutiny, why do you believe that 28 days is sufficient?

Mairi Gougeon: That is a proposal that we have made. I hope that I was clear in my explanation and in responding to Colin Smyth’s point. I am sorry that he feels that my explanation was not clear enough on why we are not willing to accept 120 days. Given that we have 12 months to publish the plan, the concern is that such a period could end up in delays; that is why we proposed 28 days. However, as I said, I am open to further consideration and discussion on that.

The Convener: Okay. Thank you.

Rhoda Grant: The cabinet secretary said that the plans would be laid before the Parliament, but my amendments would allow the Parliament to vote on the plans—simply laying them before the Parliament does not allow that. She also pointed out that to have regard means simply that the Government can have regard to the issues that are raised and then ignore them. The only meaningful input that the Parliament can have is by voting on the plans, and I urge the committee to support amendment 3.

Beatrice Wishart’s amendment 40 would ensure wider consultation than just having a vote in the Parliament on the plans. I agree that the plans should be consulted on as widely as possible. I press amendment 3.

The Convener: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 3 disagreed to.

The Convener: Amendment 4, in the name of Colin Smyth, is grouped with amendments 11, 11A, 75 and 80.

Colin Smyth: My amendments 4 and 11 would require the bill to provide for active participation by stakeholders at national and local levels in developing good food nation plans. There should be a duty on relevant authorities to seek input and views on good food nation plans in an intersectional and fully accessible way.

In the design and implementation of a good food nation plan, relevant authorities should use accessible and inclusive communication to work with people with lived experience and should set out any representations that have been received and how those representations were considered when preparing any final plans. That should be set out in a statement that accompanies a national good food nation plan. Accessible and inclusive communication could include formats such as community languages, British Sign Language, Braille, Moon, EasyRead, clear and large print and paper formats.

As the committee's report states, many stakeholders highlighted the importance of authorities ensuring that participation opportunities are not stigmatising—for example, Obesity Action Scotland stressed the importance of being

"mindful of the language used ... to avoid stigmatisation and victim blaming,"

and it pointed out that weight stigma is often a

"barrier to participation and access to services ... Participation opportunities in relation to the production of the good food plans should be mindful of this and take steps to ensure this is eliminated from production of the good food plans".

Given the range of stakeholders with an interest in good food plans, it is important that any consultation is comprehensive, so my amendment 11 sets out a range of interests that must be included. Of course, it would be open to the Government to add to that in any consultation, so it is by no means restrictive. It is important that the bill goes beyond saying that consultation should simply be with those the Scottish ministers consider to be appropriate.

I move amendment 4.

Beatrice Wishart: I support the principles behind Colin Smyth's amendment 11. My amendment 11A would add the phrase "environmental and social" after the word "international" in the phrase "Scotland's international footprint" to clarify the meaning of the phrase. That is in line with my amendment 6A and would encompass Scotland's carbon footprint and its international environment, ecological and social impacts.

Monica Lennon (Central Scotland) (Lab): I thank committee members for their work on the bill so far. Amendment 75 would ensure that, during the preparation of the national good food nation plan, children and young people were consulted on the provision of free school meals. Successive Governments in Scotland have established good practice in engaging with children and young people, and that should be at the heart of our ambition and plan to become a good food nation.

Section 3 states that

"the Scottish Ministers must have regard to the international instruments listed in subsection (2)",

and it goes on to reference the United Nations Convention on the Rights of the Child. Including consultation with children and young people in the bill would provide clarity, and I hope that members agree that amendment 75 is important and helpful.

Section 7 covers requirements on public bodies—including health boards and local authorities, as members know—to publish good food nation plans. Section 8 deals with the consultation arrangements for such bodies, and my amendment 80 replicates my amendment 75 in proposing to put consultation with children and young people in the bill. That could include current schemes in education and any plans that the Government has on free school meals policy or legislation. That is all that I want to say on those amendments.

Mairi Gougeon: The bill allows the Scottish ministers and relevant authorities to consult whomever they deem appropriate in the preparation of their good food nation plans. Amendments 11, 11A, 75 and 80 would amend the bill to make specific provisions about who should be consulted. Our view is that it would never be practical to list in the bill everyone who should be consulted, and the inclusion of a partial list might inadvertently give the impression that those who are listed are of greater importance or should be given greater weight than those who are not listed.

Amendment 4 would require the Scottish ministers to lay a statement alongside the national good food nation plan to detail how we carried out the consultation in an accessible and inclusive manner and to provide the responses that we received. The Scottish Government is always required to conduct consultations with an eye to accessibility and inclusivity and, given the importance of that, I understand why Colin Smyth lodged the amendment.

However, it would be useful to better understand the additional benefits that the member intends the amendment to provide—for example, we often receive significant numbers of consultation responses, which are already published with an analysis of the responses as a matter of course.

We do not see a particular additional benefit to laying the consultation responses before Parliament, but I would be happy to work with the member between stages 2 and 3 to better understand the amendment's aim and see whether we can come to a solution together.

I urge the committee not to support amendments 11, 11A, 75 and 80, and I ask Colin Smyth not to press amendment 4.

Colin Smyth: My amendment 4 is very clear in underpinning the importance of the consultation being comprehensive and inclusive, and I am happy to work with the cabinet secretary on potential wording for a stage 3 amendment. On that basis, I seek to withdraw amendment 4.

Amendment 4, by agreement, withdrawn.

Amendment 5 moved—[Mairi Gougeon]—and agreed to.

The Convener: Amendment 32, in the name of Rachael Hamilton, is grouped with amendments 6, 6A, 33, 34, 71, 70, 7, 35, 69, 72, 45, 47, 77, 46, 48 and 49. I call Rachael Hamilton to move amendment 32 and to speak to all amendments in the group.

09:45

Rachael Hamilton: Amendment 32 would add a reference to meeting “childhood obesity targets”. Back in 2018, the Scottish Government set a target of halving the rate of childhood obesity by 2030. The Covid-19 pandemic and the restrictions that it brought about created barriers to achieving that goal, and, given that there has also been a lack of progress on improving food environments, we look to be heading in completely the wrong direction.

Obesity Action Scotland has thanked me for lodging amendment 32, and I urge members to support it. We know that the level of obesity among primary 1 children has remained fairly constant since records began, in 2001, and this is the first year in which there has been a significant uptick in those with an unhealthy weight. It is important that we address the issue on behalf of Scotland's young people. It is clear that the bill needs to be amended to bridge the gap, to ensure that we tackle unhealthy diets and, in turn, to support children to have a healthy diet and reduce the rate of childhood obesity.

I move amendment 32.

Rhoda Grant: In order for the bill to achieve its desired outcome, it should specify some high-level outcomes or objectives that are to be achieved, instead of those being left entirely to ministers or public bodies to determine. The outcomes should be aligned with the UN sustainable development

goals and the national performance framework, in a similar way to what is set out in the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the Procurement Reform (Scotland) Act 2014.

The bill must ensure fair work standards, which are often lacking in the food processing industry. We often hear that people who produce our food have to rely on food banks to get by.

Ideally, such targets and outcomes should be measurable, because that is intrinsically preferable and it would ensure effective reporting and scrutiny of the provisions. Although those objectives must be included, they would not prevent ministers or public bodies from adding any others that they wished to add.

Beatrice Wishart: I support the principles of amendment 6, in the name of Rhoda Grant. My amendment 6A would remove the word “carbon” from the phrase “Scotland's international carbon footprint” at line 13 and replace it with “environmental and social”. The impacts for Scotland relating to the food industry go beyond our carbon footprint—they include ecological impacts and human rights obligations—so I believe that that phrase better encompasses that idea.

Amendment 35, in my name, would place a duty on the Government that the

“national good food nation plan must have regard to the social and nutritional needs of children and young people in full time education at breakfast and lunch times.”

It is important that children and young people in primary and secondary education have access to nutritional, varied, culturally appropriate and appealing food at breakfast and lunch times, that they have an element of choice in relation to their food options and that breakfast and lunch settings in schools are social places where children and young people feel comfortable. That should be covered by the new national good food nation plan.

Amendment 47, in my name, sets out a small number of high-level outcomes that are to be achieved through the local good food nation plans of relevant authorities. The list covers a range of food-related issues. There is reference to sustainable production contributing to climate and biodiversity targets; animal welfare; health and wellbeing; access to food; resilient local food economies; fair and resilient food supply chains; and reducing Scotland's international environmental and social footprint.

The list is not exhaustive. Instead, it provides a minimum that enables relevant authorities to have, from the start, a list of outcomes to orient their work and provide a common direction, although

the outcomes are broad enough to allow for tailoring to local circumstances.

Amendment 48, in my name, would require that a relevant authority's good food nation plan must

"set out how the relevant authority will engage with social care providers to secure the achievement of the outcomes of the plan."

Social care settings are often in the private sector, and the amendment would ensure that relevant authorities engage with those providers so that the food provision needs of people in social care are included in the work of good food nation plans. That means that those people will not be left behind.

Amendment 49 seeks to place a duty on relevant authorities for good food nation plans to

"have regard to the social and nutritional needs of children and young people in full time education at breakfast and lunch times."

It is important that children and young people in primary and secondary education have access to nutritional, varied, culturally appropriate and appealing food at breakfast and lunch times, that there is an element of choice in their food options and that the breakfast and lunch settings in schools or social places where children and young people feel comfortable are covered in relevant authorities' local good food nation plans.

Monica Lennon: Section 1 requires that

"The national good food nation plan must set out ... the main outcomes in relation to food-related issues which the Scottish Ministers want to be achieved"

as well as "indicators or other measures" for assessing the progress towards and achievement of outcomes and

"the policies which ... Ministers intend to pursue"

to achieve the outcomes.

Amendment 71, in my name, states that

"One of the main outcomes, specified under"

section 1(3)(a)

"must be the reduction of food waste in Scotland."

As we know, every year, a third of all food that is produced globally is wasted and 8 per cent of all greenhouse gas emissions are due to food loss and waste. As a member of the Net Zero, Energy and Transport Committee, I can tell members that we are very concerned about food waste; indeed, it was why I was motivated to lodge the amendment. I believe that this provision should be in the bill.

