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Date : 03/01/06

District Judge Greenfield,
or District Judge McLoughlin,
or the judge acting on this matter on 4 Jan 2006

Dear Sir/Madam

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

I am writing to update you on the progress of this claim. I have submitted to the Court all the documents that I have received and which I have sent. I have done the same thing to the other party, the Council. This is in the spirit of openness. I have put all the documents on my blog. The latest documents are those which I have received from the Council in the last few days. Document 30 is a letter dated 20 December 2005 entitled Proposals for Settlements. I believe that this was received at my home on about 22 December 2005. Document 31 is a letter dated 28 December 2005 entitled Proposed Directions for Case Management Conference on 4th January 2006. I believe this was received at my home on 30 December 2005.

Both my readers were away from Brighton over the extended Christmas period and it was not until 2 January 2006 that I was able to regain the services of Katie Chalcraft who read me my mail including those letters from the Council on that day even though it was a Bank Holiday. She is the young woman who I propose to bring to the Court tomorrow as my reader and I am seeking consent for this as I did before. There has been little time to respond to the Council letters and I shall not be able to get this letter to you before 4 January 2006 nor to copy it to the Council. I have just heard that Liz Woodley is currently on two weeks annual leave.

I will deal with the letter of 20 December 2005 first. As you well know I prefer settlement than litigation but there are hurdles to this which must be surmounted before I can do that. I contend that it is irrefutable that the Council has been in breach of its duties to hearing impaired people and it is just silly not to accept this. I am not seeking to rub the Council's nose in its failures hither to but I feel that we cannot really move forward until the Council makes a clean breast of its previous sloppiness.

I think it is mean-spirited of the Council to play "silly b*ggers" about what they call my re-amended Particulars of Claim. When I launched my claim in late July 2005 I clearly stated the Council premises which I alleged were deficient from the point of view of hearing impaired people. I now accept that this was not a professional way of doing things and so I obtained RNID professional advice and delivered my Amended Particulars of Claim on 25 October 2005. This had a schedule of dates dated 23 October 2005 attached. I was in a bind as I had to wait for the RNID advice and yet wanted to get the Particulars in quickly. That was a mistake as time was not critical. I rectified this messing about by re-submitting the Amended Particulars of Claim on 14 November and obtained a receipt from the Council. I received no response to this and so I re-submitted once again the Amended Particulars of Claim on 12 December 2005 together with the appropriate

Acknowledgement of Service form. On that day I obtained a receipt from the Council for that and also for the other documents I lodged on that day. Sadly, I have not yet had a response to the Amended Particulars of Claim.

Liz Woodley's claim that "the Council will have to make further investigations and file an amended Defence...." is misleading. Five months have gone by and I have not made any new allegations nor made any amendments of my claim in any practical meaning. The issue is quite simple: whether or not the venues I site have induction loops or not. What to do about any shortcomings is a separate issue.

My understanding is that the criterion for a claim being considered a small claim is the £5000 sum. As the judges well know I am not interested in a monetary claim but inserted a figure of less than £5000 to ensure that the matter is "a small claim". The issues are not complex. It is a simple matter of whether the Council is going to provide induction loops in its public venues or not. It is time to clear away the obfuscation and clear the decks for action.

I do not know what Liz Woodley means by the word "win". I rile at the gentle threat of costs being levied against me. I am a respectable citizen simply trying to get the Council to honour its statutory duties. I do not need these heavy-handed hints from Liz Woodley. I hasten to add that there have never been any animus between me and Miss Woodley. I suspect that the Council has asked her to put the frighteners on me.

I am now dealing with the Council's contentions about functioning induction loops on its premises. This morning just after 9am I went to Hove Town Hall and was shown Committee Rooms 1,2 and 3 by Mike Earp. In CR 1 he told me that there were two loud speakers on the walls but no signs of any microphones or any other electronic equipment. The room was full of furniture moved from the Council Chamber. We could not get into CR 2 as the door was locked and the room was jam-packed with furniture from the Council Chamber. Mr Earp looked through the window and told me he could see no signs of any loud speakers, microphones or any other electronic/audio equipment. We then went to CR 3 where Mr Earp told me who could see no signs of any loudspeakers or microphones.

We were joined there by Mr Ian Davies the maintenance manager. He showed me a box of tricks which he told me was the induction loop amplifier. He agreed that there were no loudspeakers or microphones in the room but said that two microphones could be brought in if necessary. He invited me to turn my hearing aids onto the 'T' setting and I think he spoke into a portable microphone. Sure enough I could hear something but could not decipher the words. Mr Davies told me that there was a microphone in the ceiling but I am not sure he realised how utterly useless this is for a hearing-impaired person. The purpose of an induction loop is to minimise the distance sound signals travel in air as opposed to electronically. The fact that some people can make out what is imparted to a microphone tens of metres from a speakers mouth is beside the point. My reader says that this matter is better developed orally in the court and she may be right.

As for the Hove Council Chamber there was no time to test whether or not the induction loop worked.

There has been no time to re-visit Brighton Town Hall today but i don't think the situation has changed. I request that the judge visits Brighton Town Hall to see for himself what there is actually there in the way of induction loops. I request time to explain tomorrow why its absolutely clear that there is no induction loop in the Council Chamber save for around the nine seats. I am doing this because this letter is long enough now and I am about to lose my reader.

As for Liz Woodleys comments about an independent consultant, it is a pity that she is so vague. I

know that Damian Brewer of the RNID has been in communication with Miss Woodley and this is good news. We can speak about this tomorrow. Time is short and I cannot develop my points more now.

I turn now to the second letter of 28 December 2005 concerning the Proposed Directions for Case Management Conference. I had to submit my proposal unilaterally as I could get no co-operation from the other side on a joint application. It is strange that Liz Woodley laments that my proposals do not embrace witness statements etc. from the Council. My proposals concern my side and its up to the Council to put its own proposals forward since we never discussed a joint submission. The Council is silent about the merits of my own proposals. I'm certainly not against the Council making its own proposals for directions I have so little time now but I suggest that we hammer out agreed directions tomorrow. Briefly, the time scales proposed by the Council are just too drawn out. We have wasted so much time already.

You may care to be reminded that such is the foot dragging by some public bodies concerning the DDA 1995 which was enacted over a DECADE ago that a new act, the Disability Discrimination Act, 2005 has recently received the Royal Ascent. I attach an extract with the relevant information.

I am sorry that I have to truncate this letter as I just haven't any more reader/writer time left.

I will give a copy of this letter to the Council's lawyer tomorrow morning.

I draw your attention to the Court of Appeal Case (2003?) of Meikle-v-Notts County Council to show you just how silly a local authority can be. This was a DDA case and Mrs Meikle won her case over an issue that could have been settled for £20 by the Council when she made her complaint.

Yours sincerely

Colin B Bennett

Copy: Brighton and Hove City Council – By Hand