

# FOOD (SCOTLAND) BILL: SCOTTISH GOVERNMENT RESPONSE TO STAGE 1 REPORT

## DIET AND NUTRITION

### Committee Report

1. The Committee notes the new powers in respect of diet and nutrition proposed for Food Standards Scotland in comparison to those currently held by the Food Standards Agency.
2. The Committee is aware from much of its other work of the impact of diet and nutrition on general health and wellbeing and their links with obesity (and the health issues that it gives rise to) and health inequalities. The Committee, therefore, considers it appropriate that the new body have these additional powers, as part of the public policy approach to the many and varied dietary and nutritional challenges faced in Scotland.
3. The evidence received calling for FSS to have a strong coordination and leadership role, given that there are a number of other existing bodies which also have a role in this area, is accepted by the Committee. The Committee is aware that much of the detail of how FSS will work alongside other public sector agencies in relation to these new powers will be for negotiation once the new body has been established.
4. Nevertheless, the Committee **invites the Minister to set out, in general terms, how the Scottish Government would envisage FSS's food and nutrition role being carried out in practice.**
5. The Committee also seeks an assurance from the Minister that the Scottish Government will **take any steps necessary to ensure that the work of FSS and the relevant NHS bodies is appropriately co-ordinated** in order to ensure that the combined efforts of the different bodies are as effective as possible in **progressing agreed objectives.**

### Scottish Government Response

6. The Committee is correct to note that much of the detail of Food Standards Scotland's (FSS) role in regards to diet and nutrition will be firmed up after the body has been established. The diet and nutrition landscape is a complex one and the issues faced by Scotland in tackling its poor diet is multi-faceted. Expertise and capacity to address these issues lies with a number of different stakeholders.
7. In general terms, setting out a nutrition and diet objective for FSS on the face of the Bill gives the body a more transparent and strategic role in this area. On transparency, a nutrition objective will help stakeholders understand the services FSS will provide - help and advice on nutrition in food. On a strategic role, having a clearer remit will give FSS impetus to lead partnerships with other public bodies to tackle specific issues. This will help clear up confusion over roles and responsibilities amongst partners.

8. The establishment of FSS and the enhancement of its food and nutrition role presents the Scottish Government with an opportunity to rethink how efforts of relevant public bodies can be best coordinated and which body should lead for which issue.

9. FSS's role in relation to diet and nutrition needs to have a robust evidence base at its core so that advice to the public through relevant media platforms and advice to policy makers is scientifically sound. Both functions require a representation of the data to ensure that it is fit for purpose and relevant to the target audience.

## BUDGET

### Committee Report

10. The Committee would welcome **an update from the Minister on the progress of the budgetary negotiations** between the Scottish and UK Governments, in advance of the stage two proceedings.

11. The Committee notes the Minister's comments that there is no need for additional resource at present because, although the Bill gives the FSA additional responsibilities in respect of diet, these responsibilities do not extend the role currently carried out by FSA Scotland sufficiently significantly for additional resources to be required. Nevertheless, the Committee seeks an **assurance from the Scottish Government that any significant future expansion of FSS's role under the Bill will be appropriately resourced.**

### Scottish Government Response

12. Negotiations between the Scottish and UK Governments on funding FSS's budget for 2015/16 are linked to a series of other discussions on future FSS roles and relationships between FSS and Defra, Department of Health and the Food Standards Agency. These negotiations will be complete in early 2015 in time to be signed off by the incoming FSS Board.

13. The budget as set out in the Financial Memorandum for the Bill is based on functions agreed for FSS in its first year. Any additional functions taken on by FSS will require specific funding to be identified and made available where required.

## RESEARCH FUNCTIONS

### Committee Report

14. The Committee calls on the Scottish Government to provide **clearer detail of the proposed research functions and capability of FSS and how the research operations of FSS are expected to relate to UK-funded research bodies.** In particular, the Committee asks the Scottish Government **to provide a more detailed explanation of how it will seek to secure access and maintain relationships with the UK-funded research bodies.**

15. The Committee would also welcome additional detail on the likely content of the **proposed memorandum of understanding** between FSS and the FSA (UK) ahead of the stage one debate. The Committee invites the Minister to set out how the FSS will have both **access to and influence on relevant FSA UK committees.**

## Scottish Government Response

16. FSS will have a statutory responsibility to keep the public adequately informed to allow them to make decisions about food matters. To do this FSS will carry out research and maintain close contact with all other relevant research bodies.

