

Dear Ms Abbott

Killing the Messenger.

I hope by my email to you of the 15th May, that I have made my point sufficiently clear, that none of my emails or letters to South Tyneside Council have ever been abusive and now by this letter, I want to establish that your email of the 29th April, falsely accused me of being an unreasonable and persistent complainant. It is very simply done:

1. there has only ever been one complaint to the Chief Executive that his staff have been giving misinformation to the Local Government Ombudsman and one complaint that his staff have been lying to the Ombudsman is a singularity.
His staff's refusal to admit a structure is nearly 3m than taller what had been approved for more than seven years, [is a far better example of persistent behaviour](#) (from an email thanking the Planning Manager for conceding that the shed was taller than the approved plan allowed 3-Mar-14 to today);
2. it is entirely reasonable to claim that a structure is taller than what had been approved when it is nearly 3 meters taller than planned. [The approved drawings/plans say it should have a height of 15.5m at the river end](#) but it has been built to a height 18.2m at that point. While UK Docks and the Council separately held drawings that showed that landward end of the shed was 15.5m, it was a mistake on both, neither were approved and it was probably a fraudulent misrepresentation say either represented the approved height.

It was the Council's Corporate Lead who said that there is no evidence of the Council giving misinformation to the Ombudsman and to justify that falsehood she had to imply that it was I who was being dishonest and she did this by accusing me of being a persistent and unreasonable complainant by reference to [Section F of an earlier version of the code](#) you sent me on 29-Apr-21.

She ignored the advice given to me by a solicitor and she carried out her threat to section me in October 2016:

The Solicitor's view, off the record, was that UK Docks, in saying they were building the shed to approved plans when they were not, was probably criminal fraud but the police were unlikely to act on a planning issue. He also suggested a civil court may not be the best way forward but he did say that in his view we needed to raise a new complaint. The new complaint being the misinformation and/or misrepresentation by the Local Authority in supplying information to the LGO.

[M Dawson, 2nd & 3rd September 2016](#)

On April the 29th you sent me the current version to the code, Complaints Policy 2019v1.5, and an instruction referring me to Section 7 on 'Dealing with Unreasonable Behaviour' and adding, in your view, my behaviour was unreasonable because:

- *persistent refusal to accept a decision; persistent refusal to accept explanations;*
- *continuing to contact us without presenting new and relevant information;*
- *Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/ independent auditor/the Standards Board/local police/solicitors/the Local Government Ombudsman/the press.*

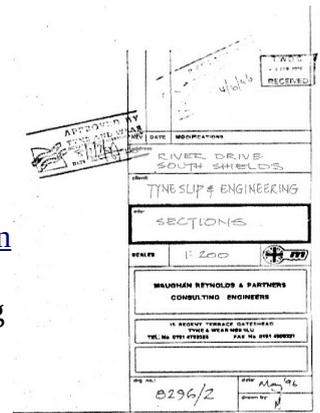
I will deal with your last accusation first: even Mrs Johnson did not repeat the comment about 'scatter gunning' [when she carried out her treat on 5-Oct-16](#), and by the way I have not written to any independent auditor, the Standards Board or the local police and whoever told you that I had done so, was simply lying.

It is perfectly reasonable to let one's MP know when a Council the they represent is giving misinformation to Local Government Ombudsman. It is then up the MP if she does anything about it, and if the facts of a case have been made known to other MPs or the Press it is up to them to decide whether they do anything about it and not you, nor the Chief Executive nor the Leader of the Council.

The second accusation, *continuing to contact us without presenting new and relevant information*, is a simple inversion of the truth. [I thanked the Panning Manager on March the 3rd 2014](#) for conceding that the shed was nearly 3m taller than planned the approved 1996 plans give a height of the river drive end of the shed as 12.7m.

Let me explain: there were two approved plans held in the Council's archive from 1996 and one, 8293/4, bore no dimensions and was not drawn to scale, and can therefore be discarded but the other, [8296/2 indicated quite clearly](#), the planned height of the shed at the landward end and it is 12.7m.

On the right hand edge there is an authorisation stamp and 8296/4 bears a similar one. [Neither of the drawings presented to the Council by UK Docks in September 2013 bear one of those stamps](#), nor does the drawing sent to us by the Principal Planning Officer, 8296/1A. That was sent following the meeting at the Town Hall, November 2013 where it was claimed that the shed was 'legal' by Cllr Anglin and then 'compliant' by the Principal Planning Officer, Mr Cunningham. Yes - compliant with an error on a non-approved plan .



