

Why is the Bill required

Question 1: Do you agree with the overarching principles that the Bill seeks to achieve?

We recognise the importance of considering the range of principles which underpin the Bill, given that factors such as food security, consumer choice and the sustainability of the food system are key factors which influence population health and well-being. These principles are aligned to a number of other key policies and legislation in Wales, including the Well-being of Future Generations (Wales) Act and the Health Weight Healthy Wales Strategy.

The current approach to food policy in Wales is one of silos and this inherently creates differing and sometimes contradictory policies which have resulted in a toxic food environment with cheap, unsustainable, unhealthy and low nutrient value food products marketed in an unrestrained manner to the most vulnerable, including children. This devalues the importance of food to our physical, emotional, social & environmental wellbeing. What isn't clear is the relative emphasis within the proposed approach – which in our view should prioritise food as a determinant of the health of individuals, communities and the planet. Currently the Bill appears to over-protect the economic drivers by placing these on an equal footing with other aspects of the food environment. Whilst the food industry – from fork to plate – needs to be considered, there is a danger that the health of the population will be a secondary consideration. Instead the Bill represents an opportunity to create a regulatory environment that promotes healthy eating to which the food industry can adapt.

The Bill provides an excellent opportunity to legislate for a sustainable food system that meets the nutritional & health needs of both humans and the planet. To that end, we would advocate for the inclusion of food and nutrition – recognising that diets are made up of foods but that the health benefits are derived from their nutritional profile. Whilst there is no single 'diet' that achieves the maximum benefit for an individual/subgroups, there are however certain food items/products which provide little/no nutritional value.

There is plenty of evidence of the significant damage that is created by industries that pay little regard to their environmental, economic or human impact. It will be vital to ensure that the legislation seeks to identify these harmful elements, as they relate to the food industry, and that they are addressed in this Bill in order to protect the health & wellbeing of our future generations.

It is also welcomed to see an intent to synergise this Bill with the development of a Wales Community Food Strategy – which recognises the vital importance of locally-sourced, sustainable and healthy foods – protecting the power of nature through sustainable farming practices and securing a future for family farming in Wales. It will also be important to consider alongside these how to support economic development that helps to produce healthy food products from locally sourced ingredients that provide high quality nutritional value – without high levels of salt, sugar and fat – working with a range of farmers and growers. This provides an opportunity to further build on a developing part of our economy with small scale food production plants tested in sub-national & rural parts of Wales.

Question 2: Do you think there is a need for this legislation? Can you provide reasons for your answer.

There are a number of potential benefits to population health and well-being which could be realised through this legislation, although it would be important to consider the potential for unintended negative consequences the legislation may have on population health and well-being, which may include widening any existing inequalities in health across different groups of the population in Wales.

There is significant evidence of how a self-regulatory approach to re-formulation of various food products and/or food environments, marketing/promotion etc. has had only limited success. Attempts made in other parts of the UK and further afield to work with the food industry on key issues around salt, fat and sugar content of foods has repeatedly shown that much of the food industry places economic success above people, community & environmental health. We recognise that is not true of all sectors of food production and that regional, rural and local producers demonstrate that healthy and sustainable approaches can be commercially viable. This Bill represents an important opportunity to ensure that legislation helps to protect those who are most vulnerable and least able to act on choices and to drive the sector towards more sustainable production that supports good health.

We see this legislation as an opportunity to address the significant levels of both obesity and malnutrition across our society as well as an unsustainable food chain that is responsible for significant levels of carbon emissions through food miles and the use of imported products traded as global commodities.

In the absence of regulation, there has been inconsistency in terms of how our food environments (including those within the public sector) enable healthy behaviours. Often the easiest or lowest cost choice/option prevails which can result in the normalisation of cheap unhealthy foodstuffs. This legislation will provide a lever for change and would support the WFGA & Healthy Weight, Healthy Wales government strategy. A regulatory approach is important to enable action to create environments through the planning / licensing of food premises, their density and location, designation of growing areas, the type of businesses supported. This relates to the creation of positive food environment that is supportive of people and planet health. In the absence of a regulatory lever, choice rests not with communities but with retailers and creates in effect 'food deserts' (defined as limited or no access to affordable and nutritious food) often for our most vulnerable communities who suffer with the greatest ill-health burden.

