

**IN THE BRIGHTON COUNTY COURT**

**CLAIM No. 5BN03502**

**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 discovered that there was no induction loop that he could access via his hearing aids. The Claimant avers that he was therefore unable to clearly hear and effectively follow the proceedings of the Falmer Public Inquiry whilst in the public gallery.

5. On 2 February 2005, the Claimant attended a Planning meeting held in the Council Chamber of Hove Town Hall. The Claimant avers that no functioning induction loop was available for his use. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.
6. On 8 February 2005, the Claimant was present in the Council Chamber of Hove Town Hall for a meeting of the Disability Access Advisory Group. The Claimant avers that no functioning induction loop was available for his use. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.
7. 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. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.
8. On 16 February 2005, the Claimant attended a meeting of the Local Access Forum, held in Committee Room Two of Hove Town Hall. The Claimant avers that no functioning induction loop was available for his use. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.
9. On 22 March 2005, the Claimant attended a meeting of the Disability Access Advisory Group held in Committee Room One of Brighton Town Hall. The Claimant avers that no functioning induction loop was available for his use. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.
10. On 3 May 2005, the Claimant attended a meeting of the Disability Access Advisory Group held in Committee Room One of Brighton Town Hall. The Claimant avers that no functioning induction loop was available for his use. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.
11. On 18 May 2005, the Claimant attended a meeting of the Local Access Forum, held in Committee Room Three of Hove Town Hall. The Claimant avers that no functioning induction loop was available for his use. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.
12. On 26 July 2005, the Claimant attended a meeting of the Disability Access Advisory Group held in Committee Room One of Brighton Town Hall. The Claimant avers that no functioning induction loop was available for his use. Accordingly, the Claimant was not able to clearly hear and effectively follow the proceedings.

13. 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 and/or ancillary equipment was installed and/or available for use in the public gallery of the Council Chamber at Brighton Town Hall.
- 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 and/or ancillary equipment or similar system was installed and/or available for use in the Council Chamber of Hove Town Hall.
- c) 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 and/or ancillary equipment or similar system was installed and/or available for use in Committee Room One of Brighton Town Hall.
- d) 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 and/or ancillary equipment or similar system was installed and/or available for use in Committee Room Two of Hove Town Hall.
- e) 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 and/or ancillary equipment or similar system was installed and/or available for use in Committee Room Three of Hove Town Hall.
- f) 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 and/or ancillary equipment which was installed and/or available for use in the Public Gallery at Brighton Town Hall, was, at the material time, in operation and functioning correctly.
- g) 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 and/or ancillary

equipment which was installed and/or available for use in Hove Town Hall, was, at the material time, in operation and functioning correctly.

- h) 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 and/or ancillary equipment which was installed and/or available for use in Committee Room One of Brighton Town Hall, was, at the material time, in operation and functioning correctly.
- i) 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 and/or ancillary equipment which was installed and/or available for use in Committee Room Three of Hove Town Hall, was, at the material time, in operation and functioning correctly.
- j) Yet further or in the further 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 and/or ancillary equipment which was installed and/or available for use in Committee Room Two of Hove Town Hall, was, at the material time, in operation and functioning correctly.

14. 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.

15. 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
- 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