I have repeatedly said that drawing 8296/1A shows both ends of the shed to have a height of 15.5m and left it for you and everyone since Mr Cunningham first sent us the copy of 8296/1B and the doctored copy of 8296/2 in September 2013 to work that out what that meant for yourselves.

I say doctored because the critical dimensions have been removed from the left hand side and the drawing number and date of the upper drawing of the pair given to Mr Cunningham, 6-Sep-13. What the Director of UK Docks did not realise was that anyone used to working with architectural or engineering drawings would be able to spot errors and relied on Mr Cunningham to turn a blind eye to the deceit that he was making the shed taller by 2.7m or did Mr Cunningham arrange for the vital details to be cropped from what was a copy of 8296/2.

Neither the Planning Manager nor his Principal Planning Officer ever said that the footings or the shed was lawful but they did not correct anyone else for saying that saying that they and the shed was lawful to mean they had been approved. If you check the records you will find that I have never claimed that the shed was lawful. The drawing to which they referred, ../1A was not approved because it contained a mistake in the landward end. I preferred to use ../14 because there was no argument about which end of the shed to which the gable end drawing referred, and it was the river end. I should not have to explain to you that the Pilot Boats, ferries and Border Patrol Vessels enter shed from the river and not from River Drive.

When the Director of UK Docks instructed the Agents, Maughan Reynolds and Partners to produce the drawing, 8296/14, in August 2013 it appears he did not tell them that the drawings he was going to send to those making the frames, and bear in mind each one was different, that the finished structure going to be 2.7m taller than the one for which his firm had been given permission.

It appears that both the Planning Manager and his Principal Planning Officer, Messrs Atkinson and Cunningham had complete confidence in the Council's Head of Development Services and Customer Advocacy – see Shed and Corruption Parts 1 and 2, to hide their mendacity and they could risk telling such outright lies such as: 8296/1A had been approved, 8296/14 was not drawn to scale and the drafter had not specified to which end of the shed, the gable end on it, referred.

The Council and the Ombudsman were actually more subtle about the extra width of the shed and it is here that one can detect the almost seamless join between the last stage of the Council's Complaints Procedure the Ombudsman's Findings. Please note that the Council's Stage 3 no longer mentions the height and says: *I am satisfied that when George Mansbridge made the decision on behalf of the Council that it was not expedient to take planning enforcement action, he was fully aware of the discrepancies noted in your email with regards to the width of the structure and the variation in pillar angle.*

When we get to the Local Government Ombudsman it becomes clear that any consideration of the pillar angle had disappeared and the extra width ended up as a non-material consideration. I will just simply remind you that it was expedient to take enforcement action because of [the existence of drawing 8296/2](#). It confirms that I, and not Mr Mansbridge, who was telling the truth about the shed.

[He still owes the residents an apology for lying to them in his response to their Petition.](#)

I will now deal with your first accusation: • *persistent refusal to accept a decision; persistent refusal to accept explanations;*

You are asking me to accept the Ombudsman's Decision when it is full of Council misinformation and misrepresentations when you, or rather your Manager(s) have refused to acknowledge the fact that the shed is 2.7m taller than planned for 7 years.

To counter the duplicity of the Planning Manager, Mr Atkinson, I revealed the truth about the shed when I [wrote to Mr Mansbridge on the 4th April 2014](#): *To cap it all there was an article in the local paper on Apr 1st showing most flattering photograph of the offending shed saying that it was only 36ft high. The author of the article may have got away with saying that in September but not now. You should know that it is over 50 ft high and that is what we have been saying for months now. **It's planned height is about 42ft.***

To avoid admitting that we (the residents) were correct [he did not answer the email but passed it back to his Planning Officers](#): *You have made it clear in your letter of 2nd May that you were not happy that I referred your email of 4th April 2014 on to my Planning Department. I apologise if you feel that was inappropriate, however, this is required under the Council's complaints procedure and allows for the appropriate escalation of cases to Head of Service level should the operational department not provide a satisfactory response.*

[As I explained in Shed and Corruption – Part 2](#), Mr Mansbridge' Stage 2 response was a complete fabrication written to progress what was said to be our complaint, headlong towards the Ombudsman. The main reason for him overwrite complaint 248789 with 253539 was to cover over the fact that the Planning Manager had conceded that the shed was 2.7m taller than planned – please see first reference at the top of page 2.

Before we look in detail at the Ombudsman's Findings, 15-Apr-15, please note that in her first draft the height of the shed was not mentioned. [Nor does it appear the Council's last response.](#)

My letter of the 7th July said: *On the 5th Sept 2013 work started at UK Docks premises on River Drive to build a slipway shed length 22.3m, width 13.1m and height at end facing River Drive 15.5m. On 27th Sept an application was received in the planning office from the agents for UK Docks, Messrs Maughan, Reynolds Partnership Ltd to meet conditions of a previously granted application ST/0242/96 for a slipway shed length 22.3m, width 12.2m and height at end facing River Drive 12.5m.*

It was true then and is still true today but what did the Council tell the Ombudsman?

