

**ANGUS COUNCIL**

**POLICY AND RESOURCES COMMITTEE – 26 OCTOBER 2021**

**COVID RECOVERY – A CONSULTATION ON PUBLIC SERVICES, JUSTICE  
SYSTEM AND OTHER REFORMS**

**REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

This report advises the Committee of the Scottish Government Consultation on “Covid Recovery – A Consultation on Public Services, Justice System and Other Reforms”. The deadline for responses is 9 November 2021. A proposed response on behalf of Angus Council is attached at Appendix 1 and Members are asked to consider this draft response and to provide any further comments prior to approving a final response for submission.

**1. RECOMMENDATIONS**

1.1 It is recommended that the Committee: -

- (i) Notes the Scottish Government Consultation on “Covid Recovery – A Consultation on Public Services, Justice System and Other Reforms” as detailed in this report;
- (ii) Considers the Council's draft response to the consultation attached at Appendix 1, provides any further comments for inclusion in the final response and agrees a final response; and
- (iii) Approves the Director of Legal and Democratic Services' submission of the Council's final response to the Scottish Government.

**2. ALIGNMENT TO THE COUNCIL PLAN**

Given the wide-ranging topics in the consultation, the report is relevant to all aspects of the Council Plan 2021-24 priorities.

**3. BACKGROUND**

3.1 On 17 August 2021, the Scottish Government published a Consultation on “Covid recovery: public health, services and justice system reforms”. Further detail can be found here: -

<https://consult.gov.scot/constitution-and-cabinet/covid-recovery/>

3.2 It is the intention of the Scottish Government to remove measures no longer needed in order to respond to the pandemic whilst keeping those where there is demonstrable benefit to the people of Scotland. The Consultation paper focuses on reviewing the legislative powers that have supported the Government's response to Covid and invites comments on the action that respondents think is required to support a fair, safe and secure recovery.

3.3 The Consultation invites views on specific legislative proposals that have the potential to support Covid recovery, including: -

- Proposals for greater public health resilience, to protect Scotland against future public health threats;
- Proposals for public services and justice system reform, to ensure that the benefits of practical modernisations put in place during the pandemic are maintained; and

- Proposals to respond to the impact of Covid in the justice system specifically, where backlogs have unavoidably built up.

The table below outlines each area of proposed change. These are primarily operational in nature.

No	Chapter	No	Question
2	Public health resilience	1	Education: powers to make directions to close educational establishments, and to ensure continuity of education
		2	Power to make public health protection regulations
		3	Vaccinations and immunisations <b>(not a Council Function)</b>
		4	Virtual public meetings under the Schools (Consultation) (Scotland) Act 2010
3	Public services & justice system	5	Alcohol licensing remote hearings
		6	Bankruptcy: debt level that enables creditors to pursue the bankruptcy of a debtor through the courts
		7	Bankruptcy: electronic service of documents
		8	Bankruptcy: moratoriums on diligence
		9	Bankruptcy: virtual meetings of creditors
		10	Care services: giving of notices by the Care Inspectorate
		11	Civic government licensing remote hearings
		12	Courts: intimation, etc. of documents
		13	Criminal justice: arrangements for the custody of persons detained at police stations
		14	Freedom of Information: giving notice electronically
		15	Legal aid <b>(not a Council function)</b>
		16	Legal writings etc.
		17	Mental health: named person nomination
		18	Parole Board: delegation
		19	Parole Board: live link
		20	Remote registration of deaths and still-births
		21	Remote registration of live births
		22	Tenancies: protection against eviction (discretionary grounds of eviction); and pre-action requirements for eviction proceedings on ground of rent arrears
4	Responding to the impact of COVID-19 in the justice system	23	Courts and tribunals: conduct of business by electronic means
		24	Courts and tribunals: virtual attendance
		25	Criminal justice: early release of prisoners
		26	Criminal justice: expiry of undertaking
		27	Criminal justice: fiscal fines
		28	Criminal justice: national court for cases beginning with an appearance from custody
		29	Criminal justice: time limits - relating to the time limit on summary-only cases at section 136 of the Criminal Procedure (Scotland) Act 1995 (1995 Act)
		30	Criminal justice: time limits - remand time limits at section 65(4) and section 147(1) of the 1995 Act
		31	Criminal justice: time limits - extending time limits relating to the maximum time between first appearance on petition and the first diet/preliminary hearing and commencement of the trial at section 65(1) of the 1995 Act

		32	Criminal justice: time limits - removing time limits on the length of individual adjournments for inquiries
		33	Proceeds of crime <b>(not a Council Function)</b>
5	Final questions	34	Covid recovery
			Questions 35 to 39: Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper, not sufficiently covered by the previous impact assessments?
		35	Business and regulatory impact assessment
		36	Child rights and wellbeing impact assessment
		37	Equality impact assessment
		38	Socio-economic equality impact assessment (the Fairer Scotland Duty)
		39	Human rights
		40	Data protection impact assessment
		41	Island communities impact assessment
		42	Strategic environmental assessment
		43	Financial Memorandum

#### 4. CURRENT POSITION

- 4.1 The deadline for responses to the consultation is 9 November 2021. Services across the Council have been consulted and provided input on the range of matters within the Consultation and a draft response is provided at Appendix 1.

#### 5. PROPOSALS

- 5.1 Committee is asked to consider the draft response at Appendix 1 and to provide any further comments prior to approving a final response for submission.

#### 6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications associated with approving the specific recommendations in this report. There are of course financial implications associated with the proposed legislation and, where applicable, this has been commented on in our draft response to the consultation.

#### 7. EQUALITY IMPACT ASSESSMENT

A screening Equality Impact Assessment (EIA) was carried out and concluded that, as this is a consultation response, a full EIA was not required at this stage.

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List of Appendices:

Appendix 1 – Angus Council draft response to consultation  
Appendix 2 – Equality Impact Assessment