

Dear All,

30th November 2020

South Tyneside Council and the Local Government Ombudsman

When discussing how a Council corrupt their own complaints procedures one needs examples and I have chosen the two that I have been dealing with over the last seven years.

For each case to which I refer and use as evidence, the original and some approved plans are available. Copies of them can be found on the public website 'theharbourview.co.uk' and to save on numerous attachments they can be viewed by searching on the drawing reference number.

There is another case in the borough where building control and planning enforcement appear to have gone with the wind and that is where a developer built a block of flats with an extra floor. This will always be open to speculation until a copy of the original plan turn up. They are believed to show approval for a three stories and has 4.

In the two examples to which I refer, the approved plans still existed when the complaints first arose, and it was shown quite clearly that both developments were not built to the approved plan. It appears from both, that the Council first corrupted their own complaints procedure then misused the services of the Local Government Ombudsman (Ombudsman), to hide the lack of building control.

1. 71 and 72 Greens Place: Senior Building Inspector, Mr M Telford:
 - 71 replaced a first floor patio fence with a wall and made a second floor patio space by raising the wall cappings enough to ensure the safety of people using the upper roof terrace;
 - 72 merged the two roof windows permitted into one covering most of the roof.
2. UK Docks enclosure (shed): Senior Building Inspector, Mr M Telford and Principal Planning Officer, Mr P Cunningham:

The shed was built wider, taller and longer than permitted in two stages.

 - the first stage was built wider and taller than the approved drawings allow and was passed by building control in June 2014;
 - the second stage, to lengthen the shed, was also made in June 2014, under a new application was made to extend it a few days later such was their confidence in the ability of the Council to hide the variation of the shed 'signed off' a few days before.

In the latter case UK Docks and the planners did not realise that the gradient of the slipway gave scale to any side elevation of the shed and when the pillars were made vertical the width could be gauged quite accurately (<1%) from Greens Place [as soon as nearly all the frames had been erected.](#)

71 & 72 Greens Place.

The two properties were both granted permission to build a third story onto a terrace of mainly two story dwellings and both show that the owners built what they thought they could get away with rather than what they were permitted. The development at 72 did not overlook my property, at 70 Greens Place, but 71 did and my protestations to the Committee Meeting 12th November 2012 about both were ignored until I decided to complain to South Tyneside Council about 71 and the complaint was logged as 230018 in 2013. I did not complain about 72 because I accepted the Senior Building Inspector's word for it that the variation from plan was not material. In retrospect I should have asked for his response in writing as I discovered that it was material and not his decision to make but it would have been his duty to report it to planning control.

The party wall between 70 and 71 is slightly different. When I looked back through the exchanges with the Council, I realised all the reasons for the complaint had been stripped out by the time the complaint had got to the Ombudsman and it had been reduced to a matter of opinion and Ombudsman actually rang me to ask what my complaint was about.

I explained to her that they had not followed the guidelines SPD9 and had allowed the development to require a party wall agreement. I need not add that it was never honoured and two rather costly letters from Wardhadaway Law Firm were required to get one in place as the owner 71 had told his solicitor that one was already in place.

I raise this last point to put a spotlight onto the sort of people with whom I have had to deal with over that last few years and though I do not wish to tar everyone with that brush, and certainly not the current Monitoring Officer, there are some who are quite content to lower their standards to that of Mr Haig. He is the owner of 71 Greens Place and a director of HB Hydraulics. Mr Watson, the owner of 72, appears to have been a procurement officer for the same firm for a number of years, I'm not sure about his qualities but I do know that they were both members of the same Masonic Lodge when they took control over the Tyne Gateway Assn (TGA). Their business was, and still may be, a firm based in Portsmouth, Hampshire supplying services to Navel Dockyards of which UK Docks Facility on the Tyne, is now one.

My request for the Ombudsman to reconsider my complaint was refused on 8-Nov-13 partly because the Ombudsman considered the flouting of a party wall agreement as irrelevant i.e. my £1,800 to get it implemented was therefore a total waste of money and yet another pointer to corrupt planning practice. The building inspector, Mr Telford, was either not informed by my neighbour, Mr Haig, that a party wall agreement was in place, or if he had, he had kept it to himself. He also turned a blind eye to the fact that the fence atop the party wall was replaced by brick one, nearly one and a half times as long and the capping on the roof of the first floor had been raised by over a meter, i.e. sufficiently high to make it safe for a rooftop patio.

