

RESPONSE TO BRIGHTON & HOVE COUNCIL'S AMENDED DEFENCE DATED 1 February 2006

- 1. I deal with the Council's Amended Defence by basing this document on their paragraph numbers and where appropriate on the paragraph numbers of my Amended Particulars of Claim.**
- 2. My claim was lodged on 29 July 2005 and related to events on 2 February 2005 and subsequently. The Council's Amended Defence is often vague about the dates of its claims but Para. 5 refers to 'December 2005'. This is not logical.**
- 3. I have no comments on the Council's Paras 1, 2 and 3.**
- 4. Council's Para. 4. I attended very few meetings of the Council's Access Audit Group as initially I was excluded from it. More importantly, I have been active for many years in the Council's (not the City's) DAAG. We have carried out numerous Access Audits for the Council and made our recommendations. These have met with lukewarm response.**

I met several staff members of Turner & Townsend (this is the name of the Access and Audit company employed by the Council, which the Amended defence is too coy to name) and got on well with them. On two occasions I spent all day with them on their Audits. T&T presented their Audit to the Council in about 2003 in Hove Town Hall Council Chamber. I have the document headed 'Brighton and Hove City Council. Disability Discrimination Act Access Audits'. It seems to be incomplete and I can see little reference to induction loops. Document 37 is the front sheet of this document. I was invited to the launch but unfortunately the induction loop was not working on that occasion and despite all the efforts of the Council and of T&T they could not fix it. This is a saga which has been repeated too many times. The induction loop had been fitted and tested to be working by me in about 2001 .

A very moderate programme of 'disabled access' improvements has been introduced very slowly by the Council. The budget of £450.000 for 2004/2005 (the Council is silent on whether this is revenue or capital) compares with the total Council revenue budget for that year of about £273 million. The Disability Discrimination Act was enacted in 1995 and £450.000 is a paltry figure to spend over the Council's hundreds of buildings. So little work has been done over past decades.

The Amended Defence is very vague as to what work for hearing impaired people has been done in which buildings, in which years and at what cost. It would have been useful to have a schedule of this information. It would also be useful to have a similar schedule of the future plans in this area. Please note that, if correctly installed in the first place, an induction loop does not need to be improved. They do not wear out.

I introduce here Agenda Item 41 of the Brighton & Hove City Council Equalities Forum of 30 January 2006 with subject 'Disability Discrimination Act – update on programme of works to Council owned buildings' (Document 38). I attended that meeting but had to leave early as I could not hear the discussion due to the fact that the induction loop did not work, of course. I have sidelined the relevant parts and make the following comments.

I refer to 5.1: Finance & Property. The references to the induction loops are extremely vague. The induction loop was installed in Hove Town Hall Council Chamber years ago at great expense and so should not be included in this programme of works. There is no reference to work in any of the Committee rooms in Hove Town Hall. The reference to two induction loops at Brighton Town hall is flimsy and indeterminate to the point of derision.

I refer to 6.1. No consultations were held with interested people outside the Council's employment. It would have been sensible to have discussed these matters with me as I am a committed citizen anxious to improve life in the city for everyone.

5. Council's Paras 5 and 6.

As at 30 January 2006 the induction loop to Hove Town Hall Council Chamber is not working and has not worked throughout 2005, as ascertained by myself.

On 4 January 2006 the Council's employee responsible for the maintenance of the Chamber (Mr Ian Davies) told me that the induction loop had been severed by a carpet fitter. I do not know when this happened, when it was discovered and whether it has yet been remedied. I have brought to the attention of those chairing meetings in the Council Chamber during 2005 the repeated failure of the induction loop to work. These include Cllr Carden (Planning sub-committee) and Cllr Fram Roze (DAAG). Cllr Elgood invited me to attend a Brunswick Neighbourhood Forum meeting on 15 June 2005 and made strenuous efforts before and during the meeting to get the Council to put the induction loop system in working order. He was not successful.

