

Introduction

It is ten years since the two large cranes arrived beside the slipway off River Drive in South Shields. They were there to lift an overhead crane into the additional roof space of the slipway shed, cover or enclosure was awarded after South Tyneside Council had withheld plans and drawings that showed the shed to be 3m taller than the permission granted in 1996. The additional space was about 3m high, 13m wide and ran for the entire length of the shed and one only has to look at the plans approved in August 2013 to see the truth of this.

The UK Docks had started erecting their shed without planning permission and when the people living nearby could see that it was taller than planned and complained about it they were dismissed by the planning officer in charge of the development when he said it had been approved. He made this claim on behalf of UK Docks and it was fraudulent. It soon became clear that his view contradicted those in South Tyneside Council (STC) thought otherwise when they forced UK Docks to stop work on it about the time that the fifth frame had been erected.

The yard had remained quiet for nearly 3 months and the dichotomy ended when two members of the local Masonic Lodge were persuaded to back the Principal Planning Officer's claim that UK Docks had approval for their shed, rather than those like me, who knew, or worked out, that they had none. I first raised objections at a meeting held in the Town Hall on the 25th November 2013 but a Councillor who had also sided with the Principal Planning Officer wrote:-

*Michael, I took no minutes as is customary at these informal meetings.
For your record I am sure all would agree: 1. The Exec representatives of the Group
accepted that the construction had been made legally as per drawings seen.*

The two representatives opinions differed from mine and the other members of the Group and I was not happy to be associated with those who held a view that confused the terms legal and approved, so I raised the issue with the Principal Planning Officer himself and he replied:-

*Mr Dawson – once again – I have measured this on site and have copied the 1996 plans
across to you twice already (attached again for your use) and I have explained during our
meeting that the base and height of the structure are compliant...this is the end of the matter
as far as I am concerned
Please do not email me again
Regards
Peter Cunningham
Principal Planning Officer*

It turned out that they were not compliant with any approved drawing but we were not to discover this until about 2 weeks after the meeting and UK Docks had by then, restarted work on the shed.

Approved v Non-approved Drawings

The structure was not based on any plans approved by the relevant planning authority in 1996 and it was not until the end of January 2014 did we get proof of the simplicity of the fraud. I had asked the Planning Manager why, in the four months or so that we had been making enquiries about the shed's height, we had not seen one single approved drawing from 1996 and it was not until he sent me a copy of one that had been approved, was the truth about the structure revealed.

It showed that the landward end of the shed had a planned height of some 12.7m whereas UK Docks and the Principal Planning Officer, Mr P Cunningham, had each falsely claimed in different ways of an approved height at that end of 15.5m. UK Docks by saying that their shed was legal and Mr Cunningham by giving out misinformation after the meeting in November 2013:-

Email to a Councillor, 19th December 2013.

“ Hello – I confirmed at our meeting with Mr Dawson and others on 25th Sept 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...I copied these two documents to Mr Dawson after the meeting as per his request.

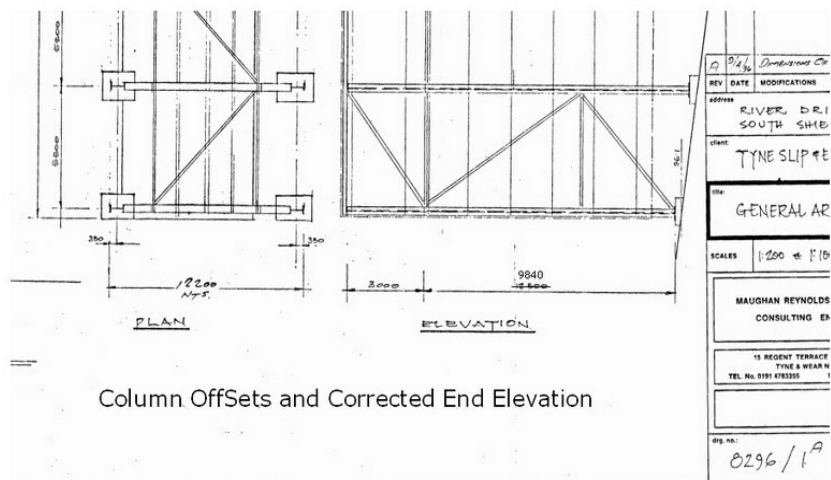
The meeting was held on the 25th November and neither had UK Docks' drawings nor any of those provided by Mr Cunningham been approved and STC have managed by various strategies been able to maintain the lie about the shed's height for ten years. It was within days of that meeting of the 25th, that those living close to the site noticed that UK Docks had been allowed to restart work on their shed.

