

FOI Ref

8143

Response sent

24 Nov 20

**(CCC) Legal advice for council motion**

Please provide the following documents in relation to Motion 7a: Trans Rights are Human Rights on the Agenda for the council meeting held on 22 October 2020:

1. The legal advice cited in the information pack\* for the meeting
2. The instructions given to Counsel for this legal advice
3. All correspondence related to this advice
4. All briefings provided to councillors

\*[https://democracy.cambridge.gov.uk/documents/b15527/Information Pack 22nd-Oct-2020 18.00 Council.pdf?T=9&fbclid=IwAR38daCiJn87J0oxF7BQcGoR6Bs9hReGQUQIOPP8fjw\\_cFnAPOV-Kev5cU](https://democracy.cambridge.gov.uk/documents/b15527/Information%20Pack%2022nd-Oct-2020%2018.00%20Council.pdf?T=9&fbclid=IwAR38daCiJn87J0oxF7BQcGoR6Bs9hReGQUQIOPP8fjw_cFnAPOV-Kev5cU)

**Response:**

The legal advice the council received for the meeting was shared in full in the information pack:

*"I don't see any legal problems with the motion.*

*"During debate on motions in full Council meetings, councillors are more or less allowed to debate the issues without limitation. Resolutions adopted following debates are in the majority of cases not subject to the PSED. Policies or decisions which are made as a result of such resolutions in most cases will be. This was decided in R (Jewish Rights Watch) v Leicester City Council [2016] EWHC 1512 (Admin) in which resolutions calling for the boycott of products made in the occupied territories were unsuccessfully challenged.*

*"This resolution is not calling for any material changes in existing Council policy or anything that would be unlawful under the Equality Act 2010 - especially with the final "recommitment".*

2. The instructions given to counsel for the legal advice were provided over the phone, so we are unable to send you a copy of this.
3. The advice itself was emailed and is presented in full above (in answer to Q1). The request for the advice was made via phone. The other emails between council officers are attached (doc title Officer emails on motion FOI Q3)
4. Please find attached the briefings provided to councillors: The one that was included in the information pack (doc title Council motion briefing trans rights are human rights) and a follow up briefing on feasibility of actions in the amended motion (doc title Officer notes on updated motion FOI Q4)

Further queries on this matter should be directed to [foi@cambridge.gov.uk](mailto:foi@cambridge.gov.uk)