

<b>Request:</b>	Freedom of Information request - Request 13 - equality legislation of 2018 to 2025
<b>Ref:</b>	ELIR00431
<b>Received:</b>	17.02.25
<b>Responded:</b>	25.02.25

## Request

Dear Edinburgh Leisure,

1. Please can you provide the cost of membership communication between Edinburgh Leisure and any other organisation where referrals are made to reduce cost of membership related to equality legislation matters
  
2. Please can you provide communication where decisions were made to use vending machines and can you provide communication where there are decisions to have no vending machines in any of the leisure services on behalf of CEC (City Edinburgh Council).

## Response

<b>Legislation:</b>	Freedom of Information (Scotland) Act 2002
<b>Category of response:</b>	Partial Release of Information
<b>Exemptions applied:</b>	FOISA Section 17 Information Not Held FOISA Section 33(1)(b) Commercial Sensitivity FOISA Section 38(1)(b) Personal Information

Unfortunately, Edinburgh Leisure is only able to meet part of your request; this information is released to you now.

### Question 1

Withheld under Section 17 Information Not Held

Question 1: Please can you provide the cost of membership communication between Edinburgh Leisure and any other organisation where referrals are made to reduce cost of membership related to equality legislation matters.

## Refusal Notice

Section 16 of FOI(S)A requires us to complete a refusal notice when we are not providing information requested. The details we are required to include in this refusal notice are set out below.

### Information which is the subject of the request and is not held

<b>Exemption(s)</b>	Section 17 - Information Not Held
<b>Why exemption(s) applies</b>	Unfortunately, we are unable to provide you with the information requested in the question above as it is not held by Edinburgh Leisure.
<b>Public Interest (where relevant)</b>	As the information requested is not held by Edinburgh Leisure, we are unable to conduct a public interest test.

## Supplementary Information

Our understanding of your question is that this relates to the concessionary rates that we provide. We offer a large variety of different memberships including:

- Fitness Membership
- Gym or Fitness Class Membership
- Swim Memberships
- Junior Membership (under 18s)
- Young Adult Membership (18-24)
- Climb & Fitness Membership
- Young Adult Golf Membership
- Climb Membership
- Community Membership (School & Fitness)
- Golf Membership
- Corporate Membership
- Joint Membership
- Soft Play Membership

Edinburgh Leisure Head Office  
 Meadowbank Sports Centre  
 London Road  
 Edinburgh  
 EH7 6AE  
 Email: [foi@edinburghleisure.co.uk](mailto:foi@edinburghleisure.co.uk)  
[Edinburghleisure.co.uk](http://Edinburghleisure.co.uk)

Registered Scottish Charity No: SC027450  
 VAT Reg: 703 762 349 Company Reg: 179259



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Within each membership type there are also a variety of options available e.g. for our Fitness membership the following options are available.

<b>Adult</b> For customers aged 25yrs and over.	<b>Adult Joint</b> For customers aged 25yrs and over. Secondary member details added from Welcome Email.
<b>Corporate</b> Proof of eligibility (photo ID, payslip) required.	<b>Corporate Joint</b> Proof of eligibility (photo ID, payslip) required. Secondary member details added from Welcome Email.
<b>Older Adults (65+yrs)</b> For customers aged 65yrs and over.	<b>Older Adults (65+yrs) Joint</b> For customers aged 65yrs and over. Secondary member details added from Welcome Email.
<b>Junior</b> For customers aged under 18yrs. Includes our great value Junior & Soft Play Memberships.	<b>Young Adult (18-24yrs)</b> For customers aged 18-24yrs.
<b>Student</b> For customers over 25 yrs in full time education. If you are under 25 please select our Young Adult option.	<b>Disability</b> For customers in receipt of the Disability Living Allowance, Personal Independence Payment or Adult Disability Payment.

Full details of our membership options can be found [here](#).

These types of rates have been offered since before Edinburgh Leisure was in situ and was inherited from the City of Edinburgh Council (CEC). I would note that these types of memberships are not referrals and are not subject to internal communication to qualify the decision as it is a preexisting arrangement.

We are not aware of any discussions to offer 'discounts' on the basis that you have mentioned in your clarification email.

For example, if the full cost of membership was £39.99 or £59.99

Communication where reductions were in place

For example, a person might not be paying £59.99 but getting a reduction so who is the communication with to get the reduction shortfalls.

The communication requested is that where referrals are made to reduce cost of membership related to equality legislation matters.

Equalities legislation have not been part of discussions about membership pricing - these discussions are usually commercial and led by research and the needs of the business to cover our costs. The age categories and the disability category were inherited from the City of Edinburgh Council when Edinburgh Leisure was created back in 2008 and have been maintained (we have not had any conversations exploring the why).

