



CHARLES RUSSELL

Our ref AT/DE/JAB/051969/00009

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13 February 2007

By Post and Email: colinbennett@palmeira.org.uk

Dear Sir

**Claimant: Mr Colin Bennett**  
**Defendant: Board of Trustees The Old Market Trust**  
**Claim No: 7BN0016**

We act for the Board of Trustees, The Old Market Trust. You have filed a claim against our client under the Disability Discrimination Act 1995. Our client has submitted its Defence, a copy of which has been supplied to you, and is prepared to proceed to full trial to defend its name. However, in the interests of reasonableness and proportionality, our client has instructed us to write to you to avoid incurring the unnecessary costs for all parties of proceeding to a full trial.

In your Particulars of Claim issued on 10 January 2007 and your letter dated 10 December 2006, you claim that there was no functioning induction loop or infra-red hearing system available when you attended The Old Market for a lecture given by Mr Jeremy Bowen on Monday 20 November 2006. For the reasons stated below our client will successfully defend this claim.

#### **Functioning Infra Red Hearing System Fitted**

The main hall of The Old Market Trust, the Bryson Hall, is fitted with a Sennheiser Infra Red Hearing Aid System. This was fitted in or around September 1998, as recommended by disability consultants, Accessibility of Lewes, Sussex. This system was specifically recommended to our client for the premises as the most effective system given the premises structure and layout. The system is also fitted to venues such as the Theatre Royal, Brighton, the Royal Opera House, Covent Garden and the National Theatre. The system is regularly checked by our client's technicians every time the public address system is used. The system was checked on 20 November 2006 and was found to be functioning properly and without fault. Since the system was installed in September 1998 it has been used constantly and our client has never received a complaint from any other person about it.

#### **No complaint at time**

Our client was given notice via City Books that you would be attending the talk on 20 November 2006 and that you would require the system to be functioning for the talk. When you attended on 20 November 2006

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