

51 Church Street
Amble
NE65 0DY

19th June 2019

Dear Mr Harding,

South Tyneside Council and the Local Government Ombudsman.

I wrote to you on the [9th April telling you I was unhappy with Gill Hayton's response](#) to my complaint about Cllr Anglin's conduct over the first meeting I had with the Council, 25-Nov-13. It was about UK Dock's enclosure (shed) on their slipway off River Drive and I have yet to receive a reply. All you had to do was confirm that the enclosure (shed) on UK Docks slipway was nearly 3m taller than planned and find out why my complaint of 10-Jan-14 had been ignored.

Please be aware that had she said at the end of her response;
"You can request a review by emailing monitoring.officer@southtyneside.gov.uk or in writing to Mike Harding, Monitoring Officer, South Tyneside Council, Town Hall & Civic Offices, Westoe Road, South Shields, NE33 2RL."

Gill, Hayton, Solicitor, 12-Dec-18.

It made no sense to me to email the Monitoring Officer again and expect anything different to what she said. Therefore I wrote to you directly and am a little upset that you have not even acknowledged it.

I think we need a review of the whole thing since I complained about the conduct of Councillor Anglin on the 18th September 2018:

Councillor Anglin and the meeting at the Town Hall 25-Nov-13.

The complaint was that Cllr Anglin had promised a Residents Committee in November 2013 to get some resolution of the argument between the residents who thought that the structure over the slipway on River Drive was nearly 3m too high and the Principal Planning Officer (Mr Cunningham) who said it was not.

There was no resolution because no valid plans were produced and therefore he failed in his self appointed task. The plans we had seen up till then could be misused to back Mr Cunningham's view or honestly to back ours. It did not help that Cllr Anglin agreed with Mr Cunningham not to discuss any plans at the meeting arranged at the Town Hall, 25-Nov-15. This allowed the fact that the shed was a meter wider than planned to escape scrutiny as well.

My view is that Mr Cunningham did not have any valid documents (plans or drawings) to support his view that the shed had been approved and therefore none to give us. The drawings he passed to the Cllr and I were not approved and contained errors. A Senior Planner passed the same, or equivalent, set of drawings when he misled the Local Government Ombudsman (LGO) some fifteen months later.

Let me make it very clear that UK Dock's slipway enclosure (shed) on River Drive has not been built to approved plans. The first phase is nearly three meters higher and a meter wider than planned and built without planning permission on two counts, height and width. Logic dictates that one can add length to that, with the extension built in 2017, as part of the second phase of the development.

I base this on the two approved drawings 8296/2 and 8296/14 and the honest interpretation of either 8296/1A or ../1B. The latter two show both ends as the same height and this is impossible given that there was gradient between them. The question of which end is valid can be answered by scaling the side elevation of the shed using the gradient on either 8296/1A or ../1B but it is easier to refer to the Agent's Drawing or easier still to refer to the approved drawing from 1996, 8296/2.

Both show that it is the river end and UK Dock's representative/Mr Cunningham should have realised that the gradient (2.7m) gave scale to any side elevation of the shed and confirmed that the river end of the shed on drawings 8296/1A and ../1B was correct at 15.5m. This makes the planned height of the landward end 12.8m. When the pillars were made vertical they made it easy for anyone with a few surveying skills to determine that the shed was nearly a meter wider than planned as well.

Two events occurred following the Town Hall Meeting of 25-Nov-13:

1. [the width of the shed was measured and found to be nearly a meter wider than planned;](#)
2. the Agent's drawing of the shed with vertical sides was published. It had been approved in October and showed that the shed was nearly 3m taller than planned. The documents for this would have included [8296/14, received and processed by the Case Officer on 20-Sep-13.](#)

These and Cllr Anglin agreeing with Mr Cunningham to drop any discussion about whether the shed had been built to plan from the meeting and downgrading [the status to informal](#) made it pointless from our point of view but allowed Mr Cunningham to maintain the lie that the shed had been approved. He wrote to me after I had told him that the shed was a meter wider than planned. Unlike Cllr Anglin he did not say that the shed was 'legal':

Mr Dawson – once again - I have measured this on site and have copied the 1996 plans across to you twice already (attached again for your use) and I have explained during our meeting that the base and height of the structure are compliant...this is the end of the matter as far as I am concerned. Please do not email me again.

