

Dear Nicola,

23 December 2020

Conflation of Complaints.

When we first complained about the height of the enclosure (shed) on the slipway off River Drive, September 2013, we were simply told it had been approved. The Principal Planning Officer was quite helpful and provided us with drawings and a few documents from the archive and even said that we could visit the Town Hall and search through about 250 files that had been recovered (saved to a disc) to check things for ourselves.

And the more we checked, the more we discovered that it was simply not true but unfortunately we were not able to copy any of the files, such as the protest letters from 2001, sent in when Tyne Slipway & Engineering Co Ltd, the previous owners, set the foundations for a shed 13.1m wide x 27.5m long (permission had been granted for one of 12.2m x 22m).

It looks like retrospective planning was not considered at that time, mainly because the building inspector did not report this variation from plan. They say it was not his job and I find that difficult to believe but it remains that Tyne Slipway kept quiet about their plans for the longer shed. They may have been happy with this state of affairs but it presented UK Docks with a problem when they needed a taller shed to meet their slipway requirements in 2013.

We were never told when UK Docks took control of Tyne Slipway & Engineering Co Ltd but they were clearly in control when the frames went up in September 2013 but only conditions 3 and 4 appeared on ST/1146/13/COND when it was approved by the Planning Manager on the 14th October..

What neither UK Docks, nor the Council, realised was that we could calculate the planned height from the side elevation of the shed on any drawing, and as that only went to confirm the rumour, circulating widely at the time, to be true. The rumour was that it was 3m taller than planned was confirmed when the frames were measured on September 17th, 2013 by the Principal Planning Officer. It then became obvious that the 2nd condition had been overlooked.

Now that should have been the end of the shed but it did not suit those that needed to get their Pilot Boats, Ferries and Border Patrol Vessels maintained and repaired on the Tyne so it had to stay and stay it did with the back end of the ferry poking out of the shed twice a year until it was lengthened in August 2017.



Figure 1: Unclad shed with Ferry that does not fit, October 2013

The shed is still in use because while Council agreed that the shed was taller and wider than what had been approved, it was claimed that there was not enough difference to enforce removal etc. While the story changed from time to time, if the Council was asked about it, they said the variation was not material or it was only slightly wider and higher:

Planning: While I understand the concerns you have raised about the buildings deviating from the original plans I cannot see any way to resolve this issue. You have said that the building is slightly wider and higher than the original plans but I have not been able to find out anything about why this happened. As I wasn't a Councillor at the time I was not involved in any of the discussions so can't confirm whether this was agreed before or after building works were completed and it wouldn't be possible to reduce the building and it isn't financially viable to remove and rebuild it.

Councillor Hamilton, 6-Mar-19

I noticed this and suggested to Cllr Hamilton that she go back to UK Docks and ask them to produce some evidence that the shed was only slightly higher than planned and that was when they began to spin the yarn that they had been given permission for their shed retrospectively: *"Hi Mick, I appreciate your arguments, but this far down the line there is nothing we can do. Angela has talked to several relevant people, and the point is the council gave retrospective planning. Which they are allowed to do."*

Local resident, 1-May-19.

You eventually confirmed that was rubbish and I should have thanked you for agreeing with me that there was no truth in it: *"I can confirm that the Council as Local Planning Authority has not received a retrospective planning application from UK Docks."*

Monitoring Officer, 19-Dec-19.

As an aside, I believe it was about this time that Cllr Hamilton was excluded from the local Labour Group, day to day business, and attempts made to deselect Emma as the MP for South Shields were being made. Smacks of coercive control or bullying to me but at least Emma was saved by the Conservative Leader calling an election.

Fortunately the bully at the Town Hall has been seen off by Stuart Reid's and your action and it appears that some of his troops, deployed to try and hide the fact that the Council were misusing the services of the Local Government Ombudsman are still at large.

I digress. I failed to thank you thank you because you added the rider – *that it remains the case that all complaints procedures relating to this matter have been exhausted both internally within the Council and externally.* It has not exhausted the matter and it won't be until they admit that they tried to fool the Local Government Ombudsman into believing the shed had been approved.

December 2017

It was not prescience nor the use of 'exhausted' which you now use, that led me to reclaim the email of the 1st December 2017, but the fact that it was being put about that I was lying about Council giving misinformation to the Ombudsman.

