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1. District Judge Greenfield
District Judge McLoughlin
or the judge acting in this claim, if not one of the above.
2. Deborah Jones (or the solicitor acting for Brighton & Hove City Council in this Case)

Dear District Judge and Deborah Jones

Brighton County Court: Claim No. 5BNO3502 Bennett v Brighton & Hove City Council

It seems that on 18 November 2005 I appeared before District Judge McLoughlin whereas I thought I was before District Judge Greenfield again. I had a different reader on that day so she was not able to tell me that.

I write further to my letter to you of 13 November 2005 and my email of 27 Nov 2005 (I am sorry about the typo "odeon" for "odium" - my typer is a film fan). I am sorry that the case name and number did not appear on that letter.

I have received from the Court, the Notice of Case Management Conference and the General Form of Order dated 28 November 2005. I received no reply from Mrs Jones to that email dated 27 November and so on 6 December 2005 I spoke to her on the telephone. She told me that her promise to get back to me within one week of the hearing of 18 November had been sincere. She also alarmed me by saying that she did not intend to offer a Defence to the re-submitted Amended Particulars of Claim dated 14 November 2005 and delivered to her on that day against a receipt (copy attached). She also told me that, contrary to my belief, the Council were not going to meet me to discuss the installation of induction loops etc. in Council buildings. She also told me that the Council "hoped" to joint proposed Directions "before Christmas".

More than three weeks have passed since the hearing of 18 November 2005 and I have heard nothing from the Council. I am not confident that the Council will act to produce joint proposed Directions in time for 4 January 2006. 48 hours before 4 January 2006 falls on a public holiday and so I suppose the relevant date is 30 December 2005 which falls in the traditional "dead" period between Christmas and New Year. I myself was hoping to have some holiday in that period and in fact both my readers will be on holiday over the Christmas period (they are both university students). I am not able to contend with this paperwork without readers. So, all in all, I have to get MY proposed Directions in to the Court and the other side now.

I delivered the "re-submitted Amended Particulars of Claim" to King's House on 14

November 2005. I am re-delivering that document to King's House on 12 December 2005 together with the Acknowledgement of Service Form. There is plenty of time for the Council to send me a Defence to that re-submitted Amended Particulars of Claim.

I found that form on the DCA website and I tried to find Acknowledgement of Service forms for other documents but failed. I am not able to see the screen myself and my reader, who is bright, was not able to make a lot of sense of the part concerning Civil Procedure Rules. We were able to find Part 27, Section 2 called Case Management Directions which includes Appendix C – Special Directions. However that didn't help us to file the joint proposed directions orders. The word “special” does not appear in the General Form of Order dated 28 November 2005 but perhaps it is implied. I went to Appendix C – Special Directions and gained some help from that although many words are missing (!). I note “Signed statements setting out the evidence of all witnesses on whom each party intends to rely must be prepared...”. We cannot see what form to be used for this. Also, we cannot see what form is to be used for lodging proposed Directions. I will try to see if the Brighton County Court Office has these forms on Monday.

In the mean time, I append a sheet of paper in which I set out the Directions Orders that I propose.

I also set out on another sheet, details of the witness statements on which I intend to rely.

I remind the Court of my situation. I had legal advice only for preparing the re-submitted Amended Particulars of Claim and cannot afford to buy any more. I have tried to do everything logically and I am sure that my intentions are clear even though I have not used all the correct legal processes. It is ironic that the DDA 1995 was enacted to help disabled people and yet I am struggling against the very authority which should be promoting the DDA! There will soon be a new Act of Parliament which sets a pro-active duty on local authorities to promote disabled access for its citizens. Presumably the State will enforce that rather than private citizens having to do so.

The main purpose of this letter is to move things forward and to ensure that the Court knows well that I have delivered again the re-submitted Particulars of Claim to the Council and that, in my view, there is no reason for them not to respond to it.

Yours sincerely,

Colin B Bennett