Even looking at our Active Communities offering - that isn't about a 'discount' - that is about setting up programmes to help remove barriers to participation and the programmes rely on external funding to survive. When we set up the Stay Active membership that wasn't driven by equalities legislation - that was done through a desire to keep participants in our programmes active and was done through speaking to participants in our programmes and putting in place a 'stepping stone' for them between the funded programme and our usual membership offering. The entry to this membership is to have participated in one of our programmes, and that isn't driven by an equalities assessment, but by a referral based on a particular programme meeting an individuals need (e.g. Mental health, recovering from injury, managing a health condition, managing weight etc.).

We also offer a Get Active Card for individuals on low income.

You can find out more about our Active Communities offerings [here](#).

Please treat this as a Refusal Notice under Section 17 in accordance with section 16 of the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

## Question 2

Question 2: Please can you provide communication where decisions were made to use vending machines and can you provide communication where there are decisions to have no vending machines in any of the leisure services on behalf of CEC (City Edinburgh Council).

We have very little on information relating to a decision as we utilise the Scotland Excel Framework "Supply, Delivery, Installation & Maintenance of Vending Machines 21-18" of June 2019 v3 Framework.

Scotland Excel is a public sector procurement organisation that helps its members deliver sustainable services and realise social, economic and environmental benefits.

As external and trusted procurement experts had done all the scoring and Excel Vending came out on top, it was an automated award to the best supplier on the Framework.

You can find out more about Scotland Excel [here](#).

Regarding what venues do and don't have vending machines, this is usually discussed directly with Excel and based on the usage each machine gets. They will advise of poor performing machines, and we have either re-locate or remove as required.

Our agreement started on the 7<sup>th</sup> of June 2021 under Lot 5 and runs for the maximum 4-year length from a framework call-off. (This could potentially be increased due to covid clauses on contracts catching up via lack of availability of service.)

This means that under the current agreement, the contract will be due for renewal on the 6<sup>th</sup> of June this year of 2025.

I have attached the letters sent out over the agreement and have not included emails as they do not directly pertain to any decisions made.

- EL-21-009 DA Vending Letter 1 FOI\_Redacted
- EL-21-009 DA Vending Letter 2 FOI\_Redacted

The decision to continue with this agreement was originally approved in line with our processes at the time and no other official communications exist in relation to the continued service agreement.

Phone conversations have been had and emails relating to minor issues such as who PAT tests the machines exist but are not deemed to be of any relevance to question 2 of this FOI request.

### Application of Exemptions

The Freedom of information (Scotland) Act 2002 allows for the application of exemptions, and I have applied the following exemptions to some of the information requested in the documents included with our response.

- Section 33(1)(b) Commercial Interests
- Section 38(1)(b) Personal Information

### Section 38(1)(b) Personal Information

In this instance, Edinburgh Leisure is applying the following exemption to the information that you have requested: **Section 38 (1)(b) Personal Information**

We do endeavour to provide information whenever possible. However, in this instance an exemption under section 38(1)(b) (personal information) of FOISA applies to some of the information requested. This exemption applies because the information is personal data of a third parties and disclosing it would contravene the data protection principles in Chapter 2 of the Data Protection Act 2018 and Article 5 of the UK GDPR.

The names, job titles and contact details of individuals who are not senior public officials have been redacted from the response documentation as we consider this information to be exempt from disclosure in terms of section 38(1)(b) of FOI(S)A – third party personal data. The reasons for the use of this exemption are set out below.

- EL-21-009 DA Vending Letter 1 FOI\_Redacted
- EL-21-009 DA Vending Letter 2 FOI\_Redacted
- RE\_Edinburgh Leisure Contract\_Redacted

Section 16 of FOI(S)A requires us to complete a refusal notice when we are not providing information.

Please treat this As a Refusal Notice under Section 38 (1)(b) in accordance with section 16 of the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

### Section 33 (1)(b) Commercial Interests

Under the terms of the Act, a request for information can be refused where one or more exemptions listed in the legislation apply. In this instance, Edinburgh Leisure is applying the following exemption to the information that you have requested: **S33 (1) (b) Commercial Interests.**

Section 16 of FOI(S)A requires us to complete a refusal notice when we are not providing information.

This concludes your request **ELIR00431**.

Please treat this as a Refusal under Section 17, 33(1)(b) & 38(1)(b) and notice in accordance with Section 16 of the Freedom of Information (Scotland) Act 2002.

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If you are unhappy with this response to your request, or otherwise unhappy with how we dealt with your request you have the right to request a review from us under Section 21 of FOISA by writing to [foi@edinburghleisure.co.uk](mailto:foi@edinburghleisure.co.uk)

Your request should explain why you wish a review to be carried out and should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt.

Should you remain dissatisfied with the outcome of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

- **Email** to: [enquiries@foi.scot](mailto:enquiries@foi.scot)
- **Post** to: Scottish Information Commissioner, Kinburn Castle, Doubledykes Rd, St Andrews, KY16 9DS

Edinburgh Leisure Head Office  
Meadowbank Sports Centre  
London Road  
Edinburgh  
EH7 6AE  
**Email:** [foi@edinburghleisure.co.uk](mailto:foi@edinburghleisure.co.uk)  
**Edinburghleisure.co.uk**

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