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Has the Council ever disclosed information that they could legally withhold by citing 36(1), following a public interest test that concluded that the public interest in disclosing outweighs the public interest in withholding? Could you provide some examples in recent years (say, 10 years) that the Council has done this?

In line with our records retention policy, requests are deleted after 6 years if a review has been requested. There are 22 review requests from 05/02/2020 to 27/08/2025 where section 36(1) has been cited, none of which have been overturned for the reasons cited in your request. One decision was overturned as it was cited incorrectly.

Was there legal advice sought before the Council submitted its response to the EHRC consultation? if so, assuming you cannot share this legal advice (if you can, please do!) what was the date this legal advice was sought and what was the date it was received? also who was this legal advice sought from?

Following the Supreme Court's decision in *For Women Scotland v Scottish Ministers*, the Council sought the opinion of Dan Byrne KC on the impact of the judgement. That opinion was received on 5 May 2025. The Council's response to the EHRC consultation was reported to the Council's Policy and Sustainability Committee on 19 August 2025 (and can be found at Appendix 1 of [this report](#)).

The contents of that advice forms part of confidential communications between lawyers and the council officers that have requested the advice and is protected in terms of legal professional privilege. Consequently, it is not possible to provide you with the information that you have requested.

Please confirm that the motions in question for the May 2025 meeting were ruled competent and advise on whether this was done following consultation with the council's legal service.

Yes.

Did the Council bring a report investigating whether it was possible to delay changes to the school estate with regard to toilet provision? Can you point me to this report?

A report was brought before the Council's Education, Children and Families Committee on 2 September 2025 which, among other matters, outlined the required timeline for changes to the Council's school estate. That report can be viewed [here](#).

In regard to motion 15/amendment 16, has the Council reported on any of these things yet and is the commitment to promoting equality for the LGBTQ+ community evident in these reports? Can you point me to them?

Item 15 determined by the City of Edinburgh Council at its meeting on 8 May 2025 required a report on the implications of the Supreme Court's judgement "following further guidance from EHRC". The EHRC has confirmed that an update to its Code of Practice for Service

Providers which will take account of the Supreme Court's judgement. That Code of Practice is still awaited and therefore the report required by Item 15 has not yet been brought to the Council's Policy and Sustainability Committee.

Reports regarding the impact of the Supreme Court's decision have been brought before the Council's Education, Children and Families Committee on 2 September 2025 (that report can be viewed [here](#)) and 4 November 2025 (that report can be viewed [here](#)).