

## **CLAS CIRCULAR**

### **2024/09 (11 July)**

#### **Disclaimer**

**CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.**

It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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## ODDS & ENDS

### The new Cabinet

For information

The Prime Minister, Sir Kier Starmer, has announced his new Cabinet, as follows:

Deputy PM and Secretary of State for Housing and Communities: Angela Rayner.  
Chancellor of the Exchequer: Rachel Reeves.  
Home Secretary: Yvette Cooper.  
Secretary of State for Energy Security and Net Zero: Ed Miliband.  
Foreign Secretary: David Lammy.  
Chancellor of the Duchy of Lancaster: Pat McFadden.  
Lord Chancellor and Secretary of State for Justice: Shabana Mahmood.  
Secretary of State for Health and Social Care: Wes Streeting.  
Secretary of State for Business and Trade: Jonathan Reynolds.  
Secretary of State for Work and Pensions: Liz Kendall.  
Secretary of State for Defence: John Healey.  
Secretary of State for Transport: Louise Haigh.  
Secretary of State for Science, Innovation and Technology: Peter Kyle.  
Secretary of State for Northern Ireland: Hilary Benn.  
Secretary of State for Scotland: Ian Murray.  
Secretary of State for Education and Minister for Women and Equalities: Bridget Phillipson.  
Secretary of State for Culture, Media and Sport: Lisa Nandy.  
Chief Whip: Alan Campbell.  
Chief Secretary to the Treasury: Darren Jones.  
Leader of the House of Lords: Baroness Smith of Basildon.  
Leader of the House of Commons: Lucy Powell.  
Secretary of State for Wales: Jo Stevens.  
Secretary of State for Environment, Food and Rural Affairs: Steve Reed.  
Minister of State (Minister for Women and Equalities): Anneliese Dodds.

The Attorney General, Richard Hermer KC, also attends Cabinet.

In addition, members may be interested to learn that the junior ranks of Government include two Anglican clergy: Sir Chris Bryant was appointed Minister of State in the Department for Science, Innovation and Technology and the Department for Culture, Media and Sport, while Baroness (Maeve) Sherlock was appointed Parliamentary Under-Secretary of State in the Department for Work and Pensions. Both are non-stipendiary priests.

[Source: Cabinet Office, 7 July]

## PROPERTY & PLANNING

### Housing Ombudsman and Regulator of Social Housing Memorandum of Understanding

For information **and possibly for action**

The Housing Ombudsman and Regulator of Social Housing have published a new [Memorandum of Understanding](#) that sets out how the two organisations will continue to work with each other and reflects their new powers under the [Social Housing \(Regulation\) Act 2023](#).

Both bodies are committed to strengthening the accountability of social landlords for providing safe homes, good quality services and treating tenants with respect. The updated Memorandum sets out a new framework of communication, cooperation and exchange of information between the Regulator and the Ombudsman and explains how each will work together to deliver their respective roles.

Under the 2023 Act, the Memorandum is now a statutory document. It includes commitments for:

- complementary approaches: both bodies will strive to achieve a compatible approach while respecting their independent roles;
- early communication on issues with potentially significant implications for each other;
- signposting to direct enquirers to the appropriate organisation, with clear explanations provided;
- regular communication, including meetings at various levels of seniority, to discuss mutual interests and stakeholder engagement;
- promoting understanding of their respective roles among residents and landlords.
- consistent communication on how they communicate about each other's roles.

*This only applies to England.* The devolved nations have separate governing bodies for social housing and planning.

[Source: Regulator of Social Housing, 10 July]

## Cladding Safety Scheme - Information for leaseholders and residents

For information **and possibly for action**

Of possible interest to any member who had social housing for rent that is affected by cladding failures, Homes England has released a new [guidance package](#) for leaseholders and renters about the Cladding Safety Scheme. The Scheme provides funding for the remediation of unsafe cladding in England where a responsible developer cannot be identified, traced, or held responsible.

It contains information useful for leaseholders about the scheme, such as who can apply, who is eligible, and what happens to buildings included in the scheme.

[Source: Homes England, 17 June]

## NORTHERN IRELAND

### Employment Rights Bill consultation

For information **and possibly for action**

The Department for the Economy in the Northern Irish Executive is seeking views on a range of policy areas relating to employment rights. It will explore a wide range of employment law changes that are intended:

- to improve terms of employment and pay and benefits;
- to support working families and an improved work/life balance; and
- develop the voice and representation of employees in the workplace.