Principal Planning Officer, 20-Dec-13

One would assume that the drawings he copied across were approved but they were not. He sent 8296/1B twice then 1A (presumably because someone must of told him that 1B was dated Feb 97). They showed both ends of the shed to have the same height which is only possible if the roof was to slope down towards the river. It does not. Mr Cunningham had an opportunity at this point to back down but did not take it. At this point only the Councillors and a few resident knew that he had misled us about the shed.

We then had confirmation that that the shed was indeed wider and taller than planned and so the response by the Mr Cunningham to the observation that it was wider than planned was perverse to say the least. He flatly denied that there was anything amiss with the height as well:

The Original Complaint.

It had become quite clear that we were getting nowhere with any of our complaints against UK Docks while Mr Cunningham and Cllr Anglin were involved so I decided to submit a formal complaint to [Planning Enquiries that they had built the shed bigger than planned](#). I used the Agent's drawing made in August 2013 because it would have included any approved amendments to the plan and height was not one of them.

Examination of this drawing number (8296/14) gives a detail of a beam (portal column) width 0.686metres, with which the height and width of the north elevation can be gauged. The north elevation is 15.6m high with a width of 12.2m. When looking at the three drawings and the photo I have forwarded, it is obvious that there is a complete miss match. It is therefore reasonable to conclude that the current structure has not been built to the 'approved plans' as provided by Council, ie 1A,1B nor does the drawing of the cladding/door fixing detail match what exists, for example the structure is 3 metres higher and 1 metre wider than shown on 8296/14.

The important thing about this drawing was that the beam and portal columns give scale to the river elevation (1:100). I also included the observation that the shed was wider than planned using the drawings given to Mr Cunningham on 6-Sep-13 because the drawing 8296/1B shows very clearly that the planned width is 12.2m.

Plan drawing no 0296/1B received in the planning office on the 6th Sept was circulated to concerned residents. . . . I have estimated that that the width of structure is 13.2m the drawings detail 12.2.

It looks like [my reminder that they were still at work on the shed](#) 3 days after the complaint went in, forced someone to make a quick decision: accept what truth about the shed being nearly 3m taller than planned or continue to deny it. If I could [work that it was taller from an A4.pdf drawing on a screen](#) then any planner worth his salt would come to a similar conclusion when he looked at the full sized drawing. However Mr Cunningham continued to deny it.

The queries that you raise are not new, indeed I have been repeating my response to them for some time now, and you will recall that I explained the planning aspect of the Council's position to you regarding this development during our meeting (25-Nov-13).

Principal Planning Officer, Mr P Cunningham 13-Jan-14.

Whether or not Mr Cunningham took the decision does not matter, [his response only confirms my view](#) that he was misleading us at the meeting in November (his reply meant me agreeing with the lie that the shed was approved and I was certainly not going to be party to that). I ignored his suggestions and asked him to pass the complaint to someone who could answer my questions and that, in normal circumstances, should have brought work on the shed to a halt.

One would have expected the Planning Manager, Mr Atkinson, to have set things right as the Council could still have told UK Docks that they had seen through the fraud and the shed was not approved and they should remove it, rebuild it per plan or submit a retrospective planning application and added that Mr Cunningham was in the wrong and would be dealt with. None of these things were done.