Amendment 70 seeks to ensure

"the fulfilment of all children and young people's right to high-quality, nutritious food as set out in Article 24 of the United Nations Convention on the Rights of the Child",

specifying that that

"must include the provision of universal free school meals to all children and young people attending local authority nurseries or schools".

Committee members might be aware that, through its food for thought campaign, the Scottish Trades Union Congress women's committee has been campaigning for the expansion of universal free school meal provision to all nursery, primary and secondary pupils. The vision is to alleviate hunger, poverty and food insecurity and to ensure that the rights of all young people to food education and fun, as outlined in the UNCRC, are made real.

The STUC women's committee believes that that can be achieved through implementing universal free school meal provision, and I fully agree. The campaign seeks to end the long-standing stigma and shame that are linked to free school meals so that all young people can live with dignity and respect and so that they can experience school without fear of poverty-related bullying.

Members will be aware that, since 2015, all primary 1 to 3 pupils attending local authority schools have been eligible for a free school lunch. In March last year, the Scottish Government announced a public commitment to delivering a phased expansion of free school meals to all primary pupils in Scotland by the end of August this year. Currently, all P1 to P5 pupils can receive a free school meal during term time, but the expansion has yet to be rolled out to P6 and P7 pupils. The Scottish Government's existing commitments are most welcome, and the national good food plan presents a brilliant opportunity to build on that ambition.

The issues of means testing and eligibility criteria, which are well rehearsed, are real barriers to the uptake of free school meals, and I hope that amendment 70, in my name, which has been developed in collaboration with the STUC women's committee in support of its food for thought campaign, can be supported by committee members. The STUC women's committee's call for universal free school meals is backed by the Scottish Youth Parliament, the Children's Parliament, Children 1st, the Child Poverty Action Group, the Poverty Alliance, the Trussell Trust, One Parent Families Scotland and many others. It emphasises the importance of consulting children and young people. The STUC women's committee is also pleased to have secured the support of the Scottish Labour Party and the Scottish Green Party during last year's parliamentary elections as well as the support of Scotland's independent Poverty and Inequality Commission.

Amendment 72 seeks to amend section 1 by adding that

“The national good food nation plan must set out how the Scottish Ministers will ensure the free supply of school milk to children in pre-school, nurseries and primary schools.”

The intention is that children will have access to the benefits of drinking milk in a school or early-years setting, which include ensuring that a growing child gets essential nutrients and opportunities to develop social skills and encouraging lifelong healthy living habits.

Earlier this year, I met the School and Nursery Milk Alliance—as did many members from across the Parliament—to discuss the benefits of school milk. Given my earlier remarks about placing the rights and interests of children and young people at the heart of good food nation planning, I believe that it is appropriate to include in the bill the important role of milk in schools.

Amendment 77 would have a similar effect on good food nation plans produced by public bodies to the effect that amendment 70 would have on the national good food nation plan. It states:

“To secure the achievement of the outcome specified in (4A), the policies specified under subsection (4)(c) must include the provision of universal free school meals for all children and young people attending local authority nurseries or schools”.

Amendment 77 states that those meals should

“consist of high-quality ingredients,”

be

“nutritious,”

be

“fully inclusive of ... health, religious or cultural”

circumstances, be procured locally and

“meet any minimum standard set out in guidance by the Scottish Ministers.”

Any good food nation plan by a relevant authority must set out how it will ensure a

“high uptake of universal free school meals”

and how

“the views of children and young people are taken into account”

on

“the design of school meal menus,”

how the scheme should operate, and

“how uptake ... can be encouraged.”

I will not repeat the points that I made earlier, but we all know of good work in different local authorities across Scotland. In my region, North Lanarkshire’s club 365 is one example that ensures that young people get a breakfast even outwith school term time.

The impact of the cost of living crisis and of Covid-19 will be with us for a long time, so it is even more pressing that the Scottish Government and the Parliament use the legislative process to get the best possible outcomes for the people of Scotland.

I thank the STUC women’s committee for all its work and the support that it has garnered.

Colin Smyth: Amendment 7, in my name, seeks to ensure that indicators are included in the bill.

If the bill is to function effectively, it would benefit from having a number of indicators linked to strong outcomes to enable the measuring, monitoring and reporting of progress. Those indicators should be aligned to the UN sustainable development goals and the national performance framework in a similar way to those in the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. Ideally, such targets and outcomes should be measurable, both because that is intrinsically preferable and to improve the effect of reporting and scrutinising provisions.

The phrase “must include” means that the objectives listed in amendment 7 must be included, but, of course, it is open to ministers to add any others as they wish. Therefore, the list in the amendment is a starting list or a list of the minimum indicators that are required. A number are already Government objectives, so there is no reason why they would be excluded.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 is an important example of indicators providing a clear, measurable statement of intent. No one would reasonably argue that that act would have been better without an indicator committing the Government to achieving net zero by 2045. There is no reason why the bill should not set out our measurable ambitions for being a good food nation.

I urge members to support amendment 7.

Rachael Hamilton: I have a question on amendment 7. How did you arrive at the 60 per cent and 25 per cent figures in proposed new subsections (3A)(f) and (3A)(g)? As a South Scotland MSP, did you take into account whether it was possible to achieve those specific figures? Obviously, procurement happens on both sides of the border.

Colin Smyth: We set targets for what happens in Scotland. We are not in a position to set targets for what happens in England, so I am unclear what point Rachael Hamilton is making about cross-border procurement. Those targets have been

proposed in a number of discussions and a number of submissions that were made to the committee by members of the Scottish Food Coalition.

The principle of having targets and indicators in the bill is important. If any member believes that those specific targets are not achievable or should not be in the bill, it is open to them to change them when it comes to stage 3. However, it would be remiss of us not to include targets, as they allow us to measure Government progress, which is incredibly important.

I cited the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 because I do not think that anyone could reasonably say that that act would be improved by removing the target of reaching net zero by 2045. That target is very much the focus of Government activity. When it comes to delivering our ambition to be a good food nation, there is no reason why we should not have ambitious targets for that, too. As I said, if a member believes that a specific target is not achievable, they could amend that at stage 3. However, the principle of having targets in the bill is important.

10:00

Rachael Hamilton: I will speak to amendments 33 and 34. Amendment 33 echoes the sentiments of the Scottish Food Coalition. However, it differs from Beatrice Wishart's amendment because it reflects the work of the coalition and addresses issues to do with waste and processing.

The bill should set out a small number of high-level outcomes or objectives that are to be achieved, instead of leaving those entirely to ministers or public bodies to determine, unaided by anything in the bill. The use of the phrase "must include" in amendment 33 means that the objectives must be included, but it would be open to ministers and public bodies to add any others as they wish, as the cabinet secretary stated. Therefore, amendment 33 is a starting list; it sets out the minimum outcomes.

The amendment addresses issues to do with obesity, agricultural skills and local supply chains. I want to work with Beatrice Wishart, if possible, and come back with a revised amendment that supports the aims that we both want to pursue while reflecting the aims of our individual amendments. I hope that she will work with me at stage 3 to do that.

Amendment 34 seeks to build on the work that has been done with the Soil Association and particularly some of the briefings that have been provided to the committee during its scrutiny of the bill.

The Soil Association's "Grow Back Better Manifesto" highlights the needs for schools to become accredited under the food for life scheme, which promotes food education and diet. Amendment 34 would ensure that the Scottish Government supported children to eat their five a day by encouraging schools to adopt a whole-system approach to food. That is embodied in the food for life schools award. Independent evaluation shows that pupils in schools that take part in the food for life scheme are twice as likely to eat their five a day compared with children in match-comparison schools. They also eat a third more fruit and vegetables overall.

I believe that amendment 34 builds on the good work of the food for life scheme and would foster positive change in schools across Scotland.

Beatrice Wishart: I have a question for Colin Smyth. What is the definition of "food worker" in subsection (h) of amendment 7? Do you envisage the requirement in that subsection for "collective bargaining agreements" to include small and medium-sized businesses?

Colin Smyth: That would be our ambition. We believe that collective bargaining should be extended as far as possible. Obviously, we would be open to there being regulations and guidance on how that would work in practice. It requires, for example, trade union recognition. Legislation already exists that puts in place collective bargaining in particular workplaces, and the workplaces that are covered by that legislation would be included.

Beatrice Wishart: What about the definition of "food worker"?

Colin Smyth: I do not think that there is a legal definition, so the Government would be required to set out in guidance who would be covered by that term.

The Convener: I, too, have a question for Colin Smyth on amendment 7. Although I absolutely agree with the importance of local procurement, I have concerns around the requirement for

"60% of food served on the premises of public bodies"

to be

"sourced from Scotland".

Given that Colin Smyth is a member for South Scotland, he will appreciate that a significant proportion of the food that is consumed in that area is processed a few short miles away in Carlisle. There might be a physical border or a line on a map, but that does not mean that food is necessarily better procured on one side of a border or the other.

I am concerned that amendment 7 specifies Scotland. We also import food from Northern

Ireland. The amendment would mean that we could potentially bring in only 40 per cent of the food that we need from Carlisle or somewhere else over the border. If we are looking to have a low-carbon footprint and local procurement in Dumfries and Galloway, it would be more acceptable to get the food from Carlisle than it would be to get it from Aberdeen. I would like the member to consider that and keep in mind that there is best practice on local procurement in East Ayrshire, for example, that we should perhaps look at instead of setting firm figures for Scotland as the place of procurement.

I would also like to ask Beatrice Wishart why her amendment 6A removes “carbon” and what the legal basis is for the definition of “social” in that amendment and in amendment 35.

Beatrice Wishart: I wish to remove the word “carbon” in order to widen the ecological impact and human rights obligations. I have a feeling that the phrase “environmental and social”, which is used in the amendment, better encompasses the idea of the international footprint.

What was your second question?

The Convener: It was about the definition of “social”.

Beatrice Wishart: That is a good point. I do not think that there is a legal definition of “social”.

Colin Smyth: It is important to remind members that the target in my amendment 7 is for 60 per cent, not 100 per cent. The idea of procuring items from south of the border—or anywhere, for that matter—is not in any way ruled out. The other provisions make clear the importance of our carbon footprint when it comes to procuring items. However, as an MSP for South Scotland, I make no apologies for advocating produce being sourced from the south of Scotland.