Dear Mr Dawson, From your email title it would appear to refer your earlier allegations that the Council in some way provided mis-information to the Local Government Ombudsman. This matter has been addressed previously by Mrs Johnson in her letter to you dated 5 October 2016. The Council would not respond further to you on this complaint which has exhausted the Council and Ombudsman's complaints procedures.

Alison Hoy, Customer Advocacy (CA): 1-Dec-17

I was, at the time, more concerned that the Council were going to replace the lie* that the shed was the approved height with a lie that UK Docks had been given permission retrospectively. Misleading drawings by the Planning Officer to make it appear that the shed met the conditions laid down when permission was given to the slipway company for an enclosure over the slipway.

Notice that CA had picked up contemptible habit of switching who was making allegations from the Council, to the person complaining that that shed was 3m taller than planned i.e. me, in the email of the 1st December. This became a habit after the false call in appendix (6) from the Corporate Lead attached to a letter to the MP for Berwick, 25-Jun-15, and CA should have known better than to repeat it. I had asked CA to let me have a copy of the letter particularly as the defamation was directed towards myself but she ignored my request.

I'm still curious to know what was said but for now it best to assume there were some references to the Ombudsman's Findings and I say this because a Council Solicitor, Gill Hayton was still repeating some of the misrepresentations, in 2018, in her response to my complaint about Cllr Anglin's conduct in respect of the meeting he organised in 2013.

I broached this in my letter to John Rumney, 7-Dec-20, on the last page and I should have stressed that besides misattributing allegations to me, Corporate Lead, Hayley Johnson, had provided more examples of how to cheat the complaints procedure – she needed Alison's help with the 3rd item:

1. not recording the complaint that a Senior Planning Officer had been giving misinformation to the Ombudsman;
2. responding to the complaint with a contradiction – that there was no evidence of misinformation being given to the Ombudsman;
3. The repost or criticism of complaint was passed back to Hayley when it should have been passed to some one in Customer Advocacy;
4. merging the complaint that the Ombudsman had been given misinformation with the observation that the shed was taller than planned and Enforcement Officer had done nothing about it.

The 1st of December 2017 was not the first time CA had been asked to kill of a complaint or observation, and please bear in mind, that if the Principal Planning Officer had been honest with us from the start there would have been no complaints, and not two or more distinct branches, or trails of deceit.

March 2015

The first branch occurred when FR No. 266782 was passed to her by the Planning Manager on the 10th or 12th of March 2015: *"Your email to Mr Atkinson has been forwarded to our team as your complaint on this matter has exhausted the Council's complaints procedure and is now with the Local Government Ombudsman's office."* Note the 'exhausted' again.

My letter to Mr Atkinson was about extending the shed that had failed to meet the 2nd condition of the grant of permission and there was no need for the complaint to be with the Ombudsman and the response enabled him to slip three deceits into the 'system': *"When we met on 8 July 2014, with Mr Mansbridge, we spent some time through the approved drawings - the height annotated on 8296/1A are 15.5m at River Drive and 18.156 at the Riverside. We explained then that 8296/14 is of no relevance in that matter (& in fact it was prepared after the steel frame had been erected)"*.

1. 8296/1A **was not approved**.
2. 8296/14 **was approved**. Mr Atkinson approved it on October 14th 2013;
3. the drawing was made in August 13, i.e. **before** the frames were erected in September 13.

The last was so blatant a deceit that it never even made it into Ombudsman's findings but they did change the sequence of events and moved our meeting in the Littlehaven Yacht Club, March 14 to some unspecified event before the Town Hall meeting held in November 2013; #21 of the Findings.

December 2015

This was the email, 9-Dec-15, that drove me to Peter Dunn and Co because they dealt with planning matters but it turned out that it was not a planning matter at all but one of criminal fraud but I was advised that the Police would not take the matter up because it was a planning issue and I was not going to waste my money going through a civil court when it was easy to show that the Council had been giving misinformation to the Ombudsman. *

STCandLGO30-Nov-20.pdf ended with a review of this, page 11: *"She had, by accusing us of making allegations, implied that the Council had not misled the Ombudsman at all. I was nearly six months later that I discovered how devious she had been and that was only because her response was mentioned in an email about the expansion UK Docks business on River Drive, 9-Dec-15. It was that email that made me look to a solicitor for advice."*

