



Law Society
of Scotland

Consultation Response

‘A Rural Conversation: Together We Can, Together We Will’

July 2018



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Rural Affairs sub-committee welcomes the opportunity to consider and respond to the National Council of Rural Affairs' consultation: 'A Rural Conversation: Together We Can, Together We Will'.¹ We do not seek to respond to the consultation questions but the sub-committee has the following comments to put forward for consideration.

General comments

We welcome this consultation by the National Council of Rural Affairs which recognises the importance of Scotland's rural economy being vibrant, sustainable and inclusive.

Inclusion in the context of economic growth is of particular importance. We consider it imperative that the needs of rural Scotland are taken into account by policy makers, but that these needs are balanced with other interests as policy is developed. In considering the needs of, and impacts upon, rural areas, it is important that there is true consideration of the issues faced and not simply a 'tick-box' exercise.

The case studies set out in the consultation document suggest that challenges in the planning system can be frontline issues for businesses and enterprises in rural areas. These difficulties may relate to planning permission, infrastructure or other regulations. The Planning (Scotland) Bill is currently making its way through the Scottish Parliament, having passed Stage 1 on 29 May 2018. We note the intention of the Bill to focus on community empowerment and engagement with the planning process. We have previously highlighted concerns regarding the robustness of these provisions on the face of the Bill.² It is hoped that provisions will be strengthened to ensure that communities can engage with and be supported by the planning system.

¹ <https://consult.gov.scot/agriculture-and-rural-communities/a-rural-conversation/>

² <https://www.lawscot.org.uk/media/359608/planning-s-bill-call-for-evidence-final.pdf>

In relation to access to opportunities and services, we recognise that there are often differences in availability between urban and rural areas. We must continue to ensure that relevant opportunities and services are available to all and take steps to improve connectivity to support that outcome. In some circumstances, individuals in rural areas face significantly higher costs for goods and services than in urban areas. This can be as a result of factors, such as physical geography, over which individuals have little or no control. Lessons may be learned from other countries with similar geographical profiles, for example Iceland and Scandinavia.

There is an increasing need for businesses, whether providing goods or services, to operate in an online environment. This applies to recruitment and management of personnel, sourcing of supplies and materials, tax and administrative compliance, and communications with advisers (such as accountants or solicitors), as much as to customer-facing aspects of the business such as online sales and service delivery. Poor access to efficient connectivity services, including broadband and mobile telephones, constrains the ability of businesses in rural communities to compete effectively with those in more urban environments.

We consider that there is particular importance in ensuring access to justice for those in rural areas. At a basic level, many company complaints procedures are handled through digital channels which can facilitate cheap and effective resolutions for potential disputes. Courts and tribunal services are increasingly moving to online systems, for example employment tribunal applications are now almost exclusively online and it is envisaged that criminal procedural courts will move to digital systems in coming years. We have previously noted that research has identified a risk that individuals in rural areas who are eligible for legal aid may not be able to find solicitors to provide advice.³ These matters demonstrate the potential impact of poor connectivity upon access to justice.

The ongoing development of new technologies presents an opportunity to consider how the challenges faced in ensuring effective and efficient connectivity and access in rural areas may be tackled to ensure that good quality services are available to all.

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³ <https://www.lawscot.org.uk/media/1179917/final-law-society-of-scotland-response-to-independent-strategic-legal-aid-review-call-for-evidence-aug-2017-corrected-.pdf>