

Your ref: 17 001 436

26 - May-2017

Dear Mr Lewis,

**Complaint against South Tyneside Metropolitan Borough Council**

Thank you for responding. My records show that your Inspector, Adele Reynolds, sent her final draft for 14015052 on the 15<sup>th</sup> April 2015, not in March as you say in your letter.

This is important because I wrote to my MP about the slipway cover on River Drive being 3 meters higher than planned on the 31<sup>st</sup> March 2015. I could see from your Inspector's first draft, 9<sup>th</sup> March, that she had bypassed the main point of my complaint, i.e. we were told that the cover was built to approved plans when it had not and she had ignored the height question completely.

Further to that, her second draft received on the 24<sup>th</sup> March showed that she was quoting from 1996 plans given to her by the Council, that were neither approved nor dimensionally correct. The Council were misleading her when they said "the permitted height at this end is 15.5 metres and this is the height as built."

Please note and I cannot stress it enough. The Council had not been able to provide any approved drawings to support their and UK Dock's view that the cover was built to the correct height since the development began in September 2013.

Parliamentary rules meant that my email to the MP for South Shields was forwarded to the MP for Berwick because I had moved to Northumberland and Ms Trevelyan then wrote to the Chief Executive on the 1<sup>st</sup> June 2015. She wrote a good précis of what I was saying but she was not specific about which end of the cover had a planned height of 15.5m.

I wrote a summary, 9-Jun-15, of what I had tried to convey to Ms Reynolds (6-Apr-2015) to Ms Trevelyan and copied it to the Chief Executive (lettertoAMT\_MP0906.pdf - attached)

It was not until I received an email from Customer Advocacy, 9-Dec-15, was I made aware that the Council had responded to MP Trevelyan's letter and I requested a copy which they forwarded to me in January 2016.

I then saw that the author of the response, the Council's Corporate Lead, had ignored the summary which I had sent the MP and I thought I might be able to resolve this without writing to your office and I went to a solicitor for some advice which was to try and raise a new complaint being the misinformation and/or misrepresentation by the Local Authority in supplying information to the Local Government Ombudsman.

Before I wrote to you I thought that the Council should sort it out and wrote to the Chief Executive quoting some of the misrepresentations given by the Council to the LGO but to no avail. The correspondence stopped when the Corporate Lead imposed restrictions on my contact with the Council in October 2016.

Her justification for doing this is extremely weak and you need look no further than to compare what the Council have told your Inspector (#30 - #36) and examining 8296/1B for yourself. It is an amended drawing from 1997 and bears no stamps indicating that it ever been near the Development Corporation let alone been authorised by them.

If you ratio check 3m + 12.5m dimension in the bottom right hand corner of 8296/1B you will see that the 12.5 should be 10 or a bit less and see the note (Feb/97). If you check the section, top middle, of the same drawing you will see that it shows 3m+12.5m and that is more likely to be the true height of the cover.

That was the position until UK Docks started working on Sunday in December 2016, i.e. non-compliance with the fifth condition. Up till then I had been concerned only with the second one. Indeed I wrote to your inspector Ms Reynold on the 6<sup>th</sup> April about paragraph 13 in her draft of the 24<sup>th</sup> March,

Condition 2 states:- "The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications." and 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..... The other conditions become irrelevant if condition 2 is not met.

In the same letter, against paragraph 16: "The Authority's view is that condition 5 should not have been imposed because the site already had the benefit of unrestricted working hours. I cannot comment on this. I do not know how the business operated in 1996 and it is too long ago for the Ombudsman to investigate." I commented rather presciently:

This could have been dealt with if the Council had ask(ed) for retrospective planning application.

I when Customer Advocacy wrote to me on 14-Feb-17, "Officers at the Town Hall were correct in advising you that they could not help you further with complaints regarding Sunday working at UK Docks, as this had been dealt with as part of the historic complaint you made to the Council and to which current contact restrictions apply." I could see that they (CA) had been misinformed by whoever was handling the complaint as Sunday working was not in my complaint to the LGO and I had not complained about it until 20-Dec-16.

I checked personally at the Town Hall on February 10<sup>th</sup> and discovered that the complaint had not been registered. I realised then that that I would have to write to you after all to clear up the mess surrounding Condition 2 before tackling the Council's response to Condition 5.

If the Council had admitted that the cover was 2.7m too high when we had protested in 2013 about it, we would not have needed to raise a complaint about it in January 2014 and certainly not needed to involve the LGO and I hope I have explained why I had not responded within the 'time limit'.

That a Senior Council Planner (# 31) thought that he could get away with passing off an unauthorised drawing from 1997 as a legal one from 1996 (#34) is shocking but sadly it appears to have worked, and it does not reflect very well on the office of the Local Government Ombudsman.

Yours sincerely  
Michael Dawson