

**IN THE BRIGHTON COUNTY COURT
CLAIM No: 5BN03502**

COLIN BRUCE BENNETT

And

BRIGHTON AND HOVE CITY COUNCIL

DEFENCE

- 1. It is admitted that at all material times the Claimant is a disabled person within the meaning of s 1 and schedule 1 of the Disability Discrimination Act 1995. To that extent paragraph 1 is admitted.**
- 2. The Defendant is a Local Authority and admits that in making council premises available for its own public business and other public meetings it is providing a service within the meaning of s 19 (2) Disability Discrimination Act 1995. To that extent paragraph 2 is admitted.**

- 3. As to paragraph 3 of the Particulars of Claim, the defendant admits that the use of a system of hearing loops can amount to a reasonable adjustment within the meaning of s 21 (4).**

- 4. The Defendant recognises its duties under DDA Part III and has undertaken through the Council's Access Audit Group (of which the Claimant is a member), a wide-ranging programme of access audits to 320 council buildings providing public access. The Council has commissioned consultants and has consulted with the City's Disabled Access Advisory Group. A number of prioritised adaptations have already been made to council buildings and a large programme of further prioritised improvements has been agreed. A budget of £0.5m was made available in the financial year 2004/05 and the same budget has been made available for the financial year 2005/06. The provision of an induction loop in Committee Room Two at Hove Town Hall and improvements to the existing induction loop system at Brighton Town Hall Council Chamber are part of**

the programme of work. Improvement works to Brighton Town Hall had had to be planned to start after the Falmer inquiry hearings had concluded because of the potential disruption.

- 5. As to paragraph 4 of the Particulars of Claim, at all relevant times there was an induction loop that covers the entire public area of the gallery of the Brighton Town Hall Council Chamber and a second induction loop had been installed in the chamber for the Falmer inquiry to cover two designated rows of seating (approximately nine seats). These works were finished and tested on 31 January 2005 and found to be in working order. For the period of the inquiry an electrician employed by the Defendant checked that the equipment and the induction loops in particular were working at the beginning of every morning.**
- 6. Notwithstanding the arrangements made at paragraph 5 above, the Claimant complained on the morning of 2 February that he could not hear the proceedings. As a**

result, the Claimant was invited into the Chamber itself where a second induction loop had been fitted to cover nine chairs for public use. The Claimant has admitted that he could then hear well those people who used their microphones correctly.

- 7. As to paragraph 5 of the Particulars of Claim, the Claimant indicated that he wished to attend a planning meeting at Hove Town Hall on 9 February 2005. The Defendant made arrangements for the Claimant to meet the relevant technical officers in advance of the meeting to discuss the adjustments required. It had been anticipated that the planning meeting would take place in Committee Room Three at Hove Town Hall. Unfortunately the venue for the planning meeting had to be changed at short notice due to a double booking to Committee Room Two at Hove Town Hall where there was no induction loop.**

- 8. The Defendant used a local PA system in Committee Room Two at Hove Town Hall for the duration of the meeting. The**

Claimant said that he was able to hear most of the proceedings due to the fact that the room is small and the Planning Inspector was understanding.

9. The Defendant denies that they failed to make a reasonable adjustment in respect of the meeting on 2 February 2005 in that they had installed and maintained a hearing loop in the public gallery at Brighton Town Hall. When the Claimant complained a further reasonable adjustment was made which allowed the Claimant to sit in a seat in Chamber which allowed him to hear the proceedings.

10. The Defendant denies that they failed to make a reasonable adjustment in respect of the meeting on 9 February 2005. Whilst the meeting took place in a room without a hearing loop, the defendants provided a PA system which given the size of the room and the way the meeting was conducted allowed the Claimant to participate in the meeting. Defendant denies that they failed

11. In both cases it was not impossible or unreasonably difficult for the Claimant to make use of the service and the respondents acted reasonably in all the circumstances.

12. The Defendant would rely on the fact that they have limited financial resources and have to make money available for reasonable adjustments to be made under Part III Disability Discrimination Act 1995 in all areas of service covered by the Act and in anticipation of many different kinds of Disability. The defendant has to take into account the circumstances of the delivery of each area of service, the practicalities and effectiveness of any adjustments as well as the costs.

STATEMENT OF TRUTH

The Defendant believes that the facts stated in this Defence are true. I am duly authorised by the Defendant to sign this statement.

Signed:.....

Full Name: Angela Dymott.

Position: Assistant Director Property & Design

Date: 17 November 2005

MARTIN

DOWNS

1 Crown Office

Row