

RE: Complaint: 248789 - Unplanned Development on River Drive

From: Nicola Robason

Date: 27/07/2020 (16:35:05 BST)

To: mick.dawson@theharbourview.co.uk

Cc: Cllr Angela Hamilton, Cllr David Francis, Emma Lewell-Buck MP, Keith Palmer, Customer Advocates, Hayley Johnson, Simon Buck, Anne-Marie Trevelyan MP, Angela Coutts

Dear Mr. Dawson,

I note your email dated 22 July 2020.

My email dated 19 December 2019 set out the final position on this matter. It remains the case that all complaints procedures relating to this matter have been exhausted both internally within the Council and externally.

Yours sincerely

Nicola

Nicola Robason

Head of Corporate & External Affairs (Monitoring Officer)

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From: mick.dawson@theharbourview.co.uk

Sent: 22 July 2020 12:34

To: Nicola Robason <Nicola.Robason@southtyneside.gov.uk>

Subject: Fwd: Complaint: 248789 - Unplanned Development on River Drive

Dear Nicola,

I should have made clear that I do not agree with the opinion expressed in your last email to me, 26-Feb- 20 and I should have replied long before now. In it you refer to my emails of the 31st January and the 24th February and it is the fallout from the second that I will deal with.

It was addressed to Mr Buck, the Office Manager for the MP for South Shields and had quite a wide circulation and I received rejection notices via some anti hacking software from the MP herself, from Mr Palmer, who appears to be associated with her office but he won't say in what capacity, and two local residents who are in a similar position to myself, i.e. getting nowhere with our protests about UK Docks.

It means they, Mr Buck and the MP, never even saw the copies and not have been aware of the contents. You did see a copy and should now know that the offending shed is nearly 3m taller than that for which UK Docks had been given approval. I provided two approved drawings to reinforce the point I was trying to make and Mr Buck should have been aware that the shed was taller than planned as well but he delivers a hatchet job on me, an hour after your response. Please see the attached; Simon Buck Threat: 26-Feb-20.

I have only recently been able to confirm that this was actually set up by Mr Palmer and his inclusion on that list of rejections was just a device to obscure the truth. One of the troubles with Mr Palmer is that he does not like to put anything in writing, please see below and it goes some way to show why I have taken so long to get my response to you.

The Buck/Palmer hatchet job reminded me of one made by Hayley Johnson on 15th June 2015 in a

response to Anne-Marie Trevelyan, MP for Berwick, when she accused the good citizens and I of making allegations about the shed and when the truth be known it it actually the Council making allegations about us. What caused this provocation was my remark to Anne-Marie Trevelyan, 09-Jun-15:

*/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./*

Along with the follow-up:

*/This drawing, 8296/14, is available on the planning portal for all see (8296/1A is not readily available) and it shows the river end gable with door fittings. It has sufficient detail on it to determine that the height is near enough 15.5m i.e. - nowhere near the 18m of the built height of the river end. If Mr Swales provides any new plans to show you that I am wrong in my assessment of the development on River Drive by UK Docks please let me know./*

Neither Mr Swales nor Hayley Johnson provided her with any plans to show that I was wrong because none exist. Notice, in attachment 6 of her letter to Anne-Marie, 15-June-15, is a direct contradiction:

*/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. The matter was ultimately referred by way of complaint to the Local Government Ombudsman, the outcome of which was delivered on 14 April 2015./*

The most disturbing feature of the reply to Anne-Marie Trevelyan was the last line of her response: *“I hope that this information is useful. Please do not hesitate to share this letter with your constituent.”* She did not share the letter with me and I was not aware of the misinformation given to Anne-Marie by Mrs Johnson for another six months. That was when I decided to seek legal advice.

Hayley Johnson proved her worth with her hatchet job, shifting the trouble with the shed from the Council to the Local Residents and removing the fact that the Council have misled the Local Government Ombudsman from history, that she was asked to handle my complaint about the Council misleading the Ombudsman to Mr Swales a year later.

After receiving advice from Peter Dunn and Co, I decide to write directly to the Chief Executive and the first thing to note is her denial, 01-Aug-16: *“There is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman,”* and because that conflicted with what I said to the Chief Executive it necessitated another hatchet job and for that she misused some extract (Section F) from what appears to be a code of conduct.

The thing to note is her use of section, F (unreasonable and/or persistent complainants) just does not apply and she has employed it purely to malign me. She has misused the code much Buck/Palmer have misused the one for MP's conduct and I point specifically to the second sentence in the second paragraph: */Members of staff must ensure that they apply this policy consistently/.*

The first flaw in Mrs Johnson use of Section F is that there is only one complaint to the Council and that is that they have been giving misinformation to the Ombudsman. There are however many items of misrepresentation but only one complaint.