I did call the Planning Office while the walls were being built and they did say that a building inspector would be sent out but one never came and because the walls were completed per Mr Haig's instructions over the next few days and you can still see that the quality of the brickwork towards the top of the taller wall, done at a rush, deteriorated quite visibly.

I was threatened with enforcement action ENF/12/0155 because I had not used metal rainwater goods while my neighbour had replaced a fence, ST/0966/12 – drawings 00 and 000, with a wall and this was overlooked. If Mr Egginton and Mr Telford or their successors deny double standards, there is evidence to the contrary.

Easier still one can verify for oneself that the Council were out of order to specify metal rainwater goods at the rear of any of the properties on Greens Place and a stroll along the back lane by the fort will confirm that there is no fence atop the boundary wall between 70 and 71.

The Council at first agreed with me that as Mr Haig had not built what was permitted, and planning consent should be sought retrospectively under ST/0749/13/FUL else he would have had to replace the top of a first floor boundary wall with a boundary fence and to reduce the height of the boundary wall on the first floor roof.

To avoid the inconvenience of having to take enforcement action, and incidentally discipline the building inspector, the Council replaced ST/0749/13/FUL with ST/0749/13/HFUL some time between 13-Nov-13 and the 5-Dec-13. It appears that someone had deleted the former by overwriting it with the latter, in preparation for the following two letters;

1. from Alison Hoy, reference 230018, my original complaint about Mr Haig's redevelopment of 71 Greens Place, saying I would have raise a new complaint and talk to RICS. The RICS Agent in South shields appointed to survey 70 Greens Place, not by me but by a well known Estate Agent in South Shields, I hasten to add, said my property had three chimney stacks where there is only one! He also claimed my first floor extension was built without planning permission, a lie which is still being repeated by one or two local residents. I justifiably have no faith in any RICS agent appointed by any business in South Shields.
2. the second, a letter informing me about ST/0749/13/HFUL by the Planning Manager, Mr Atkinson: *Careful consideration was given to all the representations made and decided to*

grant planning permission. He had ignored all the representations made under the former application. ../FUL.

If the application by Mr Haig for retrospective permission ST/0749/13/FUL had been properly considered it would have been made clear to all that building inspectors were absent during the critical phase of building of the party wall. It appears that ../FUL was deleted and replaced by ../HFUL and No.71 (the only house in the set of Pilot's cottages with a roof balcony) will have to remain as a footnote to the double standards employed by planning enforcement officers and the corrupt practices regularly employed by South Tyneside Council.

I had been wondering whether to contact the MP, David Miliband about the goings on with 71, 72 Greens Place and the Ombudsman, when the frames for the structure on the slipway off River Drive went up, September 2013 and so I turned my attention to UK Docks and the framework for their shed. Not only me but quite a few others had worked out that the shed was three meters too tall and I thought it issue would be resolved by Christmas.

UK Docks, previously Tyne Slipway and Engineering Company, River Drive.

It was very easy to prove the shed had been built with extra roof space to accommodate the overhead crane and one only has to look at the approved or authorised plans or drawings to see what the local residents, were saying was true and what the Council was telling everyone including the local residents was false.

I concentrated my effort on UK Docks hoping to return to Mr Haig and his development at No 71 in the new year.

Little did I know that the Council would manage to deny that the shed was taller than planned for six years! It appears that Mr Telford told UK Docks that their structure's variation from plan was not material either. Councillor had been told that the variation in plan was not material in the Spring of 2019 and when corrected she and the MP were told that they had been given permission for their shed retrospectively. That was a lie of course but by saying it were agreeing that their shed was taller than planned.

I felt that important to get a denial from the Council, in writing because it appeared UK Docks had started telling people something I knew to be a lie. I realised that once it had gained traction the Council would use it as they had used the lie about the shed having been built to the approved height for all that time.

I was so concerned about it that I emailed the Monitoring Officer within a few days, 7th May, and again though I addressed it Mike Harding, on 19th June but did not even receive an acknowledgement for either. I was aware that Mr Harding was the Monitoring Officer at that time.