Mairi Gougeon: I reiterate that this bill is a framework bill and it provides exactly that—it sets the framework for the good food nation plans. I have listened to members who have lodged amendments, and I understand that they feel strongly that the targets, indicators and additional outcomes that they want to add to sections 1 and 7 are important and that there is merit in adding them. However, my view, which is also shared by a number of stakeholders who gave evidence to the committee at stage 1, is that setting out targets, indicators and outcomes in detail in the bill is problematic. If they are set out in primary legislation, it is challenging to ensure that they are and remain up to date and meaningful. There is also a risk that the focus will be only on the targets and indicators that are set out in the legislation.

I have been listening to the contributions today and I know that there are a great many issues that

we need to tackle. I do not disagree with that or with the ambitions that the amendments are trying to achieve. However, putting those targets and indicators in the bill risks the legislation becoming one long list of targets that might not be relevant in five years’ time. Being able to take account of changing circumstances and make changes promptly and easily is more achievable if the targets are set out in the plans rather than in legislation.

If we were to add targets to the bill, there would be a risk of future food plans focusing solely on those targets and neglecting other, equally important considerations that we should be taking into account. We want food plans to cover the whole of the wide-ranging nature of the good food nation vision. For that reason, I am of the firm view that the place for the level of detail that members are talking about is in the plans. In its stage 1 report, the committee agreed that it would not be appropriate to include detailed targets in the bill and that the good food nation plans are the best place for them to be set out.

Rachael Hamilton’s amendments 69 and 46 propose text in relation to procurement, and Colin Smyth’s amendment 7 sets out a target that, by 2030, 60 per cent of food that is served on the premises of public bodies should be sourced from Scotland. Of course, there are strict rules around procurement, and that might mean that the intended aim of the amendments could not be achieved. For example, the trade and co-operation agreement with the European Union contains a duty of non-discrimination in procurement. That means that a sourced-in-Scotland target would be incompatible with our international obligations and would not be possible to implement. A requirement that imported produce must meet the same standards as food produced in Scotland would have to be considered in the context of international obligations, the United Kingdom Internal Market Act 2020 and procurement rules. However, the Scottish Government supports the use of procurement to support the social, economic and environmental wellbeing of our areas, and it is looking into opportunities to require local sourcing in public contracts.

I hope that what I have said highlights some of the issues that need to be considered when we are adding text about targets into legislation and that the examples that I have given illustrate my point about the risks that are associated with including in legislation text such as that suggested by the amendments.

Many of the issues in Monica Lennon’s amendments 70, 72 and 77 are already covered in statute, so it is not necessary to include the proposed changes in the bill.

All education authority and grant-aided schools in Scotland are under a statutory duty to comply with the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008, which set out strict standards that all food and drink served in schools must meet. The regulations would also apply in relation to Beatrice Wishart's amendments 35 and 49, as they apply to all food and drink provided as part of the school day, including breakfast and lunch provision.

In summary, I again state that the bill is a framework bill and is not the place for the level of detail that is proposed in the amendments—the most appropriate place for that would be in the plans. I therefore ask the committee not to support any of the amendments in the group.

The Convener: I call Rachael Hamilton to wind up and to say whether she wishes to press or withdraw amendment 32.

Rachael Hamilton: I will press amendment 32. I believe that we are sympathetic to Monica Lennon's amendments 70 to 72, but we will not support Colin Smyth's amendment 7, on the basis that we feel that the targets are not achievable.

Given the evidence that we have heard from stakeholders that they are supportive of meaningful action, I was disappointed to hear the cabinet secretary say that the Government does not support setting out indicators and targets in the bill. I reiterate that I would like to work with Beatrice Wishart and come back to the committee with an amendment that achieves the aims that we both seek.

The Convener: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 32 disagreed to.

Amendments 6, 33 and 34 not moved.

Amendment 71 moved—[Monica Lennon].

The Convener: The question is, that amendment 71 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 2.

Amendment 71 disagreed to.

Amendment 70 moved—[Monica Lennon].

The Convener: The question is, that amendment 70 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 2.

Amendment 70 disagreed to.

Amendment 7 moved—[Colin Smyth].

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)

Carson, Finlay (Galloway and West Dumfries) (Con)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 1, Against 8, Abstentions 0.

Amendment 7 disagreed to.

10:15

Amendment 35 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 35 disagreed to.

Amendment 69 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 69 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 69 disagreed to.

Amendment 72 moved—[Monica Lennon].

The Convener: The question is, that amendment 72 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 2.

Amendment 72 disagreed to.

The Convener: I propose that we now take a short comfort break.

10:17

Meeting suspended.

10:30

On resuming—

The Convener: We continue our consideration of the Good Food Nation (Scotland) Bill. I remind members that it is only the first speaker in a grouping who needs to move their amendment. Other members will get the opportunity to move their amendments as we move on.

Amendment 73, in the name of Ariane Burgess, is grouped with amendments 36 to 38, 74, 39, 41, 78, 50 to 52, 79, 53, 55, 84 and 85.

Ariane Burgess: As introduced, the bill requires the Scottish ministers and relevant authorities, when drafting their good food nation plans, to

“have regard ... to the scope for food-related issues to affect outcomes in relation to”

a specified list of high-level outcomes. The amendments in this group speak to the importance of ensuring that we take a whole-systems approach to food policy. It is vital that the good food nation plans cover all the many policy areas that can affect, or can be affected by, food. Accordingly, amendments 73 and 78, in my name, would add “climate change” and

“wildlife and the natural environment”

to those high-level outcomes.

I felt that simply stating “the environment” as a policy area that ministers and relevant authorities must have regard to was too broad and

amorphous, and that the addition of climate change and wildlife and the natural environment would help them to focus on how the good food nation plans and the policies in them can make an impact on achieving emissions reduction targets and net zero, tackling the nature emergency and meeting future biodiversity targets.

The other amendments in the group, which were lodged by Jenni Minto, Rachael Hamilton, Monica Lennon and Beatrice Wishart, also seek to make further provision about what ministers and relevant authorities must have regard to when preparing their plans.

Jenni Minto's amendments 36, 37, 50 and 51 will satisfy calls from stakeholders such as OneKind and Food Train for the inclusion of animal welfare and social care in the bill. I particularly welcome those amendments, as well as the amendments from Rachael Hamilton and Monica Lennon, which seek to include education and child poverty in the list.

I move amendment 73.

Jenni Minto (Argyll and Bute) (SNP): As Ariane Burgess said, the bill, as introduced, requires Scottish ministers and relevant authorities to

"have regard ... to the scope for food-related issues to affect"

matters that are listed in sections 1(5) and 7(6). Those matters currently include social and economic wellbeing, the environment, health and economic development.

My amendments 37 and 51 would add animal welfare to the lists, and amendments 36 and 50 would expand the outcome of health, such that it would read:

"health and physical and mental wellbeing (including in particular through the provision of health and social care services)".

My amendments reflect evidence that was given to the committee at stage 1 that there should be specific reference to animal welfare and to all types of health, as well as to the impacts on the provision of health and social care in the lists of outcomes. I believe that my amendments address those concerns and I therefore urge the committee to support the amendments in my name.

Rachael Hamilton: Food education is vital. The committee noted in its stage 1 report that several social factors impact on people's ability to source, purchase and consume good food, including transport infrastructure, income and the knowledge and skills required to prepare healthy meals. A third of respondents to the consultation mentioned education, and Scotland Excel said in its submission to the consultation that home economic teaching levels are at an all-time low.

Such teaching is required if we are to develop the policy so that it becomes common practice for those skills to become second nature to children as they develop into adulthood. Therefore, it is good to see that additional bursaries will be available for those who wish to take up that career.

Chef Gary Maclean said that we are failing to educate the next generation about food and its preparation and that

"It goes back to the fact that those life skills have not been getting passed down from parents to kids for three or four generations."

It is vital that we see change in this area. Food education in Scotland is essential. My amendments 38 and 52 add "education" to the bill, to ensure that the issue is covered.

My amendment 39 seeks to give ministers a delegated power to add other items to the list by regulation. That will ensure that more attributes can be added to the list, so that the bill remains relevant and dynamic and that it reflects future food and diet priorities.

The Conservatives will support all the amendments in the group.

Monica Lennon: I welcome the comments that have been made so far. In particular, I associate myself with Ariane Burgess's comments.

My amendment 74 relates to the national good food nation plan. As we have heard, the bill requires ministers, in determining the content of the plan, to have regard to

"the scope for food-related issues to affect outcomes"

in relation to social and economic wellbeing, the environment, health and economic development.

My amendment 74 adds "child poverty" to the list. As with the point that Ariane Burgess made, I think that the phrase "social and economic wellbeing" is too wide. Given the need for a joined-up approach to tackling child poverty, it is important that the interests of children and young people are clearly placed in the bill. That will also help Scottish ministers to take a joined-up approach to meeting child poverty targets. We know that, between now and 2030, we need to lift 210,000 children in Scotland out of poverty.

My amendment 79 does a similar thing in relation to public bodies' good food nation plans, so I will not rehearse my reasons for lodging it. I hope that the committee will support it.

Beatrice Wishart: Amendment 41, in my name, requires the Scottish ministers to "act in accordance with" the listed international instruments. I believe that, for the Good Food Nation (Scotland) Bill to be a success, the duty on

the Scottish ministers must be strong, and the phrase “act in accordance with” serves to strengthen that duty regarding the listed human rights instruments. I believe that the amendment will strengthen the bill’s power to enable Scotland to fulfil its human rights obligations.

My amendment 55 requires a relevant authority, when determining the content of its good food nation plans, to ensure that

“the correct balance is struck between ensuring nutritious food is available and the ability to make choices in settings where all meals are provided.”

Those settings include school hostels, where all meals are provided for the school children throughout the school week.

Providing food has to be about not only nutrition but the social and cultural aspects of food, as well as individual preferences. In striking that balance, authorities must avoid being overly prescriptive, which can remove enjoyment and the social elements from meals. Amendment 55 ensures that that issue is taken into account in settings where all meals are provided by a relevant authority.

I note that amendment 55 has been incorrectly listed as being inserted at the end of line 12. It should be inserted at the end of line 11, and that error will be fixed for our stage 3 proceedings.