He must have had a reason for not dealing with the errant Mr Cunningham and I can volunteer some suggestions, my favourite is he would have had to of told the Enforcement Officer what was going on and work would have stopped on the shed. Whatever it was, [he introduces the major misrepresentation \(the fraud\) and in doing so backs his Principal Planning Officer:](#)

1. *Approved Drawings: The drawing that was submitted on 11th April 1996 with the application is numbered 8296/1A. That shows the overall height of the structure as 15.5m above the foundation level at the landward end.*
2. *The dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on the approved drawings. The variation in the angle of the pillars is not considered to be material.*

Planning Manager, 15-Jan-14

This not only completely contradicts my observation that the shed is nearly 3m taller than planned but by implication suggests that I was either wrong or lying. Neither of those things was true as I based my assessment on a drawing he approved, not 3 months before. I realised that whoever drew it had referred to what had been approved in 1996 and that was a shed 15.5m high at the river end.

I did manage to wring a concession that it was 3m too tall from the Planning Manager but he phrased his responses in such a way that they could be taken to mean the shed showed little or no variation from the permitted height.

I had thought that the question; "why did he attribute the wrong and of the shed to the drawing 8296/14" might halt his flow of misinformation but sadly not; [see paragraphs lgo-paras-30-38](#).

To cover this [I wrote and thanked him for conceding to point, 4-Mar-14](#). As explained above the approved drawing from 1996 gives a height of the landward end of 12.7m but he seems to have kept this to himself because the misrepresentation about the height kept on reappearing.

For example: the Head of development Services, the Local Government Ombudsman and recently a Council Solicitor when they had been advised that the shed is 3m taller than planned, repeat a variation of the major misrepresentation outlined in the first item from 15-Jan-14.

1. *Mr Mansbridge - Stage 2:*

The approved dimensions . . . height of the steelwork at River Drive is clearly marked as 12.5m+3m (total 15.5m).

Mr G Mansbridge, 2-Jun-14

In the meantime he has:

1. [ignored my letter to him about the height of the shed](#) by passing it back to the Planning Manager;
2. [ignored my letter about the conduct of his planning staff](#);
3. hiding the abuse of the council's complaint procedure by his planning staff by closing off the original complaint 248789 and substituted one of his own 253539. He killed off the original complaint made on the 10-Jan-14;
4. [ignored my observations of his response to our Petition](#);

Added to all this obfuscation he not only told the people of Greens Place and Harbour View, that the shed was approved although it was nearly 3m too high but he also said they thought at first it was only 200mm (8") too wide.

Why the Principal Planning Officer measured the shed and not the Senior Building Control Officer remains unexplained. Not only this but why when they were told that it was wider and taller than planned in my complaint of 10-Jan-14 the Council did nothing about it has not been explained either.

2. *The Ombudsman:*

First draft #23. I have seen the 1996 plans and report written by the Development Corporation. The applicant has written the elevations on the plans. At the inland end this is 12.5 metres plus 3 metres.

Ombudsman, 24-Mar-15

There are two sets of plans from 1996:

1. 8296/1A, unauthorised, sent to the Council in April 1996. It gives both ends of the shed a height of 15.5m;
2. 8296/2, approved by the Development Corporation in July 1996 giving a height of 12.7m.

[After I pointed out the shortcomings of 8296/1A](#) the Ombudsman rewrote #23:

- #30. Mr X says the shed is also 3 metres higher than shown in the 1996 plans. He says a scale measurement from the plans shows a total height of 12.75 metres at one end of the shed.
- #31. . . The Council says the permitted height at this end is 15.5 metres and this is the height as built.
- #35. In January 2014 the Council wrote to Mr X about this. . . Since then the Council has consistently told Mr X the shed is the correct height.

Ombudsman, 15-Apr-15

3. A Council Solicitor:

Furthermore, the Ombudsman disagreed with your assertions as to the height of the development and whether that was not in accordance with the plans. The Ombudsman found no fault in how the Council determined the permitted height of the landward end of the development was 12.5 metres plus 3 metres.

Gill Hayton, 12-Dec-18

You will notice Stage 3 missing from the list above. The author gets round the problem of having either to lie i.e. maintain the falsehood that the shed had been approved or coming clean about it. She gets round this by not mentioning the height at all although [informed about it on 7-Jul-14](#).