It was a turning point because it revealed the true purpose of giving misinformation and or misrepresentation to the Ombudsman; after the receipt of her final draft it meant that everyone could counter any complaint about UK Docks including their conduct and the conduct of anyone associated with the inappropriate development and they did; starting with the email of the 9th:

1. Your email of 4th December (to Gary Simmonette) refers to not being satisfied with the responses to the second part of your earlier contact to the team on 30 September. This matter has been investigated fully by the Council through its corporate complaints procedure. The complaint was not upheld and was also considered and decided by the Local Government Ombudsman who found no fault with the Council's decision. *No – they used the Ombudsman to hide the fact that the shed was 3m taller than permitted.*
2. We have also responded to a further enquiry made to the Council via your then local MP Anne-Marie Trevelyan, dated 1 June 2015, which claimed you had not been able to locate any details from the Council on why the shed had been approved despite the breach in planning conditions, even though at that time you had received complaint responses from both the Council and the Ombudsman. *No – I had asked the Chief Executive to provide plans to back his view if he disagreed with me.*
3. You also submitted a further complaint to the Council on the same matter on 13 July 2015. I have attached my responses to your contact which confirmed the Council were not to consider the matter further. *It was not a complaint, it was for two EIRs 17772 and 17773.*

September 2016

When I received the advice from Peter Dunn and Co, I initially wrote to Mr Tilbury but after refining it I sent decided to write directly to the Chief Executive and you can see the main point I was trying to make on page 3 under Fallout etc. of *Building Control and South Tyneside Council*, sent to J Rumney, 7-Dec-12.

I had given the CEO a list of misrepresentations based on the drawings but he asked Corporate Lead, Hayley to respond but she switched her response to talking 253539 which as you will know by now to be a fiction created by the Head of Development Services; written to provide a collection of falsehoods to feed to the Ombudsman. Note - there was no escalation from the second stage. Hayley responded with an unjustified threat to section me for persistent an unreasonable behaviour and looking back through it realise that I had not emphasised the obvious; 1) that there had only been **one complaint** to the Chief Executive about his staff giving misinformation to the Ombudsman; 2) that one needs an example of their misconduct and what better than to explain with

a few examples from the misrepresentations about the height and width and rewriting the sequence of events but these were ignored.

To counter this I questioned Hayley's response to the MP for Berwick who assessed the situation very well, so well in fact that Hayley had to respond by saying that our complaints were allegations, see page 4 of my letter to J Rumney: *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.*

Rather than looking through all these linked document Hayley will be able to show you copies of all the correspondence August to October 2016 and especially my repost or critique of the 2nd September 2016 and the covering email that I sent to Michaela Heath (then Atkinson). CA had passed it back to her – No. 3 on my list of tips for corrupting any complaints procedure.

December 2016

I had put in a complaint about UK Docks using the shed on a Sunday without notice, 20-Dec-16: *"This is the second time in a few weeks that they have been working on a Sunday. Please acknowledge this complaint as I wish to take the issue up with the ward Councillor."*

I received a complicated response about the use of **the site** when in fact they were using **the shed** and as CA accused us of making allegations, do not think I was the only one complaining about that Sunday, I passed her a photograph of the shed in use, taken that morning:



Figure 2: Shed in Use - Sunday 18th December 2016

I was to discover later that because I had mentioned that the noise had woken the residents up that I had two incidents for noise (one of which, 272189 referred to an earlier incident that had been closed - a sacking offence in my opinion but I would only be accused of making allegations by CA) and none for the use of the shed on a Sunday, which was breaking the 5th Condition and another example of a planning officer not allocating a reference identity to a complaint so it need not be answered.

January the 17th, I received a signed letter from Haley Johnson reminding me of her misuse of Section F and her backing of the planning staff who gave misinformation/misrepresentation to the Ombudsman. It was a hollow threat as the fifth condition would have applied as soon as at the building inspector said it was fit for use. My complaint to the Ombudsman was about the second

condition and you will have to ask the Ombudsman why she added into her Findings #16. By the way it was the Senior Planning Officer's view not the Authorities'.

I did take it up with Councillor Anglin but he just walked away, 21-Jan-17: *Dear Mr Dawson, As you are dealing with the Council directly and processing an official complaint, I obviously cannot be part of any actions whilst claims and allegations are being investigated. Sincerely John Anglin.*

Do not forget that he downgraded what was supposed to be formal meeting to review approved documents to an informal one in November 2014 where unapproved drawings with errors were produced. He set all this prevarication and trails of deceit on their way when he wrote, 20-Dec -13: *"Please see below the reply from Peter. " Hello – I confirmed at our meeting with Mr Dawson and others on 25th Sept Nov 2013 that I had measured the width and length of the ground floor external footprint and height of the structure and that these dimensions were all in accordance with the attached approved drawing and planning permission."*

August 2017.

