

64346 Edinburgh Council's legal stance in relation to Lauriston Castle

CEC has not provided any detailed legislation or legal authority supporting its assertion that it was the sole Trustee from 1974 until the Court of Session determination in August 2025.

Please provide all recorded information that CEC relied upon in asserting that:

The City of Edinburgh Council was legally constituted as sole Trustee of the Lauriston Castle Trust from 1974 to August 2025.

This includes (but is not limited to):

legal analyses

internal or external legal advice

documents that summarise legal advice (these are not privileged under FOISA)

briefings

reports

emails

memoranda

meeting notes

documents setting out the Council's interpretation of relevant legislation

any records identifying which officer(s) or legal adviser(s) formed or approved this legal stance

any records showing when this legal stance was first adopted

any records showing how this legal stance was communicated to councillors or officers

[We are unable to provide the information requested as the cost to the Council of locating, retrieving and providing the information far exceeds the statutory maximum of £600.](#)

The legislation, statutory provisions, case law, or regulatory guidance CEC relied upon

Please provide:

the specific statutory provisions CEC claims supported its trusteeship

any internal documents explaining how CEC interpreted s223 (1973 Act) and s16(2) (1994 Act)

any legal advice addressing the absence of councillor nominations under these provisions

any legal advice relating to the validity of the 2025 petition to the Court of Session

any records discussing whether CEC should return to the Court of Session to annul or correct the petition

[Information is withheld under Section 36\(1\) of FOISA - "Information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings is exempt information".](#)

Records relating to the decision to assert that my position was merely a “disagreement”

Please provide:

all internal communications (emails, Teams messages, notes, briefings etc) relating to Dr Smart’s statement of 13 August 2026

any records discussing how CEC should characterise my position

any records assessing reputational, legal, or governance risks arising from the acknowledged absence of councillor nominations

Date Range Limitation

To assist with cost control, please limit searches in the first instance to the period 1 January 2020 to 15 August 2025. If this period does not contain the recorded information requested, then please extend the search to 1 January 1974 to 15 August 2025.

Potential Sources of Information (but is not limited to):

Dr Deborah Smart, Corporate Director of Customer and Corporate Services

Mr Kevin McKee, Head of CEC Legal Services

Mr Nick Smith, Monitoring Officer

Councillor Mandy Watt and the Finance and Resources Committee

Councillor Jane Meagher

All associated Officers

[Please refer to A1 above.](#)