That UK Docks had made the columns of the shed vertical meant it was easy to determine that the shed was also nearly a metre wider than permitted but the Council have always claimed that was not a material consideration. If the shed had not been 2.7m taller than permitted that claim may have have been reasonable.

The Exec representatives may have been happy to hear that the shed was legal to mean approved but I was not and I certainly did not wish to be party to the fraud that the shed's height had been approved. Mr Cunningham's claim was based on drawings generated in 1996 and 1997 and I repeat, neither the ones provided UK Docks, 8296/1B and cropped copy of 8296/2 nor the one given to me by Mr Cunningham bore any indication of approval – please see insert.

They had not been approved because they both contained a fundamental flaw and that was that the draughtsman had given the height of each end of the shed as 15.5m and it would only make sense if the shed's roof had the same slope as the slipway.

The flaw is found in the dimension the landward end of the shed. The 12,500 on the elevation should read 9,840 giving a total height of 12.8m and 15.5m at the other end.



Just over two weeks after the meeting in November 2013, the plans which had been approved in mid October were made available on the Planning Portal on December the 10th and they confirmed that it was landward end that was wrong. The main part of drawing showed the river end of the shed and was drawn to a scale of 1:100 so that it was easy to determine that its height nearly matched the height given by the corrected end elevation as shown in the insert.

That left the Planning Manager and those above him in the hierarchy of the STC with a problem that could have only been resolved by asking building control to tell UK Docks, again stop work on their incomplete shed. They never did and that led to the trail of deceit which included South Tyneside Council having to lie to the Local Government Ombudsman to hide what went on in the last few months of 2013.

It had become clear to me, in the weeks before the meeting in November 2013 that the STC were giving misinformation to the Ombudsman for the benefit of favoured clients such as a procurement officer and his employer, who was at the time, a director of a firm called HB Hydraulics based in Hampshire. I had been told by a Performance and Information Support Officer of the Council:-

I am writing in response to the Local Government Ombudsman's decision letter received by the Council on 8 November 2013. The investigator has made us aware of issues you had raised in response to their provisional view of your complaint and that they had advised you that you would need to raise these as new complaints with the Council.

I had first raised my objection to the development of No 71 and No 72 Greens Place in 2012 and did not raise *a new complaint* as I had worked out that it would be futile as it relied upon a planner's interpretation of chapter 8 of planning guidelines SPD9 and it was clear from other developments in the street that the interpretation depended on who the customer was and whether they had the building inspector on side, rather than what was outlined in guide.

Furthermore the Council had persuaded a local architect to produce a drawing of the party wall that I shared with the owner No 71 to reflect what he had built rather than what had been permitted. The drawing was made some weeks *after* the Ombudsman's provisional findings had been published.

The Deception about UK Docks' shed.

It appears that someone had advised UK Docks that they had no chance of getting their longer shed if they had admitted it was taller than planned and why they had claimed in September 2013:-

"All I can say is that we have been through all the controls with the planners, and the work meets all the necessary legal requirements.

The work may have met legal requirements and one would naturally assume that the structure had approval but it transpired that they had no permission for the extra height at all.

The drawings produced by UK Docks and later by the Council were made a great many years *before* they started to erect their shed with its extra height and width required for the fitting of an overhead crane. We were told by the Planning Manager that they had made the sides of the shed vertical to increase the stability of the structure which may or not be true but it was irrelevant.

