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- 1. District Judge Merrick**
- 2. Deborah Jones (or the solicitor acting for Brighton and Hove City Council in the Case)**

Dear District Judge Merrick and Deborah Jones,

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

I am writing to tidy up a few matters before tomorrow's Case Management Conference.

- 1. I am sorry but I noticed there were a couple of errors and a chunk of text missing from 'Response to Brighton & Hove Council's Amended Defence dated 1 February 2006' (Document 36). I herewith resubmit that document corrected and I have called it Document 36 (Corrected).**
- 2. District Judge Merrick asked me in Court what I wanted from this action. I think I said that I wanted the Council to improve its buildings so that they meet the needs of hearing impaired people. Mr Merrick wondered whether he had the power to order the Council to 'mend their ways' (my words) rather than merely to award damages for the perceived discrimination against me. I think I can reassure Mr Merrick that the law does allow him to order the Council to do certain things. At the end of my Amended Particulars of Claim is written under 'the Claimant claims' point 3) 'An injunction to require the Defendant to comply with its duty to make reasonable adjustments'.
At this moment I do not know which Section of the DDA supports this but I obtained that wording from the RNID barrister assisting me at that time.**
- 3. I do consider that this case has 'human rights' implications as well as 'disabled access' features. This is because the failure of the Council to install induction loops hinders my**

participating in the democratic process. Moreover, there is an interesting facet connected with the Council's installation of a minor induction loop around nine seats in the well of Brighton Town Hall's Council Chamber. These seats, at the eastern end of the semicircle of seats, are usually occupied by members of one political party during Council meetings. Members belonging to other political parties occupy seats to the west of those seats according to their party groupings. It would not be reasonable for a Councillor to have to sit with members of another party (contrary to normal practice) merely to avail himself of that induction loop. That short induction loop, though very useful to me on 2 February 2005 as there was no other induction loop in the Council Chamber, discriminates against members of all political parties except the one so favoured. I do not believe this was intentional; it is merely a corollary of the panicky way in which those nine seats were girded.

4. I draw attention to the practice of the Council of sticking little square bits of plastic on the walls of chambers where they allege there are induction loops. These squares usually have a struck-out ear symbol and perhaps the words 'induction loop' on them. There is no magical way in which these labels can confer induction loops on a Chamber. They mislead the public – perhaps intentionally. There is a territory called the British Virgin Islands but, as far as I know, no British virgins have ever been discovered there!
5. I've just heard that tomorrow's Case Management Conference will be held in Judge's Chambers. I am not sure whether the public have right of access and I believe that is at the judge's discretion. I do request that the public be admitted to the conference.
6. This case is interesting to those concerned with disability matters especially on the question of deafness. There have been many 'hits' on the part of my blog dealing with my DDA Claim and I have written some articles on the matter. The claim has generated so many documents that I am considering writing a book or perhaps a monograph about it so that others can take encouragement and seek to improve conditions in their own town. I think I can make the book interesting to the general reader. I do hope that in a year or two Brighton & Hove City Council will be seen as an exemplar in the field of 'disability access' rather than as a laggard.

- 7. I attach to this letter (Document 50), contained within the usual mini folders, a copy of Document 36 (corrected), a copy of document 'Additional Proposed Directions...' (Document 49) as well as the witness statements for Cllr Geoffrey Wells (Document 47) and Mr Bernard Evans (Document 48). You already have the witness statement for Cllr Roy Pennington (Document 46). These documents will be signed in due course.**
- 8. The Council has a Byzantine structure and it would be useful to have a management chart from middle management upwards in the relevant Departments.**

Yours sincerely,

Colin Bennett