

64567 Lauriston Castle Trust - CEC Legislation, Statutory Provisions, Case Law, Regulatory Guidance, and Internal Recorded Reasoning

Please provide all recorded information identifying:

The statutory provisions relied upon to support the Council's legal position regarding trusteeship of the Lauriston Castle Trust.

Any case law relied upon.

Documents that summarise legal advice (not privileged under FOISA).

This request is strictly limited to law and authority, not legal advice.

Please provide all recorded information (briefings, reports, notes, emails, memoranda, documents that summarise legal advice (not privileged under FOISA)) explaining:

How s223 of the Local Government (Scotland) Act 1973 was interpreted.

How s16(2) of the Local Government etc. (Scotland) Act 1994 was interpreted.

How the Council concluded that nomination of councillors under s16(2) was not required.

How the Council concluded that delegation to committees constituted lawful trusteeship.

How the Council concluded that councillors held trustee powers without nomination.

How the Council concluded that Petition P565/25 was authorised.

Please provide all recorded information prepared by officers, including:

Internal briefings.

Internal summaries.

Documents that summarise legal advice (not privileged under FOISA).

Internal reports.

Internal emails.

Internal notes.

Internal governance papers.

Internal committee papers.

Internal decision making records.

If any legal advice was received that identifies legislation, statutory provisions, or case law, please provide:

The part(s) of the advice that identify legislation, statutory provisions, or case law.

Any summaries, briefings, or extracts prepared by non lawyers.

[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.](#)

Any regulatory or governance guidance relied upon.

This is available on the Council's [Disclosure Log](#) under reference number '58658'.

Any records showing how these provisions were applied to the Trust.

Please provide all recorded information held by the Monitoring Officer relating to:

Any assessment under s5 of the 1989 Act regarding potential unlawfulness.

Any recorded consideration of s223 (1973 Act).

Any recorded consideration of s16(2) (1994 Act).

Any recorded consideration of trustee nomination requirements.

Any recorded consideration of fiduciary duties.

Any recorded consideration of ultra vires risks.

Any recorded consideration of governance failures.

Any recorded consideration relating to Petition P565/25.

Documents that summarise legal advice (not privileged under FOISA).

When providing views publicly, on the A Agenda, the Council will rely on reports produced for Committee. The [Committee minutes and reports](#) can be found on the Council's website.

The Council may provide information to elected members on B Agenda. As the information heard on B Agenda is likely to be legally privileged, this is withheld as above.