

Appeal Under 6.4 of Part 4 Access to Information 14/07/2026

COUNCIL 14
July 2026

PART I

**Appeal under 6.4 of Part 4 Access to Information Procedure Rules
Council Constitution (CEO)**

1 Introduction and Summary

- 1.1 The Constitution allows a Member to appeal a decision to withhold information in accordance with section 100F(2) of the Local Government Act 1972. The appeal is to the Full Council meeting.
- 1.2 On 18 November 2025 the Proper Officer received an appeal from Councillor Cooper against the decision to refuse access to legal advice regarding the property known as Shannon House, Station Road, Kings Langley.
- 1.3 The request from Councillor Cooper follows an earlier request in October 2024 where he confirmed that he wished to make an appeal but did not provide any further information to allow the appeal to come forward at that time.
- 1.4 The Proper Officer as listed in the Proper Officer Schedule of the Constitution is the Chief Executive.
- 1.5 This report will only deal with the access to the information point raised by Councillor Cooper in his submission, as the decision on Shannon House is outside the scope of this item under the Constitution. The provision in the Constitution does not allow for the item (Shannon House) to be reopened at this meeting, and it is not concerned with whether the decision was the correct decision or not. The provision in the Constitution deals exclusively with the access to and provision of information to members.
- 1.6 The background to the decision and information summarising the item to which the decision relates have been provided to help members better understand the context of the request. The decision on Shannon House is not the item under discussion and is not covered by this provision in the Constitution. Members should only consider the request in relation to the provision of the information.

2 Recommendation

- 2.1 Council notes the representations from Councillor Cooper and this report by the Chief Executive.
- 2.2 Council decides on the appeal.

3 Details

Timeline of relevant decisions on Shannon House

- 3.1 The full background to Shannon House can be found at Appendix A. For ease a timeline of relevant decisions in relation to the planning decisions on Shannon House are included in the table below.

Table 1: Timeline Summary

Process	Decision	Date
Application 20/0369/PDR refused for change of use from office to 74 residential units	Delegated Decision	April 2020
Application 20/1355/PDR refused for change of use from office to 64 residential units	Delegated Decision	August 2020
Application 20/0369/PDR overturned	Planning Inspectorate	December 2020
Minimum space standards introduced, but not applied retrospectively	Government	April 2021
Variation applied for 20/0369/PDR for three year extension of time (ref 23/0343/FUL)	Submitted	February 2023
23/0343/FUL decision to grant a six-month extension, completion by 4 June 2024	Delegated decision	April 2023

Councillor Cooper Appeal

- 3.2 On 18 November 2025 the Proper Officer received an appeal from Councillor Cooper against the decision to refuse access to legal advice regarding the property known as Shannon House, Station Road, Kings Langley.
- 3.3 Following earlier requests for access to legal advice on the redevelopment of Shannon House and the associated Permitted Development applications, the then Associate Director of Legal and Democratic Services and Monitoring Officer advised on 29 October 2024 'there is good reason why access to this legal advice should be refused on the basis that the advice is confidential and protected by legal professional privilege.'
- 3.4 The detailed information contained within Appendix A has been explained in correspondence with Councillor Cooper and includes the views of the then Monitoring Officer. The legal advice and reasons for the decision were incorporated into these responses sent to Councillor Cooper during late 2024.
- 3.5 In an email from the then Monitoring Officer, dated 28 October 2024, Councillor Cooper was made aware of this right of appeal to Full Council. On the same day Councillor Cooper confirmed that he would like to appeal and questioned what

information was required. In a further email dated 29 October the Monitoring Officer stated:

“Officers will prepare a report for next Full Council which will include any representations you wish to make that access to the legal advice is necessary for the proper discharge of your functions as a Member of the Council. Please send me the representations within the next 14 days.”

3.6 No further representations were received from Councillor Cooper on this matter and as such a decision was made not to progress with the report. Some 13 months later these representations have been received and this report responds to those representations on the decision not to issue Councillor Cooper with the legal advice on Shannon House.

Provisions within the Constitution

3.7 The relevant sections of the Constitution, Rules of Procedure, Part 4 Access to Information Procedure Rules, can be found below:

- *6.2 In the case of any document other than a document to which the rights under Section 100F of the 1972 Act apply, and in any case of information which is not in the form of a document, if the Proper Officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a Member of the Council or as a Member of a Committee or Sub-Committee, as the case may be) of the person requesting such access, and there is good reason why access should be refused, they may refuse the person concerned access to the document or information in question.*
- *6.4 If any Member of the Council or any other Member of a Committee or SubCommittee is dissatisfied with any determination of the Proper Officer under Section 100F of the 1972 Act or under this paragraph, they may refer the question to the Council, who shall, after considering any representations that that person or the Proper Officer may wish to make, determine whether or not to uphold the Proper Officer’s determination.*
- *6.6 The Proper Officer for the purposes of Section 100F (2) of the 1972 Act and for the purposes of the paragraph is the Chief Executive.*

3.8 Also relevant to this report is Article 4, 4.04 of the Constitution which states as follows:

- *Note: For the avoidance of doubt the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have been delegated to a Committee or Officer.*
- *However, the Council shall not overrule a power that has been delegated without first ensuring that such a step is in the best interest of the Council or its residents. The Council’s ability to exercise its powers will not override*

or supersede any decision or action already taken by a Committee or Officer acting under delegated authority which has been enacted.

