

Dear Mr Rumney,

Building Control and South Tyneside Council.

In September 2013 UK Docks erected a framework for an enclosure (shed) on their slipway off River Drive in South Shields and first reports suggested that it had been approved. UK Docks said, at the time, to the local newspaper: *“All I can say is that we have been through all the controls with the planners, and the work meets all the necessary legal requirements. All we are doing is going ahead with the previous planning permission.”*

It became apparent within a few days that the shed had not been built to the plans provided by UK Docks and they had not been through any control regarding the height of the shed at all. What did they mean by *“the work meets all the necessary legal requirements”*? From what we could see there was no way it had permission. In fact the question about the height was raised with planning, Mr P Cunningham, Principal Planning Officer, before all the frames were erected:

*Could you please confirm what height the structure is being constructed to? It seems that one had approval (12 mtrs), and the other didn't (15.5.mtrs).*

Melanie Todd, 11-Sep-13

This question has never been properly answered but some protestors, and I was one, had worked out quite quickly that the shed was taller by about 3m from the inconsistencies in the drawings and later from the gradient between the ends of the shed. It was 2.7m and it gave scale to any side elevation of the shed but what we really needed to see was what the approved drawings said. We did not see any of those till *after* the meeting, at the Town Hall, arranged by the Chair of the Tyne Gateway Assn (TGA) and Councillor Anglin in November 2013. See page 5, [STCandLGO30-Nov-20](#).

The first (8296/14) became available December 2013, and what ever the Council say about it, it showed the height of the river end and to be about 15.5m and the second (8296/2) was made available on the 28-Jan-14 and it showed that the landward end of shed was approved at 12.7m.

Meanwhile all we had to work on was those given to Mr Cunningham by UK Docks. As an example of using the gradient to get the height of the shed, take an A4 copy of UK Dock's drawing without a number (attached to their copy of 8296/1B \*): the river end = 30mm and the landward end = 25mm giving 5mm for the gradient of 2.67m. That in turn gives a river end of 16m and a landward end of 13.4m. If you look at either 1A or 1B you will see that both end are shown as 15.5m and that to claim that height for the landward end, must be a fraudulent misrepresentation.

If you look at 1B you will see that it was an amendment made in 1997 and scarcely a legal document and the height to the hip should read about 10m not 12.5 as shown. I used 8296/14 from January 2014 as the reference drawing to save all the bother of explaining the flaws in 1A and 1B because it was easy to gauge the height accurately enough to determine that the shed was about 15.5m at the riverside end and anyone using it to claim that of the other end was being dishonest.

We were told at meeting, 25-Nov-13, that the shed had been approved at 15.5m at the landward end and later that was what Mr Mansbridge told some of the residents of Greens Place and Harbour View in his response to our Petition in May 2014 and later still, the Council told the Ombudsman:

*34. I have seen the 1996 plans. On plan 1/B the applicant has written the proposed elevations at the inland end as 12.5 metres plus 3 metres. Mr X says the Council should not have taken the applicant's word for this.*

Ombudsman, 15-Apr-15

When I sent in my observations that the shed was too big and nothing had done about it, to [Planning Enquiries, 10-Jan-14](#), Mr Cunningham referred me back to the Chair of the TGA instead of registering the complaint. I have noticed since that this is the standard method of corrupting the complaints procedure. It means there is no audit trail of the response and why misinformation can be repeated again and again.

The method was used twice by the planning officer who took over from Mr Cunningham to avoid the extension of shed and later Sunday working but the best example, or worst depending on ones point of view, was its use by Hayley Johnson in response to to my complaint to the CEO that his staff were giving misinformation to the Ombudsman and it looks like the second Inspector for the Local Government Ombudsman was using the same device.

The Planning Manager did no better by overwriting the complaint with something meaningless as explained on page 6 of [letter, 30-Nov-20](#), and then repeating the lie that the shed had been approved. He also added some more misinformation which repeated in one form or another throughout the complaints procedure and I include the Ombudsman as the final Stage.

Apart from saying 8296/1A represented the approved plan he said that the gable end on 8296/14 referred to the road end. After I reminded him that the doors are to allow the boats entry he said the same drawing was not to scale. With the second one he was clutching at straws but it was still repeated through each Stage until it got to the Ombudsman:

*37. Mr X says plan (8296/14) shows 15.5 metres as the river end height. . . The drafter has not specified which end this is and the drawings are not to scale.*

The draughtsman did specify which end of the shed it was as there was a note which reads: *Strips to draw back each side to allow access for boats.* It appears that the Ombudsman was not told by the Senior Planning Officer that the boats enter the shed from the river and she definitely did not get the idea that it was not to scale from me. Check by looking at original complaint, 10-Jan-2014.

The misinformation about scale occurred in his admission that we were correct about the height of the shed so to try and put a lid on it, I said in our wish list, my task given at the meeting, to decide to raise the Petition, was to write to the Council. I wrote to the Planning Manager:

*A meeting was held (March 3rd) with members of the local community and I can now answer your question as to 'what kind of action we would like the Council to take'. Thank you also for confirming that the Slipway Shed is not built to the approved 1996 plans. The immediate response from residents was to request the slipway construction be removed.*

M Dawson, 4-Mar-14

Both he and I knew that the only approved drawing from 1996, 8296/2, gave a height of the landward end of 12.7m – see 3rd paragraph above, and so did UK Docks else they would not have passed the drawings to Mr Cunningham in September 2013 to give weight to the falsehood that 15.5m at that end of the shed had been approved. However he did respond within the hour: *Dear Mr Dawson, Thank you for your email. Now I have this the Council will be able to provide a response. At this stage I am not sure who that will be from. Regards Gordon Atkinson.*

**The Council's actual response** was to allow work to continue on the shed and let UK Docks take a Port of Tyne Tug onto the slipway on the 14th of March, or thereabouts, which prompted not only a reminder from me but some from the residents of Harbour View as well. The Council's response to our Petition, was Mr Mansbridge' letter to the residents of Greens Place and the Harbour View, 2nd May 2014, in which the falsehood about the height reappeared.