- 1 The complainant, whom I shall refer to as Mr X, complains the Council has wrongly allowed a developer to build and keep a boat shed despite many public objections. In particular he says
 - i) It wrongly said the boat shed conformed with approved plans
 - ii) It has not taken enforcement action against the boat shed
 - iii) There has been a lack of information and public consultation
 - iv) It took 15 months for the Council to admit the boat shed did not have planning permission

Please note:

- *the first is absolutely correct;*
- *it initially took enforcement action but it was rescinded following a meeting in November 2013 where unapproved documents were passed off as approved ones;*
- *they sent plans that were not approved, as ones saying that they were approved on numerous occasions, then they started accusing the Residents of making allegations when they were questioned about them. Mr X was singled out and Sectioned on the word of the Council's Corporate Lead when he complained that the Council had misled the Ombudsman .*
- *four: is debatable, the Council even conceded that the shed had been built without planning permission when they talking about the width. See response to Petition, page 3.*

The original complaint was removed by the Principal Planning Officer and replaced by the actions of the Planning Manager, the Head of Development Services and the Performance and Information Officer which left it open for someone to [give the Ombudsman as much misinformation and to misrepresent the drawings](#) as he or she wished:

- 19 We know work on the foundations started within five years of the approval. Building control inspectors confirmed it at the time. However, the developers had not met conditions 3 and 4 before starting work in 2001. The Council found the planning permission was lawfully implemented. There is no fault in either the process or reasoning by which the Council reached this decision.
 - *the footings may have been lawful but they were wider and longer than permitted .*

As soon as these foundations were used to mount the framework then the second condition would fail and it did on the 5th September 2013 and why UK Docks were told to stop work on it when the Council had recovered drawings 8296/1A, 2 and 4 from their archive by the end of the following week. [Work had certainly stopped by 23rd September 2013.](#)

- 20 In response to the draft of my decision Mr X says because the foundations are too wide the permission was not lawfully implemented.
This is the First indicator of collusion between the Council and the Ombudsman:
 - *Mr X did not say they were lawfully implemented the Council;*he said: *That they were not laid in accordance with the authorised plans (1m too wide) was overlooked by the Council. This could have been looked at if the Council had ask(ed) for retrospective planning application.*
The Council's view the permission was lawfully implemented is sound, even if the foundations are wider than shown in the plans. I should also say we cannot know if the foundations laid by the developers in 2001 were wider than allowed in the plans.
Second indicator of collusion – *they were wider than planned. Mr X went and measured them for himself in November 2013 and his results were surprisingly accurate considering he has working nearly 50m from the shed. He found them to be set a meter further apart than permitted.*

20 In February 2014 the Council said the increased width gave greater structural stability. It is cont'd possible the developer widened the foundations laid in 2001 to provide improved stability. **Third indicator of collusion** – it was made wider to accommodate the ferries built in the 5 years 1996-2001. Stability does not come into it.

21 The Council considered if the building accorded with the approved plans. The planning officer originally assigned the case considered the developers were building the boat shed to the measurements in the 1996 plans. Mr X says he told residents this at a public meeting. The Council accepts these measurements were wrong;
- the whole of paragraph 21 is a fiction to cover over the fact that Mr Cunningham was lying when he said the base was compliant (with the approved plans), 20-Dec-13. When Mr X, or as I prefer, Mr Dawson, went and measured the width for himself, November 2013, he found that it was in agreement with what the Council had found two months before. The Public meeting was 4 months later.

22 A more senior officer checked the measurements; he found the width at ground level was just less than one metre wider than the permission allowed. The Council decided the developer had not built the shed entirely in accordance with the approved plans and so had not met condition 2. The Council decided this was a breach of planning control. **True!**

As you can see the Ombudsman says that the extra width was a breach of planning but does not mention of the pillars having been made vertical. The enclosure had become a housing for the overhead crane and its use changed and this change has been hidden from the Ombudsman. Someone had instructed her to change the sequence of events to hide the fact that the footings were set a meter wider in 2001. That is well before UK Docks had asked their Agents to draw one with vertical sides. It is very important to note that the agents drawing produced in August 2013 did not include the added width besides [confirming our views about the height of the shed](#).

The change of angle of the pillars has been dropped and the increased width becomes non-material in paragraph 23. The question of height has been been ignored altogether and not considered until paragraph 30.

