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Date : 7/09/05

COLIN BENNETT v BRIGHTON & HOVE CITY COUNCIL Claim No. 5BN03502
BRIGHTON COUNTY COURT. HEARING DATE: 09 September 2005

District Judge Greenfield, Brighton County Court
BY HAND

Dear Mr Greenfield

1. I am writing to you in connection with the above named hearing to present more documents to the Court. I have already presented a mini-file with my Particulars of Claim with Documents 1-6 inclusive. I now attach another mini-file which I have called the Supplementary Mini-File. It contains this letter and Documents 7-14. I have delivered an identical mini-file to Brighton & Hove City Council at King's House, Hove and please find a receipt for this. I shall be asking the Clerk at the Enquiry Counter at Brighton County Court to let Mr David Wraith see this mini-file as part of it will be of interest to him.
2. Documents 7 and 8 are recent correspondence I have had with Mr David Wraith. These explain the situation in the courts quite well, I think.
3. The first thing is for me to explain that I might have some difficulty in hearing in the Court on 9 September 2005 as I am not confident that the induction loop will be working. At the end of last month I did make a check in Courtroom no.1 and after a discussion with Mrs James, ascertained that there is indeed an induction loop in that courtroom but that it was not in working order. This is a long-standing problem in our Courts which I do hope to resolve in the next year or so. I request permission for Miss Cristina Cosentino to assist me in the Court on 9 September 2005 by way of reading to me and assisting me if I cannot hear the other participants. She is my usual reader. I am a registered blind person.
4. Document 9 is a fact sheet called "RNID: For deaf and hard of hearing people. Induction loops and infra-red systems in public places – information for people managing public buildings". I have given several copies of this fact sheet to the Council in the past including into the very hands of David Panter, the former Chief Executive. I shall bring to the Court a copy of the RNIB publication "Solutions" and will mention their services called "Louder than Words Charter" and "Sound Advantage".
5. I draw your attention to Document 10 called "Question by Councillor Morris of the Cabinet Member for Social Inclusion" (London Borough of Lewisham). I would like Brighton & Hove City Council to make the same commitments to hearing-impaired people as has the London Borough of Lewisham. I associate myself with Mr Morris' questions and I have his consent to submit this Document to the Court. However, I do not agree with two points in this Document. I am not seeking that my Council provide disposable ear pieces (but that they do hygienically maintain non-disposable ones). I am not seeking any documentation to be provided in languages other than English. I wish the provisions for hearing-impaired people in this Document to be considered as an extension my Particulars of Claim i.e. I want the same thing for the citizens of Brighton & Hove.
6. I request that all the Documents in the original mini-file and in this supplementary mini-file be treated as admissible in Court.
7. I have been campaigning for some time about better access in our courts for people with sensory loss. You might care to look at my Submission to the DCA in response to their Consultation

Paper called Broadcasting Courts which includes a lot of background information on the subject of access by people with sensory-loss to our courts. The website is <http://palmeira.org.uk/blogmat/DCASubmission.html>. The DCA has summarised responses to this consultation paper and published its report on 30 June 2005 at <http://www.dca.gov.uk/consult/courts/broadcasting-cp28-04.htm>

It seems to me that they took note of my Submission.

8. I turn now to Document 11 which is the Council's Acknowledgement of Service and Defence. I note that the tactics of Brighton & Hove Council in dealing with this action under the DDA is the usual prevarication, procrastination and time-wasting. It seems to me that they hope to kick the matter into the long grass and hope that I will go away or fall under a No. 49 bus. I intend to do neither. They contend that my list of what I want done in the Council buildings is not adequate and that I need to "particularise" matters. They write "The Defendant seeks an Order that the Claimant fully particularise his claim because it is very unclear what declaration/remedies are sought...". I contend that my Particular of Claim is adequate but I am not resisting you, Sir, making such an Order if you disagree with me. To move things on I am acting on the basis that you will make such an Order and that I will obey it immediately. I therefore attach Document 12 which is an attempt to obey of your putative Order.

I request that if you make such an Order you then decide whether I have complied with this order and so we will be able to get somewhere on 9 September rather than adjourning unnecessarily. I do not suppose that this claim can be finally decided on that day but I am seeking to make progress after my years of striving. I do hope that after the hearing we have advanced.

9. I request that you, Sir, take the trouble to visit Brighton Town Hall so that we may test my assertions in respect of that building. It might be possible for you to go there immediately after the hearing. You may care to "examine" the induction loop at the Court's Enquiry Counter en route. I have asked if we may visit The Brighthelm Centre in North Road on our way to Brighton Town Hall as there is a functioning induction loop there in the Auditorium. I have checked and there is no private meeting on the afternoon of 9 September. If this proposal is not convenient then perhaps a site visit can be arranged at another time. The Council will see this mini-file on 7 September and so will have time to present their best face!

10. Document 13 is a witness statement by Mrs Ann Crammer. I have delivered a copy of this direct to the Defendant.

11. Document 14 is a copy of an article that appeared in the Argus on 26 August 2005.

12. This Claim is important for me and I believe also for all hearing-impaired people whose access to public events can be improved by technical means. I also believe that it could be beneficial in creating a better climate of inclusiveness for hearing-impaired people who depend on such methods as sign language, lip-reading and lip-speaking. This Claim does not deal with those methods.

My understanding is that this Claim, if successful, will only become Case Law if it goes to Appeal. I am prepared for that although it would be wearing. I do believe that if this Claim is successful and does not go to Appeal then it also will have some influence on other Councils. Brighton & Hove Council has dug its heels in against making its premises accessible to hearing-impaired people and it is likely that my Council is the toughest nut to crack. Success with respect to my Council would probably send a salutary message to all other recalcitrant Councils. I know that the RNID is following this case and will publicise it whichever way it goes. They are supporting me morally in this claim.

Colin Bruce Bennett
7 September 2005