

**From:** Michael Dawson <daw50nmdj@hotmail.co.uk>  
**Sent:** 09 January 2017 07:31  
**To:** Cllr John Anglin  
**Cc:** Customer Advocates  
**Subject:** Complaints about the Council and UK Docks: Sunday working and Noise  
Dear Councillor Anglin,

My recent correspondence with Customer Advocacy (please see trail below) throws up some questions regarding the handling of complaints by South Tyneside Council.

### Relabelling of Complaints as Allegations

I think this is a worrying trend by the Council. The use of 'allegation' rather than 'complaint' is, by implication, suggesting that our complaints are ill founded. The first use appeared in 2015 when Corporate Lead, Mrs H Johnson, wrote to my MP on behalf of the Chief Executive. She says she manages the process and staff that support customer complaints and compliments and under her this new attitude to complaints appears to be becoming the rule rather than the exception. Fortunately another resident had taken a photograph a couple of hours before I got involved and I have attached it.

### Conflation of Complaints

You will notice that my complaint, at first, was solely about Sunday working and that whoever received it did not register it but added the piece about allegations of noise nuisance from UK Docks. They then asked Customer Advocacy to respond to my complaint.

### Non registration of Complaints(1)

This actually is not a new device, Mr Cunningham employed it when I first made a formal complaint about the enclosure on 10-Jan-2014. That was about non-compliance with Condition 2 of the grant in 1996.

The complaint I made on 20-Dec-2016 concerned Condition 5 and relates to working hours (7am to 7pm but not Sundays or Bank holidays). Considering the location of the boatyard one would have to agree that a responsible Council should take more care with our complaints in this respect. As far as I know Condition 5 still stands.

When the Environmental Health Team registers my complaint we can bring this issue into the open and discuss a way forward. At the time of the grant 1996 the Council were planning to de-industrialise this area and I believe consent was given for an enclosure, or shed, on condition that there was no further expansion of the boatyard.

### Non registration of Complaints(2)

The noise issue is a bit more complicated and this is why I have asked the Environmental Health Team to register a complaint. I'll use an example from last year:

1. At a Planning Committee meeting, 01-Feb-2016, public assurances were given by Mr Ian Rutherford, Principal Environmental Health Officer, STC, that complaints re noise, pollutants and any issues the public have from the work at UK Dock's site would be thoroughly investigated and enforcements would be put in place wherever they were needed.

2. An official complaint was made to STC near midday, Tuesday 2 Feb, re: unacceptable noise from yard:- "Since 08:00 today, sudden and reverberating loud bangs of what sounds like metal being dropped; constant grinding of metal; loud hammering; and rumbling of a forklift truck shifting stuff around the open yard. Exactly the reasons we gave to – and were ignored by – the planning committee yesterday."
3. The Environmental Health Team closed their last complaint in respect of the site in February 2016 – see email 21-Dec below.
4. In view of the 28 day diary sheets that the Environmental Health Team oblige us to use, should they not check them before closing a complaint. It does not appear to have been done as this would have taken them into March .

It appears that the Environmental Health Team are operating a system that unfairly disadvantages the complainant and labelling 'complaints' as 'allegations' appears to be doing the same thing.

This sort of thing lends weight to our suspicions that the Council's complaints procedure is being run for the benefit of the Council (the Establishment) and not for the people.

A political issue and I would appreciate your views on this.

Yours sincerely  
Michael Dawson  
Greens Place

**From:** Michael Dawson <daw50nmdj@hotmail.co.uk>  
**Sent:** 06 January 2017 13:54  
**To:** Complaints  
**Cc:** Kevin.Burrell@southtyneside.gov.uk  
**Subject:** Re: Sunday Working, 18-Dec, by UK Docks, River Drive. [NOT PROTECTIVELY MARKED]

Dear Alison,

Sorry to trouble you again but if you look down through the emails you will see that I wrote directly to complaints on the 20th Dec and should have at least had an acknowledgement from them.

I have now decided that I wish to complain about the noise as well (others may have complained about the noise and I would like to give them some support).