The situation began to remind me of the Autumn of 2013 when the Planning Office would not respond to our claim that the shed was too tall and out of frustration I again wrote to the Councillors on the 12th September about it. The response was that the post of Monitoring Officer had been transferred to Nicola Robason.

It was not until the 19th December 2019 that she agreed with me: *"I can confirm that the Council as Local Planning Authority has not received a retrospective planning application from UK Docks. It is entirely a matter for UK Docks to decide whether or not to submit such an application and the Council has no influence in that matter – all complaints procedures regarding this matter have been exhausted both internally within the Council and externally."*

As you will see she was hiding the fact that the Council had taken no enforcement action.

Work had been stopped on the shed for four months in late 2013 while the Council had time to resolve their problem with the shed – it was 2.7m taller than planned and they had done nothing about it except they [gave us a cropped drawing with a vital dimension missing](#), that of the height of the landward end of the shed. Not only that they gave us a drawing which a near copy of an unauthorised drawing which contained an error in the same dimension.

All they had to do was to tell Mr Wilson to build his shed to the correct height or remove it i.e. issue an enforcement order but they they preferred to pass on Mr Wilson's dubious plans instead and Nicola says the Council had no influence in the matter.

UK Docks could not risk applying for permission retrospectively because while they may have been granted permission for a wider shed it was doubtful if they would have been given permission for the taller one else why would they and the Council try to con us into believing the taller shed had been approved. They certainly would not have been given permission for the longer one else why did they hide the fact that they had laid foundations for six sets of frames in 2001.

While an application for retrospective planning permission would have had serious consequences for both the Council and UK Docks the Council had more to loose from because our complaints about it being oversize and in the wrong place were directed at the Council not UK Docks. The first thing to be put under the spotlight would be the decision by the Planning Manager not to consider the 2nd condition in ST/1146/13/COND because it would have been shown that he knew the shed was too big by October 14th 2013.

It appears that the Principal Planning Officer knew it as well but would not say it. He repeated more than once that the plans given to him by UK Docks, or the equivalent held by the Council, represented the approved height of the shed. Both drawings were not approved, contained the same error and were later presented the Ombudsman in order to misdirect her. She did not uphold our complaint and that was what was pointed out to me by my solicitor.

All one has to do is examine the approved drawings and look at paragraphs 19-23 (the width) and 30-38 (the height) of her findings to see that the Council misled the Ombudsman - explained below. Paragraph 21 of her findings, where the order of events has been changed is in my mind the most serious misrepresentation of all: *"The Council considered if the building accorded with the approved plans. The planning officer originally assigned the case considered the developers were building the boat shed to the measurements in the 1996 plans. The Council accepts these measurements were wrong.*

They were not wrong, it appears that the building inspector told the differences were not material.

The Council still publish a handy guide to their Complaints Procedure and it bears hardly any resemblance to what happened from the time UK Docks first made their presence known to their immediate neighbours off River Drive in September 2013 and when I took Alison's email of the 9th December 2015 to a solicitor.

Stage 1 – Our focus at Stage 1 is on putting things right; you wouldn't usually receive a written response at this stage unless you ask for one.

To satisfy two of the conditions, 3 and 4, of the permission granted in 1996 UK Docks applied for permission under ST/1146/13/COND some time in August 2013 because a drawing 8296/14 was made for that purpose, it is dated Aug' 13 and it was approved on 14-Oct-13. The river gable end on it was drawn to a scale of 1:100 so it was easy to judge that the permitted height was 15.5m rather than the 18.2m as claimed by UK Docks using 8296/1B or the Council using 8296/1A.

The height of the landward end of the shed is shown on the authorised drawing, 8296/2, to be 12.7m if you have any doubts about ../14.

The other conditions, 2 and 5, were overlooked, 2 for the reasons just given and 5 because the boat yard was in a residential area and needed no change.

When they laid the foundations to meet the first condition the second failed immediately because of the extra width and that fact remained hidden from 2001 until I reported it in December 2013 to Cllr Anglin following the meeting in the Town Hall, 25-Nov-13. The meeting had been arranged to decide whether the shed should be removed or rebuilt.

Cllr Anglin completely overlooked the fact that no approved drawings were produced when he said, 16-Dec-13:

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.

