

Colin Bennett a resident of Hove for most of his life has Usher Syndrome Type 2. This means that he is a registered blind person with an associated serious hearing problem. He wears two powerful digital hearing aids and thus is able to follow conversations in a quiet environment. This is not sufficient for public meetings unless there is a functioning induction loop or infra-red system (IL/IR) installed. Mr Bennett has campaigned for many years to have this equipment installed and made to work in many venues in Brighton & Hove and elsewhere in the UK and abroad.

Attempts to get Brighton & Hove City Council to install functioning induction loops or infra-red systems in the important venues owned by the Council did not succeed. Eventually, Mr Bennett felt that he could only move forward by taking action in Brighton County Court under the Disability Discrimination Act, 1995 (DDA) and he launched this in July 2005. The eight venues in which he alleged discrimination by virtue of the Council's failure to have functioning IL/IR systems were in Hove Town Hall: the Council Chamber and Committee Rooms 1, 2 and 3; in Brighton Town Hall: the Council Chamber and Committee rooms 1, 2 and 3.

The main problem in the initial Court hearings was that the Council claimed that it had functioning systems in most of those rooms. A breakthrough was made when the Council agreed to instruct RNID consultants to examine each of these rooms and to make recommendations that the Council would adhere to. This was done and in March 2007 Mr Bennett drew up the Progress Note for Court (Document 62) attached to this press statement which was agreed by the Council.

At the final Court hearing when arrangements could have been made for a full trial, Mr Bennett and the Council agreed a Tomlin Order with the encouragement of the judge. This Order which is attached precluded the need for a full trial which would have taken at least three days especially as Mr Bennett had seven witnesses. The use of a Tomlin Order meant that the Council was not found guilty of discrimination. Mr Bennett was happy with this as the object of his action was not that the Court would make a formal finding of guilt or not. He wanted improvements to be made to the

Council buildings and he is content that this has now been done. He also feels that the Council now has a better attitude to people with defective hearing and that this will be reflected in the way that Council meetings are conducted.

The legal costs if a trial had gone ahead would have been great and although Mr Bennett was confident of success, he did run the risk of having to pay costs. If he had been successful then the Council tax payer would have been liable to substantial costs. Naturally, Mr Bennett did not want that.

As part of the Tomlin Order settlement, the Council agreed to pay Mr Bennett £1500 towards his costs and also to pay £1250 each to two charities that he nominated. These are the National Deafblind and Rubella Association (Sense) and Deafblind International. The total figure of £4000 was arrived at because this was the maximum figure the relevant Council Officer could sanction within her delegated powers. It is a purely arbitrary figure.

Now that the Court has sealed the Tomlin Order and that the cheques are about to be dispatched, this case is now concluded and we can all move on.

This case generated 67 documents and so the £1500 costs was consumed by preparing these documents especially as Mr Bennett requires a reader to do so. All these documents can be found on Mr Bennett's blog which is bennettsworld.blogspot.com. Mr Bennett encourages people to visit his blog and to follow the leads to the Dossier on the DDA Claim against Brighton & Hove City Council.

Both sides wish to emphasise that following the conclusion of this action there is a good relationship between Mr Bennett and the Council. They hope that other Councils will learn from this case and take the appropriate steps.

Colin Bruce Bennett