



North Tyneside Council

Vivienne Geary
Head of Law and Governance

North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Mr R Smith
15 Grosvenor
Drive
Whitley Bay
NE26 2JP

Direct Line (0191) 643 2280
Fax (0191) 643 2415

This matter is being dealt with by:
Mrs Yvette Monaghan
Customer, Member & Governor
Services Manager
(Complaints Manager)

Ref: 101370770

Date: 1st November 2016

Dear Mr Smith

Corporate Complaint Stage 3 Request - Hearing of Regulation and Review Committee

Thank you for your request to progress your complaint to Stage 3, which is a hearing of the Regulation and Review Committee, made up of up to 5 Ward Councillors.

The Regulation and Review Committee consider what the Council have done wrong based on the complainants outstanding elements of complaint, how the complainant has suffered as a result of the error and what would resolve the complaint to the complainants satisfaction. We refer to this as maladministration, injustice and desired outcome. In an email of 14th August you advised as follows:

"This note is a further response to your email message dated 29 July 20116.

It is not for me to specify precise actions to be taken by North Tyneside Council (NTC) to satisfy my complaint; it is for NTC to take actions that might be aided through constructive engagement. The action that NTC propose should be based on consideration of: -

1. All those topics listed in my complaint that I have entered the remark "No remedial action proposed." in my response to the stage one officer's statements.
2. The 3 recommendations of Mr MacDonald in his first letter/report of February, 2016. I have no evidence (written or otherwise) of these recommendations being acted upon.
3. There is no evidence of another recommendation in Mr MacDonald's letter/report of June, 2016 under paragraph 2 being carried out. If there is, then I would like a report on the findings so far. and this should include dates, times and by whom the "unannounced independent spot checks" were carried out.
4. As to the depth of the lake and the "inoperability of the sluice gate", also referred to in Mr MacDonald's June letter, no work has been carried out although Mr MacDonald

advises replacement of the structure would be undertaken in June/July, 2016. I am not dissatisfied with this lack of progress as I would like to know what is proposed before it is done. This applies to all proposals for any structural changes in Marden Quarry Park, a request made to the Senior Manager, Environmental Services at a meeting involving, Mr Dronsfield and Mr Scott, also a regular visitor to Marden Quarry. (The request was that such proposals should be advertised on the notice board so that park users might enquire for more information and comment if they wished.)”

I have asked Mr MacDonald for an update in relation to the recommendations made in his previous 2 letters, he has provided the following:

1st Stage 2 Letter – 1 Feb 2016

Having considered the issues raised, my recommendations are as follows:

1. “Reduction of silt via Siltex or other organic products - The Environmental Services Team, with advice from the Biodiversity Officer, consider whether this provides a viable option for the lake and review whether this should remain a non-crucial activity.

Reason: To provide assurance that this approach has been fully considered.

This issue has been considered with input from the Biodiversity Officer. Following review it has been noted that there is no wildlife imbalance evident at the lake that would give cause for concern. Although no formal data gathering has been undertaken, informal observations have shown that birds and other wildlife are using the lake and that ecologically it is in good health.

No complaints have been received from members of the public including anglers that fish at the lake about depth or silt build-up.

The Environment Agency has provided the Council with advice on the options for silt reduction. I understand that Mr Smith has been provided with a copy of this advice directly. This advice has been considered and we have noted that there are ecological risks associated with the use of silt reduction products and application of the treatment can be costly and is not always straightforward.

It has been concluded that use of a silt reducing treatment remains a non-crucial activity at this point in time. We will of course keep continually under review what, if any, treatment is required going forward.

2. Complaint and Enquiry handling – The Environmental Services Team provide designated methods of contact for you to report issues of concern about the Quarry.

Reason: To address the concern that the Council is slow to act when matters are brought to its attention.

The Council website has a ‘Report It’ function. The function uses web forms. Given that the issues previously raised cut across service areas it is suggested that Mr Smith use the following email address as the designated method of contact:

environment.envirolink@northtyneside.gov.uk

This will ensure that your contact can be centrally tracked and dealt with in the most efficient and effective manner.

3. Operation of the Sluice Gate – The Engineering Team provide an update by the end of February on the status of the sluice gate and the proposals for ensuring it's functionality going forward.

Reason: It has been highlighted during investigations that the sluice gate is not operating as it should.

The Council has been working closely with Northumbrian Water as they have undertaken their considerable investment in upgrading the sewerage system serving North Cullercoats. As part of our partnership working, consultants commissioned by Northumbrian Water have provided the Council with a repair solution. This involves replacement of the outfall structure. Construction of this is now in the process of being procured via the Council's asset management team.

2nd Stage Letter – 1 June 2016

Additional Recommendation: A series of unannounced independent spot checks of the grille be carried out during Summer 2016.

Informal checks were undertaken during the summer however, this recommendation has not yet been fully addressed. The independent spot checks have now been formalised and will be undertaken by a Senior Manager starting in November 2016."

I trust the information above clarifies some of your outstanding issues. In order for your complaint to progress to Stage 3 I require you to set out what you believe your outstanding elements of complaint are and what **you** would reasonably expect the Council to do to resolve your complaint, the Committee will require this information. I look forward to hearing from you.

Yours sincerely,



on behalf of
Vivienne Geary
Head of Law and Governance