No minutes – no wonder the planning officer got away with the lie that the shed had been approved. I was not an executive representative. I was upset that the meeting was not formal, dubious about the construction been made legally and the Council had already published the approved drawing 8296/14 (confirmation that it was taller than planned) but I was more concerned about the width because the drawings approved or not showed it to be 12.2m and it was 13.1m. Legally was removed when he repeated the message from the Planning Officer:

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...I copied these two documents to Mr Dawson after the meeting as per his request.

Councillor Anglin, 19th December 2013

This was backed up a day later without any provocation:

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.

Peter Cunningham, Principal Planning Officer, 20th December 2013

Those plans were not approved and contained a fundamental error and while the Chair of the Tyne Gateway Assn, Councillors and the Director of a Marine services company based in Portsmouth may have been happy with these sort of replies, this resident was not.

It should be a given that if an approved drawing said a planned height was 12.7m, as per the 1996 drawing recovered from archive, 8296/2, or 12.9m in the case of 8296/14 a drawing given approval in October 2013, **then the approved height is a bit less than 13m. It is not 15.5m** and that why no approved drawing was seen at or after the meeting. It appears that both the Councillor and the Planning Officer were extremely confident in getting away with the lie about the shed's height because they put it in writing. Why the dishonesty, what were they hiding? The answer was simple: no-one had told the enforcement officer about the shed being wider and taller than planned or if they had they had been told to go away and mind their own business.

When work recommenced on the shed, after a four month break I submitted the observation the shed was taller and wider than planned and the Council had done nothing about it.

It was sent to Planning Enquiries but was picked up by the Principal Planning Officer and removed from the complaints procedure and to this day it has never been properly considered. Instead of acknowledging the complaint he passed it back to the TGA so that he did not have to do anything about shed oversize. He was 'planning control' at the time of the meeting.

May I therefore suggest that you speak with the Chair of the residents group in respect of the points that you have raised below, as these have already been discussed and explained. If you are still not satisfied with the Council's response then you should use the Council's complaints procedure which has 3 stages.

Principal Planning Officer, 13-Jan-14

Collectively we were well into the first stage of a complaint which began in September 2013 when he refused to answer the question: *Has the revised height of 15.5metres been approved or is it in breach of the 1996 Planning approval?* His refusal to answer this question, repeated in October, was why we resorted to resurrecting the TGA, and that proved fruitless as the Vice Chair did not declare his interest in UK Docks and became Chair and then totally fruitless as the Treasurer's post passed to a director of a company who employed the Chair. Put simply control of the TGA passed to a company who depended on the likes of UK Docks.

I was aware of all this and without getting sidelined into the failure of the TGA, I tried to get the complaint back on track:

..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.

M Dawson, 14-Jan-14

Stage 2 – Your complaint will be passed to a senior manager to carry out an investigation.

The main thing is the complaint was sent in on the 10th January and then removed from the complaints system. When a record was made, 248789, it was no longer represented the actual complaint of the 10th January. It had been replaced by the Planning Manager with the almost meaningless: *"see email to planning 14/1/14. Mr Dawson asking various questions relating to the ongoing development at the slipway, River Drive, South Shields."*

The complaint had been flicked into the digital equivalent of the waste bin by being overwritten. He was given the opportunity to set things right i.e. stopping work on the shed but chose not to do and the easiest way to do the was to ignore the observation/complaint altogether. Instead of doing anything about the shed being oversize he more or less repeated what Mr Cunningham had said a few weeks before:

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.

Gordon Atkinson, Planning Manager, 15th January 2014

I might add that it also saved him the tiresome job of reprimanding his Principal Planning Officer.

There were many misrepresentations in the Planning Managers next response, 28-Jan-14 that it was marked [PROTECT]. I will quote the one that is most properly described as a lie, hence the protect: *"8296/14 is the recent drawing and the only purpose of that is in regards to the condition dealing with the strip curtain door fixing details. You explain that you have measured the height from this*

drawing as 15.6m, and you seem to have assumed that is the riverside elevation, and have adjusted for the gradient of the slipway and concluded that the height at the River Drive side should be in the order of 3m less. In fact the 15.6m height is the height to River Drive and the height on the river side is some 3m greater.”