It was not until a pair of large cranes arrived in the boatyard to fit the overhead crane that I sent in the complaint based on the drawing approved by the Planning Manger in October 2013 saying:-

As the applicant has not discharged condition 2 why is there no retrospective planning application?

I had phrased my complaint in that fashion because I had noticed over the years that the Council's Planning Officers generally detested a retrospective planning application where there were material differences between what had been built and what had been permitted because they would have had to have been honest about drawings and plans rather than lying about them or getting them redrawn as was the case of 71 Greens Place.

Condition 2 stated that the shed be made to approved plans but the drawing the Principal Planning Officer had passed to me to support the UK Docks claim that they had approval for their shed clearly showed that they were in breach of the permission granted in 1996 when the flaw in it, was taken into account.

After the Planning Manager had sent me copies of approved drawings from 1996 in January 2014, [he conceded that the shed was indeed taller and wider than planned by mid February 2014:-](#)

the current structure is not built to “approved” plans - Any deviation from the approved plans (and this also goes for the issue of the tapering of the vertical steelwork), needs to be considered on a case by case basis.

The residents then organised a meeting at a local sailing club in early March 2014, and more than 20 of us turned up, and was decided that I should write and thank the Planning Manager for his concession with particular respect to the shed's height and I did that by [deliberately referring to an approved drawing from 1996.](#)

At the meeting, it was also decided to rise a petition deploring the conduct of the Council over the previous six months and while it did not specifically mention the evasions of Principal Planning Officer from day one and lies of his Manager since mid September 2013, we had no difficulty in gathering a few hundred signatures within days but it was contradicted and it appears that South Tyneside Council have since adopted a policy of ignoring any petition connected to a planning matter which obviously saves them from having to misinform the petitioners.

This should be of great concern to all. Especially as it ties in with the fact that the police and the law take little or no action against any local council over planning matters and STC are not alone in hiding behind that rather useful screen. One only has to count how many potential 'Grenfells' are dotted around the United Kingdom to prove the point and by the way, there were reports of similar fires spread by cladding, well before Grenfell.

The local paper, the Gazette, got hear that our Petition was doing quite well and published some of the misinformation that STC was dishing out under the title of 'Shed Load of Grief' and I tried to bring it to the attention of Head of Development Services, Mr G Mansbridge, but failed :- *To cap it all there was an article in the local paper on Apr 1st showing most flattering photograph of the offending shed saying that it was only 36ft high. The author of the article may have got away with saying that in September but not now.*

Not unconnected with this misinformation, I was shown a response at a Stage 2 level by another resident on the 29th April who was also aware of the evasions and lies made by both Messrs Cunningham and Atkinson. He had been told:-

The Development Permitted in 1996: The approved dimensions of the steelwork, taken from drawing number 8396/1A show: • The proposed height as 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.

The other resident, whom I believe to have written the Petition, had said on 27th March 2014:

The development permitted in 1996 As Gordon Atkinson subsequently conceded when confronted with incontrovertible evidence from my neighbour Mr M. Dawson, and apparently STMBC's own legal advisors, the structure has not been built in accordance with any approved plan. On 18.9.2013, Gordon Atkinson wrote to tell me that “the dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on the approved drawings”. This turns out not to be true.

They were connected by Mr Atkinson's lie, first made in September 2013, “the dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on the approved drawings”.

While I could have, I did not directly accuse Mr Mansbridge of corruption, I chose to address the misconduct of both his Principal Planning Officer and his Planning Manager when I wrote to him on the 2nd May:- *If I had followed the suggestions by these officers there would have been no admission by the planning office that the slipway shed on River Drive had not been built to plan and it ill behoves you to refer my email to the formal complaints procedure as well.*

The [complaint about the shed's height had gone in on the 10th of January 2014](#) and first response was to refer me back to the meeting where he had misled us about the shed's height and he added:-

“If you are still not satisfied with the Council’s response then you should use the Council’s complaints procedure which has 3 stages”.