Mairi Gougeon: The bill as introduced requires the Scottish ministers and relevant authorities to have regard

“to the scope for food-related issues to affect”

matters that are listed in sections 1(5) and 7(6). Those matters currently include social and economic wellbeing, the environment, health and economic development.

Jenni Minto’s amendments 37 and 51 add “animal welfare” to those lists, and her amendments 36 and 50 add text after the word “health” in sections 1(5)(c) and 7(6)(c), so that they would read:

“health and physical and mental wellbeing (including in particular through the provision of health and social care services)”.

Ariane Burgess’s amendments 73 and 78 propose additional wording in relation to the environment in sections 1(5)(b) and 7(6)(b), to ensure that regard is given to climate change and wildlife and the natural environment, as part of the consideration of the environment in the preparation of good food nation plans.

Those amendments reflect evidence that was given to the committee at stage 1, as well as feedback that the Scottish Government has received from stakeholders. Stakeholders told us that, in the lists of outcomes, there should be specific reference to animal welfare, climate

change and biodiversity and all types of health, as well as to impacts on the provision of health and social care.

Rachael Hamilton’s amendments 38 and 52 and Monica Lennon’s amendments 74 and 70 add “education” and “child poverty” respectively to the lists in sections 1(5) and 7(6). I support those amendments.

The amendments mean that, when determining the content of their respective good food nation plans, the Scottish ministers and relevant authorities must have regard to the scope for food-related issues to affect outcomes relating to animal welfare, a broader description of health, climate change, wildlife and the natural environment, education and child poverty.

In our view, the additions that are proposed in amendments 37, 51, 36, 50, 73, 78, 38, 52, 74 and 79 are appropriate and ensure that those important matters will be considered when the content of good food nation plans is determined. The amendments also allow for future additions to the lists in sections 1(5) and 7(6).

However, the benefits of Rachael Hamilton’s amendments 39 and 53, which propose wording that would allow other matters to be added to the lists in sections 1(5) and 7(6), are not so clear. There is already a requirement to have regard to, among other things, the subject matters that are listed in those sections. If Rachael Hamilton agrees not to move amendments 39 and 53, and the consequential amendments 84 and 85, I would be happy to work with her before stage 3 to try to identify alternative wording.

I reiterate that this is a framework bill, so it would be more appropriate to include the level of detail in Beatrice Wishart’s amendment 55 in good food nation plans. For that reason, I urge the committee not to support the amendment.

Beatrice Wishart’s amendment 41 would require the Scottish ministers to “act in accordance with”—rather than “have regard to”—the international instruments that are listed in section 3 when preparing the national good food nation plan. We consider that the appropriate legal duty is to “have regard to” such instruments, and the Parliament has endorsed that form of legal duty on numerous occasions, as evidenced in the statute book, because it is a meaningful requirement. It is an obligation to consider the matter when making a decision. There are many examples of Government ministers and public bodies being successfully challenged in court for failing to have proper regard to a matter, so stakeholders will be able to hold the Scottish Government to account.

In this context, a duty to “act in accordance with” a provision of an international agreement would be tantamount to incorporation. The Scottish

Government is committed to incorporating the rights that are listed in section 3 of the bill in the upcoming human rights bill, but it is important that we do not pre-empt that bill by incorporating certain rights in the Good Food Nation (Scotland) Bill. Not doing so will ensure that we create a coherent rights framework that avoids the fragmentation of rights and inconsistent mechanisms for their enforcement. For those reasons, I strongly urge the committee not to support amendment 41.

In summary, I urge the committee to support the amendments in the group that have been lodged by Jenni Minto, Ariane Burgess and Monica Lennon. I ask Rachael Hamilton not to move amendments 38 and 53 and the consequential amendments 84 and 85, so that we can work together in advance of stage 3 to identify a workable alternative. For the reasons that I have set out, I ask the committee not to support amendments 41 and 55.

The Convener: I call Ariane Burgess to wind up and to press or withdraw amendment 73.

Ariane Burgess: My amendments 73 and 78, along with Jenni Minto's amendments 36 and 37, Monica Lennon's amendment 74 and Rachael Hamilton's amendment 38, will ensure that ministers and relevant authorities have regard to the scope of food-related issues that will affect the outcomes of good food nation plans. My amendments 73 and 78 will ensure that consideration is given to the climate emergency and the nature crisis in their own right. Jenni Minto's amendments will ensure that animal welfare is given the consideration that the matter justly deserves. Monica Lennon and Rachael Hamilton have made important contributions through their amendments, which ensure that consideration is given to child poverty and education respectively in good food nation plans.

As the cabinet secretary explained, the benefit of Rachael Hamilton's amendment 39 is not so clear, but I hope that the Government will work with her to take the idea forward before stage 3.

I press amendment 73.

Amendment 73 agreed to.

Amendments 36 and 37 moved—[Jenni Minto]—and agreed to.

Amendment 38 moved—[Rachael Hamilton]—and agreed to.

Amendment 74 moved—[Monica Lennon]—and agreed to.

Amendment 39 not moved.

10:45

The Convener: Amendment 8, in the name of Rhoda Grant, is grouped with amendments 42 and 22.

Rhoda Grant: Amendments 8 and 22 seek to amend the implementation duty to ensure that ministers or, as appropriate, relevant authorities, when determining how to deliver the good food nation plans, must consider how their actions enhance human rights and, in particular, the right to food. They are modelled on section 1 of the Children and Young People (Scotland) Act 2014 and do not represent legal incorporation of the right to food—the Scottish Government has expressed a wish to do that under a separate human rights bill.

Amendments 8 and 22 would increase recognition of that aspect of a good food nation and improve implementation through the plans. In particular, they would ensure that the consideration of such matters that is undertaken in preparing a plan under section 3 would be continued into the implementation phase.

I move amendment 8.

Beatrice Wishart: My amendment 42 seeks to strengthen the human rights commitments in the bill by adding to the list of international instruments that is provided in section 3. It seeks to insert in that list, after the reference to article 11 of the International Covenant on Economic, Social and Cultural Rights, so far as it concerns adequate food,

“the United Nations Committee on Economic Social and Cultural Rights, General Comment 12, Right to adequate food”.

General comment 12 contains details on states' obligations relating to the production, availability and affordability of, and the provision of access to, adequate food. Therefore, referring to not only article 11 but general comment 12 gives a human rights perspective on food issues a much stronger basis in the bill and demonstrates a strong commitment to ensuring that our national good food nation plans are in line with the international human rights agreements on the right to adequate food.

Mairi Gougeon: I will address Rhoda Grant's amendments 8 and 22 first. As she said, they are modelled on the Children and Young People (Scotland) Act 2014, which sets out a similar requirement. However, the legislative landscape is now different. We have committed to incorporating human rights treaties in domestic law, and a human rights bill will be introduced in the current parliamentary session. That bill will give effect to a wide range of internationally recognised human rights—including the right to adequate food, as part of the overall right to an adequate standard of

living—under Scots law, as far as that is possible within devolved competence.

The Good Food Nation (Scotland) Bill also contains provisions that require the Scottish ministers to have regard to the International Covenant on Economic, Social and Cultural Rights, and other specified provisions in international human rights instruments, in preparing their national good food nation plan.

Therefore, the aims of Rhoda Grant's amendments are already achieved by provisions in the bill. The human rights bill is the appropriate place to address the complex interrelationships between rights and obligations across four treaties in a single, coherent and integrated framework, so I strongly urge the committee not to support amendments 8 and 22.

Beatrice Wishart's amendment 41 would require the Scottish ministers to "act in accordance with" the international instruments that are listed in section 3 rather than to "have regard to" them. The Government considers that the appropriate legal duty is to "have regard to" them. A duty to act in accordance with such an instrument would be more appropriate for guidance that sets out how a function is to be carried out. Therefore, it would not be appropriate, in the context of this bill, to include a requirement to act in accordance with those international instruments, as that could be tantamount to incorporation.

The Scottish Government is committed to the incorporation of a wide range of internationally recognised human rights in the upcoming human rights bill. That is the right place for this issue to be considered, in order to ensure that we create a coherent rights framework that avoids fragmentation of rights and inconsistent mechanisms for the enforcement of them. It is equally important not to cut across the on-going work that we are doing on UNCRC incorporation. We remain committed to the incorporation of the UNCRC to the maximum extent possible as soon as that is practicable. I consider that "have regard to" is the most appropriate legal duty. It is a meaningful legal text that can be and has been enforced through the courts, as I have touched on in previous comments.

Beatrice Wishart's amendment 42 would add general comment 12, on the right to adequate food, to the list in section 3 that, as the bill is currently drafted, the Scottish ministers need to have regard to—or, as amendment 41 proposes, act in accordance with. General comments are not legally binding in international law and, although they can provide useful guidance, they are not drafted with the particular Scottish context in mind. That means that there should not be a requirement for them to be followed in this bill. The upcoming human rights bill will consider the role of

general comments in interpreting these international human rights standards as part of a coherent rights framework. Therefore, I strongly urge the committee not to support amendments 41 and 42.

Rhoda Grant: I support all the amendments in the group, but I am deeply disappointed by the Government's approach. We need a vehicle to implement our human right to food. Although I welcome the forthcoming human rights bill, the Good Food Nation (Scotland) Bill is the vehicle for implementing the right to food. However, sadly, this morning's discussion shows that the Government is willing only to pay lip service to that right and is keen to vote down any amendment that will make the right a reality. The bill should be the vehicle for making that right a reality, so I will press amendment 8.

The Convener: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 2.

Amendment 8 disagreed to.

Amendment 40 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 40 disagreed to.

Section 1, as amended, agreed to.

After section 1

Amendment 9 moved—[Mairi Gougeon].

The Convener: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 9 agreed to.

Amendment 10 moved—[Mairi Gougeon].

Amendment 10A moved—[Beatrice Wishart].

The Convener: The question is, that amendment 10A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 10A disagreed to.

Amendment 10 agreed to.

Section 2—Preparation of plan: consultation

Amendment 11 moved—[Colin Smyth].

Amendment 11A moved—[Beatrice Wishart].

The Convener: The question is, that amendment 11A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 11A disagreed to.

The Convener: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Carson, Finlay (Galloway and West Dumfries) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 2, Against 7, Abstentions 0.

Amendment 11 disagreed to.