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I have only sent one, 1-Jul-16 and you can check this with the Chief Executive yourself. To suggest that I am a persistent complainer on that account is a lie in itself.

Any complaint must also be unreasonable to meet the conditions set by Section F and I will just quote from one of my references as an example to counter that suggestion:

*/Re: 37 - the drafter has in fact specified exactly which end it is because they have written on the drawing "strips to draw back to each side to allow access for boats." The boats come up the slipway from the river./*

The whole letter is a reasonable and a perfectly good explanation of how the Council misled the Ombudsman and I have attached a copy of it. You can see for yourself why they did not wish to respond to my central argument.

*/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./*

I go onto say: *"I have been advised you may well say that all this relates to an old complaint and so I will ask you for a "new" complaint based on this letter and if you will not deal with it then the Local Government Ombudsman can deal with it."/*

Therefore the hatchet job, Mrs Johnson does not raise a new complaint and that was why when I explained to her I had received legal advice, 2-Sep-16, she was able to carry out her threat, 15-Oct-16.

By not registering the complaint she has ensured there no audit trail she so she is able to repeat herself and thus Officers such as yourself will be put on the back-foot and have a clue what is going on. Planners and Building Control have been using this trick for years Messrs Cunningham and Atkinson certainly used it in January 2014 to hide my complaint that the shed was too wide as well as too high.

Not only has she hidden the fact that I consulted a solicitor, she has hidden the fact that I produced an authorised drawing from 1996 to back my claim that the shed was 2.7m taller than planned. It is 8296/2 and you will have seen at least one copy of it over that last few months. You may not have seen a copy of the letter from Peter Dunn and co and I will gladly send you a copy if you so wish.

Mrs Johnson adds a rider at the end of the enforcement: *"If you have concerns that I have provided incorrect information in this letter and you wish to request a review of my decision, you should contact Mike Harding, Head of Legal Services, by writing to him at the Town Hall and Civic Offices."*

One knows it will be a waste of time writing to him because Mrs Johnson said a couple of lines before: *"We will however ensure that any new issues you raise are dealt with appropriately, but you will only receive a response to any new and substantive points of complaint you make."* Remember she hid the new evidence (solicitors advice and the existence of an authorised plan showing the shed is 3m too high) and I realised what she was doing so I copied my letter to Customer Advocacy but they just passed it back to her so that they remained hidden.

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It would explain why Gill Hayton repeated at least three items of misinformation given to the Ombudsman in her response to my complaint about Cllr Anglin a year or so later. Incidentally my commentary on her response posted to Mr Harding remains unanswered and I do not think you can claim that all complaints have been exhausted until it has been answered.

When Emma and Angela approached UK Docks about their shed being somewhat larger than that for which they had approval they were told by UK Docks that they had been given permission retrospectively for it. When I approached the Chief Executive with similar view not only did he get someone to deny it on his behalf he also asked them to do a hatchet job – twice!

Now we have someone in the office of the MP for South Shields requesting the MPs' Office Manager to do a third one, attached, Threat: Simon Buck, 26-Feb-20, and this was just an hour after you repeat, 26-Feb-20: *"It remains the case that all complaints procedures relating to this matter have been exhausted both internally within the Council and externally."*

It looks to be a little more than a coincidence Mr Buck's empty threat arriving an hour after your whitewashing of the six years of prevarication and lies by the Council.

On the 15th of January Mr Buck wrote that Mr Palmer correctly informed me that MPs have no influence over the Local Government Ombudsman, and he suggested that a possible course of action may be to complain further to the Local Government Ombudsman and suggested I take legal advice.

Firstly Mr Palmer knows I have already sought legal advice and he should have known that I did not involve Emma in the issue over the shed being built and maintained without permission until two years after the Ombudsman had completed her final draft on 15-Apr-15.

I saw straight through their scheme to replace my view that 'lying to the Ombudsman ought to be referred to Parliament' to be replaced with their view 'that I was asking Emma as an MP to influence the Ombudsman' and I told the pair of them so.

Now you see why Mr Palmer asked Mr Buck to do a hatchet job on me and you will understand why I get a bit upset and say things like:

*/Dear Mr Palmer, You seem to have done some homework before our phone call on Monday the 13th but if you had paid attention to the facts rather than opinions based on fraudulent misrepresentations you would have come to the conclusion that UK Dock's shed is 3 meters taller than planned./*

Hard but fair but certainly not vexatious, slanderous and personal. I have asked Mr Palmer to stop spreading the falsehood that I tried to persuade an MP to influence the Ombudsman and this email is designed to put a stop to it being repeated by Council Staff or anyone else for that matter.

Yours sincerely

Michael Dawson

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