In early August the containers in UK Docks' dockyard off River Drive got hoisted on top of each other to make space to assemble the sixth frame for their shed and it was noticeable that they were stacked in front of the protesters back gardens. A 'we know who you are' sort of threat and I do not think they were removed for a couple of years.

As the Council had conspired, with help from Cllr Anglin to keep the height of the shed from public notice, I decided to see what would happen when UK Docks raised the sixth frame on to the footings prepared in 2001 for it. It was a waste writing to Planning Officer Simmonette the promoter the extension of the shed and the associated business on the site, see December 2015, so so I thought I would try Cllr Anglin to see what his response would be.

He did not respond but Customer Advocates did: *"Dear Mr Dawson, Your email to Cllr Anglin has been forwarded to our team in line with your current contact restrictions regarding issues raised regarding the UK Docks boat shed. She went on to say:*

I must advise you that this letter is raising your historic complaint again which has been thoroughly investigated by the Council and the Local Government Ombudsman, therefore will be placed on file.

Regarding your comments regarding the additional boat shed, this was subject to a separate planning application and the Council's planning department advise that past issues do not affect the validity of any new planning applications. Following the standard planning process, planning permission was granted on 1 February 2016 for the additional work. There is nothing for the Council to add on that matter as this does not raise any new issues for Planning.

1. the historic complaint 253539 was raised by the Head of Development Services, 12-May-14 to reinstate a complaint with 8296/1A as the reference drawing – *giving a misrepresentation of the approved height:*
2. the original complaint had been consigned to the bin because the Principal Planning Officer could not answer it honestly without incriminating himself and likewise the Planning Manager. *For that reason it was never assigned to a Feed Back Reference No.*
3. permission granted referred to application ST/0461/14/FUL - demolition of the existing single storey office block and workshop/winch house with additional office and storage accommodation on its roof. The existing buildings will be replaced with a new 2 storey

office block, workshop with winch house and mezzanine floor to provide a staff canteen, managers office, kitchen and sanitary facilities, ***an extension to the existing boat shed***, etc.

4. I did not refer to the additional boatshed I referred to the *extension to the existing boat shed*!

I've got up to the back end of 2017 and only covered half of it; if you look into what went on with Messrs Simmonette and Burrell you will find it very disturbing and worse is the conduct of Hayley Johnson which I reported to the Chief Executive but CA just filed it away and I do not know if he even bothered to read it:

19th June 2017

"Dear Mr Dawson

Thank you for your letter to the Chief Executive, Martin Swales, dated 26 May 2017 which was received 13 June 2017. Your letter has been forwarded to our team in line with your current contact restrictions regarding issues raised regarding the UK Docks boat shed.

I must advise you that this letter is raising your historic complaint again which has been thoroughly investigated by the Council and the Local Government Ombudsman, therefore will be placed on file

Yours sincerely

Alison Hoy


It was a signed letter by Alison and the Chief Executive must take responsibility for asking her to conflate a complaint about the shed being taller than planned with the way his staff have handled it.

I'm still waiting for the CEO to write that apology to the MP for Berwick and Mr Mansbridge to write to the residents of Greens Place and Harbour View, to apologise for telling them that the shed had been approved when it hadn't. That is never going to happen but I am not going to rest until Council's like South Tyneside stop abusing the services Local Government Ombudsman to push their pet projects through corrupt planning and complaints procedures. Do not imagine that South Tyneside Council is alone in this respect. Look at the trouble that Grenfell Tower is giving everyone.

I think the easiest way to put a stop to it, is to bring it to the attention of Parliament, and let them decide if it should be made a criminal offence to lie to the Ombudsman though it might be better to wait till the Pandemic and Brexit have done their worst first.

I hope for all of us that the worst will soon be over.

Yours sincerely



Michael Dawson

* If the approved plan gives a height of 12.8m and the height built at that point is 15.5m then the shed is 2.7m taller than planned and it is therefore a misrepresentation to say it had been approved. The person backing their claim with an unapproved or doctored drawing can therefore be properly accused of fraudulent misrepresentation.