

In accordance with paragraph 15 of Appendix 4 of Allerdale's arrangements for dealing with standards allegations against councillors and co-opted members under the Localism Act 2011, meetings of the Standards Hearing Panel will be held in public unless the Panel agrees there are exceptional circumstances that prevent this. Meeting papers that do not contain exempt information will be shared with all members of the Panel, the subject member, the Independent Person, the investigating officer, and any witnesses. Meeting papers will not be shared in advance with the press and public but will be made available at the commencement of the hearing.

The categories of 'exempt information' are those set out in Schedule 12A to the Local Government Act 1972. However, regulations also provide for two additional categories of 'exempt information' in relation to the Standards Hearings Panel, which are information that is subject to any obligation of confidentiality, or information which relates in any way to matters concerning national security.

Allerdale Borough Council's Constitution sets out the exemptions as follows:

Constitution Section 11: Access to Information Procedure Rules

11.10.4 Exempt information means information falling within the following seven categories (subject to any condition):

1. Information relating to any individual (Public Interest test applies)
2. Information which is likely to reveal the identity of any individual (Public interest applies)
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) (public interest applies)
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 office holders under the authority (Public interest applies)
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:
 - To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - To make an order or direction under any enactment(Public interest test applies)
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

In considering the exemptions, the Panel must also consider the public interest test as set out below:

11.11.1 Public Interest Test

Information which –

- (a) falls within any of paragraphs 1 to 4, 6 and 7 above; and
- (b) is not prevented from being exempt by virtue of the 'qualifications'

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In addition to the categories of 'exempt information' set out in Schedule 12A to the Local Government Act 1972, regulations also provide for two additional categories of 'exempt information' in relation to the Standards Hearings Panel. These are information that is subject to any obligation of confidentiality, or information which relates in any way to matters concerning national security.

"Confidential information" means:

- a) Information provided to the local authority by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or
- b) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court,

and in either case, a reference to the obligation of confidence is to be construed accordingly;

If an item is considered confidential information, it is not subject to the public interest test.

The Panel must also have regard to Article 6 of the European Convention on Human Rights, and Section 6(1) of the Human Rights Act 1998 which places a duty to act fairly and in line with the rules of natural justice. Article 6 favours public hearings, except in specific circumstances.

If the Panel decides to exclude the public to prevent 'exempt information' being revealed, it will only exclude the public for part of the proceedings. If evidence is heard in private, the Chair of the Panel will warn those present not to mention that evidence during the public parts of the hearing, or outside the hearing.

The Panel, in considering whether the press and public should be excluded from the hearing, will take into account any representations from the Investigating Officer, the Member and the Independent Person, with reasons why the Panel should make such an exclusion.