Research has shown that everyday food insecurity is on the rise which means for increasing numbers of our population, having to spend an increasing proportion of household budget towards transportation costs in order to purchase food. A lack of money, not food & nutrition related knowledge and skills, is often the biggest barrier to eating healthily. Our most vulnerable in society are often left with the only feasible option being cheap, unhealthy highly processed foods that ultimately harm their and their families' health. Whilst there is a growing industry of online food delivery, research indicates that may not be the solution for people living in 'food deserts' with over 1/3 on low income indicating they would never use online shopping.

Whilst it is welcome that public sector bodies are expected to demonstrate their commitment to creating a healthy food environment, it is important to also recognise the role that other sectors have in terms of influencing the food production, marketing and provision in terms of the health & wellbeing of individuals, communities and the environment. A wider legislative/policy framework is required – one that recognises the importance of the public sector leading by example but not without similar checks and balances in place to regulate the wider food environment.

Inequalities in health arise because of inequalities in society and the conditions in which people are born, grow, live, work and age –leading to differential levels of vulnerabilities. In order to improve health and well-being and reduce health inequalities the root causes need to be addressed. These 'root' causes can be thought of as the basic building blocks for health such as good education, good quality housing, fair work, money & resources, housing and our surroundings. Without these, our health and wellbeing is affected, leading to ill-health that is avoidable and unfair. Secure access to good quality nutritious food is one of these basic building blocks for health.

The health board's population health vision supports taking action across all six of the domains first set out by Professor Sir Michael Marmot in his 2010 report 'Fair Society Healthy Lives.'^{*} Given the far-reaching impacts of the food system on health and well-being, this legislation would have the potential to impact on all six of these domains.

The health board also supports a One Health approach to sustainable development, in line with the Chief Medical Officer for Wales's recent Annual Report. The One Health approach, endorsed by the World Health Organization, recognises the importance of working across multiple disciplines and sectors on issues which span the human-animal-environmental interface. The food system is a clear illustration of an area which strongly intersects these domains and is a key priority area within the One Health approach. This legislation therefore has the potential to strengthen a One Health approach to the food system in Wales.

Food Goals

Question 3: Please provide your views on the inclusion of the Food Goals within the Bill as the means to underpin the policy objectives.

These goals are well aligned to those within the Well-being of Future Generations (WFGA) and the mechanisms within the WFGA mechanism could be utilised to strengthen the focus on food and sustainable development in Wales. Recognising that the WFGA is informed by the UN's Sustainable Development Goals (and food is featured

within these goals), it may be useful to include how the legislation in Wales feeds into the UN SDGs through the UK as a member state. This should help reinforce the principle that the food system is connected as a local, national and international level.

The primary food goal – whilst recognising the different potential desirable impacts/benefits – is inherently challenging. The current food system operating under policies that drive affordability, health, economic growth and environment do not readily or automatically align. Hence, as a statement of intent it is important to recognise that while all these are important considerations in designing a food system for our people and planet, there will need to be careful consideration of how different choices and policies compete. Decision making processes that are transparent and recognise the potential trade-offs & resultant impacts including unintended consequences, will need to be established for the policy outputs to command confidence and support.

Our concern is that the health of our population and planet must not be perceived or treated as a secondary consideration to others aspects of the Goals. We are concerned that economic arguments may receive undue weighting and used to justify the status quo and or slow the pace of change. These have been tactics used similarly by the tobacco and alcohol industries and have contributed to a distorted, obesogenic food environment that does not enable or encourage healthy eating. We would welcome healthy, affordable and environmental sustainability being primary drivers with the importance of economic viability considered within that context. Healthy, affordable & sustainable food products are economically viable but will require a move away from the dependency on our current food system – both by our producers/providers and customers.

Ultimately, the Food Goals should have a demonstrable relationship to the achievement of outcomes for our population health and wellbeing – in line with existing legislation.