Amendment 75 moved—[Monica Lennon].

The Convener: The question is, that amendment 75 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 75 disagreed to.

Section 2 agreed to.

Section 3—Preparation of plan: consideration of international instruments

Amendment 41 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 41 disagreed to.

Amendment 42 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 42 disagreed to.

Section 3 agreed to.

After section 3

Amendment 12 not moved.

Section 4—Effect of plan

11:00

The Convener: Amendment 13, in the name of Rhoda Grant, is grouped with amendment 24.

Rhoda Grant: Amendments 13 and 24 are about strengthening the impact of plans. Amendment 13 would ensure that the Scottish ministers must act in accordance with the national plan. Amendment 24 would ensure that relevant authorities must act in accordance with their plans. In the bill, as introduced, they are required only to have regard to their plans. We heard that that carries no weight, as the comments and thoughts in the plans can also be disregarded. Amendments 13 and 24 would strengthen the impact of plans and ensure that they were adhered to.

I move amendment 13.

Mairi Gougeon: Amendments 13 and 24 would require the Scottish ministers and relevant authorities to act in accordance with their respective good food nation plans. The Government's view is that the current wording of "have regard to" is the appropriate legal duty. Indeed, it is a legal duty that the Parliament has endorsed on numerous occasions elsewhere in the statute book, as I have mentioned in previous comments.

A duty to act in accordance with something would be appropriate for guidance that sets out how a function is to be carried out. In the case of good food nation plans, which would include outcomes and indicators as well as policies, such a duty would not be as effective.

The good food nation plans will be relevant to a wide range of policy areas and functions. A duty to have regard to the plans, which is the wording in the bill as introduced, will ensure that the plans are appropriately and effectively considered in those contexts. The current wording is, as I stated, the appropriate legal duty and a meaningful legal requirement. The duty to have regard to something is an obligation to consider it when making a decision.

I disagree with Rhoda Grant's use of the word "only" in relation to a relevant authority being required to have regard to the plan and her comment that the duty does not hold any weight. Ultimately, the duty means that Government ministers and public bodies could be challenged in court for failing to have proper regard to the plans. There are many examples in which that has happened. Therefore, stakeholders will be able to hold the Scottish Government to account.

Taking all of that into account, I am of the view that the current wording of "have regard to" is the

appropriate legal duty and I urge the committee not to support amendments 13 and 24.

The Convener: I call Rhoda Grant to wind up.

Rhoda Grant: [*Inaudible.*—in place where they are not adhered to. Therefore, I press amendment 13.

The Convener: I am sorry, Rhoda, but we lost your audio. Will you wind up and press or withdraw amendment 13, please?

Rhoda Grant: I will press amendment 13. The cabinet secretary already stated on record that relevant authorities need only to consider the plans, not adhere to them. Therefore, amendment 13 means that they will be adhered to. It seems to me meaningless to have plans that will not be adhered to. That is my reason for pressing the amendment.

The Convener: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 13 disagreed to.

Section 4 agreed to.

Section 5—Reporting

Amendment 14 not moved.

Section 5 agreed to.

Section 6—Review and revision of plan

Amendment 15 moved—[Rhoda Grant].

The Convener: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 15 disagreed to.

Amendment 16 moved—[Mairi Gougeon]—and agreed to.

Amendment 17 not moved.

Amendment 18 moved—[Mairi Gougeon]—and agreed to.

Section 6, as amended, agreed to.

After section 6

The Convener: Amendment 76, in the name of Colin Smyth, is in a group on its own.

Colin Smyth: Amendment 76 requires the good food nation plan to be added to the list of national policies and plans that must be considered in future reviews of the national planning framework. I hope that that is a relatively uncontroversial proposal. The draft NPF4 includes a number of references to food—albeit not enough, in my view. It therefore seems reasonable that, in the future, the national good food nation plan should be part of the plans that are considered in any review of the NPF.

Under the Town and Country Planning (Scotland) Act 1997, there is a requirement to consider strategies and plans in areas such as housing, transport and infrastructure. I hope that the committee will support adding the national good food nation plan to that list.

I move amendment 76.

Mairi Gougeon: Amendment 76 seeks to add a further matter to the list of plans, policies and strategies that ministers must have regard to in revising the national planning framework. The existing list was debated at stages 2 and 3 of the Planning (Scotland) Bill in session 5 of the Parliament.

The Town and Country Planning (Scotland) Act 1997 already includes a general provision that ministers must have regard to relevant policies and strategies in revising the NPF. As the draft NPF4 includes food to the extent that it is able to, food would be a matter for consideration in a future review of the NPF. Ministers would therefore be required to have regard to the national good food nation plan.

Adding to that list might set a precedent whereby future bills might deem it necessary to have supporting policy referenced in the 1997 act. That would dilute the highlighting of certain policies in the current list, and would likely become excessive, unwieldy and burdensome over time. That burden could extend to planning authorities of local councils and national park authorities, and an extended list could create a burden of addressing issues that are less core to the operation of the planning system.

Section 4 of the bill already confers a power for specified functions, the exercise of which requires the Scottish ministers to have regard to the national good food plan to be listed or described. That would be the more appropriate place to consider how to reflect the planning system, given that the committee agreed in the stage 1 report that the bill is a framework bill. Karen Adam's amendment 59 would require consultation on those specified functions, which would provide a suitable opportunity to involve planning authorities at that stage.

I therefore urge the committee not to support amendment 76.

The Convener: I call Colin Smyth to wind up and to press or withdraw amendment 76.

Colin Smyth: It is disappointing that the Government does not support what I think is an entirely reasonable addition to the Town and Country Planning (Scotland) Act 1997 that would require the good food nation plan to be considered when the national planning framework is revised. That sends the wrong message on the importance that we place on the plan and when it comes to influencing policy across Government, which is crucial.

The cabinet secretary said that there is a general provision that relevant policy should be considered and that food will therefore be covered, but we could argue that in relation to any of the plans that are listed, including the ones on transport, housing and infrastructure. It is telling that the cabinet secretary suggested in her comments that the good food nation plan is somehow less important than those plans. That is disappointing. I am happy to press my amendment to stress the importance of the good food nation plan having influence right across Government policy.

The Convener: The question is, that amendment 76 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 76 disagreed to.

Section 7—Requirements to produce plans

The Convener: Amendment 19, in the name of Maurice Golden, is grouped with amendments 43, 44, 20, 21 and 58.

Maurice Golden (North East Scotland) (Con):

I welcome the proposal to require local authorities and health boards to develop good food nation plans. My amendments 19 to 21 would also require education institutions to produce good food nation plans. They would add the Scottish Funding Council to the list of relevant authorities in the bill.

I move amendment 19.

Rachael Hamilton: My amendments 43 and 44 seek to include integration joint boards as relevant authorities. The Scottish Food Coalition welcomes the proposal in section 7 to require local authorities and health boards to develop good food nation plans. However, the Public Bodies (Joint Working) (Scotland) Act 2014 permits the establishment of separate bodies known as integration joint boards, which may take on responsibility for a number of local authority or health board functions. Such arrangements are especially commonplace in the social care sector, where food, diet and nutrition are especially important.

The integration joint boards, which will become community health and social care boards, should also be required to produce good food nation plans, as they oversee the delivery of all community health and social care services and support in local areas, monitoring and improving impact, performance and outcomes for people.

The provision of food is integral to care, hospital discharge and food security, whether that is in early years provision, home care, crisis care, care at home or residential care. My amendments would ensure that such joint bodies do not slip through the net and that either they have to produce their own good food nation plans or the delegated functions are addressed by their parent authority's plan.

Mercedes Villalba (North East Scotland) (Lab): I support Maurice Golden's amendments 19

to 21, which highlight the limited number of public bodies that are covered by the bill's provisions. It is clear that there are more public bodies that could play a vital role in producing good food nation plans and delivering real action towards addressing food poverty in Scotland, and it is right to seek to bring the Scottish Funding Council into the scope of the bill. As the major public body that determines funding for higher and further education, the SFC could produce a good food nation plan that would enable colleges and universities to tackle food poverty among students.

Let us be clear: food poverty is a real issue facing students in Scotland today. Back in February, the National Union of Students Scotland published research that exposed the true scale of student poverty. Eight per cent of students were found to be reliant on food banks. That statistic should shame us all into action, which is why I urge members to support amendments 19 to 21.

Ariane Burgess: I will speak to amendments 19 and 20.

Our committee has heard from witnesses suggestions of numerous bodies and organisations that could be added to the list of relevant authorities that will be required to produce plans. After reflecting on all the suggestions, I am content to keep the core list as it is. Once we start adding additional organisations such as the Scottish Funding Council, it begs the question why we are not adding other organisations, such as NatureScot and the Scottish Environment Protection Agency or the Scottish Prison Service.

I believe that a clear process needs to be set out for adding additional bodies to the list of relevant authorities. That could take the form of a consultation. I plan to support Karen Adam's amendment 59, which would require ministers to consult before specifying additional public authorities. The decision to add any new relevant authorities should be subject to consultation or to another agreed process or criteria to be established.

The Convener: I call Maurice Golden to wind up and to say whether he wishes to press or withdraw amendment 19. [*Interruption.*] I beg your pardon—I have not invited the cabinet secretary. My apologies, cabinet secretary.

11:15

Mairi Gougeon: Thank you.

I thank Maurice Golden and Rachael Hamilton for lodging the amendments in the group. I completely understand the reasons and rationale for trying to ensure that the Scottish Funding Council and IJBs have a role in achieving our aim of being a good food nation.

The committee has recommended that some level of consultation and scrutiny should be associated with the decision to specify additional relevant authorities, and it was always intended that such consultation would be undertaken. I therefore agree that setting out provision for additional scrutiny in the bill would be appropriate in this case. As Ariane Burgess touched on, Karen Adam's amendment 59 proposes a requirement for consultation if a new public body is to be added to the list of relevant authorities. I welcome that amendment, and I urge the committee to support it when we come to debate it later.

In addition, the committee's stage 1 report requested that any exercise of the power that is conferred by section 7(2)(c) to make a public authority a relevant authority should be subject to greater levels of parliamentary scrutiny. Amendments 60 and 68, in the name of Alasdair Allan, which are to be debated later, provide for that extra scrutiny.

