

**B E T W E E N:**

**COLIN BRUCE BENNETT**

**Claimant**

**-and-**

**BRIGHTON AND HOVE CITY COUNCIL**

**Defendant**

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**AMENDED PARTICULARS OF CLAIM**

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**(Pursuant to order of DDJ Greenfield dated 16 September 2005)  
(Claim in proceedings to which CPR Part 7 applies)**

1. The Claimant has been diagnosed with Usher's Syndrome, and accordingly has both a loss of sight and hearing. The Claimant wears binaural hearing aids and relies on these to hear speech. Accordingly, the Claimant is, and was at all material times, a disabled person within the meaning of section 1 and schedule 1 of the Disability Discrimination Act 1995.
2. The Defendant is a large local authority. The Defendant is accordingly a service provider as defined by section 19(2) of the Disability Discrimination Act 1995 ('the Act').
3. By virtue of section 21 of the Act, the Defendant owed, at all material times, an anticipatory duty to disabled people in general, including the Claimant, to make reasonable adjustments.
4. On 2 February 2005, the Claimant attended the Council Chamber of Brighton Town Hall for the purpose of observing the Falmer Public Inquiry. Upon entering the Public Gallery of the Council Chamber, the Claimant was able to confirm that there was still no induction loop (or infra-red technology) fitted to the Public Gallery or if there were it still did not work or was not turned on. This lamentable situation has prevailed for several years despite many requests to the Council to remedy this defect. The Claimant avers that he was therefore unable to hear and follow the proceedings of the Falmer Public Inquiry whilst in the public gallery. The Planning Inspector invited

him to leave the Public gallery and to sit in one of a few seats that Councillors normally sit in ( on the floor of the Chamber) but which on this occasion were reserved for direct participants in the Public Inquiry. Since these seats were skirted by an induction loop this solved the immediate problem. However, in normal circumstances a member of the public cannot use these seats because they are occupied by councillors or members of the public would not be welcome to sit in he space for councillors.

5. On 9 February 2005, the Claimant attended Committee Room Two at Hove Town Hall for the purpose of entering a statutory objection at a hearing before a planning inspector. The Claimant was not able to access any induction loop for the said Committee Room, and avers that none was installed as at 9 February 2005. The Claimant visited this committee Room on 24 October 2005 with a member of the Council's staff who confirmed to him that although a meeting was about to begin there was still no audio equipment at all visible i.e. no microphones, loudspeakers, or electronics such as amplifiers.
6. The Claimant has attempted to participate in many other meetings of the Council or meetings held in Council premises since 2 February 2005. He attaches to these Amended Particulars of Claim a document entitled "Claim Against Brighton & Hove Council – Schedule of Dates". He wishes this to be considered as part of the Claim. It lists meetings that he either could not fruitfully attend because of lack of provision for hearing-impaired people or which he did attend but was severely hampered by the lack of such facilities. In only one venue (Hove Town Hall Council Chamber) is there an induction loop but this has not worked throughout 2005. The other venues do not have induction loops (or alternative technology) or if they do they have not worked to his knowledge which goes back many years. The Claimant has lived in Hove for some decades and has always taken great interest in local affairs including attending Council meetings.
7. By reason of the matters complained of above, the Defendant has committed unlawful acts of discrimination against the Claimant, contrary to sections 19, 20 and 21 of the Disability Discrimination Act 1995.

### **PARTICULARS**

- a) Contrary to section 19(1)(b), by failing to comply with its duty under section 21(4). Namely, failing to ensure that a permanent, or in the alternative a temporary, induction loop or infrared broadcast system or similar system was available for use in the public gallery of the Council Chamber at Brighton Town Hall on 2 February 2005.
- b) Further or in the alternative, contrary to section 19(1)(b), by failing to comply with its duty under section 21(4). Namely, failing to ensure that a permanent, or in the alternative a temporary, induction loop or infrared broadcast system or similar system was available for use in Committee Room One of Hove Town Hall on 9 February 2005.

- c) Further or in the alternative, contrary to section 19(1)(b), by failing to comply with its duty under section 21(4). Namely, by failing to ensure that any such induction loop, infrared broadcast system or similar system which was available for use in the Public Gallery at Brighton Town Hall, was, at the material time, functioning correctly.
  - d) Yet further or in the alternative, contrary to section 19(1)(b), by failing to comply with its duty under section 21(4). Namely, by failing to ensure that any such induction loop, infrared broadcast system or similar system which was available for use in Committee Room One of Hove Town Hall, was, at the material time, functioning correctly.
6. By reason of the matters and breaches as aforesaid, the Claimant sustained distress and injury to his feelings.

### **PARTICULARS OF INJURY TO FEELINGS**

The Claimant found the effective exclusion of the Claimant from involvement in the public events taking place at the above venues to be distressing. The Claimant felt that the Defendant had failed to take account of his needs as a disabled person. As the Claimant had previously raised issues of reasonable adjustments with the Defendant, he felt disillusioned by the Defendant's failure to address his concerns.

7. Further, the Claimant claims interest, pursuant to section 69 of the County Courts Act 1984, on the sums found to be due to him, at such rate and for such period as the Court shall determine.

AND the Claimant claims:

- 1) A declaration that the Defendant unlawfully discriminated against the Claimant for a reason relating to the Claimant's disability.
- 2) Damages of less than £5000. If he must state a figure, he suggests £4900.
- 3) An injunction to require the Defendant to comply with its duty to make reasonable adjustments.
- 4) Interest as aforesaid, pursuant to section 69 of the County Courts Act 1984.
- 5) Further or other relief
- 6) Costs

I BELIEVE THAT THE FACTS STATED IN THESE AMENDED PARTICULARS OF CLAIM ARE TRUE

COLIN BRUCE BENNETT