Question 4: Do you agree with the inclusion of a Primary Food Goal supplemented by Secondary Food Goals?

The difference between the primary and secondary goals could be made clearer, as well as more detail on how they relate.

The primary goal should state the need to consider a whole system approach to the food environment – recognising the inter-dependency of all aspects of the food system i.e. health, environment, economic. This would be in line with the WFGA – which this should underpin. What will be needed are secondary goals that: give appropriate weighting to the different dimensions; recognise that the responses to these will be in conflict; and where there is a clear ranking or bias in support of the health of our nation. This approach establishes that a sustainable, healthy & affordable food environment is not at odds with the development of a thriving economy. Our concern would be over the interpretation of the secondary goals if simply adopted as the ‘wellbeing goals’. Transparency and accountability will be important in how these are defined and enacted.

Question 5: Are there additional / different areas you think should be included in the Food Goals?

Given the close alignment to the WFGA, to include cultural well-being alongside the other aspects of well-being which are already captured within the legislation (environmental, social, economic). It would also be useful to consider how the well-being goals and ways of working could be reflected, including a focus on reducing inequalities and supporting vulnerable groups.

Question 6: Do you have any additional comments on the Food Goals, including the resource implications of the proposals and how these could be minimised?

It would be important to consider how it aligns to existing policy and legislation and to minimise duplication, including the WFGA and Healthy Weight Healthy Wales, as well as consideration of the existing pressures on services which include both Covid and non-Covid harms.

To strike the right balance – there will need to be development of approaches to transparent decision-making from the perspective of human & environmental health and food chain. This creates a resource requirement to establish these processes/forums including within public sector bodies. There are also likely to be implications during transition to any new regime creating the need for transitional support. The provision and targeting of this support will require careful consideration to ensure that it is used to enhance and accelerate moves to the new regulatory regime.

Question 7: Please provide your views on the inclusion of targets within the Bill as the means to measure how the Food Goals are being advanced.

It would be important to consider how these align to existing policy and legislation and to minimise duplication, including the WFGA and Healthy Weight Healthy Wales. It would be useful to consider a broad range of quantitative and qualitative measures to inform these targets and to consider the evidence behind the targets and to what extent they will lead to the intended impacts.

It will also be important to recognise the interdependences between action taken to achieve the targets – aiming for as much synergy as possible to better support implementation. Equally to be alert to the potential for unintended consequences and the unequal distribution of this impact given that the secondary and primary food goal has several facets and potential ‘outcomes’ being sought.

Question 8: Do you agree with the process for setting the targets?

The five years’ timescale is consistent with the WFGA and Social Services and Well-being (Wales) Act and their assessments, but it would be useful consider how the timing of these could be aligned.

Also, given the complexities with setting targets for goals with potentially conflicting and divergent action needed to ‘achieve’ the target, it would be important as part of the process to build in some time for the system to develop the capability to report in a timely as well as enable a rapid response when unintended consequences are identified.

Question 9: Do you think the reporting mechanisms set out in the draft Bill provide sufficient accountability and scope for scrutiny?

Further detail on the reporting mechanisms and expectations at all levels of the system would be welcomed to ensure transparency, consistency and robustness of the approach but also of what will be required in terms of infrastructure given that this is likely to require additional capacity and capability to develop & mature.

Question 10: Do you have any additional comments on the targets, including the resource implications of the proposals and how these could be minimised?

See points above – it is likely that in terms of creating an infrastructure and capability to collect, collate, synthesis, interpret and report on data/information required as part of targets, there will be resource implications for public sector bodies. Hence it would be important to consider how it aligns to existing policy and legislation and to minimise duplication, including the WFGA and Healthy Weight Healthy Wales, as well as consideration of the existing pressures on services which include both Covid and non-Covid harms.

Wales Food Commission

Question 11: What are your views on the need for a Welsh Food Commission?