The bill as introduced contains a provision to enable additional relevant authorities to be specified. If, in the future, after we have had consultation, it was decided to add either the Scottish Funding Council or integration joint boards, there would be an opportunity for that to happen. To include those bodies on that timeline, using the section 7 power and following consultation, gives us the opportunity to be clear what their inclusion would actually mean for those bodies in practice, and whether it would effectively deliver our good food nation ambitions.

As the committee has noted, there is a need for consultation if new public bodies are to be added to the list of relevant authorities, which is why I strongly urge the committee not to support the amendments in the group. In essence, I want to allow time for consultation so that we can figure out the implications of adding those bodies.

The Convener: I now call Maurice Golden to wind up and to say whether he wishes to press or withdraw amendment 19.

Maurice Golden: I think, and I expect the committee to agree, that we want the scope and impact of the bill to be felt throughout Scotland. Therefore, the argument that we should not add additional bodies because we want to limit the scope of the bill appears to me to be contrary to the aims of the bill.

With regard to education institutions, we do not need to consult to know that students face food poverty. If individuals on the committee or in Parliament are not aware that education institutions and good food nation plans will help to alleviate food poverty, that is depressingly concerning. There is absolutely no need to consult if we are educated and informed about the

requirements for good food nation plans and the impact that they can have for students and more widely for education institutions.

I therefore press amendment 19.

The Convener: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 19 disagreed to.

Amendment 43 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 43 disagreed to.

Amendment 44 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 44 disagreed to.

Amendment 20 moved—[Maurice Golden].

The Convener: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 20 disagreed to.

Amendment 45 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 45 disagreed to.

Amendment 47 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 47 disagreed to.

Amendment 77 moved—[Monica Lennon].

The Convener: The question is, that amendment 77 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 77 disagreed to.

Amendment 46 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 46 disagreed to.

Amendment 48 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 48 disagreed to.

Amendment 49 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 49 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 49 disagreed to.

Amendment 21 moved—[Maurice Golden].

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 21 disagreed to.

Amendment 78 moved—[Ariane Burgess]—and agreed to.

Amendments 50 and 51 moved—[Jenny Minto]—and agreed to.

Amendment 52 moved—[Rachael Hamilton]—and agreed to.

Amendment 79 moved—[Monica Lennon]—and agreed to.

Amendment 53 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 53 disagreed to.

Amendment 22 moved—[Rhoda Grant].

The Convener: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 2.

Amendment 22 disagreed to.

The Convener: I suggest that we have another short break until about 11.35.

11:27

Meeting suspended.

11:37

On resuming—

The Convener: We will now continue our consideration of amendments at stage 2 of the Good Food Nation (Scotland) Bill.

Amendment 54, in the name of Rachael Hamilton, is in a group on its own.

Rachael Hamilton: Amendment 54, in my name and supported by Beatrice Wishart, seeks to ensure that relevant authorities are not short-changed when it comes to implementing these ambitious plans. I want the bill to be a success, but, if it is to be so, we must recognise that authorities need the appropriate funding to fully implement, oversee and execute the provisions.

I move amendment 54.

Mairi Gougeon: I understand the intention of amendment 54, but I am concerned about the use of the words “adequate” and “effective”, because they could well mean different things to different people.

I am also concerned about including in legislation the requirement that is set out in amendment 54. Such provisions are not included in legislation because they are budgetary decisions, not legal decisions. Placing such a requirement in legislation could result in a scenario whereby a relevant authority could include an ambitious policy in their plan that could make it difficult for the Scottish Government to allocate the funding equitably.

I am fully aware that it will be necessary to ensure that financial support is available for authorities to implement good food nation plans, and we have mechanisms in place to discuss funding for local authorities as well as other relevant stakeholders. Within the scope of agreed budgets, relevant authorities will make decisions about the way to deliver their functions and services, and that is exactly as it should be. Relevant authorities are best placed to make those decisions.

We will continue to discuss the financial impact of implementing the plans with the Convention of Scottish Local Authorities and local authorities, and any requirement for additional financial support must be taken through existing mechanisms such as COSLA's formal financial governance processes, including the joint Scottish Government-COSLA settlement and distribution group and COSLA leaders.

In summary, given the issues with the wording, and the established mechanisms that we have in place to discuss any requirement for additional support with COSLA and health boards, I ask the committee not to support amendment 54.

The Convener: I call Rachael Hamilton to wind up and to press or withdraw amendment 54.

Rachael Hamilton: I agree with the cabinet secretary that local authorities face different challenges across Scotland, such as different aspects of child poverty that have affected various areas and other health inequalities. There are also geographical differences and population differences, but that is recognised in the wording of amendment 54, which would ensure that "adequate support and resources" would be "available to relevant authorities". It is important, so I will press amendment 54.

The Convener: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 54 disagreed to.

Amendment 55 moved—[Beatrice Wishart].

The Convener: The question is, that amendment 55 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 55 disagreed to.

Section 7, as amended, agreed to.

After section 7

Amendment 23 moved—[Mairi Gougeon].

The Convener: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 6, Against 3, Abstentions 0.

Amendment 23 agreed to.

**Section 8—Preparation of plans:
consultation**

Amendment 80 moved—[Monica Lennon].

The Convener: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 80 disagreed to.

Sections 8 and 9 agreed to.

After section 9

Amendment 81 moved—[Ariane Burgess]—and agreed to.

Section 10—Effect of plans

Amendment 24 moved—[Rhoda Grant].

The Convener: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

The Convener: The result of the division is: For 2, Against 5, Abstentions 2.

Amendment 24 disagreed to.

Sections 10 and 11 agreed to.

Section 12—Review and revision of plans

Amendment 25 moved—[Mairi Gougeon]—and agreed to.

Amendment 82 moved—[Ariane Burgess]—and agreed to.

Section 12, as amended, agreed to.

After section 12

11:45

The Convener: Amendment 26, in the name of Rhoda Grant, is grouped with amendments 26A, 56, 83, 86 to 103, 30 and 64.

Rhoda Grant: Amendment 26 would create an independent Scottish food commission that was totally independent of Government. The commission would assist in drawing up the good food nation plan and provide advice to ministers and other organisations. It would also have the

ability to carry out research. It would operate similarly to the Scottish Land Commission, which we are all familiar with.

We all know that we have a human right to food, but that right has not been realised for many people. The commission would keep the Government and other bodies focused on that right and its realisation. It would also allow the Government to amend the remit of the commission to ensure that it remains relevant to the needs of our population.

Amendment 30 is a consequential amendment that would make the process subject to the affirmative procedure.

I support the other amendments in the group. All of them would work well with my amendments, albeit that they might require some tidying up at stage 3.

I move amendment 26.

Beatrice Wishart: Amendment 26A, in my name, would amend amendment 26, in the name of Rhoda Grant. I support amendment 26 and the establishment of an independent Scottish food commission. I believe that the commission would be essential in co-ordinating good food nation plans across the food policy landscape.

My amendment 26A adds to the functions of the commission, listed in amendment 26, by specifying that it would have the functions of co-ordinating with relevant authorities in the development of their good food nation plans, promoting good practice in relation to good food nation plans and monitoring the implementation of good food nation plans. I believe that those are key roles that the Scottish food commission could play if the bill is enacted.

I move amendment 26A.

Rachael Hamilton: We are supportive of Rhoda Grant's amendment 26, which relates to the Scottish food commission, but I highlight that there appears to be a drafting error in proposed subsection (4), as it mentions the Scottish good food commission, rather than the Scottish food commission. Perhaps she could explain that later.

Amendment 56 seeks to introduce a good food commissioner. That is different from but complementary to the commission, and it follows the work of the national food strategy review by Henry Dimbleby.

As members will see, the commissioner would consult a range of stakeholders—from agricultural organisations right through to prison boards. I would want the commissioner to be independent of Government, as is highlighted in proposed subsection (4).

The Government is already supportive of the Children and Young People's Commissioner Scotland, which has a very successful role, with Bruce Adamson at the helm.

The work of the good food commissioner would be vital in influencing the direction of good food nation plans, and I urge members to support amendment 56.

Colin Smyth: The amendments in my name seek to ensure that the bill establishes an independent Scottish food commission. Responsibility for food issues in Scotland and the UK is spread across many portfolios, departments and public bodies, in both local and national Government.

The majority of responders to the committee's call for views at stage 1 shared the view that there should be an independent public body set up, with the Scottish Human Rights Commission arguing in its written evidence that the oversight role should be undertaken by a new body because allocating responsibility to an existing body is

"likely to underestimate the scale of work involved and the specialisms required to deliver it."

An independent commission would provide expert advice to and scrutiny of Government and would help to ensure that Scotland's journey to becoming a good food nation is fair for everyone. Advice and scrutiny will be critical to a just transition for the food system as Scotland's economy shifts and changes in response to the climate, nature and health crises that we face.

The amendments in my name would provide full legislative provision for the establishment of a new body modelled on that of the Scottish Land Commission in the Land Reform (Scotland) Act 2016.

The provisions for the strategic plan include a requirement for the new commission to settle its relationship with Food Standards Scotland and any functions carried out by the Scottish Parliament. That is modelled on a duty of Environmental Standards Scotland that is set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

Labour is sympathetic to Rachael Hamilton's amendment 56, which would establish a good food commissioner, and I know that my colleague will vote for it. However, given the range of areas and specialisms that are covered by our ambition to be a good food nation, we agree with stakeholders that we need a wide breadth of experience covering a range of sectors in any body that is established, which is why we would prefer there to be a commission. What is clear is that any commission or commissioner should be independent rather than sit within a Government body.

The issue has been kicked into touch by the Government on numerous occasions, and we simply cannot keep doing that. The cabinet secretary might say today that the Government wishes to keep considering the issue. I am happy to have those discussions, but I believe that we should do so with a commitment in the bill, agreed at stage 2, for there to be a commission and that those discussions should be about the detail of that commission and how it would function.

I therefore urge members to support my amendments, even if there are parts of them that would require further amendment at stage 3. They are about the principle of establishing an independent commission. It should be a fundamental part of the bill, and its exclusion would be a significant omission and would undermine our commitment to be a good food nation, which I know was a concern of the committee. It would also significantly undermine the cross-party consensus that was built up during the development of the bill and, perhaps more importantly, the consensus that we have seen among the range of stakeholders that have worked tirelessly to get us to this stage. I strongly urge members to listen to the views of those stakeholders and support the amendments in my name.