He had not acknowledged the original complaint and suggested I use the Council's Complaint Procedure (CPP) and this one of the primary methods of corrupting any complaints procedure.

Notice that he passed me back to a meeting that should have but did nothing to resolve the situation regarding the shed. While not a flat denial his back pass was yet another method of corrupting the CPP and naturally I was not happy about this and reply:- *Therefore until I have some satisfactory answers to my very reasonable questions I do not consider this matter closed. If you are unable to supply me with answers to my questions could you please pass the issue to someone who can.*

Two days later, on the 15th January I received what could only be considered as a second stage response and it was made by the Planning Manager, Mr G Atkinson:-

The dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on the approved drawings. The variation in the angle of the pillars is not considered to be material.

I did not know at the time that he had already told a similar lie to my neighbour nearly 4 months earlier. That he considered the variation in the angle of the pillars to be immaterial turns out to be his opinion as the shed would have had to be made considerably wider to accommodate the travelling crane had the pillars not been made vertical and I said:- *Thank you for reply. However, I am not satisfied that my questions have been answered. The core matter is that the structure we see on Riverside Drive is not consistent with any of the drawings you have provided.*

Actually, it was not he who provided the drawings but he goes on to say, on the 28th January:-

I can only suggest that if you do wish to pursue this matter further you ask that my Head of Service, George Mansbridge, responds to any remaining points you may have formally under stage 2 of the Council’s complaints procedure. You will have to write to him and say specifically what you remain unhappy about.

Mr Cunningham's response (13-Jan) was the first stage and Mr Atkinson's (15-Jan) the second and the third, according to the CPP guidelines should go to the Chief Executive and not as he suggested (28-Jan) to the Head of Development Services. It still remains one of the best examples of an attempt at a forward pass and was made so that he could maintain the lie about the shed's height.

Early in May, we received the response to our Petition. It had been addressed to the Chief Executive but it had not got any further than the Head of Development Services and it showed that not only was he happy to broadcast the misrepresentation about the shed's height to most of those living within earshot of the goings on the slipway in use by UK Docks, he was also content to overlook the abuse the Council's Complaints Procedure by his own planning staff, when he told many of the protesters:-

I am sending this letter to all households in Harbour View, and households between 32 and 99 Greens Place to explain the outcome of the Council's investigations into the recent developments at the Tyne Slipway in River Drive.

I have endeavoured to answer all the various questions that have been raised with the Council in recent months, including in a petition which many local residents have signed.

He went on to repeat the fraudulent misrepresentation about the shed's height that he made to my neighbour, on the 29th April, and in doing so placed himself at the heart of the deceit about the shed which ended up with the Local Government Ombudsman in 2015. The misrepresentation did not include the drawing number but it was virtually a repeat of what he had told my neighbour:-

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;

When I saw his response to our Petition I wrote on May the 9th thanking him for his response and pointed out that his basic assumption was based on the same lie that he told my neighbour and was later repeated to the Ombudsman. In paragraph 33 of her findings she says:-

In response to a draft of my decision Mr X says the 15.5 metres height relates to the river end. He considers the land end should be 2.6 metres lower. He says the Council cannot prove 15.5 metres relates to the land end not the river end. I do not agree.

She then goes on to compound the lie by repeating in paragraph 35:-

In January 2014 the Council wrote to Mr X about this. It said the overall structure on the plans is 15.5 metres at the land end and the foundations are 2.656 metres lower at the river end due to the gradient. It said the agreed structure is much higher at the river end. It said it had taken measurements on site and the shed as built matches these measurements. Since then the Council has consistently told Mr X the shed is the correct height.

The shed is not the correct height and we see yet another version of the lie first told in September 2013 by the Planning Manager when he said:- *“the dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on the approved drawings”*

By June 2015, I had taken up residence in Amble and the complaint about the shed being taller than permitted ended up with the MP for Berwick and as you can see, we were falsely accused of making allegations by the Council's Corporate Lead, Mrs H Johnson:-

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.

