

64431 Recorded Views Referred to by a Named Individual

This request concerns every instance in which the Council claims to have articulated lawful, evidence based views regarding the Lauriston Castle Trust. For clarity: the 1973 and 1994 Acts are explicit — to establish a lawful sole trustee, the Council must nominate sufficient councillors as trustees. The Council failed to do so, leaving the trusteeship unconstituted and unlawful.

Recorded Information Setting Out the Council's "Views"

Please provide all recorded information — in any format — in which the Council has expressed, explained, justified, or otherwise "set out" the views referred to by Dr Smart. This includes, but is not limited to:

emails

letters

briefings

meeting or other notes

internal memoranda

reports

communications to councillors or officers

legal analyses

internal or external legal advice

documents that summarise legal advice (not privileged under FOISA)

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

documents the Council considers "detailed explanations"

any documents relied upon when asserting these views publicly or privately

If the Council cannot identify any recorded information that actually sets out these views, please confirm this explicitly.

Communication Records

Please provide all recorded information showing:

when these views were communicated,

how they were communicated,

to whom they were communicated.

This includes internal and external communications.

Potential Sources of Information (Non Exhaustive)

Relevant recorded information may be held by, but is not limited to:

CEC Legal Services Department

Dr Deborah Smart, Corporate Director of Customer and Corporate Services

Mr Kevin McKee, Head of Legal Services

Mr Nick Smith, Monitoring Officer

Councillor Mandy Watt and the Finance and Resources Committee

Councillor Jane Meagher

All associated officers or councillors involved in Lauriston Castle Trust governance, trust matters, or FOI handling

We are unable to provide you with the information you have requested as the cost to the Council of locating, retrieving and providing you with the information far exceeds the statutory maximum of £600.

Lawfulness, Legal Basis, and Evidence

To date, the Council has produced no lawful evidence supporting any of the views it claims to have "set out."

Accordingly, please provide:

all recorded information containing the legislation, statutory provisions, case law, or legal authority underpinning the Council's views;

all recorded information containing the evidence, reasoning, or analysis relied upon;

all recorded information showing how these views were formed and on what legal basis.

If the Council's views were not supported by legislation, statutory authority, or case law, please confirm this explicitly.

Legal Advice (Lawfulness Required)

Please provide:

any legal advice the Council relied upon when forming or asserting these views;

documents that summarise legal advice (not privileged under FOISA);

the specific legislation or case law supporting that advice;

the instructions, remit, or scope provided to legal advisers;

the dates on which legal advice was sought and received;

the officers involved in commissioning or receiving that advice.

If legal advice was not sought, or if the advice relied upon lacks legislative or case law support, please confirm this explicitly.

The information sought is legal advice in relation to this trusteeship. This advice is protected in terms of legal professional privilege, and accordingly, the Council is not required to disclose the information.

Basis of Interpretation Used by the Council

Please provide:

the specific basis of interpretation used by the Council regarding the Lauriston Castle Trust;

all recorded information containing the reasoning, analysis, or interpretive framework relied upon;

all evidence supporting that interpretation;

any alternative interpretations considered and the recorded reasons for rejecting them.

If no lawful interpretive basis exists, please confirm this explicitly.

Information not held.