At no time prior to 2 February 2005 has there ever been an induction loop covering the Chamber and Public Gallery in Brighton Town Hall. I was able to show the Planning Inspector, all those present, and the press, on 2 February that no induction loop was working. It appears that on or before 31 January 2005 the Council panicked and had installed a limited local induction loop around 9 of the seats used by Cllrs in the well of the Chamber. When I had proved that there was no functioning induction loop in the Public Gallery, the Planning Inspector invited me to sit in one of those seats (not in any other seat) and so I was able to hear the proceedings. It is obvious that the Council would not have installed that local induction loop if there had been an induction loop covering the whole

chamber. One would not install a gas boiler in one's sitting room in there were a gas boiler supplying the whole house with heat. The Council's defence makes no sense. The situation throughout 2005 remains the same as ascertained during my visits there. The Council alleges that it has this subsidiary induction loop installed within the area served by the (imaginary) main induction loop. If there were two such induction loops they would surely interfere with each other. In the same way the Chief Executive maintains the (imaginary) induction loops in the Council Chamber and in CR1 two floor below interfere with each other.

6. Council's Para 8. The induction loop was indeed checked on 2 February 2005 in my presence and found to be NOT working and could not be put in working order.
7. Council's Para. 9. I alerted the chairman of the DAAG meeting on 8 February 2006 that the induction loop was not working (as always). He attempted to get the Council staff to remedy this but was not successful.
8. Council's Para 10. The Council repeatedly refers to the hearing before a Planning Inspector (i.e. A Public Inquiry) as a 'planning meeting'. This can only be to detract from its importance as a meeting open to the public and ostensibly arranged to meet the Planning Inspectorate's requirements for full 'disabled access' in accordance with their guidance note (Document 34).

The Public Inquiry was arranged to be held in CR 3 but when I was able to show the Council staff that not only was there no induction loop in that important room but that there was not even a PA system, the Council got cold feet. I suppose this was because the Council had assured the Planning Inspectorate in Bristol that CR 3 had a PA system and induction loop. I did wonder how the Council was going to extricate itself, Houdini-like from this situation. On 9 February all was revealed! I found out that the Public Inquiry was now to be held in CR2 due to a mysterious 'double booking'.

9. Council's Para. 11. There was no question of an induction loop from CR3 reassembled to CR2. The Council maintains that there is an *in situ* induction loop installed in CR3 so why would it need a portable induction loop in that room?
10. Council's Para. 12. I have no preferred method of accessing meetings. Whether an induction loop system or an infrared system is installed is immaterial to me. At none of the many meetings that I have attended in CR3 has there ever been a PA system or microphone let alone an induction loop system.
11. Council's Para. 13. At none of the scores of meetings that I have attended in CR1 in the last decade has there ever been a functioning induction loop. In fact, there is not even a PA system or microphones. On the many times I have asked the staff to show me the mythical induction loop, they have been unable to comply.
12. Council's Para. 15. I repeat that I have never had any discussion about my

preferred method for facilitating my participation. Similarly, I have never had discussions about the preferred method of central heating, lighting, plumbing, ventilation etc. I'd accept whatever method the Council selects. Whether heating by coal or oil, electricity or gas, is up to the Council: all I want is for the chamber to be warm just as all I want is for the induction loop or infrared system to work. The Council has attempted to mystify matters.

At the meeting of 18 May 2005 the situation was as always: no microphones, no functioning induction loop, no loudspeakers and no PA system at all. I had great difficulty hearing any part of the meeting.

13. Council's Para. 16, at the DAAG meeting of 26 July 2005 in CR1 Brighton Town Hall the situation was as it always has been: no microphones, no functioning induction loop, no loudspeakers and no PA system at all. I had great difficulty hearing the proceedings.

14. Council's Paras 17 and 18. I repeat the assertion made at 13 a-j of my Amended Particulars of Claim.

15. Council's Para. 16. I believe it is not reasonable for the Council to plead poverty when it does not obey statutes. The Council has money to burn when it comes to needless and controversial expenditure. It should be noted that the Council has spent £400.000 on a completely unnecessary feasibility study for hare-brained Park-and-Ride scheme in Patcham – completely wasted. Last year it spent almost £2 million on management consultancy fees. As an example of how the Council can spend money like a drunken sailor I quote the City News of October 2005: 'Sessions have been held, for example, in Sudanese for a Sudanese women's group, and at a project for young homeless women'. All of the Sudanese women I have met in Brighton speak perfect English and have no knowledge of the mythical Sudanese language. However, it seems that some shrewd translators were able to persuade a gullible Council that there is such a language and no doubt were paid handsomely for their trouble.

Colin B Bennett

15 February 2006

(Corrected 20 February 2006)