Please pass this back to the [Environmental Health Team](#), to whom it should have gone in the first place, with a note that I wish for the issues to be treated separately.

I will then need two separate acknowledgements with their associated feedback numbers.

Yours sincerely  
Michael Dawson

**From:** Alison Hoy on behalf of Complaints <Complaints@southtyneside.gov.uk>  
**Sent:** 04 January 2017 10:38  
**To:** Michael Dawson  
**Cc:** Cllr John Anglin  
**Subject:** RE: Sunday Working by UK Docks, River Drive. [NOT PROTECTIVELY MARKED]

Mr Dawson

Condition 5 referring to Sunday working was investigated by the Ombudsman and referred to in their decision notice to you dated 15 April 2015.

Yours sincerely  
Alison Hoy

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**From:** Michael Dawson [mailto:daw50nmdj@hotmail.co.uk]  
**Sent:** 23 December 2016 11:46  
**To:** Complaints  
**Cc:** Cllr John Anglin  
**Subject:** Re: Sunday Working by UK Docks, River Drive. [NOT PROTECTIVELY MARKED]

Dear Alison,

Thank you for your reply. Please note the complaint is about Sunday working and I quote from the grant of 1996, condition 5:

No works, other than the launching or beaching of vessels, shall take place within the shelter between the hours of 7pm and 7am Monday to Saturday and not at all on Sundays or Bank Holidays unless any written consent of variation is previously given by the Development Corporation as local planning authority.

Perhaps the workman was outside because he knew no works were allowed in the shelter on Sundays.

Kind regards,  
Michael Dawson

**From:** Alison Hoy <[Alison.Hoy@southtyneside.gov.uk](mailto:Alison.Hoy@southtyneside.gov.uk)> on behalf of Complaints <[Complaints@southtyneside.gov.uk](mailto:Complaints@southtyneside.gov.uk)>  
**Sent:** 23 December 2016 09:40  
**To:** Michael Dawson  
**Cc:** Cllr John Anglin  
**Subject:** RE: Sunday Working by UK Docks, River Drive. [NOT PROTECTIVELY MARKED]

Dear Mr Dawson

I had responded as we currently have contact restrictions in place for you and therefore issues relating to the boat shed will be referred to me initially in order to assess whether the contact relates to your historic complaint on the original boat shed, or new matters. I will then refer any new matters to the relevant teams and had done so for advice on this report regarding the allegation of Sunday working outside agreed hours. I would refer you to the highlighted paragraph below regarding the Sunday working matter which was received from the team.

Should you raise a noise nuisance complaint via the Customer Contact Centre a reference number would be assigned to that report and our Environmental Health Team would then deal with the issue. There is nothing to escalate regarding your latest report of hammering on a railing on a Sunday morning as advice has been given on how to take this matter forward correctly with Environmental Health.

yours sincerely  
Alison Hoy

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**From:** Michael Dawson [<mailto:daw50nmdj@hotmail.co.uk>]  
**Sent:** 22 December 2016 16:00  
**To:** Complaints  
**Cc:** Cllr John Anglin  
**Subject:** Re: Sunday Working by UK Docks, River Drive. [NOT PROTECTIVELY MARKED]

Dear Alison,

Thank you for replying to my complaint about about Sunday working.

I first wrote to Mr Rutherford and then to [Complaints@southtyneside.gov.uk](mailto:Complaints@southtyneside.gov.uk) as it seems that Mr Rutherford has moved on. I did not write to you. It appears that who ever responded to my complaint has bypassed all of of the stages of the Council's complaint procedure by asking you to respond and that you have been misinformed. I know that you can only go on what the officer who should have be dealing with this, has said to you, so please do not take my comments below personally:

- my complaint is about Sunday working;
- no feedback reference number has been provided - I need one for escalation;
- this has referred to you and not the Environmental Health Team;
- 'allegations of noise nuisance'\* - As I understand it, it was the noise that brought to our attention that Sunday working was taking place.
- para 16 - I complained to the LGO the Council were being inconsistent about condition 2 - I made no mention of Condition 5 - nor did I make any reference to condition 5 in my original complaint to the Council, 10th Jan 2014. The enclosure was built outside the remit of the original plan.
- para 5.61 - I have no record of a retrospective request for change to condition 5 - 7am to 7pm but not Sundays or Bank holidays. Is there some private agreement between the Council and UK Docks?