Specific topics will relate to:

- replacing zero hours contracts with contracts that offer flexibility;
- examining the use of dismissal and re-engagement ('fire and re-hire') practices;
- explore how trade unions operate, particularly in low-paying sectors; and
- topics aimed at improving work/life balance such as the right to disconnect and expanding family-related leave provisions in matters such as neonatal care and carers' leave.

The consultation document can be accessed [here](#). The consultation will close on **30 September**.

[Source: Northern Ireland Department for Economy, 11 July]

## SCOTLAND

### Infrastructure Levy for Scotland: Discussion Paper

For information and possibly for action

The Scottish Government has published a [discussion paper](#) to “support discussions” about the Infrastructure Levy for Scotland (ILS) and to draw out views on how it could operate, prior to a full consultation on draft Regulations. It is not yet a full-blown consultation.

The Planning (Scotland) Act 2019 gives the Scottish Ministers power to make regulations to introduce an Infrastructure Levy: a charge payable to a local authority on development in that local authority’s area, the proceeds of which are to be spent on the provision of infrastructure and provide an additional stream of funding for infrastructure.

After setting out some background issues, the paper describes existing mechanisms for securing developer obligations, summarises previous research and reviews relevant to the ILS, and sets out the relevant provisions in the 2019 Act. It then describes the key issues to be considered for regulations and puts forward proposed approaches and points for discussion.

Given the number of times that CLAS (along with others in the voluntary sector) made representations on the introduction of the Infrastructure Levy in England, urging a charity carve-out (the very early proposals appeared to treat new schools, for example, as commercial development rather than infrastructure), the discussion paper probably merits a very careful read.

[Source: Scottish Government, 3 June]

### Updates to the short-term lets licensing scheme

For information and possibly for action

MSPs have backed a range of technical updates to the short-term lets licensing scheme in response to engagement with accommodation operators. Licensing was introduced in 2022 to provide assurance to guests on safety and quality, such as gas and electrical safety compliance and the suitability of hosts.

The regulations passed by the Scottish Parliament:

- enables licences to be transferred to a new host, such as when accommodation is sold;

- enables prospective hosts building a new short-term let to apply for a provisional licence before construction is complete; and
- allows hosts to apply for a maximum of three licence exemptions with a combined total of no more than six weeks in a calendar year.

The changes result from [planned monitoring](#) of the implementation of short-term let licensing in Scotland, which was announced in 2023.

There are also technical clarifications to exclude foster care and guest rooms in certain residential accommodation from licensing requirements.

[Source: Scottish Government, 27 June]

### Trusts and Succession (Scotland) Act 2024

**For information and possibly for action**

The [Trusts and Succession \(Scotland\) Act 2024](#) received Royal Assent on 30 January. Remaining provisions of the Act will come into force in due course. The Scottish Government is working with the UK Government on the reserved issue of pension trusts and working on the implementation of the wider Act.

Parts of the Act that come into force from 26 June include the following:

- Those convicted of murder or culpable homicide are prevented from acting as an executor in their victim's estate.
- A trustee can be removed from office by a majority of his or her co-trustees where incapable, convicted of an offence which involves dishonesty, or imprisoned for an offence, contempt of court or failure to pay a fine.
- A trustee who is a professional can be removed from office by a majority of the co-trustees where he or she is no longer a member of a regulated profession or is otherwise not entitled to practice.
- A trustee can also be removed from office by a decision of all beneficiaries of a trust.
- There is a duty imposed on trustees to exercise 'such care and diligence as any person of ordinary prudence would exercise in managing the affairs of another person'.

[Source: Scottish Parliament, 26 June]

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**Consultation on the Scottish Law Commission's report on its review of contract law**

**For information and possibly for action**

The Scottish Government has launched a consultation seeking general views on the Scottish Law Commission's report on its review of contract law. In recognition that it has been six years since the report was published, and in line with the process that the Scottish Ministers have set out to Parliament in respect of potential Law Commission Bills, the consultation will seek to establish:

- whether the landscape around this area of the law has changed since the Report was published and, if so, whether the changes are material to the recommendations contained in the Report; and
- that the consultation views received by the SLC are still broadly held.

The consultation can be found [here](#) and the Scottish Law Commission's report is [here](#). The consultation closes on **27 September**.

[Source: Scottish Government, 10 July]