She also repeats the lie that 8296/14 is not to scale though she carefully attributes it to the author of Stage 2. She also says that it was submitted in 2013 for a wholly different purpose and as such, could never supersede the previously approved plans in terms of defining the dimensions of the approved development. It does not matter what it was created for, it exists. I would like to remind you that it is approved and shows the shed to be 2.7m taller than planned and I would like to point out that she would not say who was responsible for making sure the shed was built to plan.

Second Meeting to discuss Plans, 8-Jul-14.

[I also told the author of Stage 3 that I had been to a meeting](#) specifically arranged to view what I call the Agent's drawing, 8296/14 but we had not discussed it. The Planning Manager brought two drawings to the meeting 8296/1A and 8296/2 but I brought the meeting to an abrupt end when I told those gathered that 8296/1A showed both ends to have the same height. I brought 8296/2 away with me because although it did not bear an approval stamp it showed the planned height of the landward end to be 12.7m. I did not go to the meeting to discuss 1996 plans as they had been superseded by the plans drawn in 2013.

Another reason for misleading the LGO: to stop MP's & Etc. finding out about the Shed.

Mrs Hayley Johnson goes about it in different way to evade the question of height after [I had written MP for Berwick and copied to the Chief Executive](#):

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.

Mr Dawson to Anne-Marie Trevelyan, CC Chief Executive, 9-Jun-15

First of all she accuses the Residents of making allegations when we have been right about the height all along and passes the letter to Customer Advocacy:

The matters and allegations raised by your constituent are well documented and have been subject to a number of enquiries from Mr Dawson and other local residents over a lengthy period of time.

Corporate Lead, Mrs H Johnson, to Anne-Marie Trevelyan, 25-Jun-15

She then ignores the examples of how a Senior Planning Officer misled the LGO, which I had sent her but quotes from an ill judged summary gained by the planning officer giving fraudulent misrepresentation.

The Ombudsman did not uphold the complaint, finding that the Council had acted appropriately in our approach relating to the planning application and subsequent action, full details of which would have been sent by their office to Mr Dawson.

Mrs Johnson was on shaky ground there because the letter was originally sent to the MP for South Shields two weeks before the LGO's Findings were published. I did tell her in a letter 2-Sep-16 that I had originally written to the MP for South Shields and I had also told her that I had taken a copy of Alison' email to a solicitor. Similarly I informed Mr Simmonette of the variation in height and he like Mrs Johnson was put on the spot:

The first shed is also 3 meters taller than the plans held by your office allow and the planning application ST/0461/14/FUL shows that UK Docks wish to extend it by 25% - drawing No 9 of the application. You appear to be accepting an application to extend a structure that does not have planning permission.

Mr Dawson to Planning Officer Mr Simmonette, 30-Sep-15.

He does not answer this nor my emails of the 4th and 7-Dec15 and like Mrs Johnson, he passes them to [Customer Advocacy to respond on 9-Dec-15](#). Mr Simmonette first:

Your email of 4th December refers to not being satisfied with the responses to the second part of your earlier contact to the team on 30 September. This was regarding the planning enforcement aspect of the existing boat repair shed. This matter has been investigated fully by the Council through its corporate complaints procedure. The complaint was not upheld and was also considered and decided by the Local Government Ombudsman who found no fault with the Council's decision.

We have also responded to a further enquiry made to the Council via your then local MP Anne-Marie Trevelyan, dated 1 June 2015, which claimed you had not been able to locate any details from the Council on why the shed had been approved despite the breach in planning conditions, even though at that time you had received complaint responses from both the Council and the Ombudsman.

You also submitted a further complaint to the Council on the same matter on 13 July 2015. I have attached my responses to your contact which confirmed the Council were not to consider the matter further.

The last was not a complaint at all but the final email of a request for information which Customer Advocacy sorted out for me. It illustrates how Council staff rig the complaints procedure against the complainant by simply not registering the complaint or worse, giving misinformation then not properly recording the complaint.

