

## **REASON FOR THE DECISION**

11. Circular 23/93 advises where an inquiry or hearing has not been cancelled, an appellant's failure to attend, or be represented at, an arranged inquiry or hearing is likely to result in an award of costs against them, unless it can be demonstrated, in any particular case, that there is good reason for not making one.

12. In your submission as to why an award of costs should be made you refer to Mrs Jones' failure to comply with normal procedure. The only failure in that respect I can find is Mrs Jones' failure to attend the hearing – there is no indication in the papers that any of the procedural deadlines for submitting statements, etc were not met by Mrs Jones.

13. Although Mrs Jones did not attend the hearing that, in itself, did not prevent decisions being taken on the appeals; those decisions were taken by the Inspector in the light of, among other things, the statements submitted by Mrs Jones in support her appeals and those submitted by the Council. I also note from the Inspector's decision letter that the hearing was used to clarify a number of issues relevant to the determination of the appeals, so in that respect I do not consider the Council's attendance at the hearing to have been wasted.

14. There is nothing in the papers before me to lead me to the conclusion that, other than in respect of non-attendance at the hearing, Mrs Jones has behaved unreasonably in her approach to the appeals. I consider her non-attendance to have been unreasonable but, in view of the ability of the Inspector to issue decisions on the appeals and the use of the hearing to clarify relevant issues, I do not consider that her non-attendance at the hearing caused your Council to incur or waste expense unnecessarily. Consequently, I do not propose awarding your Council its costs of the appeals.

## **FORMAL DECISION**

15. For the reasons given above, and in exercise of the authority referred to in paragraph 2 above, I hereby dismiss your Council's application for costs. No award is being made.

