

----- Original Message -----

From: Customer Advocates

To: mick.dawson@theharbourview.co.uk

Sent: Tuesday, August 12, 2014 4:52 PM

Subject: RE: FW: 253539 - Stage 3 complaint escalation [NOT PROTECTIVELY MARKED] [PROTECT]

This email has been classified as: PROTECT

Dear Mr Dawson

Thank you for your email which I received earlier today. I can confirm that I will incorporate this additional information into the Stage 3 investigation of your complaint.

I am sorry I am not yet able to confirm when I will be in a position to provide you with a final response. I am continuing to make enquiries into this matter and gain a better understanding of the case.

Thank you for your continued patience.

Michaela Hamilton
Performance and Information Officer
Strategy and Performance

Tel: 0191 424 7003

-----Original Message-----

From: mick.dawson@theharbourview.co.uk [mailto:mick.dawson@theharbourview.co.uk]

Sent: 12 August 2014 10:10

To: Customer Advocates

Subject: Re: FW: 253539 - Stage 3 complaint escalation [NOT PROTECTIVELY MARKED]

Dear Michaela Hamilton

Further to my email of 23rd of July in reply to yours of the 22nd, I would like to thank you for allowing me to have some say in the focus of your investigation.

I have broken this reply into three areas of concern about the expansion of the UK Docks slipway on River Drive:-

- i. The misuse of the formal complaints system as operated by South Tyneside Council firstly by the Planning Office then by the Development Services and lastly by the Customer Advocates to stifle enquiry into what may be considered as bad planning practice by the Council.
- ii. The misinterpretation of the plans submitted by UK Docks in their application to expand the use of the slipway on River Drive.
- iii. The continued dismissal of all concerns about the expansion and continued use of the site especially as it is now known that UK Docks turned down an offer of relocation of their business to a more appropriate site by the Port of Tyne when they planned the infill to Tyne Dock.

Please refer to Mr Mansbridge' letter of the 2nd June as I should probably have done when writing to Mr Swales - see attachment 1.

i) Misuse of the formal complaints system.

The first paragraph refers to the complaints procedure as operated South Tyneside Council and as such will touch upon more planning issues than just the 'Shed on River Drive'. I may wish to return to this after the issues surrounding the shed have been resolved. I am too aware that Alison Hoy has said in her email to me on the 11th July, "Stage 3 is the final stage of the Council's complaints procedure and as such, your letter will act as the Council's final response to your complaint" . It does rather reinforce the point I was trying to put across in my letter to Mr Mansbridge of the 2nd May.

ii) The misinterpretation of the plans submitted by UK Docks.

There are two dimensions to this:-

The height:

I have dealt with this in much correspondence with the Planning Department since November 2013 and you will no doubt have access to it all. I would like to add that at no point all this correspondence has Mr Atkinson, and he heads the Planning Department, said that I am wrong in my assertion that the shed is built 3m too high. Mr Mansbridge in his letter says that the engineer did not draw the gable on drawing 8296/14 to scale. The fact that the dimensions of the portal column are given (an industry standard RSJ 686 x 254mm) and the projected width of 12.2m give lie to this. If you cannot agree with me then please advise me who to turn to as this does not appear to be a procedural matter and may not be considered by the ombudsman.

The width:

My assertion that the structure was built wider than planned was confirmed by the planning office in an email of 23rd January and that this had been known since September though I would like to add that my assertion about the structure being wider than authorised were still being dismissed in an email dated as late as 13th January.

I have not been concerned about the width of the structure as this has tended to be described as not material but comments made at the meeting I was invited to on July 8th to review the plans and subsequent correspondence has prompted me to look again at this. I would like you to look particularly at my email 3rd February and Mr Atkinson's reply of the 13th February. I have not attached these as I have assumed they will be made available to you.

Both the increase in width of the footings and the variation in pillar angle will, I propose make them material when considered together. This means that at the height of the structure at the hip, or is it the knee, anyway 3m from the top, there is an increase in width of 3.6m over the width calculated from the 'approved' plans as cited by Messrs Mansbridge, Atkinson and Cunningham. On 9.5m this is a 35-40% increase and cannot reasonably be considered immaterial especially when considering the first paragraph in the Application ST 26/96/96 - Erection of Shelter to Allow Boat repairs to be Carried out Under Cover. See attachment 2.

The proposed development involves the erection of a shelter over the existing slipway at Tyne Slipway, South Shields, to allow boat repairs to be carried out under cover and hence protect the surrounding environment, particularly from dust and paint overspray particles.

The reason I quote this is that the extra width as well as the extra height allows for the fitting of a large travelling crane thus making a change of use from a cover as described above to a robust structure built to support additional machinery. This would surely have required some form of request for retrospective planning permission and that this variation in intended use of the structure should have been considered by the planning office. Here again this oversight is policy decision and not a procedural matter, not really for the ombudsman, so can you please advise me what criteria are used by the planning office in deciding what can be dismissed as immaterial. I can provide plenty of examples if you wish to dispute this.

