

Dear Jen,

Thank you for the copy of the letter sent by Mr R Heath, an Inspector for the Ombudsman, to Anne-Marie Trevelyan on the 26th September.

He first tells us that he is acting in line with a code which says:-

*The Ombudsman's enabling legislation allows him to decide which complaints he wishes to pursue. While we aim to help people where we can, and where we decide it is appropriate to do so, the law places restrictions on our work and we operate with limited resources. That means we only look at what we decide are the most significant and serious complaints.*

I personally think that giving misinformation/misrepresentation to the Local Government Ombudsman is a very serious offence but he appears to be content to let evidence that South Tyneside Council have been giving them misinformation be destroyed, when he says:-

*We no longer hold any documents relating to the complaint, the decision or our consideration of the complaint, in line with our data retention policy, and the time for challenging the decision has long since passed.*

That was with regard to their investigation 14015052 carried out in 2015 and he fares no better with their second investigation:-

*I note Mr Dawson has also previously attempted to challenge the decision as part of another complaint to this Office in 2017 under the reference 17001436 but that we declined to take the matter further at that time. We closed this case more than six years ago on the basis we had already considered and decided the issues raised and again, documents relating to the case have been deleted.*

The second Inspector, Mr P Lewis, conflated the complaint that a shipyard slipway enclosure on Tyneside was 3m taller than permitted with the second complaint that South Tyneside Council had lied to the first Inspector when they said that the shed was not taller than any approved document allowed.

Mr Lewis then consigned the separate complaints, that the slipway shed was taller than planned and that South Tyneside Council had been giving misinformation to the Ombudsman to the waste bin:-

*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.*

You said in your covering email of the 5th that Mr Heath's response would not be the response I was hoping for but I think it only goes to show that the office of the Local Government Ombudsman has been corrupt for some time and the planning officers and their managers of South Tyneside Council were aware as long as I have had anything to do with them. It started in 2013 or possibly a bit earlier when they left me no choice but to resort to the Ombudsman to establish that an immediate neighbour did not have permission for the redevelopment of his property.

That was water under the bridge but it showed me the importance of keeping an accurate record of drawings and plans and how they were being referenced and here I refer to correspondence between

South Tyneside Council and the MP for Berwick in 2015 about the shipyard slipway enclosure or shed on the banks of the Tyne, when I discovered that the Council were using the Ombudsman's findings to misinform her.

I had suspected that the Council was misinforming the Ombudsman, to push through favoured projects without planning permission but needed some evidence i.e. something in print to back my suspicions. I had explained to the MP for Berwick that the shed was taller than planned but the Council's Corporate Lead told her otherwise.

*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.*

I repeat, if the approved plan or drawings indicate that a structure is nearly 3m taller than planned it is not an allegation to say it is taller than planned, it is the truth and it is therefore a lie, to tell LGO Inspectors, MPs and others including myself, that it is not taller than planned.

Two MPs, because while I was corresponding with the first Inspector it became obvious that she was being misinformed and I raised the issue about the conduct of the Council's Planning Officers with the MP for South Shields but someone had noticed that had taken up lodging in Amble and the case ended up with the MP for Berwick.

Anne-Marie Trevelyan then had, not only the case notes given by me to Emma Lewell-Buck in March 2015, but some additional information sent three months later which I had copied to the Chief Executive of South Tyneside Council. I had added, knowing full well there no approved drawings to show that the shed was the permitted height:- *"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.*

As you can see the Chief Executive asked one of his officers to accuse I and others of making allegations about the shed's height and I was not at all pleased about it and when I moved back to South Shields I decided to challenge him again about his officers giving misinformation to the Ombudsman and wrote to him on the 8th July 2016 explaining that the shed was built without planning permission and asking:-

*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.*

He was well and truly trapped because he either had to lie about his staff giving misinformation to the Ombudsman or explain why his staff were giving misinformation to the LGO but he played his get out of jail free card by asking his Corporate Lead who had already misinformed Anne-Marie by accusing us of making allegations about the shed, to misuse a Section (F) of a Staff Code to remove the need to answer the question:-

*I now consider this matter closed. Should you continue to repeat historic complaint issues in your contacts, we will consider imposing formal restrictions on your contact with the Council. Should you continue to repeat this same complaint already investigated by the Council or the Ombudsman, including historical plans or perceived misinformation, we will not acknowledge, or respond to those communications.*

Part of the answer is that the Chief Executive and his staff can rely on Inspectors like Messrs Heath and Lewis to make sure that the truth about shed remains hidden and it appears from here that giving misinformation to LGO would be better described as fraudulent misrepresentation.

That in turn raises the question who profits from giving misinformation/misrepresentation to the Local Government Ombudsman?

Kind regards  
Michael Dawson