Ariane Burgess: I whole-heartedly agree with the intention to establish effective oversight arrangements to ensure the successful delivery of good food nation plans, and I am happy to support amendment 10, in the name of Mairi Gougeon, which will enhance parliamentary scrutiny. However, that is only part of what is needed, and it is clear that we all agree that the issue of strengthening oversight still needs to be addressed.

At the same time, the committee report was not conclusive with regard to the best approach to oversight and, today, we have a number of amendments that take quite different approaches. In order to develop a robust and effective approach to oversight, I am content to continue to work with the cabinet secretary on the matter, in line with the Bute house agreement. As part of that, we need to take a fresh look at all options, including a food commission, which many organisations have called for, as well as a food commissioner.

The Convener: I call Rhoda Grant to wind up—no, I beg your pardon; I have missed out the cabinet secretary.

Mairi Gougeon: You are keen to cut me out, convener, but that is okay.

The variety of amendments that have been lodged on this issue demonstrate that members of the committee and a number of stakeholders feel

that it is important for the success of the bill that a food commission or food commissioner be established. I recognise that the intent of the amendments is to ensure that we make the most of the food plans that will stem from the bill.

However, as the committee did in its stage 1 report, I note that there is a broad spectrum of views on the creation of a new statutory body. For example, some food business groups oppose the creation of a new body, highlighting the need to carefully prioritise Government spending on food policies and other initiatives. Setting up a new statutory body requires careful consideration to justify the role and remit of the body and the costs of establishing it. As part of the Bute house agreement with the Scottish Greens, we gave a commitment to consider the need for a new statutory body, and I continue to work with colleagues in the Green Party, including Ariane Burgess, on developing a way forward on oversight that balances the range of views from stakeholders as well as the associated costs that there would be as a result of that.

As we can see from the amendments before us today, there are a variety of options and models that can be considered to provide oversight, and they will vary in terms of efficacy and cost. Although I am not in a position to support the amendments today, as I set out during the stage 1 debate, it is my intention that oversight will be addressed conclusively by the Government by the end of the bill process. I therefore extend an invitation to the members who have lodged these amendments to discuss a way forward on oversight with me, and I hope that we can work together to find a balanced approach that takes accounts of the costs and ensures the appropriate oversight and scrutiny of the good food nation plans.

I ask members not to press or move their amendments 26, 26A, 56 and 83 to 103 and associated consequential amendments 30 and 64, in relation to a food commission or a food commissioner, but instead to commit to working with me and Ariane Burgess in the coming weeks to find an approach to the oversight of the implementation of the bill. In the event that those amendments are pressed or moved, I urge the committee not to support them, in order to enable constructive discussions to take place in advance of stage 3.

Rhoda Grant: I thank Rachael Hamilton for her support and her attention to detail. The Scottish good food commission should, of course, be the Scottish food commission, but it nevertheless gives me an excuse to say that we should all be aspiring to give everyone a good, nutritious diet. If the amendment is agreed to, I undertake to correct the name at stage 3.

I have listened very closely to the cabinet secretary. Initially, in her winding-up, she seemed to say that she would work with Ariane Burgess to reach an agreement on this; latterly, though, she seemed to include the rest of us. Before I decide to press or withdraw amendment 26, it would be good to hear from the cabinet secretary that she will indeed work with everybody who seeks to amend the bill at this stage and that it will not be a stitch-up between her and the Greens. *[Interruption.]*

The Convener: I beg your pardon, Rhoda—I was distracted. Could you please repeat what you said?

Rhoda Grant: I was somewhat concerned that, at the start of her summing up, the cabinet secretary seemed to say that she would speak to and work with the Greens according to the Bute house agreement to reach a settlement on this particular section. Latterly, though, she seemed to include the rest of us with an interest in this matter, and, before I decide whether to press or withdraw amendment 26, I am looking for a commitment from her that this will not be a stitch-up between her and the Greens and that she will try to reach consensus among all of us with an interest.

The Convener: Would you like to respond, cabinet secretary?

Mairi Gougeon: I am happy to do so, convener. I regret the use of the term “stitch-up”, because I am trying to be open and work with all members on the amendments that are being discussed. What I outlined at the start of my remarks was our commitment in the Bute house agreement and the on-going work that we agreed to carry out on the food commission. However, in the light of the amendments that have been lodged, I want, as I said in my comments, to work with other members on collectively finding a solution before stage 3.

The Convener: I am just thinking about how late on we are in the process and the emphasis that so many stakeholders have put on the requirement for an oversight body. The parliamentary timetable has not been helpful here. I point out that we had the stage 1 debate but we did not get a response from the Scottish Government until five weeks after our report was published. Cabinet secretary, given that stage 3 is probably in two weeks' time, will you make a firm commitment to lodge amendments in a short timescale in order to address the concerns that have been raised today?

Mairi Gougeon: I believe that a date for stage 3 has been set, and it will allow for what you have suggested to happen. Of course, I have committed to discussing the matter with members, and I have also made a commitment to dealing conclusively

with it by the end of the bill process. Members have put forward a variety of options and I am keen to have that discussion.

The Convener: Okay. Thank you. I call Beatrice Wishart to wind up and indicate whether she will press or withdraw amendment 26A.

Beatrice Wishart: I have listened carefully to the cabinet secretary. It is vital that we have an independent oversight body to ensure that Scotland, as a good food nation, is fair to everyone and to co-ordinate things across what we have heard in evidence is a cluttered food policy arena. As that would help the journey towards our being a good food nation, I am inclined to press amendment 26A.

The Convener: I call Rhoda Grant to indicate whether she wishes to press or withdraw amendment 26.

Rhoda Grant: Beatrice Wishart wishes to press amendment 26A, and my withdrawing amendment 26 would prevent her from doing so. As a result, I will press the amendment, but I would also welcome discussions with the cabinet secretary on finding a resolution that suits all our purposes.

The Convener: Beatrice, I just want to confirm that you are seeking to press amendment 26A.

Beatrice Wishart: That is right.

The Convener: The question is, that amendment 26A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 26A disagreed to.

12:00

The Convener: I call Rhoda Grant to indicate whether she wishes to press or withdraw amendment 26.

Rhoda Grant: Given that amendment 26A has been disagreed to and given what I said earlier about having constructive discussions with the

cabinet secretary, I will withdraw amendment 26. However, I reserve the right to come back to the matter at stage 3.

Amendment 26, by agreement, withdrawn.

Amendment 56 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 56 disagreed to.

The Convener: Amendment 57, in the name of Rachael Hamilton, is in a group on its own.

Rachael Hamilton: Amendment 57 seeks to ensure that, in exercising their functions under this legislation, Scottish ministers and each relevant authority

“have regard to the importance of communicating in an inclusive way.”

Many groups are affected by communication disadvantage, including disabled people. Indeed, Camphill Scotland has stated that, regardless of the proposed changes to the public sector equality duty, it is vital that amendment 57 be agreed to if the Scottish Government wishes to fulfil its ambition to make consultation on the good food nation plan as wide, inclusive and participatory as possible.

The amendment is vital for several reasons. First, it would place in the bill statutory duties to ensure that the Government and relevant authorities, in exercising their functions under this legislation,

“have regard to the importance of communicating in an inclusive way”,

including in the preparation of, respectively, the national good food nation plan and the good food nation plans.

Secondly, the Scottish Government’s consultation document on the proposed changes to the public sector equality duty states that the regulations giving effect to the changes to the

PSED will not be introduced to the Scottish Parliament until late 2022 and will not come into force until 2025. By that time, we expect that the national good food nation plan and the good food nation plans will have been developed and introduced. Amendment 57 is therefore essential in ensuring that Scottish ministers and relevant authorities will, in exercising their functions under this legislation,

“have regard to the importance of communicating in an inclusive way”

and that, as a result, inclusive communication will be used to shape and inform the preparation of the national good food nation plan and the good food nation plans.

It is unclear what the Scottish Government's proposed changes to the PSED will be. If they promote inclusive communication and meet the needs of those who are affected by communication disadvantage according to Camphill Scotland's expectations, that will be all well and good. However, this is still an important amendment that seeks to recognise the importance of inclusive communication in all of this.

I move amendment 57.

Mairi Gougeon: I understand the desire, which is set out in the amendment, for any consultation to be as inclusive as possible, and I absolutely support the amendment's aims. The issue is important—indeed, it was highlighted in the committee's stage 1 report. I note that the committee welcomed the commitments made by me and officials that the Scottish Government's approach to consultation will be as open, accessible and inclusive as possible. As we said in our response to the committee's stage 1 report, we intend that to be the case for all future consultations on the good food nation plans, and we agree that consultation methods should be tailored to each specific audience.

We already aim to be as inclusive as possible in our communication. So, although I wholeheartedly agree with the sentiment behind amendment 57, I am not sure what additional benefit there is in setting out a requirement in legislation to have regard to inclusive communication in relation to the exercise of all functions under the bill. I can see how the duty would operate in the context of duties to consult, for example, and I would support that aim. However, it is difficult to see how a duty to have regard to inclusive communication would operate in the context of some of the other duties that are outlined—for example, the duties to review the good food nation plans and to have regard to the good food nation plans when exercising relevant functions.

The amendment goes beyond what the committee set out in its stage 1 report, and I have concerns that, because of the wording, it might not be workable in practice. For those reasons, I urge Rachael Hamilton not to press amendment 57. Again, I would be happy to work with her in the run-up to stage 3 to find a workable alternative.

The Convener: I call Rachael Hamilton to wind up and to press or withdraw amendment 57.

Rachael Hamilton: I welcome the cabinet secretary's words. It is important that we listen to stakeholders, particularly on inclusive participation and communication with people who are on the margins, including disabled people. The duty would cement the ambition to achieve a wide and inclusive participatory process. I welcome the cabinet secretary's offer to work with me to bring the provision back in a way that could be workable for the Government, possibly by changing the wording. On that basis, I will not press amendment 57.

Amendment 57, by agreement, withdrawn.

The Convener: I call amendment 83, in the name of Colin Smyth. Colin, will you move or not move the amendment?