\* I think you will find that while I have often mentioned noise in my correspondence with the council I have not complained specifically about it before. The 'allegations of noise nuisance' seems to be a totally unjustified statement.

Corporate Lead used the term 'matters and allegations' in what I thought to be a rather less than straightforward reply to the MP for Berwick. Please remind her for me that she has not provided any drawing, authorised in 1996 that shows an approved height of the road end of the enclosure as 15.5m. She is not responding to any of my correspondence at the moment.

Kind regards,

Michael Dawson

**From:** Alison Hoy <[Alison.Hoy@southtyneside.gov.uk](mailto:Alison.Hoy@southtyneside.gov.uk)> on behalf of Complaints <[Complaints@southtyneside.gov.uk](mailto:Complaints@southtyneside.gov.uk)>

**Sent:** 21 December 2016 13:32

**To:** Michael Dawson

**Subject:** RE: Sunday Working by UK Docks, River Drive. [NOT PROTECTIVELY MARKED]

Dear Mr Dawson

Further to the recent email from you regarding noise at the site of UK Docks. Your earlier email was copied to the 'complaints' email address and had been directed to Melanie Todd, I had not therefore acted on that email.

Your current email requesting a complaint be logged due to noise and/or breach of working hours conditions has been queried with the relevant service teams. Noise nuisance complaints are dealt with by our Environmental Health Team and normal practice is to arrange diary sheets for completion to record evidence of noise nuisance for their consideration. I am advised that we currently do not have an open complaint for allegations of noise nuisance emanating from operations at the UK Docks site. Our last complaint in respect of the site was closed in February 2016.

If you would like to register a noise complaint, there would be an expectation that diary sheets would be completed over a period of 28 days to allow assessment of the noise. To initiate this

please contact the Customer Contact Centre on 0191 427 7000. Officers have brought the reported incident to the attention of the Site supervisor at UK Docks and reminded him of his responsibilities and he will pass our comments on to the staff who were on site at the times being complained about. At present Officers advise that there is insufficient evidence to substantiate the activity amounting to a statutory nuisance and we are therefore unable to take further action at this time.

With regards to the control of general working hours at the site, in respect of planning no restrictions exist. This matter was considered and responded to by the Local Government Ombudsman in response to the earlier complaint they investigated on your behalf.

Decision notice point 16 advised:

16. The Authority's view is that condition 5 should not have been imposed because the site already had the benefit of unrestricted working hours. I cannot comment on this. I do not know how the business operated in 1996 and it is too long ago for the Ombudsman to investigate.

The matter was also considered in the committee report for the latest planning application for the site:

5.61 It would be unreasonable to seek to impose a planning condition restricting the working hours of the boat repair business or restricting the types of works associated with boat repairs at this application site, as it is an established boat repair yard. Furthermore, it is considered that condition to require the additional boat shed doors to be closed when activities are taking place would be unnecessary and unreasonable because activities on the slipway or on the existing jetty.

As there are no restrictions to the working hours on site, it would only be evidence that a statutory noise nuisance existed which would allow the Council to take action regarding noise from Sunday working. The Officers view of the reported incident is that this would not constitute such a nuisance. Should you feel that noise from the site has escalated then please contact us as advised earlier in this email to request diary sheets be sent to you for completion.

I hope this clarifies the Council's position at this time.

yours sincerely

Alison Hoy

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**From:** Michael Dawson [<mailto:daw50nmdj@hotmail.co.uk>]

**Sent:** 20 December 2016 15:53

**To:** Complaints

**Subject:** Re: Sunday Working by UK Docks, River Drive.

Dear Sir or Madam,

This is the second time in a few weeks that they have been working on a Sunday. Please acknowledge this complaint as I wish to take the issue up with the ward Councillor who organised the meeting - see below.

Kind regards,  
Michael Dawson