- *Further to the above, the Council can only overturn a delegated decision*

under the following exceptional circumstances (this list is not exclusive): ○

The Monitoring Officer has deemed the decision ultra vires ○ *or*

○ *The decision has not been enacted* ○ *No contracts have been*

exchanged ○ *Any five Members, within five working days of the*

decision having been taken, write to the Monitoring Officer or Chief

Executive.

Local Government Act 1972 Section 100F

3.9 The relevant legislation is the Local Government Act 1972, section 100F(1) which states as follows:

- *Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to subsections (2) to (2C) below, be open to inspection by any member of the council.*

3.10 However, the specific section of that Act in which our Constitution grants a right of appeal is section 100F(2) which states:

- *In relation to a principal council in England, subsection (1) above does not require the document to be open to inspection if it appears to the proper officer that it discloses exempt information.*

3.11 Exempt information is confirmed in legislation as well as our Constitution which states at section 11.4 of the Access to Information Procedure Rules as follows:

- *Exempt information means information falling within the following 7 categories (subject to qualifications as set out below after the listed categories):*

1. information relating to any individual

2. information which is likely to reveal the identity of an individual

3. information relating to the financial or business affairs of any particular person (including the authority holding that information)

4. *information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and Employees of, or officer holders under, the Authority*
5. *information in respect of which a claim to legal professional privilege could be maintained in legal proceedings*
6. *information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment*
7. *information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.*

3.12 Category 5 above confirms that legal professional privilege is exempt information and consistent with the advice provided to Councillor Cooper by the then Monitoring Officer on 29 October 2024.

3.13 It should also be noted that section 100F(1) of the Local Government Act 1972 as detailed in 3.9 above, clarifies that documentation specifically relates to “any business to be transacted at a meeting of the council or a committee or sub-committee of the council”. The request for information from Councillor Cooper does not relate to business that has occurred at a meeting. This is confirmed in table 1 above.

Decision making and Scheme of Delegation

3.14 Section 1.1 of Appendix A describes application 20/0369/PDR. In accordance with the Scheme of Delegation at 11.29.9 this was a delegated decision to the Head of Regulatory Services.

3.15 Section 1.7 of Appendix A describes application 23/0343/FUL. In accordance with the Scheme of Delegation at 11.29.1 this was a delegated decision to the Head of Regulatory Services.

3.16 For ease, sections 11.29.1 and 11.29.9 of the Scheme of Delegation are below:

11.29.1 That the Head of Regulatory Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

DETERMINE all types of application submitted under the Town and Country Planning Act 1990, Planning (Listed Building and Conservation Areas) Act 1990 and Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) including the extension of time limits, agreement to minor amendments and non-material amendments to previously approved proposals provided that:-

(1) For approvals; that they accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning

guidance. Part 3 – Responsibility for Functions part 3 - responsibility for functions (april 2025) 3/33

(2) The application had not been called in by any three Members of the District Council's Planning Committee or by the Parish Councils within the specified consultation period, and that the decision would not conflict with any objection received from three Members of the District Council's Planning Committee within the specified consultation period.

(3) The decision would not conflict with an objection received from an adjoining local authority.

(4) The Head of Regulatory Services considers it prudent to exercise their delegated authority, failing which they shall report the matter to the appropriate Committee.

(5) Note Tree Preservation Order applications are specifically dealt with at 12.1 below.

11.29.9 To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.

3.17 Table 1 is clear that all decisions on Shannon House have been made under delegated arrangements and no decisions have been required by Council, a Committee or Sub Committee of this authority. As such there is no requirement for Councillor Cooper to have access to the legal advice as confirmed by the Monitoring Officer.

3.18 Whilst Councillor Cooper disagrees with the views of Officers including the Planning Solicitor this does not justify seeking further legal advice on the matter. Officers have acknowledged the representations made now and in the past by Councillor Cooper and have responded to these points previously. This is not the forum for further discussion on the legality of the decisions made, that is not within the remit of this provision in the Constitution, but it is clear from all correspondence to date that officers have carefully considered the legal position and they have noted that the development undertaken at Shannon House benefits from an extant planning permission.

3.19 Whilst Councillor Cooper has raised not seeking external legal advice as part of his representations. This should not be considered as part of this appeal. The Constitution is clear that members may appeal a decision of the Proper Officer to withhold information from them in accordance with section 100F Local Government Act 1972. This does not include an ability for members to appeal an operational decision that external legal advice was not necessary.

4 Conclusions

4.1 This report sets out that there are two reasons for withholding the legal advice from Councillor Cooper, and all other members

□ The decision was delegated and members have not been required to make a decision, paragraph 3.17, and

□ The information is legally professionally privileged, paragraph 3.12

4.2 However, it must be noted that whilst the professionally privileged advice has been withheld, Councillor Cooper has been provided with advice from the legal and planning teams on the issue and the decisions, this has also included the reasoning behind them.

5 Options and Reasons for Recommendations

5.1 No alternative options. The Council must hear the appeal and take into account the provisions in the Constitution and the Local Government Act 1972 as outlined in this report.

5.2 Should members wish to allow the appeal, the provisions of the Constitution would need amending.

6 Policy/Budget Reference and Implications

6.1 The recommendations in this report are within the Council's agreed policy and budgets.

6.2 The recommendations in this report do not impact on the achievement of specific performance indicators

7 Legal Implications

7.1 The legal implications are contained in the main body of the report.

8 Financial, Staffing, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

8.1 None specific.

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Appendix A – Background information relating to Shannon House

Appendix B - Representations from Councillor Cooper

