

Corrections to the Cautionary Tale

The details from drawings 8296/1A and 1B had been swapped by mistake in my letter to Andy Nye and I have corrected this in the copy [posted in the Harbour View](#). There is a legal difference in that 1A was created before the grant of 1996 and 1B after the decision was made to grant permission for the enclosure and therefore 1B cannot be considered as part of the grant. Neither was authorised as [they contain a mistake in the height of the landward end](#).

When the shortcomings of 1A were pointed out to the Ombudsman a 'Senior Planning Officer' sent the Ombudsman a copy of 1B and then the second Inspector for the Ombudsman said:

I consider that your latest complaint remains that of your previous complaint which has already been determined and the opportunity to request a review of that decision has passed.

Paul Lewis for the LGO, 30-May-17

One can safely conclude from this that Mr Lewis and 'Senior Planning Officer' were working together to ensure the fact, that the shed was built nearly 3m taller than permitted, remained hidden and four months later UK Docks extended it by 25%.

With this correction, the reason for sending out the Cautionary Tale needs to be emphasised again:

I would like to emphasise the part that the Planning Manager played in transferring centre of attention:

- **from:** a lack of Planning Control in respect of UK Docks' shed;
- **to:** one about whether the shed had planning permission with the Residents.

In a similar fashion the Council have shifted the Council's argument about the English Coastal Path away:

- **from:** the Council doing nothing about a developer fitting a barrier across a public footpath;
- **to:** one about the status of the footpath (private v public land) with the general public.

What the Council have done in both cases is to shift the argument from one between the authority and the developer to the one between the authority (Council) and the community. I include Councillors as being part of the Community though that was not true in the case against UK Docks.*

South Tyneside Council did not consider any points raised in the Petition in 2014 by the Residents about their inaction over UK Docks shed and it looks like the Petition being raised by [the friends of Re-open Market Dock](#) will end up sadly neglected in the waste skip as well.

The Head of Development Services' [main argument against our Petition, 2nd May 2014](#) was:

*This was a material operation for planning purposes in order to begin the development approved in 1996. The approved dimensions of the steelwork are:
Proposed height 15.5m at the River Drive end. The gradient of the slipway is 2.66m over the length of the shelter. This would mean the height at the riverside end would be 18.16m above the slipway;*

If one [looks at the approved drawing from 1996](#), one can see that this was an outright lie, the approved height is 12.7m and one must ask 'why was he repeating the argument made by his

Planning Manager about 16 weeks before' to the Residents of the top half of Greens Place and all of those in Harbour View. The Planning Manager had said on the 15th January 2014:

Approved Drawings: The following are details of the relevant drawings in the Council's possession. 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.

To the 16 weeks one can add the 7 weeks lost since the Principal Planning Officer implied the same by reference to either 1A or 1B following the meeting at the Town Hall on 25th November 2013 and that is not far short of six months.

These two cycles of deceit are explained in [Part 1 of Shed and Corruption which concludes with: Mr Cunningham had to either to admit we were right about the shed or commit fraud.](#)

In the same way Messrs Atkinson and Mansbridge either had to admit we were right about the shed or repeat the fraud that the shed was the approved height. He repeated the fraud:

I have investigated this and referred to the approved drawing cross-referenced with the dimensions taken on site by my planning staff. The height of the shelter does not significantly deviate from the approved scheme as you have suggested.

Mr George Mansbridge for STC, 2nd June 2014.

The original complaint which said that the shed was over size and the Council had done nothing about it had been deleted and replaced one that said the shed was not too tall (248789 by 253539).

In Part 2 of the Shed and Corruption I took the opportunity to let the newest Ward Councillor what was going on so I wrote to Cllr Francis on the 12th April and added a correction a day later:

I apologise for using your personal email address yesterday. I think it was because it was the last email address that was used in correspondence between ourselves - see below. Do not worry about part 3, I haven't decided to whom to address that. Anyway, I'll drop you down to the BCCs along with Angela Hamilton, Emma L-B and Anne-Marie Trevelyan and the other 20 or so regulars who have shown a great deal of interest in the shed over the six and a half years. It will be about the lengthening of the shed.

I think Part 4 will be devoted to the mysterious Mr Palmer.

It looks like planning are getting into a mess over the gates shutting off access to the riverside from Low Row and I think I'll ask Councillor Anglin to give his views on that and give my wishes to who ever is standing against him.

So much for best laid plans, the reality lies in the fact that UK Docks were never told to remove their shed or rebuild it and it is still there, the gate off Long Row is still there, the Council have upgraded 'Section F' and re-applied it to avoid having to answer the simple question "if the shed is 3m taller than permitted why is it still there". Cllr Anglin has gone but that hardly compensates.

The conclusion to Part 2 of Shed and Corruption was strangely prescient:

This Part, like Part 1, is just for information: a meeting arranged by your fellow Councillor to pass off unapproved plans as approved ones in 2013 had still not been addressed by 2017 and they still have to apologise for misinforming the residents of Greens Place and Harbour view in 2014 and more generally the good citizens of South Shields for accusing them of making allegations in 2016.

Until I get an apology for being unjustly Sectioned, I will continue to remind people of how South Tyneside Council corrupt their complaints procedure.

[Shed and Corruption – Part 2, 12th April 2021](#)

This must have rattled a few cages including that of the Corporate Lead because three weeks later I was unjustly sectioned again and one of the most noticeable things about [Paula Abbott's letter of the 29th April](#) is the inversion of the complaints procedure:

You were also advised that you are free to contact the Ombudsman and make further enquiries of their office, but unless the Council receives formal enquiries from the Ombudsman, we would not look at this further.

