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Finlay Carson MSP
Convener
Rural Affairs, Islands and Natural Environment
Committee
Scottish Parliament
EH99 1SP

13 June 2022

Dear Finlay,

Thank you for your letter, dated 9 June 2022, requesting further information about the Scottish Food Commission, and the amendments to establish it that will be considered at Stage 3 of the Good Food Nation Bill on 14 June. I will endeavour to address your queries in turn in my response.

Timescale

It is my intention that the Food Commission will be fully set up after the national food plan is published and in good time to provide considered commentary and any recommendations for the first set of progress reports for the good food nation plans.

I intend for the Food Commission to be streamlined, efficient and focussed on the core tasks that will help us to achieve our Good Food Nation ambitions. In this way it will balance the call for additional scrutiny of the Good Food Nation work with budgetary constraints.

Functions of Scottish Food Commission

The proposed functions of the Scottish Food Commission are as follows:

- To keep under review progress in achieving outcomes in good food nation plans and the effectiveness of the plans in addressing food-related issues;
- To advise, inform and assist Scottish Ministers and relevant authorities with a view to promoting and supporting progress in achieving the outcomes in good food nation plans and improving the effectiveness of the plans in addressing food-related issues.

The Scottish Food Commission also:

- Must have regard to any request by Scottish Ministers to assist them;
- May make formal recommendations to Scottish Ministers and/or relevant authorities as to actions it considers should be taken in relation to good food plans;

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- Must publish such formal recommendations;
- May carry out or commission any research or seek any independent or expert advice it wishes for the purpose of its functions.

When reviewing their good food nation plans, Scottish Ministers and relevant authorities must have regard to any such formal recommendation made by the Scottish Food Commission.

Our intention is that the new Food Commission will be able to advise Ministers and relevant authorities about the content of their good food nation plans and provide key recommendations as they see fit. Having these independent recommendations made public will increase accountability and scrutiny of the work of both Government and the Food Commission.

The Food Commission will be able to carry out its own research into elements of the food system and seek out the views of outside expertise in order to inform its opinions and recommendations. I would expect the Food Commission to use these powers to provide the most up-to-date advice and recommendations on developments in the food system.

Costs

The need for scrutiny and oversight in the Good Food Nation Bill must be balanced by budgetary constraints and the need to spend public money efficiently. It is my intention that the new Food Commission is streamlined, efficient and focussed on the core tasks that will help us to achieve our Good Food Nation ambitions.

The precise budget provided for the Food Commission will need to be taken in the context of future public finance considerations however we anticipate that running costs would be less than £1m per annum. This of course is based on amendments as lodged by Ariane Burgess MSP, which are yet to be voted on.

Type of public body

The Scottish Food Commission will take the form of an Executive Non-Departmental Public Body (NDPB). While there will be some differences, in this way the new Scottish Food Commission can be compared with the Scottish Land Commission.

I have attached the characteristics of NDPBs, as drawn from the Scottish Government's [guide to public bodies in Scotland](#), in an Annex to this letter.

I trust that you will find this additional information helpful when you are considering the amendments.

Yours sincerely,



MAIRI GOUGEON

Non-Departmental Public Bodies (NDPBs)

NDPBs, unlike Executive Agencies and NMOs, are not part of the Scottish Government or the Scottish Administration. They carry out administrative, commercial, executive or regulatory functions on behalf of Government; and operate within a framework of governance and accountability set by Ministers.

Executive NDPBs carry out administrative, commercial, executive or regulatory functions on behalf of Government. They are normally established by statute; they employ their own staff, who are not civil servants, and manage their own budgets; and are accountable to a board whose members are normally appointed by Ministers.

Characteristics

- operate within a Strategic Framework set by Ministers
- have their own legal identity i.e. are established by statute or set up as companies Ltd by guarantee
- carry out administrative, commercial, executive or regulatory functions on behalf of the Scottish Government
- provide specialist advice to Ministers and others
- headed by a Board which is appointed by Ministers
- a body corporate, staff are employed by the body and are not civil servants
- allocated and manage their own budgets

Accountability

- directly accountable to Ministers, and through Ministers to Parliament
- Chief Executive is designated as the Accountable Officer
- Accountable Officer responsible for the use of resources but Ministers remain accountable to the Parliament for the allocation of public funds
- Board holds the Chief Executive to account
- Ministers ultimately accountable to Parliament for the functions and performance of the body and have the power to wind it up (subject to Parliamentary approval (as required))
- the relationship between Ministers, SG and the NDPB is set out in the relevant legislation and the Management Statement/Financial Memorandum
- most NDPBs funded by Grant-in-aid (some are funded through sectoral levies) and receive an annual guidance letter

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- subject to relevant guidance issued by Ministers e.g. the Scottish Public Finance Manual
- Ministers agree Corporate and Business plans and appoint (and can remove) Board members
- subject to a general or specific Ministerial power of direction (with appropriate safeguards in certain circumstances)
- prepares its own annual reports and accounts which are presented to Ministers and laid in front of Parliament

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