Colin Smyth: Convener, I share your frustration that, just weeks before the bill is likely to become law, we still do not have a clear answer from the Government on a food commission, which should be a fundamental part of the bill. Let us be honest: the reason for that is that the SNP and Greens have not yet come to an agreement on it. There has been no effort by the Government to consult other parties or discuss this important issue, despite the fact that, overwhelmingly, stakeholders are of the view that it should be a major part of the bill.

However, at this stage, I will not move my amendment. If it helps you to know this, convener, I will not move any of my amendments in this group, right through to amendment 103.

I very much believe that the discussions to which the cabinet secretary has committed would have benefited from having something in the bill to discuss rather than the blank page that we currently have. I hope that the discussions will be genuine and across all parties and that we seek to come to a consensus, which will require compromise by the Government. We owe that to the stakeholders who believe that a food commission should be a fundamental part of the bill. We must ensure that we get it right.

I will not move amendment 83, but I reserve the right to bring the provisions back at stage 3. I hope that that will not be necessary, and I think that we can reach a consensus on this important issue.

Amendment 83 not moved.

Amendments 86 to 103 not moved.

Section 13 agreed to.

Section 14—Other defined expressions

Amendment 27 moved—[Mairi Gougeon]—and agreed to.

Amendment 58 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 58 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 58 disagreed to.

Section 14, as amended, agreed to.

Section 15 agreed to.

Section 16—Regulations

The Convener: Amendment 59, in the name of Karen Adam, is grouped with amendments 60 to 63 and 65 to 68. As previously advised, amendment 60 pre-empts amendments 61 to 63. Therefore, I cannot call amendments 61 to 63 if amendment 60 is agreed to.

Karen Adam (Banffshire and Buchan Coast) (SNP): Amendment 59 proposes that Scottish ministers should be required to consult

“Before making regulations under section 4, 7(2)(c) or 10”.

That means that ministers would need to consult before making regulations to specify functions in the exercise of which they are to have regard to the national good food nation plan, before making regulations to specify a public authority as a relevant authority and before making regulations to specify functions in the exercise of which the relevant authorities are to have regard to their good food nation plan. As is the case with amendments 60 and 68, in the name of Alasdair Allan, that would require the use of the affirmative procedure for several regulation-making powers that are currently subject to the negative procedure.

The amendments seek to address the recommendation in the committee’s stage 1 report that there should be greater levels of scrutiny of and consultation on the secondary legislation that will result from the bill.

Amendments 61 to 63 and 65 to 67, in the name of Beatrice Wishart, present alternative routes to achieving that extra level of scrutiny. However, my view is that those go beyond what the committee suggests in its report would be proportionate or necessary.

I move amendment 59.

Alasdair Allan (Na h-Eileanan an Iar) (SNP):

Like Karen Adam’s amendments, my amendments seek to respond to a call from the committee for more scrutiny in specific areas. The bill, as introduced, contains a number of regulation-making powers, among which are powers for ministers to specify functions or descriptions of functions for Scottish ministers and relevant authorities, to specify additional authorities as relevant and to specify a timeframe within which a relevant authority must produce a good food nation plan. The bill also provides that any regulations that are made using those powers will be subject to the negative procedure in the Scottish Parliament. However, the committee has agreed that that offers insufficient opportunity to scrutinise the relevant secondary legislation.

In our stage 1 report, the committee requested that the first exercise of the power conferred by section 4 to specify functions for the Scottish ministers and any exercise of the power conferred by section 7(2)(c) to make a public authority a relevant authority should be subject to greater levels of parliamentary scrutiny. My amendments 60 and 68 provide for that extra scrutiny. They would also ensure that, if the Scottish ministers wished to make regulations making a public body a relevant authority that would be required to produce a good food nation plan, those regulations would be subject to the affirmative procedure.

I believe that to be the correct level of scrutiny for those regulations, and my amendments respond to the committee’s view on the issue. I urge the committee to support the amendments in my name.

Beatrice Wishart: The six amendments in my name—61 to 63 and 65 to 67—are in three pairs.

Amendment 61 would remove regulations under section 4, which relates to the effect of the national plan, from being subject to the negative procedure, and amendment 65 would make those regulations subject to the affirmative procedure.

Amendment 62 would remove regulations under sections 7(2)(c) or 7(3)(b), which relate to the

designation of specified public authorities as relevant authorities, from being subject to the negative procedure, and amendment 66 would make those regulations subject to the affirmative procedure.

12:15

Amendment 63 would remove regulations under section 10, which relates to the effect of the relevant authorities' good food nation plans, from being subject to the negative procedure, and amendment 67 would make those regulations subject to the affirmative procedure.

In those three cases, my argument is the same: I believe the affirmative procedure to be the most appropriate in those cases, as it would enable a greater level of parliamentary scrutiny of the regulations, which is required for the bill to be as robust and effective as possible.

Rachael Hamilton: I would like clarification from Karen Adam on amendment 59, which uses the words "have regard to". Does she believe that those words are strong enough? Should they be strengthened to ensure that the recommendations from any consultation are properly considered, rather than that being left to the whim of the Scottish ministers?

Karen Adam: Yes, I think that those words are strong enough. Is Ms Hamilton proposing something else?

Rachael Hamilton: I think that the words should be strengthened. That would be something to discuss. It would be good to hear the cabinet secretary's views on that.

Mairi Gougeon: I will first address Rachael Hamilton's point and the question that she put to Karen Adam. We have covered that wording in previous discussion of other amendments. The words "have regard to" are used specifically because they have a legal effect. I have already outlined that ministers will be held to account for that, and they have been held to account for it previously. There is strength in that wording and it provides the ability to hold the Scottish ministers to account.

I will now address the amendments in the group. The bill, as introduced, confers several powers on the Scottish ministers to make regulations, and it provides that any regulations that are made using those powers will be subject to the negative procedure in the Scottish Parliament. The committee's stage 1 report requested that the first exercise of the power conferred by section 4 to specify functions for the Scottish ministers, and any exercise of the power conferred by section 7(2)(c) to make a public authority a relevant authority, should be subject to greater levels of

parliamentary scrutiny. Amendments 60 and 68, in the name of Alasdair Allan, provide for that extra scrutiny, as is recommended in the committee's stage 1 report. Accordingly, I am grateful to Alasdair Allan for lodging the amendments, and I encourage the committee to support them.

The committee's stage 1 report also recommended that there should be a formal provision for consultation with regard to specifying additional public authorities. I agree that additional scrutiny would be appropriate in this case. Karen Adam's amendment 59 proposes a requirement for consultation if a new public body is to be added to the list of relevant authorities. I agree with that amendment and ask the committee to support it.

In our view, amendments 59, 60 and 68 add an appropriate level of additional scrutiny of the Scottish ministers' powers to make regulations under the bill.

Beatrice Wishart's amendments 62, 63, 66 and 67 would make regulations that are made under sections 7(3)(b) and 10 subject to the affirmative rather than the negative parliamentary procedure. The Delegated Powers and Law Reform Committee has indicated that it is content that the negative procedure is appropriate for those powers. For that reason, I urge the committee not to support those amendments.

Beatrice Wishart's amendments 61 and 65 would make regulations that are made under section 4 subject to the affirmative rather than the negative parliamentary procedure. However, as noted in relation to the other amendments in the group in Beatrice Wishart's name, the DPLRC was content that regulations under section 4 should be subject to the negative procedure. Alasdair Allan's amendments 60 and 68 are in response to the approach that was recommended by the committee—namely, that the first set of regulations that are made under section 4 should be considered under the affirmative procedure, with subsequent amendments considered under the negative procedure. I am of the view that Beatrice Wishart's amendments go further than the approach that was recommended by the DPLRC and this committee. For that reason, I urge the committee not to support amendments 61 and 65.

In summary, I urge the committee to support amendments 59, 60 and 68 and not to support amendments 61 to 63 and 65 to 67.

The Convener: I call Karen Adam to wind up and to press or withdraw amendment 59.

Karen Adam: As has been said, the committee felt that there should be a stronger role for the Parliament in scrutinising specified functions, and we recommended a proportionate approach whereby the first set of regulations made under section 4 would be considered under the

affirmative procedure and subsequent amendments would be considered under the negative procedure.

Rachael Hamilton: Could I speak to something that the cabinet secretary said about the phrase “have regard to”? That means taking account of and considering the guidance, but it would be unprecedented not to consider the guidance. I would like clarification, possibly from the officials, on whether the guidance should be specifically considered by the Government, in legal terms.

The Convener: Cabinet secretary, would you like to respond to that?

Mairi Gougeon: I cannot add much more to what I have already intimated in the responses that I have given to the committee. We use that specific language because it has legal effect. The advice is that we would normally use that language in relation to consultations and where guidance is set out in other pieces of legislation. That particular language is appropriate because of its legal effect.

Rachael Hamilton: I am not content, but I will reflect that in my vote.

The Convener: I ask Karen Adam to press or withdraw amendment 59.

Karen Adam: I will press amendment 59.

The Convener: The question is, that amendment 59 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

The Convener: The result of the division is: For 7, Against 2, Abstentions 0.

Amendment 59 agreed to.

Amendment 60—[Alasdair Allan]—moved.

The Convener: I remind members that, if amendment 60 is agreed to, I cannot call amendments 61 to 63, as they will have been pre-empted.

The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

Against

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

The Convener: The result of the division is: For 5, Against 4, Abstentions 0.

Amendment 60 agreed to.

Amendment 28 not moved.

Amendment 84—[Rachael Hamilton]—moved.

The Convener: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 84 disagreed to.

Amendments 65, 29 and 66 not moved.

Amendment 85 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 85 disagreed to.

Amendments 67 and 30 not moved.

Amendment 64 moved—[Rachael Hamilton].

The Convener: The question is, that amendment 64 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Carson, Finlay (Galloway and West Dumfries) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
(Con)
Villalba, Mercedes (North East Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Minto, Jenni (SNP) (Argyll and Bute) (SNP)

The Convener: The result of the division is: For 4, Against 5, Abstentions 0.

Amendment 64 disagreed to.

Amendment 68 moved—[Alasdair Allan]—and agreed to.

Section 16, as amended, agreed to.

Sections 17 and 18 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill. I thank everyone for their patience.

Meeting closed at 12:27.

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