

**QUESTION NO 13**

**By Councillor Mowat for answer by the Convener of the Transport and Environment Committee at a meeting of the Council on 14 December 2023.**

Public Toilet Report to Transport and Environment Committee - 16th November 2023

This report dealt with a number of issues regarding public toilets including reporting back on the loss of the public toilets at Haymarket and the associated burden. This was addressed in a B Agenda appendix which is a confidential item as it contains legal advice and the public have not seen this document. The burden is a matter of public record as it is registered in the Register of Sasines and was found by a member of the community in the West End who sorely misses the public toilets in Morrison Street.

A number of questions were asked by the Community which do not appear to have been considered by the Committee.

Could the Convener answer the following questions:

**Question** (1) Will Haymarket be considered a “high traffic area” and included in the report coming back in twelve months time?

**Answer** (1)

**Question** (2) Did Committee carefully consider the legal advice provided and assure themselves that all avenues have been explored to ascertain that any decisions taken regarding not enforcing the burden have been reasonable as per the Wednesbury test (A reasoning or decision is Wednesbury unreasonable (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it).

**Answer** (2)

**Question** (3) Only Committee members, who have had sight of the legal advice, can make this decision which is why I am bringing this question to Council as I cannot ascertain from the webcast whether this part of the paper was considered.

**Answer** (3)