23 The Council considered the difference between the permitted width and the width of the built shed and decided not to enforce. Enforcement is discretionary and the Council explained to residents in great detail how it reached its decision. It explained the law and policy it considered. There is no need for me to repeat this. It decided the degree of departure from the plans – less than one metre – was “non-material.” Given the overall scale of the building, its decision is sound;

- when the Council explained to the residents about the width they hid the fact that the shed was too tall by reference to a non-approved drawing containing a mistake - see page 2.

24 I cannot fault the Council’s decision not to take enforcement action. It is established in law that enforcement action merely to respond to criticism without clear evidence of harm is likely to be considered unreasonable. Such cases are unlikely to succeed and lead to an adverse costs award;
- they did initially take enforcement action but dropped it following the Town Hall meeting of November 2013.

25 Mr X says the Council should have made the developer submit new plans or take the shed down. The Council cannot make a developer submit new plans. It can request a new planning application as part of enforcement; it is then for the developer to decide if he wants to do this. The Council can only order removal as part of formal enforcement action. Any such notice to remove carries with it a right of appeal. The Council properly decided not to take enforcement action. It had no grounds to ask for new plans or removal of the shed;

- the Council did take enforcement action because UK Docks stopped their work on the shed for three months in late 2013 and they would not have done that unless an enforcement notice had been served on them.

Mr X never said, “the Council should have made the developer to submit new plans” he said “The applicant can say what he wishes but the Council should not have taken him at his word. I have shown that he is using an error on the drawing (atts: K,L) to justify his flouting of Condition 2. It speaks of incompetence or worse for a senior planning officer to have overlooked this and not corrected the applicant and asked him to put in a retrospective planning application or remove the framework.”

The following points appeared in the Ombudsman’s Findings **after** I had explained to her the shortcomings of using 8296/1A to claim the shed had been built to plan.

- 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;
- **this is true** – see drawing 8296/2.
- 31 this plan has several drawings using different scales and some are foreshortened;
- *the ones that are not to scale have been stretched – not foreshortened.*
- 32 It is too long ago for the Ombudsman to consider a complaint about the accuracy of the drawings accepted by the Development Corporation in 1996;
– *an error on a drawing does not disappear with age, it is more likely to be discovered as time goes on and more people see it!*
Mr X prefers the term broadcasting rather than the pejorative term ‘a scattergun approach’.
- 33 In response to a draft of my decision Mr X says the 15.5 metres height relates to the river end. He considers the land end should be 2.6 metres lower. He says the Council cannot prove 15.5 metres relates to the land end not the river end. I do not agree;
- *A convoluted way of telling a lie. Mr X actually said; “when I could prove that the shed was not built to an authorised plan, contradicting Mr Cunningham's assertion that it was, I sent an email to planning enquiries on 10 Jan 2014”*
- 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. The planning authority has to consider what an applicant applies for; it can grant or refuse this but it cannot make an applicant submit something different. This developer applied for a shed 15.5 metres high at the land end. The Tyne and Wear Development Corporation as planning authority approved this. The current Council had to accept this as the approved height.
- *the Development Corporation did not approve this as the approved height, see 8296/2 or 8296/14;*

It looks like the Senior Planning Officer was so desperate to claim approval for the shed that he sent her the pair of drawings given to the Council on the 6th September 2013 by UK Docks. I use this reference again because Miss Hamilton had dropped 8296/1B from her list of authorised prints in her faux Stage 3 response: *I agree with the Planning Team's assessment that, on balance, drawings 8296/1 A, 8296/2 and 8296/4 can be reasonably considered to show the approved development.* Drawing 8296/1A like 1B shows both end to have the same height, 15.5m and it can only be said to represent the approved development if one assumes the land ward end one to be 2.7m less, i.e. 12.8m.

- 35 In January 2014 the Council wrote to Mr X about this. It said it had taken measurements on site and the shed as built matches these measurements. Since then the Council has consistently told Mr X the shed is the correct height;
- *consistently lied about the correct height - see last reference to D8296_1B.*

The Planning Manager did write to me twice in January and in doing so seeded the many of the lies and misrepresentation in 31-35, thus adding to the misrepresentation that the shed had been approved, given by his Principal Planning Officer at or after that Town Hall meeting of 2013. Saying the shed was legal or compliant to mean it had been approved was simply fraudulent misrepresentation.