You know perfectly well that the Local Government Ombudsman will not look a complaint until it has been exhausted by the Council first but my main charge against Paula saying: *I am writing to you following Ms Hoy's letter to you of 28 August 2018, advising that the contact restrictions which had been imposed on your contact with the Council had been lifted.*

If Ms Hoy had genuinely lifted the contact restrictions I would have had an answer to my letter to the Chief Executive of 26th May 2017. He had asked his Corporate Lead place contact restrictions on me to avoid answering an earlier letter to him, July 8th 2016, [about the Council giving misinformation/misrepresentation to the Ombudsman](#).

Please explain to both the Corporate Lead and Paula Abbott if an approved drawing say that a structure is built nearly 3m taller than the drawing indicates, it is not an allegation to claim that it has been built without planning permission. It is the truth.

Paula then lists 20 or so items of unanswered correspondence from me and repeats two of the ill founded accusations of her predecessor and adds a third:

1. persistent refusal to accept a decision; persistent refusal to accept explanations;
2. continuing to contact us without presenting new and relevant information and
3. 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 was accused of these by Mrs Hayley Johnson, Corporate Lead who said, four years ago:

In my view, your behaviour is a disproportionate use of resources and unreasonable because you have:

1. *submitted repeated complaints, essentially regarding the same issue, after our complaints process has been exhausted,*
2. *attempted to have the complaint reconsidered in ways that are incompatible with our adopted complaints procedure, or with good practice,*
3. *adopted 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, while an appropriate avenue is available via the Local Government Ombudsman,*
4. *refused to accept the decision of the Council or Local Government Ombudsman, by arguing points of detail.*

It is significant that Paula does not repeat the last item and that is [because they can no longer dispute the findings of a firm of Solicitors](#) and it is equally significant that Hayley Johnson dropped the Scattergun approach after I demolished it in my letter to her, 2-Sep-16:

- adopted 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

I have not written to the local police, independent auditors or the Standards Board which you are implying. If I think that the Council is acting improperly on any issue I believe I am entitled to write to my MP – it is up to the MP whether he or she takes up my case.

I wrote to my ward Councillors because they, apart from the Chairman of the Planning Committee (Cllr Wood), attended the meeting where we were told the shed was 'legal'.

Are you suggesting that the Councillors should not be told that they were misinformed by a Principal Planning Officer of the Council?

I included members of the Residents Group Committee as well because I had to relay the 'facts' to a meeting with them a few hours after the same meeting where we were told the shed was 'legal'.

I did not believe what I had been told by the Officer and it took me 2 months and numerous emails to prove that shed was not 'legal' or should I say compliant.

Are you suggesting that members of the Residents Group should remain ignorant of the fact that the shed was not compliant and built without planning permission?

Nothing has changed in the intervening 5 years and my comments re the slur on my conduct still withstand scrutiny and it looks like who ever instructed Paula to essentially repeat the misuse of 'Section F' of an earlier Staff Code when she was [encouraged to misuse what appears to be the current version, Complaints Policy 2019v1.5.](#)

Incidentally, I had told the Corporate Lead that:

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 September 2016

Mrs Hayley Johnson kept this piece of information to herself nor did she register the complaint. The highlighted section of Part 2 was:

If Mrs Johnson had checked, she would have found that only one complaint to the Chief Executive about his staff misleading the Ombudsman had been sent and you can see that it describes in some detail how the planning officer, 8-July-16, had deceived the Ombudsman. For me to say that the shed was too tall when it was too tall was not unreasonable.

If you look at my letter to Cllr Francis you will see that I was developing a table of the ways in which Council corrupt their own Complaints Procedure:

- Evasion is supported by variously by:
- [1] Complaint or questions not recorded
 - [2] Back-pass
 - [3] Unfounded contradiction
 - [4] Conflation
 - [5] Diversion into a dead end.

When a complaint is not recorded, Council Officers can repeat their unfounded contradictions ad-nauseam per Messrs Cunningham, Atkinson and Mansbridge in 2014, see above, and an unknown

Senior Planning Officer to the Ombudsman a year later. Perhaps conflation should be promoted up the list as it was one the neatest way of killing of a complaint and the best example of that being the [Second Inspector for the Ombudsman saying in 2017](#):

I consider that your latest complaint remains that of your previous complaint which has already been determined (whether or not to your satisfaction) and the opportunity to request a review of that decision has passed. I will treat your complaint therefore as invalid and your complaint will not be investigated.

The table then becomes:

Evasions and denials are variously supported by:

- [1] A complaint not recorded, nor questions answered;
- [2] Back-pass to a completed step or stage;
- [3] Conflation of complaints;
- [4] Denial/contradiction in the first response;
- [5] Forward pass or diversion into a dead end.

The overwriting of the admission by the Planning Manager that the shed was in fact taller than planned by the Head of Development Services when he raised 253539 appears at first sight to be in a category of its own but on closer inspection it correctly falls into the category, *back-pass* though it could almost as easily fall into the third or fourth, i.e. *conflation or denial/contradiction* – see the [Mansbridge Trap](#).

The future of the shed is now limbo particularly with regard to insurance and it will be interesting to see how South Tyneside Council get round the gate blocking the path off Long Row.

M Dawson
4th November 2021

* until Cllr Hamilton was elected.