

Notice of Motion

Motion to be moved by Councillor Wareing:

Council notes that:

1. The Supreme Court, in the case of *For Women Scotland v the Scottish Ministers*, ruled that the terms “man”, “woman” and “sex” in the Equality Act, 2010, refer to ‘biological sex’, and that the Scottish Government’s effort to increase women’s representation on public boards therefore did not entail representation by trans women with a Gender Recognition Certificate as it had intended.
2. Interim guidance published by the Equality and Human Rights Commission (EHRC) has suggested that trans women should not be permitted to use women’s facilities, and trans men should not be permitted to use men’s facilities, in workplaces and services open to the public.
3. The Supreme Court judgement, and following interim guidance from the EHRC, has caused great anxiety, uncertainty, and fear for the trans community.
4. Law requiring respect for trans rights has not changed, for instance the provisions of the Equality Act, 2010, on protected characteristics and associated case law, and the Supreme Court reaffirmed that trans people’s rights must be respected under the law.
5. A recent Galop survey found that two-thirds of LGBT+ respondents had experienced anti-LGBT+ violence or abuse, and abuse is particularly severe for trans people.
6. The LGBT+ community are more likely to experience disproportionately poor health outcomes, workplace conflict, homeless, and difficulties accessing public services.

Council believes:

1. Trans women are women, trans men are men, and non-binary people are non-binary.
2. Everyone should be safe and free to be themselves, without fear of hostility or violence, and the erosion of trans rights threatens everyone’s rights.
3. Nobody’s life chances should be limited or determined because of their sexual orientation or gender identity.
4. The trans community deserve clarity and reassurance on how their rights will be protected.

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5. Parliament must act to clarify how Gender Recognition Certificates interact with the Equality Act, 2010, ensuring that Gender Recognition Certificates recognise trans people's gender identities for all purposes under the law.

Council resolves to:

1. Affirm our support for trans, non-binary, and gender-diverse residents and our commitment to defending their rights and dignity.
2. Ask the Chief Executive and Leader of the Council to write to the Minister for Women and Equalities to make clear the position of this Council and to ask:
 - For guidance on how existing legislation will protect the rights of trans people;
 - what new legislation is envisaged, and
 - seek legal advice before altering guidance for staff or the provision of services in light of the Supreme Court judgement.
3. Where it is appropriate and practical to do so, provide gender-neutral bathrooms and changing room facilities, separate to and including similar facilities for disabled people.
4. Commit to ensuring that the City of Hull is welcoming and inclusive to the LGBT+ community, embracing difference and ensuring action to ensure the safety of all residents.

Sources:

https://supremecourt.uk/uploads/uksc_2024_0042_judgment_aea6c48cee.pdf

<https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>

<https://www.libertyhumanrights.org.uk/issue/liberty-launches-legal-action-against-ehrc-over-unlawful-code-of-practice-consultation/>

<https://www.bbc.co.uk/news/articles/cy8q55d27lgo>

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

<https://www.galop.org.uk/>

<https://www.gov.uk/government/publications/lgbt-peoples-experiences-of-homelessness/lesbian-gay-bisexual-and-transgender-peoples-experiences-of-homelessness>