

Subject: Non Compliance and Sunday Working, UK Docks, River Drive. [NOT PROTECTIVELY MARKED]  
From: Michael Dawson  
Date: Fri, April 7, 2017 4:18 pm  
To: Cllr John Anglin <cllr.john.anglin@southtyneside.gov.uk>  
Cc: Melanie

Dear Councillor Anglin,

Thank you for your email of 21st January. Alison also responded to my email which is why I am quoting her attachments.

I would like to make it clear that my complaint about Sunday Working was a complaint, not an allegation, and inform you there is no complaint about Sunday working raised for the Council to process.

Whoever had picked up my complaint about it, 20-Dec-16, had not registered it but redirected it to Customer Advocacy to answer. I went and checked with the 'Front Desk' on 10-Feb-17 and found that there had been no registration of a complaint about Sunday working. My email about noise of 18-Dec-16 was to Melanie and copied to complaints for information only.

I could see that whoever was redirecting the complaints to Alison did not want to acknowledge that UK Docks were working on a Sunday. It is a breach of the fifth condition of the grant.

I copied you in as soon as I saw what they were doing because a similar device was used by Messrs Cunningham and Atkinson when I complained about the size of the cover three years ago. I needed a witness to the process and you being a) neutral and b) present when we were informed the cover was 'legal' came to mind.

It looks like the complaint about Sunday working was misdirected by the planning officer responsible for UK Docks, currently Gary Simmonette, because it would have landed on his desk. He was also responsible for the committee report for the site where the reference 5.61 comes from.

Look again at para16 of the LGO report, 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. If the Investigator cannot comment on it then why did she do so. I never mentioned Condition 5 to the LGO. My complaint to them was that Mr Cunningham said the base and height of the structure were compliant when they were not.

I was going a long way round to giving you the background to the original complaint and for that I apologise and it was while I was rewriting 'Condition2\_base' that I realised that Mr Cunningham probably did not know about the extra width but probably knew about the height when we were told that the development was 'legal'. When he was being helpful, which lasted for four and a half days he sent us 3 drawings amongst other things, and those indicated that the cover was about 3m too high. We tried to seek clarification on this but to no avail which was why we resurrected the TGA. I believe they tasked you with the job of getting some answers

but you failed as well. A shorter explanation of what I was saying:

1. Not long after I had told you that Mr Cunningham had misinformed us about the cover, UK Docks resumed work on it and I put in a complaint that it did not comply with condition 2 and gave an explanation using the Agent's plans. Mr Cunningham received it but did not register it, he suggested I talk to the Chair of the Resident's Group (TGA) and raise a complaint if I was not satisfied!

2. Mr Atkinson raised a complaint based on my escalation to him, not the original complaint which was based on the Agent's drawing. In his reply he used plans similar to the ones used by UK Docks to deceive the Council. You have just seen how a complaint about Sunday working has been converted to one about noise\*. The plans that Mr Atkinson introduce and the ones given to Mr Cunningham by UK Docks are interchangeable as neither have been authorised and both show each end of the cover to be 15.5m. The gradient is 2.7m!

3. Mr Atkinson has to concede that the cover is not approved, too high as well as too wide, when I point him back to the Agent's drawing.

4. the next person up the management chain is Mr Mansbridge and the unauthorised plans are now said to be approved drawings and he quotes from them when he responds to our Petition and Stage 2 complaints. None of them have been seen, let alone authorised by the T&WDC, the authorising body in 1996.

5. Customer Advocacy, not Alison, sit on the fence in spite of being told that Mr Mansbridge has ignored has an email (he actually passed it back down the chain to Mr Atkinson who naturally declined to answer it) informing him that cover is the wrong height.

6. a Senior Planning Officer sends the UK Docks plans to the LGO after I have explained to them that they have been misinformed by the use of the drawing advocated by Mr Atkinson and said to be approved by Mr Mansbridge.

My attempts to get the original complaint back on course have failed and the conduct of all who have had anything to do with this development has left much to be desired and I include the Chief Executive, Gary Simmonette and Hayley Johnson in that statement.

In her letter to me which Alison has attached she:

- \* conflates my complaint about the cover with the conduct of the Council over my complaint;

- \* writes about complaint 253539 (enforcement) when I have presented evidence of misrepresentation by referring to 248789 (non-compliance);

- \* ignores the evidence of the misinformation presented to the LGO (misinformation by its very nature is deliberate);

- \* does not provide any evidence to counter the assertion that the cover is 2.7m too high.

The last one is very important because she did not provide any evidence to counter what I said to the MP, Anne-Marie Trevelyan:

You have not specified that the stated height (15.5m) is of the river end of the shelter and it is likely that, Mr Swales, if he follows the arguments of the Planning Manager and the Head of Development Services before him, will say it refers to the road end. The drawing, 8296/1A which they have used for their argument also states the height of the river end as 15.5 meters. This is clearly not consistent given the slope of the slipway...

... drawing, 8296/14, is available on the planning portal for all see (8296/1A is not readily available) and it shows the river end gable with door fittings. It has sufficient detail on it to determine that the height is near enough 15.5m i.e. - nowhere near the 18m of the built height of the river end.

If Mr Swales provides any new plans to show you that I am wrong in my assessment of the development on River Drive by UK Docks please let me know.

Mr Swales does not provide any new plans nor does Hayley Johnson. She has not provided any because the the only approved drawings support my point of view and it appears that Mrs Johnson has overreached herself by imposing a ban on me contacting the Council.

In the light of this and the last line in Alison's response I going to ask for your support in my campaign against any expansion of the works on river Drive.

Yours sincerely  
Michael Dawson

\* noise is subjective, working on a Sunday is not - UK Docks plans are ambiguous, the Agent's are not.