17. FSS will be established with access to the necessary scientific and research skills and resources to meet this objective. There are areas where scientific and research skills already exist but there are areas where expertise needs strengthened, for example, in social and behavioural sciences. Options for addressing these gaps include recruiting appropriate experts or working more closely with external partners, such as the Food Standards Agency (FSA) and the Scottish Government's Chief Scientific Adviser.

18. UK research funding bodies already work closely together, sharing the outputs of research and coordinating the commissioning of new evidence needs where appropriate. FSS will contribute to these networks, working closely with FSA in particular but also with other research partners across the UK, Europe and beyond. In terms of the bodies which receive research funding, the FSA in Scotland has strong links with UK and international scientific experts leading on food research and these will be further developed when FSS is established. It's envisaged that the FSS will have a Chief Scientific Advisor/Head of Science role which will help to establish FSS's position in the UK research funding landscape.

19. The Memorandum of Understanding (MoU) between the FSA and FSS is being drafted in time for the incoming FSS Board to agree and sign (early 2015). The protocol in the MoU on science and research is based on the UK Government's written agreement in 2013 that FSS will have full access to UK research.

20. The protocol on science and research will set out the status and extent of FSS's influence in regard to each of the FSA scientific advisory committees. The protocol will also lay out arrangements for FSS and FSA to work together to identify evidence needs and explore opportunities for joint working where appropriate. It will also facilitate the exchange of data and research findings between FSS and FSA in all areas of mutual interest.

21. The Scottish Government will ensure that the agreed MoU and protocols will be published and made available to the Parliament at the earliest opportunity.

## ACCESS TO EUROPEAN RESEARCH FUNDING

### Committee Report

22. The Committee notes the expectations expressed by the Minister and other witnesses that the creation of the new food body will lead to improved access to European research funding. The Committee welcomes this but **calls on the Scottish Government to provide a more detailed clarification of how it expects that research institutes will gain this improved access to European research funding and opportunities through the new food body.**

23. The Committee welcomes this, it would also be interested in **hearing more about these opportunities and how they are expected to operate in practice.**

## Scottish Government Response

24. Improved access to funding from Europe and elsewhere will be delivered by two developments.

25. First, FSS will now have its own identity and priorities for research based on Scottish issues and needs. In addition to commissioning work through its own research funding programmes, FSS will be able to engage and seek collaborative links with EU frameworks to support work which will address common objectives and achieve best value.

26. By working closely with the scientific community in Scotland, and linking with wider EU research frameworks, FSS will also be able to play a role in co-ordinating research activities which are relevant to its remit and in assisting Scottish institutes and research groups to identify opportunities for EU funding. Examples of funding initiatives where there could be opportunities for FSS to link into include the Biotechnology & Biological Sciences Research Council led Global food Security Programme (<http://www.foodsecurity.ac.uk/>) and the EU Framework Programme Horizon 2020 (<http://ec.europa.eu/programmes/horizon2020>)

27. Second, FSS will be taking on a wider role in co-ordinating all food and nutrition research funded by the Scottish Government. This will allow food and nutrition research being undertaken by the principal research bodies in Scotland to be coordinated with FSS's own research.

28. Taken together, these developments will allow Scottish researchers to access more relevant funding and food and nutrition research in Scotland will be more coordinated.

## FIXED PENALTY NOTICES

### Committee Report

29. The Committee notes the point made by the Scotch Whisky Association about the absence of an appeals process for fixed penalty notices. The Committee would invite the Scottish Government to **consider the possibility of establishing an appeals process.**

30. The Committee also notes differing views about the proposal that income derived by enforcement authorities from fixed penalties will be paid over to the Scottish Ministers and not to the Consolidated Fund as is currently the case. The Committee invites the Scottish Government to **comment on the suggestion by the NFUS that the proposed arrangement might affect the perception of FSS as a non-ministerial body.**

## Scottish Government Response

31. The Scottish Government is working with stakeholders to consider the option of establishing an appeal process for fixed penalty notices. The Bill already refers to details for making representations about fixed penalty notices – section 36(1)(g) – having to be included on the fixed penalty notice itself.

32. With regards to the monies from fixed penalty notices being passed to the Scottish Ministers, the Scottish Government does not believe that this will affect the perception of

FSS as a non-ministerial body. FSS will continue to be independent and autonomous in the running of its operations and decision-making.

**September 2014**