

SCHEDULE

Regulation 21(3)

Hearing Session Rules

Notice of hearing session and specified matters

1.—(1) Where the review panel has determined that a hearing session should be held, the review panel must give written notice to that effect to—

- (a) the requesting local authority,
- (b) any interested party who made representations in relation to specified matters, and
- (c) any person who the review panel wishes to make further representations or to provide or make available further information on specified matters at the hearing session.

(2) The notice given under paragraph (1) must specify the matters to be considered at the hearing session.

(3) Only specified matters are to be considered at the hearing session.

(4) A person given notice under paragraph (1)(b) or (c) and who intends to appear at the hearing session must within the period of 10 working days beginning with the date of such notice inform the review panel in writing of that intention.

Appearances at hearing session

2. The persons entitled to appear at a hearing session are—

- (a) the requesting local authority, and
- (b) any other person who, in response to a notice given under rule 1(1), has informed the review panel of their intention to appear at the hearing session in accordance with rule 1(4).

Date and notification of hearing session

3.—(1) The review panel must determine (and may subsequently vary) the date, time and place at which the hearing session is to be held.

(2) The review panel must give to those persons entitled to appear at the hearing session such notice of the date, time and place fixed for the holding of a hearing session (and any subsequent variation) as may appear to the review panel to be reasonable in the circumstances.

Hearing statements and documents

4.—(1) Where required to do so by notice given by the review panel, a person entitled to appear at the hearing session must, by such date as is specified in the notice, send to the review panel, the requesting local authority and to such other persons entitled to appear at the hearing session as the review panel may specify in such notice—

- (a) a hearing statement, and
- (b) where that person intends to refer to or rely on any documents when presenting their case a copy of every document (or the relevant part of a document) on the list comprised in that hearing statement which is not already available for inspection under regulation 11 or 18 or paragraph (2) of this rule.

(2) The review panel must make a copy of any hearing statement or other document which, or a copy of which, has been sent to it in accordance with this rule, available for inspection on a website or by other electronic means until such time as the review is determined.

(3) Any person who has sent a hearing statement in accordance with this rule must—

- (a) when required by further notice in writing from the review panel, provide such further information about the matters contained in the statement as the review panel may specify, and
 - (b) at the same time send a copy of such further information to any other person to whom the hearing statement has been sent.
- (4) Different dates and different persons may be specified for the purposes of paragraph (1).
- (5) In this rule, “hearing statement” means, and is comprised of—
- (a) a written statement which fully sets out the case relating to the specified matters which a person proposes to put forward to a hearing session,
 - (b) a list of documents (if any) which the person putting forward such case intends to refer to or rely on, and
 - (c) a list of any other persons who are to speak at the hearing session in respect of such case, any matters which such persons are particularly to address and any relevant qualifications of such persons to do so.

Procedure at hearing

5.—(1) Except as otherwise provided in these Hearing Session Rules, the review panel must determine the procedure at a hearing session.

(2) The review panel must, having considered any submission by the persons entitled to appear at the hearing session, state at the commencement of the hearing session the procedure determined by the review panel under sub-paragraph (1).

(3) Any person entitled to appear may do so on that person’s own behalf or be represented by another person.

(4) Where there are two or more persons having a similar interest in the issues being considered at the hearing session, the review panel may allow one or more persons to appear on behalf of some or all of any persons so interested.

(5) A hearing must take the form of a discussion led by the review panel and cross examination is not permitted unless the review panel considers that cross examination is required to ensure a thorough examination of the issues.

(6) Subject to paragraph (7), a person entitled to appear at a hearing session is entitled to call evidence.

- (7) The review panel may refuse to permit—
- (a) the giving or production of evidence,
 - (b) the cross examination of persons giving evidence, or
 - (c) the presentation of any other matter,

which the review panel considers to be irrelevant or repetitious.

(8) The review panel may proceed with a hearing session in the absence of any person entitled to appear at the hearing session.

(9) The review panel may from time to time adjourn the hearing session and, if the date, time and place of the adjourned hearing session are announced before the adjournment, no further notice is required otherwise rule 3 applies as it applies to the variation of the date, time or place at which a hearing session is to be held.