This and Mrs Johnson's reply to Anne-Marie T. shows the true purpose of behind the Council misleading the Ombudsman: to stop any enquiry about the true facts behind the shed. It was this

email that drove me to get some advice from a solicitor. What Mrs Johnson did not know was that I was living in South Shields when I wrote the email to my MP on the 31-Mar-15 and you can check this with the Council Tax Inspector.

I found a firm dealing with Planning Matters, showed them the email and engaged Mr A Tilbury from Peter Dunn and Co. Mr Tilbury said it was not really a planning matter at all, more a case of criminal fraud but the police were unlikely to take it up because they tend to refer planning matters to the civil court and that could get very expensive and Mr Cunningham and Co. would get away with incompetence or something like it.

A Solicitors View.

My view is that we need to raise a “new complaint” so that the Local Authority shall deal with it, and if not, the Local Government Ombudsman can deal with it. The new complaint being the misinformation and/or misrepresentation by the Local Authority in supplying information to the Local Government Ombudsman. Hopefully this can be dealt with as a “new” matter. If this complaint is not dealt with by South Tyneside Council, and it may well be that they say it relates to the old complaint, then I believe it justifies going straight to the Local Government Ombudsman.

He based his view on a binder full of [my notes which covered Summer 2013 to the 9-Dec-15](#). I did get round to writing to the Chief Executive giving him a few examples and inviting him to read the correspondence I had with the Planning Department in early 2014 but received the response from a Mrs Johnson:

There is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman.

Corporate Lead, Mrs H Johnson, 1-Aug-16

[I attempted to point out the obvious flaws in her arguments and copied my response to your department](#) but it appears to have [been passed back to her](#) which illustrates the second abuse of the complaints procedure, the primary one being the non registration of complaints. For those interested the third abuse or forward pass is as described in '[The Mansbridge Trap](#)'.

She did not raise a complaint either but later said I may contact to you if I have concerns that she has provided incorrect information in her letter and I wish to request a review of her decision. I thought [I had done that with my letter to Michaela](#). About the kindest thing I can say about Mrs Johnson is logic is not one of her strong points: to me an approved drawing which indicates a planned height of a building is the one people should be taking notice of, not an unapproved one saying something different.

I could say the same thing about Ms Hayton: I send her copies of approved drawings suggesting the shed is too high and she replies with examples from the Ombudsman who has been misled by reference to unauthorised plans and someone repeating the main error.

Lost Complaint and Retrospective Planning Permission.

The complaint that the shed was built nearly a meter wider and nearly 3m taller was put in the bin by Mr Cunningham or his Manager and if either had responded properly to it then none of events, outlined above, need have happened and I would not have had to take Alison's email of 9-Dec-15 to a solicitor for advice.

It confirmed not only that the Council misused the Office of the LGO to cover up malpractice following bad planning decisions and lack of building control but also used the findings to misguide the Press, MP's and anyone else who enquired why they allowed a shipyard to expand in a residential area when there were miles of semi-derelict shipyard available in more suitable locations.

Since I wrote to you in March, I hear UK Docks are now claiming that they put in a retrospective planning application and that it was granted by the Council. I doubt there is any truth in the matter as there was only a window of three days to get the whole process completed i.e. between the Senior Building Inspector, Mr M Telford signing the completion notice, 17-Jun-14, and the submission the planning request to lengthen the shed amongst other things, ST/0461/14/FUL on the 20-Jun-14, by Gary Craig Building Services Ltd.

There is no retrospective planning application and it looks like we were right about the height all along, the Council wrong and it looks like it was fraudulent misrepresentation to tell the Ombudsman that the extra width was not a material consideration.

How much longer will it be before South Tyneside Council will admit that UK Docks have not put in a retrospective planning application for their slipway enclosure? Not five and a half years, I hope.

A handwritten signature in black ink, appearing to be 'M Dawson', written over a faint circular stamp.

Michael Dawson
19th June 2019