If Mr Mansbridge were to ask me again if it is reasonable to pull the shed down only to build it back again, I will say yes, if they build it back 3m lower and without the travelling crane.

The whole thing is becoming a farce, the ferries now in service are longer than the shed planned in 1996 allow for and even if doors were fitted they could not be closed. As far as I know there has been no request of Planning Department to lengthen the shed. You may be able to confirm this?

It would seem anyone outside of UK Docks or the South Tyneside Council that the shed has not been built to an approved plan, by design or intended use and it does not look good that the Planning Department or the Development Services continue to say that it has been built approved plans.

iii) The continued dismissal of all concerns.

There have been many complaints about allowing the expansion of the business and the working practices at the site and I am sure that they are being attended to elsewhere but there are a couple of things I wish to draw your attention to.

In the second paragraph of his letter, Mr Mansbridge states that, "The difficulty I have is that the established use of the slipway is for general industrial purposes and in effect they can quite lawfully undertake works to repair boats on the slipway and across the entire site". I would suggest that it is not legal to use the shed at the moment and that Mr Mansbridge has decided to put the business needs of UK Docks over the proper application of planning rules and building regulations, health and safety etc. and most importantly over the needs of their neighbours. It would appear the he has advised both Planning and

Environment Departments to do the same in view of the platitudes dished out rather any action taken by either of them.

The irony here is that if UK Docks had accepted the Port of Tyne's offer of an alternative site, a more appropriate site but not owned by them, perhaps, when plans were being made to fill in the Tyne Dock, Mr Mansbridge would not be having to make these sort of decisions. You cannot but agree that the Planning

and Environment Departments would also be having an easier life as well?

This neatly leads me to the question of ownership of the land on which development is planned. In two bits of correspondence I have seen while preparing my response to Mr Mansbridge' letter there are references to the ownership of the land and I would like to know if approaches to the planning rules and their application differ for owners and for people who lease the land on which the planned building takes place.

I apologise for the length of this email but there is, to my mind, a lot that does not add up with the expansion of the works on River Drive and there are many questions still to be answered.

Yours sincerely
Mick Dawson

On 23rd July Mick Dawson Wrote:-

Dear Michaela Hamilton

I realise this is a rather complex case and you may need more time to give it your full attention. Please be aware that I did not raise this complaint, it was raised by one of Mr Mansbridge staff. Although I feel it is inappropriate for issues concerning the 'shed', I have had to accept the use of the complaints system to bring it to the attention of the CEO.

That being said, we are where we are. Please do not hesitate to contact me if you require any further information.

Yours sincerely
Michael Dawson

This email has been classified as: NOT PROTECTIVELY MARKED

Dear Mr Dawson

I write further to Alison Hoy's email to you on 11 July below acknowledging your complaint. I have started to look through the paperwork on this case and it is clear it is likely to take me longer than the usual 20 working days to complete the Stage 3 investigation into your complaint due to the complexity of the issues involved. Please be assured that I am giving this case my full attention and will respond to you as soon as possible. I will be in touch if I require further information from you but if there are any points you particularly wish the investigation to focus on besides those highlighted in your previous correspondence with the Council, please let me know. I am grateful for your patience in this matter.

Yours sincerely
Michaela Hamilton
Performance and Information Officer
Strategy and Performance

From: Alison Hoy On Behalf Of Customer Advocates
Sent: 11 July 2014 11:26
To: 'mick.dawson@theharbourview.co.uk'
Subject: 253539 - Stage 3 complaint escalation [NOT PROTECTIVELY MARKED]

Dear Mr Dawson

Your letter to the Chief Executive, Martin Swales, was forwarded to our team on 7 July 2014 in accordance with the Councils corporate complaints procedure. Following your email of 10 July to George Mansbridge, in which you confirmed that following your earlier meeting with him you still wished to proceed with your complaint, we have now escalated this to stage 3 of the procedure.

The Chief Executive has asked Michaela Hamilton, Performance and Information Officer, to investigate and provide you with a response to your outstanding concerns regarding the Tyne Slipway works. Ms Hamilton does not work for any of the service teams who have been involved in this matter to date.

Stage 3 is the final stage of the Council's complaints procedure and as such, her letter will act as the Council's final response to your complaint.

We aim to respond to Stage 3 complaints within 20 working days on average. If we think the investigation may take longer than this we will write to you explaining the reasons why.

Please feel free to contact Ms Hamilton if you have any queries.

If there is any additional information you would like her to consider, you should forward this to the address below without delay. Ms Hamilton will be in the office again on Monday 14 July 2014.

yours sincerely

Alison Hoy

Performance and Information Support Officer

Customer Advocates Team

Strategy and Performance Team

Telephone: 0191 424 6028 / 6029