

From: Michael Dawson
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 on behalf of Complaints <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

Performance and Information Support Officer
Customer Advocacy

From: Michael Dawson
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 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 on behalf of Complaints <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
Performance and Information Support Officer

From: Michael Dawson
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

From: Michael Dawson
Sent: 18 December 2016 14:18
To: Melanie Todd
Cc: complaints@southtyneside.gov.uk
Subject: Sunday Working by UK Docks, River Drive.

Hi Melanie,
The Council often say when one raises a complaint that you're the only one complaining so I went along to take a photo for you this morning to give you some support but failed. The greenery is too dense on Greens Place and I did not wish to go down to River Drive because that might have been considered as harassment if I was caught.
I can say however that they were trying to straighten some railings with a hammer and it was making quite a lot of noise. That was about 10:30.
I was told at a meeting with Mr Cunningham, the Principal Planning Officer, in November 2013, about the Conditions attached original Grant in 1996 (No 5 referred to the working hours) and they had been agreed as 7am to 7pm but not Sundays or Bank holidays. I was also told at the same meeting that the shed was 'legal' but that later proved to be not so. Maybe there are no agreed working hours either.
Mr Rutherford was, I believe, the Head of Environmental Services in 2013/14 but he seems to have moved on.

Cheers Mick