

From: Alison Hoy <Alison.Hoy@southtyneside.gov.uk> 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.

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
Customer Advocacy