There is potential for this Commission to add value to population health and well-being, although it would be useful to consider how it aligns and build on existing commissions and activities, including the mechanisms established through the Healthy Weight Healthy Wales strategy. This is important in order to avoid overburdening the system and potentially creating silos or channels that are not aligned in their approaches. The added value will be in recognising the need for a system-wide approach to the creation of sustainable and healthy food environments within a thriving economy.

Question 12: Do you agree with the goals and functions of the Welsh Food Commission? If not, what changes would you suggest?

The goals and functions are generally suitable. More detail and clarity on the scope of the goals would be useful and an outline of how they would align with other goals and indicators.

Question 13: Do you agree with the size of the membership of the Food Commission and the process for appointing its members?

It is not clear how conflicting interests of private industry/sector which have a significant influence and special interest in how the food system/environment is shaped and governed will be managed. In order to be credible and independent, it would be important for full disclosure by any individual who has an interest in any part of the food system (other than as a consumer) and who is seeking membership of the Commission. Consideration should be given to excluding those who represent the interests of the food industry from the Commission – similar to the approach recommended by the World Health Organisation for tobacco control regulatory bodies.

Question 14: What are your views on the proposal that the chair and members can serve a maximum term of five years and that an individual may be re-appointed as a chair or member only once? Do you believe this is appropriate?

No specific comments.

Question 15: Do you have any additional comments on the Food Commission, including the resource implications of the proposals and how these could be minimised?

It would be useful to consider how it aligns to existing policy and legislation and to minimise duplication, including the WFGA and Healthy Weight Healthy Wales, as well as consideration of the existing pressures on services which include both Covid and non-Covid harms.

National Food Strategy

Question 16: Do you agree that there is a need for a national food strategy?

A strategic approach would be welcomed on this issue. Given there are a number of existing or upcoming related strategies in this area, including Healthy Weight Healthy Wales, the National Food Strategy Independent Review and the upcoming Community Food Strategy in Wales, it would be important to clarify its remit and how it relates to these other strategies. This would require consideration of any competition or conflict in governance, reporting and demonstration of impact – by way of recognising the need for a system-wide approach, integration of action for maximum impact and to avoid unintended consequences of divergent/competing agendas and/or missed opportunities. We would also call for the inclusion of nutrition alongside food – recognising the fundamental contribution that ‘food’ makes to our health through the nutritional value that can either contribute to or undermine population and environmental health and wellbeing.

Question 17: Do you believe the Welsh Government’s current strategies relating to ‘food’ are sufficiently joined up / coherent?

The potential exists but it is variable in terms of the integration and joining up of food & nutrition strategies leading to inconsistencies and a fragmented approach. Alignment with existing system leadership mechanisms at a sub-national level would be valued. The WFGA and Public Service Boards as part of this legislation create the mechanisms both locally and nationally to integrate a range of issues related to food. A key priority in the health board is to develop an integrated and partnership approach, driven by prevention and equity. The Healthy Weight Healthy Wales strategy also contains delivery plans and aims to adopt a whole system approach to this area of work. It would be welcomed if there was additional support to help promote integration of the range of issues related to the food system among regional partners.

Question 18: Does the draft Bill do enough to ensure that Welsh Ministers take advice and consult on the strategy before it is made. If no, what additional mechanisms would you put in place?

It would be good to provide detail on a fully transparent approach to the development of the strategy given its potential significant impact on the food system, including who has been involved in shaping the content. There should equally therefore be an opportunity to seek clarity and challenge where questions arise at to the contributions and decisions taken – any strategy should be offered for public consultation as well as scrutiny in the Senydd. Given the focus of the legislation – consultation should be directed at public sector and communities/vulnerable groups.

Question 19: Do you think the provisions of the draft Bill relating to reporting on the national food strategy are sufficient? If not, what changes would you like to see?

No specific comments.

Question 20: Do you think the provisions of the draft Bill relating to reviewing of the national food strategy are sufficient? If not, what changes would you like to see?

No specific comments.

Question 21: Do you have any additional comments on the National Food Strategy, including the resource implications of the proposals and how these could be minimised?