The strip curtain door was designed to be pulled aside to allow boats to enter and they enter from the river, therefore the height of the **river end is 15.6m not the River Drive end**, that being 2.7m less or 12.9m. This agrees with the only approved drawing from 1996 with a dimension which happened to be the landward or River Drive end (12.7m) as explained at the foot of page 4.

He had already conceded that the shed was wider than planned so he could no longer disagree with the fact that the shed was taller and wider than planned and that was why about 30 of us met at the Littlehaven Yacht Club 3-Mar-14, to decide what to do next. We agreed to raise a Petition and I should write a letter thanking the Planning Manager for finally agreeing with us about the shed's height. He had already agreed with us about the width and we were then discussing 8296/14.

He had done nothing about the shed being taller than planned because UK Docks were still working on their shed and the Council was still giving misinformation to the local press and I wrote to his boss about it:

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. You should know that it is over 50 ft high and that is what we have been saying for months now. It's planned height is about 42ft.

M Dawson, 4-Apr-14

The Head of Development Services did not want to know so referred this back to his Planning Manager and this says everything about the Council, the fact that they had let UK Docks carry on with fitting their crane and cladding the shed caused us concern but it was not our problem, it was one of planning control or rather the absence of it.

It was not too late to ask them to lower or remove the shed but the Council had other ideas and it came in response to our Petition which we had raised after the Council's concession that the shed was after all, too high. His response was to repeat the lie that the planners had told him and he did this in spite of being told by me that the shed was built some 8 feet (2.45m) taller than planned:

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.

Head of Development Services, G Mansbridge, 2-May-12

I had seen what amounted to preview of what Mr Mansbridge likely to be in the response to our Petition in what he had written to a neighbour, on the 29-Apr-14: *“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.”* and realised that the Planning Manager was saying one thing to me but something different to his boss Mr Mansbridge. I hinted at this to Mr Mansbridge and implied that the conduct of his planning officers left much to be desired:

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.

M Dawson, 2-May-14

This was possibly a misunderstanding by me but I decided not to correct it when I saw his response to our Petition and told him in no uncertain terms that he was wrong about the height of the shed:

This is not true, there is no supporting documentation which says that the approved height is 15.5m at the River Drive end. All indications are that the approved height is 12.5m which one can get from scaling the portal details in the Drawing 8296/14.

M Dawson, 9-May-14

I also added some notes to explain how the approved drawing showed the height of the shed and asked him to consider a correction to his letter to the households 32 to 99 Greens Place and all the households in Harbour View. That would have meant asking the UK to stop work on the shed as well. He chose not to do either. Instead he chose to overwrite the history of our complaint 248789 with a new one 253539 which said: *“Letter to GM following previous letter dated 4th April. Not happy with G. Atkinson’s response at Stage 1. Letter to be dealt with at Stage 2.*

If the records are checked one will see there is no escalation from Stage 2 to 3 because there was no need for it. Mr Mansbridge decided to overwrite it, 12-May-14, so that the complaint could be driven forward to the Ombudsman under a new number. ***Complaint 248789 no longer exists.***

Stage 2 Complaint: 253539 - *Thank you for your complaint, which we received on 8th May 2014. I will now investigate your complaint and send you a response within 15 working days. If this is not possible I will let you know why and give you a date when I will be able to provide a full response.*

This is what I call a back-pass and after non-registration is the second most common way that the Council corrupts the complaints procedure. Mr Cunningham used it when he tried to pass me back to the TGA and he did not register or record the complaint at all. If it is not in the system it need not be answered and many use it to corrupt the complaints process. Mr Atkinson used a variation and that was to record a non sequitur or something that needs no answer e.g. *Mr Dawson asking various questions relating to the ongoing development at the slipway.*

Because Mr Atkinson was so evasive in his correspondence with me for agreeing us about the shed, I wrote to him, 4-Mar-14, saying: *“Thank you also for confirming that the Slipway Shed is not built to the approved 1996 plans.* Work had not stopped on the shed and UK Docks had taken a Port of Tyne Tug onto the slipway.