That trail of denial should have come to an end on the 4th March but it was revived by Mr Mansbridge when he introduced 253539 on the 12th May 2014:

*Dear Mr Dawson, Stage 2 Complaint, Thank you for your complaint, which we received on 8th May 2014. I will now investigate your complaint and send you a response within 15 working days.*

Mr Mansbridge will not be able to provide you with a copy of the escalation from Stage 1 because it does not exist. It was never written because I was content with the Planning Manager's concession about the height. Notice that in the later Stage report (3) the author fails to mention the height and the parallel with 71 & 72 Greens place where all references to SPD9 in the last stage before the Ombudsman are omitted.

Bear in mind that it was Mr Cunningham's refusal to answer the simple question about the height in September that led us to try and resurrect the TGA. When UK Docks put in for permission to extend their shed 20-Jun-14 another trail of deceit was started although I only alluded to it at the foot of page 9, letter 30-Nov-20.

The second trail, [the one that involves misleading the MPs](#) should have started in September 2013 when, from what I can gather, the Council was telling everyone including the MP that the shed had approval but I will deal with that as a separate issue.

### **Fallout from giving False Information to the Ombudsman**

I wrote to the Chief Executive about the Council giving misinformation/misrepresentation to the Ombudsman because one cannot expect to get any change out of the very people misleading her in the first place and after giving some background, I said:

*I ask you to look again at this because there is a clear contradiction between what the Council were telling the LGO and what is known. Why your staff should misrepresent the facts to the LGO is for you to determine. That they have misinformed the LGO should be admitted and corrected and that is what this letter is about.*

M Dawson, 8-Jul-2016

I naturally gave him a few examples to press home my point of view but what happens? He gets someone to say: *There is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman* – Hayley Johnson, 1-Aug-16. She should still have that and her follow up, 5-Oct-16. [My criticism, 2-Sep-16, she ignored.](#)

Misinformation of the kind given to the Ombudsman is deliberate by its very nature. If the building inspector who visited the works on September 13th 2013 had reported that the shed was taller than permitted then there would have been no need for a Planning Officer to go and check what was going on, on the 17th, and no need for me to raise the complaint on 10th January 2014.

The shed was clearly needed as they had a contract with the Ministry of Defence and that specified that the repair and maintenance to the Border Patrol vessels had to be done under cover so to remove it was not an option.

For that and the care and maintenance of the Shields Ferries, an existing contract, they also needed the height to fit an overhead crane and that was why they required the extra headroom gained by making it 3m taller than permitted. Rebuilding the shed to the correct height was not an option.

That left the third option and that was to apply for permission retrospectively for their shed and while they may have been granted a wider one, they had no guarantee for a taller one.

It looks like permission for the longer shed would have been denied and that was why they they never put in a retrospective application and besides they would have put their 'Fiends' on the Council in an impossible situation. The fraud about the height would have become visible to everyone.

It appears that between them, the Planning Office of South Tyneside Council and UK Docks, they found a fourth option and that was to provide suspect plans or drawings to enable the Principal Planning Officer to mislead the residents about the development having approval. That came to a head at the meeting arranged by Councillor Anglin and the Chair of the Tyne Gateway Assn because no approved plans were seen. I was able to attend because while not an Executive I was a member of the Committee.

As I outlined above: what neither the Council nor UK Docks realised was there was sufficient detail on the drawings and a pre-planning sketch for us to determine that the shed was 3m taller than planned. This question was first raised in September 2013 before I was involved but the matter was brushed aside everyone had been told the structure as it stood then, had been approved.

They also failed to realise that the width of the shed could be measured quite accurately (the error being better than 1%) from without the site and I found that it was a meter wider than planned by sighting along the frames. It could be easily done from Greens Place with a similar technique employed by the Romans to build their very long straight roads.

I digress somewhat but if the plans give the width as 12.2m and the overall width is more than 13m one cannot say had been approved and this brings me back to Hayley Johnson and her letter of the 1st August 2016 in which she says: *I now consider this matter closed. Should you continue to repeat historic complaint issues in your contacts, we will consider imposing formal restrictions on your contact with the Council.*

She has forgotten she has accused the good citizens of making allegations when it was she who was making them and we were given no redress. She made them to avoid having to say that we were correct about the height of the shed – page 11, Letter, 30-Nov-20. Also if you check with Customer Advocacy you will find there has only been one (***a singularity and therefore not a repeat***) complaint to the Chief Executive about his staff giving misinformation to the Ombudsman.

They will also be able to confirm that the complaint was not registered and they will also confirm that they passed my repost (criticism) back to her instead of passing it to your predecessor. Two more examples of the Council corrupting their own Complaints Procedure and it appears that Customer Advocacy were enabling the process on [Friday, September 16, 2016](#).

Like the original complaint, the repost was ignored. Not good practice, nor is misinforming the Ombudsman to hide it and that is why I asked the MP for South Shields to raise the issue in Parliament. It looks like South Shields Council is not alone in the misuse of the services of the Local Government Ombudsman in this way and in a fairer society this should become a thing of the past.

I hope you agree.

Yours sincerely  
Michael Dawson

\* all the drawings are available at – <http://theharbourview.co.uk/evidence/drawings>