- 36 I have seen the report written for the planning committee by officers of the Development Corporation in 1996. The report says the height is 15.5 metres. Mr X says it does not specify which end is 15.5 metres. The report says “the design, height and location of the proposed shelter can be seen in the display material which will be presented at the meeting”. The planning committee also had the plans to refer to. From this it is clear the Development Corporation knew the proposed height was 15.5 metres at the inland end and gave permission for this;
– *neither Adele nor myself were at the meeting where they must of given approval for 8296/2 but not for ../1A. That shows the proposed height of the river end must be 15.5m. As I have pointed out on page 2, boats enter the shed from the river and Mr Atkinson will have known that.*
- 37 Mr X says plan 14 shows 15.5 metres as the river end height. The Council has explained to Mr X why this is not the case. The developers submitted plan 14 in 2013 as part of their application to discharge condition 4. The Development Corporation did not approve plan 14 in 1996 and it is not a plan subject to condition 2. It shows how the developers intend to attach the end panels. One drawing shows an end with the panels in place to provide an impression of the final appearance. The drafter has not specified which end this is and the drawings are not to scale;
– *one only has to take a cursory glance at the drawing to see that it is to scale and notice the drafter said that portal covers should be drawn aside to admit boats and I repeat boats come up the slipway from the river.*
- 38 The Council has provided a consistent and sound justification for its view the shed as built is the same height as that granted permission. The Ombudsman cannot criticise the Council’s view;
– *but Mr X can, and has. Only two paragraphs, Nos. 22 and 30, out of the eighteen, escapes just criticism and that is because it reflects the truth about the height of shed.*

I now turn to the second point made in your misuse of Complaints Policy 2019v1.5:

- *continuing to contact us without presenting new and relevant information*

When I advised the Ombudsman about the Planning Officers’ misconduct – see top of Page 6, I was had forgotten that the Council had indeed closed down the work on the shed or enclosure on the slipway of River Drive, in September 2013 – please see the details, reference 2, Page 4.

I put this quite succinctly then I advised Councillor Francis in what was to become, [Shed and Corruption – Part 2](#): “As I hope I have shown, the fraud actually began with the UK Docks only asking for the conditions 3 and 4 to be considered when they knew that they would be in breach of the second condition as soon as the frame for the portal door was erected and continued when the drawings they gave to the fabricators of the stanchions to be bolted to the slipway were different to the ones drawn by the agents and meant they ended up with ones 2.7m longer than the approved drawings indicated.

It looks like someone in the Council was aware of this fraud and someone with the authority to order UK to stop work on their shed. Most likely they had seen the approved drawing from 1996 that showed the true planned height of the shed.

You will say of course that this is not new information and continue to file my letters away but you cannot deny that the yard was closed for a number of months in late 2013.

Thank you for giving me the opportunity to make a correction to Part 2 of Shed and Corruption . It was Mandy Ali who was handling my complaint against the redevelopment of 71 Greens Place not Adele. She called me Mr B, a bit of a pretence I thought at the time as I was the only one who complained to the Ombudsman about the Haig's 'Ponderosa'. The Council ensured that came to nothing because they deleted ST/0479/13/FUL and replaced it with ST/0479/13/HFUL.

I was not the only one who complained about UK Docks Shed. There were at about thirty at each of the Public meetings:

1. 9th November 2013 - Mr Haig was elected of to the post of treasurer of the Tyne Gateway Assn - *he did not declare his interest in UK Docks;*
2. 3rd March 2013 where the Residents decided to raise a Petition.

We managed to collect about 300 signatures for the Petition but I was the only one to complain to the Ombudsman and that was only once. [As I said to Mr Swales, your CEO at the time, 8-Jul-16:](#)

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.

The reason I asked him to look again was because [I had advised him two years earlier, 7-Jul-14:](#) *On the 5th Sept 2013 work started at UK Docks premises on River Drive to build a slipway shed length 22.3m, width 13.1m and height at end facing River Drive 15.5m.*

On 27th Sept an application was received in the planning office from the agents for UK Docks, Messrs Maughan, Reynolds Partnership Ltd to meet conditions of a previously granted application ST/0242/96 for a slipway shed length 22.3m, width 12.2m and height at end facing River Drive 12.5m.

This discrepancy is still not acknowledged by your Council after 9 months of work on this site.

We are now back with your Corporate Lead again whose actual words, 1-Aug-16, were: *There is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman, Neither do I have evidence to question the content of the Ombudsman's investigation.*

I have taken you back to my introduction of what will become; Shed and Corruption – Part 4, and you will have to ask her what she means by 'deliberate' but generally people misinform the Ombudsman to make sure that a complaint will not be upheld. They also know that they they will not be held to account because there will be people prepared to misapply various codes of conduct to 'shoot the Messenger'.

Yours sincerely,



Michael Dawson