I was not alone in reminding him that it should not be in use. The approved plans from 1996 say the shed is nearly 3m too tall and UK Docks knew that perfectly well and it appears that they were mocking the Council. Instead of having a set to with UK Docks, Mr Mansbridge decided to take ‘the complaint’ back to the beginning of Stage 2 and repeat Mr Atkinson’s misrepresentation of the 15th January in his revised version of the second Stage, 2-Jun-14:

The approved dimensions that I state are those which are annotated on drawing number 8296/1A which was submitted to the Tyne and Wear Development Corporation on 11 April 1996. 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. I attach a A1 size copy of this plan.

A more verbose form of what Mr Atkinson said in the 15th of January, already shown to be a misrepresentation of the planned height. I still have my copy of 8296/1A and the height of the steelwork at the riverside is also clearly marked as 12.5m + 3m. A very quick way of checking which end is correct is to take a look at the River Drive end and you will see that the 3m is about quarter of the way down and 3 is a quarter of 12 not 15. It also clearly shows the river end height of 15.5m. Better still, take a look at the approved drawing 8296/2 which give 12.7m.

The Mansbridge Trap, 8-Jul-14

There is a twist in this sorry tale because Mr Mansbridge added, 2-June-14: *“The drawing you have referred to [8296/14] was submitted in discharge of condition 4. The engineer also chose to include a gable elevation of the structure on the same drawing but that was not drawn to scale. If it would help I would be more than happy to meet with you to show you the relevant plans and elevation as this may clear up this specific point.”*

A meeting was arranged at the Town Hall, 8-Jul-14, but I noticed that the Planning Manager had been invited as well and took the precaution of writing to the CEO, 7-Jul-14, advising him that the shed had not been built to the approved drawings because I feared that the meeting would go like the meeting in November. I said: *On 27th Sept an application was received in the planning office from the agents for UK Docks, Messrs Maughan, Reynolds Partnership Ltd to meet conditions of a previously granted application ST/0242/96 for a slipway shed length 22.3m, width 12.2m and height at end facing River Drive 12.5m.*

The meeting did go the way of the one in November, drawing 8296/14 (approved) was not brought to the meeting, we were shown 8296/1A and 8296/2 (neither approved) instead, and the meeting came to an abrupt end soon as it was pointed out that 1A showed both ends to have the same height. Mr Mansbridge wrote next day:

I fully understand that there are issues associated with the UK Docks development that you remain unhappy with however I did appreciate the manner by which to conducted yourself when we met; so thank you for that. We did not get an opportunity to talk about the letter you sent to my Chief Executive. My assumption is that you would still like his office to review this matter as a stage 3 complaint[in accord with our complaints process]. If that is not the case then please let me know and I will pass that information on.

The Trap is: if say yes then Mr Mansbridge version of events goes forward to the Ombudsman, the variation in height being dropped of course, and if I say no: the complaint that the shed is nearly 3m taller than permitted is chucked back in the bin.

Misusing the complaints procedure in this way saved him the rather unpleasant task of telling UK Docks they cannot use their brand new shed without breaking the law, building control had signed it off 22-Jun-14 and the Ferry would not fit, amongst other things. More importantly it gave credibility to UK Docks application to extend their shed onto the footings laid in 2001 made on 20-Jun-14, ST/0461/14/FUL.

It also saved him the problem of having to do a bit more than reprimand his planning officers and the somewhat errant building control team. His Enforcement Officer may be innocent of course.

Stage 3 - The Chief Executive will appoint a colleague to investigate your complaint on their behalf.

As explained above, we are now in the realms of make believe as the Council had already conceded our point of view, that the shed was taller than planned and enforcement had been bypassed by the planners and or building control hiding the truth.

The author of the ‘revised’ stage 3 failed to mention the height and reduced the width to a matter of opinion, i.e. the extra width would not do any harm. She had used a the technique used against me in taking my complaint about No. 71. Height gone altogether and the extra width reduced to a matter of opinion. The author had taken no notice of the letter to the CEO 7-Jul-14.

The Local Government Ombudsman.

You can see that the misrepresentation has become more embellished as it progressed up the management chain and by the time we get to the Ombudsman the Senior Planner has pulled out all the stops in giving them misinformation:

#31: The Council accepts that using a scale measurement against the 1996 drawings would not give a measurement of 15.5 metres. . . The Council says the permitted height at this end is 15.5 metres and this is the height as built.

(32-34 are more or less duplicated by the part paragraphs shown)

#35: Since then the Council has consistently told Mr X the shed is the correct height.