It would be important to consider how it aligns to existing policy and legislation and to minimise duplication, including the WFGA and Healthy Weight Healthy Wales, as well as consideration of the existing pressures on services which include both Covid and non-Covid harms.

Local Food Plans

Question 22: Do you agree that there is a need for local food plans?

A local food plan would be beneficial in order to help translate the national policies and strategies into a plan that can be successfully implemented with impact at a local level. From a population health perspective this would enable the health board to work collaboratively with local partners to integrate a number of relevant approaches, including foundation economy approaches, place based approaches and ensure meaningful engagement with the diversity of communities which make up the local population. Given the focus on public sector bodies, it would be appropriate to consider aligning this to existing local mechanisms/partnerships such as the PSB for joined up/collaborative approach to the development of a public sector food system. We would also wish to see the inclusion of food & nutrition – recognising the fundamental contribution that ‘food’ makes to our health through the nutritional value that can either contribute to or undermine population and environmental health and wellbeing.

Question 23: Does the draft Bill do enough to ensure that public bodies consult on their local food plans before they are made. If no, what additional mechanisms would you put in place?

There are existing mechanisms in place through the WFGA and the Public Service Boards which could be utilised, but it would be useful to consider how local food plans could align with this and to consider what the added benefit would be of introducing additional mechanisms. Equally and additionally, there should be a requirement that public sector bodies demonstrate how they have consulted with each other and involved a wide range of relevant stakeholders/target audiences in the production of local food plans e.g. growers, suppliers, staff, population groups, vulnerable groups etc.

Question 24: Do you think the provisions of the draft Bill relating to reporting on the local food plans are sufficient? If not, what changes would you like to see?

There should be a requirement to demonstrate how they report back to the relevant local stakeholders/target audiences as part of a fair, transparent and co-productive approach to the development, reporting and reviewing of local food plans, which will also help to drive up local engagement in food issues.

Question 25: Do you think the provisions of the draft Bill relating to reviewing of the local food plans are sufficient? If not, what changes would you like to see?

There should be a requirement to demonstrate how they report back to the relevant stakeholders/target audiences as part of a fair, transparent and co-productive approach to the development, reporting and reviewing of local food plans which will also help to drive up engagement in the agenda.

Question 26: Do you have any additional comments on local food plans, including the resource implications of the proposals and how these could be minimised?

It would be important to consider how it aligns to existing policy and legislation and to minimise duplication, including the WFGA and Healthy Weight Healthy Wales, as well as consideration of the existing pressures on services which include both Covid and non-Covid harms. It would also be important to consider the potential resource implications in system changes/shifts e.g. local procurement, changes in food supplies, development of new products/markets/environments as well as the machinery needed to co-design, co-deliver and co-assess the local food plans.

General Provisions

Question 27: Do you agree with the list of persons defined as being a ‘public body’ for the purpose of this Bill?

The list identified in the Bill are appropriate. It would also be useful to consider what additional public bodies would be suitable for inclusion, in particular those that are already engaged within the Public Service Boards through the WFGA.

Question 28: Do you have any views on the process for making regulations set out in the Bill?

No specific comments.

Question 29: Do you have any views on the proposed commencement date for the Act?

No specific comments.

General Views

Please provide any additional information relevant to the draft Bill.

Whilst we recognise the potential value of addressing what is currently a gap in the policy environment relating to 'food', our particular concerns are the need to consider how this Bill is a catalyst to enhancing / creating a more integrated and synergistic approach to creating a healthy food environment.

The introduction of a level of governance and scrutiny is welcomed as is the setting of 'targets'. However, these need to be meaningful and well considered to avoid unintended consequences.

We would also advocate for the explicit reference throughout to food and nutrition – which recognises that the benefits to society are through a food environment that provides the nutritional value needed by the population for health as a fair trade for any potential environmental costs to its production.

In particular, our concern would be the potential differential impact of any Bill on those communities / vulnerable groups of our society who are already disadvantaged and who have poor or insecure access to nutritious food locally and/or are left with no choice but to feed themselves and their families diets of poor nutritional quality out of necessity created through policy approaches that fail to recognise the lack of choice they are able to exercise / offered.