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Date : 13/11/05

To:

1. DDJ Greenfield
Brighton County Court
William Street
Brighton
2. Deborah Jones (or Solicitor acting)
Strategy & Governance
Brighton & Hove City Council
King's House
Hove

BY HAND

Dear Judge Greenfield and Ms Jones

I am writing further to the delivery of the Amended Particulars of Claim to the Court and King's House on 25 October 2005.

I rushed to get this document to you because I was a couple of days late for the deadline of 21 October 2005 mentioned in the letter dated 27 September 2005 from the Council. I was not sure if this "deadline" had legal status but I didn't want to tax the patience of the Council. The letter dated 28 September from Miss J Wilkin from the Listing Section of the Court there is no mention of the deadline so I believe I am probably not in breach of it.

It so happened that I received a more professional Amended Particulars of Claim after I had lodged my version. I wish to point out some slips in my version. These are:

- a) The second section numbered 6. should read 8.
- b) The second section numbered 7. should read 9.

These are obviously just slips and I am sorry about them.

c) In section 5. there is a reference to Committee Room 2 in Hove Town Hall. This is a correct reference. Later, in the (correct) section 7. there are two references to Committee Room 1 under "Particulars". These are obviously slips as the Committee Room is Committee Room 2. I am sorry about this but it is quite obvious that I am referring to the Committee Room 2 also mentioned in section 5.

d) In "my" amended Particulars of Claim I thought I would deal with the alleged deficiencies in other Council venues by attaching a schedule showing these venues and dates of alleged transgressions. However, I did not wrap these alleged transgressions with the words "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 infra-red broadcast system and/or ancillary equipment or similar system was installed and/or available for use...".

Obviously I want this legalistic phraseology to embrace all the other venues with the alleged transgressions. This is clearly a technical omission as it is quite obvious that I wanted all the venues to be brought under the umbrella of my complaint/claim.

I will deal with these slips of mine by proposing two routes.

ROUTE 1.

That "my" Amended Particulars of Claim be taken with the comments above.

ROUTE 2.

That the barrister's Amended Particulars of Claim dated today be taken as superseding "my" particulars of claim.

I see merits in both routes and as I don't think I have breached any Court Order in this late delivery of the correct Particulars of Claim, perhaps Route 2 is better. In any event I wish the schedule of dates to be lodged with the Court as it is useful. I do not think Route 2 will cause the Council's legal people any problem as it does not introduce any new allegations or facts – it just clarifies the legal wording.

I turn again to the letter from the Council dated 27 September. There is a phrase there that reads "The defendant to file and serve a Defence by 4.00pm on 18 November 2005". Since that is *after* the hearing scheduled for 10.30am that day, this is perhaps a slip. It is good to know that I am not the only one that makes them! I have not received that Defence yet but I am not complaining.

I wish to remind the Judge that I am a layman and that there is by no means "parity of arms" here. The RNID barrister closed the file in late October and I therefore have no advice now. I understand that it is up to me and the Council to agree a set of directions before the CMC on 18 November. I understand that these include the estimated length of final hearing, number of witnesses and witness statements, the location of the hearing, disclosure of documents.

The letter from the Court dated 28 September 2005, referring to the CMC states "There is a case management conference on 18th November 2005 at 10:30. The issue must be clear by then". I am afraid I do not know what those last seven words mean. Perhaps things will become clearer when I talk to Ms Jones which I hope will be very soon.

I can say now there will be two witness statements besides my own statement (which at the moment I am not sure has to be in the form of a witness statement since I am the Claimant). The witness statement from Ann Crammer is already on the Court file and I will be supplying one from Richard Scott in the next few days.

As you know, I very much wish for the Judge to attend the Council buildings and rooms in question to ascertain matters for himself.

Yours sincerely

Colin B Bennett