#37: Mr X says plan 14 shows 15.5 metres as the river end height. The Council has explained to Mr X why this is not the case.

Ombudsman, 15-Apr-15

The result of all this is that the Ombudsman finds for the Council, here in full:

Summary: This complaint is not upheld. In 2013 a developer resumed building a boat shed for which he had planning permission and had started building in 2001. Local residents complained but the Council found the developer could still build the shed. However, the developer built it almost a metre wider than he should have done. There is no evidence of fault in the way the Council dealt with the breach of planning control and its decision not to take enforcement action. It kept residents informed throughout the process. The complainant says the shed is also 3 metres higher than it should be. The Council says it is not. There is no fault in how the Council decided the shed is the permitted height.

Ombudsman, 15-Apr-15

You can see that hardly any of the people involved in the 20 month process I have just described have been honest about UK Docks. The solicitor's letter of the 26th January 2016 sums the situation with more intellectual rigour than the Ombudsman and one only has to look at the drawings, preferably approved ones, to see that the Ombudsman had been deliberately misled and it was all done to cover up the fact that the shed was a meter wider and nearly 3 meters taller than permitted and the enforcement officer has done nothing before it was put to use in March 2014.

After reading the second draft I realised that the Council were misusing the Office of the Ombudsman to hide serious misconduct by some of their staff in the handling of our complaints and so I wrote to the local MP, Emma Lewell-Buck about it but the Local Labour Party diverted it to the MP for Berwick because some-one had noticed I was lodging in Amble.

I was content with that because Anne-Marie summed up the situation very well when she wrote to the Chief Executive, 1-Jun-15: *"Mr Dawson maintains that the shelter is not appropriately located and is clearly concerned that planning conditions are being ignored and are not being enforced by the Council."*

Unfortunately she left it open to misinterpretation because she did not specify which end of the shed was supposed to be 15.5m so I wrote to her and copied it to the CEO to close the loophole, that I knew that he would use:

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.

M Dawson, 9-Jun-15

It looks like the loophole was closed because Mrs Johnson chose to change tack and accuse us of making allegations to make her message to the MP have any consistency: *“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.”*

Her response behalf of the CEO also confirmed why the Council were misusing the office of the LGO – it was so that they could easily defend their position by repeating something like they told Anne-Marie:

The Ombudsman did not uphold the complaint, finding that the Council had acted appropriately in our approach relating to the planning application and subsequent action, full details of which would have been sent by their office to Mr Dawson.

Corporate Lead, Mrs H Johnson, 25-Jun-15

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.

Mrs Johnson’s response (attachment 6) finished: *“I hope that this information is useful. Please do not hesitate to share this letter with your constituent”* The information was **not shared** and not a surprise when I read it six months later. I asked Customer Advocacy (CA) for a copy of the main letter and the other attachments and again, no surprise, the request **was declined**.

I has asked Anne-Marie at the beginning of August if the Chief Executive had replied and then her Office Manager a couple of weeks into September and then remembered their Office might have been closed for the holidays so I left it till the end of October before I tried again.

I was getting increasingly concerned because the Planning Officer was forcing through the second phase of the development which included putting another frame onto the extra pair of footings made in 2001, and he was not answering mail either and why CA had intervened on his behalf, 9-Dec-15.

I do not think that Mrs Johnson was totally to blame for the longer shed but she was party to it with her response to Anne Marie but she was the first to use the Ombudsman's ‘Findings’ against the good citizens of South Shields i.e. externally. It gives some meaning to the words of the current Monitoring Officer – *all complaints procedures regarding this matter have been exhausted both internally within the Council and externally.*

The Council deny any fraudulent misrepresentation of the drawings, they would anyway, because the knew they could mislead the Ombudsman. UK Docks knew that their shed was built without planning permission because the cropped drawing was not only authorised in 1996 it showed the shed to be about 3m taller than planned. It may have not been deliberate but by the time the full copy was released, UK Docks had more or less fitted their travelling crane.

As you can see it was not the residents of Greens Place and Harbour View who were making allegations when we complained about the shed but the Council accusing us of making allegations and that puts both the Council and UK Docks in a very awkward place and it was one of their own making.

Your sincerely
Michael Dawson