One only has to look at either the approved drawing made by the Agents, Maughan Reynolds Partnership Ltd in August 2013 or the one made by them in 1996 to see that it was not an allegation to say that the shed was nearly 3m taller than permitted. It was far nearer the truth than what a Senior Planning Officer told the Ombudsman.

About the time STC gave approval for UK Docks to extend their shed onto the footings laid in 2001, I found a solicitor in Sunderland who thought that the best way forward was to claim that the Council was giving misinformation and or misrepresentation to the Ombudsman as the police and the law etc. would show no interest in a planning matter and [I thought to raise the subject with the Chief Executive, before I bothered the Ombudsman again:-](#)

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.

The Chief Executive, Mr M Swales, was now in a very bad place but his Corporate Lead was on hand to help him out. She had already shown a readiness to malign the good citizens of South Shields in her correspondence with the MP for Berwick and it made her the perfect candidate to issue a personal attack on anyone who dared to question the integrity any of those employed by STC. After explaining who she was, she says with reference to a complaint, 253539 in June 2016:-

There is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman. Neither do I have evidence to question the content of the Ombudsman's investigation.

Complaint 253539 had been invented by Mr Mansbridge to overwrite my complaint 248789 and as with my complaint, one only has to see or have the approved drawings from 1996 or 2013 explained to them, to see that 253539 was a pure flight of fancy in which two basic lies about the shed survived and both were repeated to the Ombudsman:-

- 1. The height of the steelwork at River Drive is clearly marked as 12.5m+3m (total 15.5m). The difference in height of the slipway over the length of the shelter is marked as 96.1-93.444 (2.656m). 15.5m plus 2.656m gives the height at the riverside of 18.156m.*
- 2. The engineer also chose to include a gable elevation of the structure on the same drawing (8296/14) but that was not drawn to scale.*

Rather than admit the truth about the shed's height the Corporate Lead, Mrs H Johnson, had chosen to treat me as an unreasonable and persistent complainant so that the Chief Executive need not explain why his staff gave misinformation to the LGO, [my letter of the 2nd September ignored and on October 5th the threat](#) is carried out:-

We will not acknowledge or respond to any issues that have already been the subject of investigation by the Council, or by the Local Government Ombudsman. Any such correspondence from you will be read and placed on file, but we will not acknowledge or respond to it.

That put an end to the truth about the shed being revealed by the Council and the Ombudsman's second Inspector, Mr P Lewis put his seal on it being revealed by the Ombudsman in 2017 when he conflated the original complaint, that the shed was taller than planned with the second complaint, that they had misled the first Inspector about the shed's height:-

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.

Six years later, a third Inspector, [Mr R Heath, told the MP for Berwick they had deleted all the misinformation](#) given to the 1st Inspector and also deleted the evidence of the conflation of the complaint that the shed had been built without planning permission with the complaint that STC had misled the 1st Inspector by the 2nd Inspector and added:-

Because the issues Mr Dawson has raised relate to a matter we have already considered and decided it does not amount to a valid new complaint. We will not therefore consider the matter further and we will not entertain any further new complaints about it.

It appears that South Tyneside Council had a direct line to those Local Government Ombudsmen who were happy to accept what those who had so obviously had corrupted their own complaints procedure were saying and they could rely on all the evidence of this happening, being destroyed.

I realised from the Council's actions regarding a party wall in 2013 that something was wrong with the way that complaints were being handled by the Ombudsman and while I was developing *theharbourview.co.uk*, I decided to store all the correspondence with the Council and the Ombudsman in a section called docs, which became after a while, *theharbourview.co.uk/evidence*.

For most of the last six years much of it was not available as I had put it behind a password wall. I felt their Legal Services were manipulating some of the data held in it to maintain the fraud about the shed's height but since Mr Heath's letter to the MP for Berwick I have decided to make the evidence of the corruption endemic to complaint handling by planning departments, open to all.

It needs tidying. I know.

Yours sincerely

Signed

Michael Dawson