

## Critique - November 2020

Mr Dawson  
Greens Place  
South Shields  
Tyne and Wear

Date: 1 August 2016  
Our Ref: CX/253539  
Your Ref:  
NE33 2AQ

Dear Mr Dawson

Thank you for your letter to Martin Swales, Chief Executive dated 8 July 2016, requesting matters related to your previous complaint to be raised as a new complaint, I manage the process and staff that support customer complaints and compliments. Your letter has therefore been forwarded to me to consider and respond.

Mrs Johnson has changed the reference 248789 to 253539. The latter was raised by the Head of Development Services to overwrite the original complaint of 10-Jan-14 again. I say *again* because the Planning Manager had already overwritten the original, after the Principal Planning Officer, Mr Cunningham, referred me back to the Tyne Gateway Assn instead of passing it and the responsibility for it to the Enforcement Section.

Having considered the contents of your letter and the final decision by the Local Government Ombudsman, I am now in a position to respond.

My letter was about the Council giving misinformation/misrepresentation to the Ombudsman and to reinforce that point I said: *"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."*

There is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman,

The letter to the Chief Executive had 3 pages of evidence of a Senior Planning Officer giving misinformation to the LGO.

Neither do I have evidence to question the content of the Ombudsman's investigation. My several years of experience is that an investigator works with a complainant during the investigation to consider the initial complaint and relevant subsequent points raised. It is your responsibility to provide the investigator with information to fully investigate your complaint, it is our responsibility to respond to that investigation.

I gave the investigator a plan that had been approved and explained why it **should** be considered and plans that had not been approved and said why they **should not** be considered. I also pointed out that the unauthorised plans could be presented honestly to back the protestors claim that the shed was nearly 3m taller than planned.

I can find no evidence that the Council did not fully comply with the investigator's questions throughout the process.

No, they sent her the misleading plans first given to the Principal Planning Officer by UK Docks in 2013.

I understand your frustration in what is a complex matter, which has been the subject of extensive investigation by the Council and the Local Government Ombudsman, involving information spanning two decades.

It was not a complex matter. The Council discovered that the shed was taller than planned in 2013 and did nothing about it. The complexity arose because we referred to a corrupted complaints procedure instead and that led to misinformation/misrepresentation being given to the Ombudsman.

Whilst I know that you remain dissatisfied with the outcome, I consider the Local Government Ombudsman's decision final and must now draw a close to this matter.

I refer you to an email sent on 9 December 2015 from Alison Hoy, regarding the repeated contacts to the Council concerning issues you had raised in your original complaint regarding the boat repair

shed built by UK Docks.

Alison's email was confirmation that the Council using the Ombudsman to dismiss our complaint so that they could unjustly degrade our complaints to **unfounded allegations** and repeat that to Council officers, Elected Members, Members of Parliament and Newspapers, e.g. - *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.*

Since the Ombudsman's final decision on your complaint on 15 April 2015, you have sent further emails/letters to Council officers, Elected Members and Members of Parliament, reiterating aspects of the complaint: - **most of what she says is unsubstantiated rubbish, read on:**

- 1) Letter to MP Trevelyan dated 1 June 2015 advising her of your complaint, but not advising the MP it had been Investigated by the Council and Local Government Ombudsman. **No – I was** advising her that the shed was 3m too tall and I asked the CEO to provide evidence the contrary. Mrs Johnson was not able to do this so she chose to malign the good citizens of South Shields instead. Complaints that the shed was taller than planned are **not allegations when the shed is taller than planned.**
- 2) Email 4 December 2015 to Gary Simmonette and the Planning Team cc'd to Dave and Julie Routledge; Emma Lewell-Buck MP; George Mansbridge; Melanie Todd; Cllr Audrey McMillan; Cllr John Wood; Cllr John Anglin, referencing the original boat shed dimensions, which had been addressed through the complaints procedure, alongside your objections to a new planning application. **No – I was just pointing out that it was wrong to extend the shed when it had been built without planning permission. It was built 3m taller and a meter wider than the approved plans allow.**
- 3) Email 1 February 2016 regarding the February committee meeting, making reference to misinformation and/or misrepresentation by the Council in supplying information to the Local Government Ombudsman. **No – the email of the 1st February was from Mr Mansbridge and confirmation that the Council had given UK Docks permission to extend the shed which was built without planning permission, confirming that he had not passed my observation that the existing shed had not been built without planning permission.**
- 4) Letter 8 July 2016 to the Chief Executive and the Ombudsman. **No – there was no letter to the Ombudsman, the letter was to the Chief Executive, it was the **one and only letter** about the Council giving misinformation to the Ombudsman. I so happens I chose to use UK Docks as an example because I hold records of nearly all the written correspondence. Most of them denials or evasions about the variation from plan.**

I enclose a copy of our policy on dealing with unreasonable and persistent complainants. In my view, your behaviour is a disproportionate use of resources and unreasonable because you have:

- 5) submitted repeated complaints, essentially regarding the same issue, after our complaints process has been exhausted, **No – Sunday working excluded there were only two complaints about the shed:**
  1. 10-Jan-14, that the shed was taller and wider than permitted and nothing had been done about it. It was over written by the Planning Manager 14-Jan-14, 248789 and again after a complaint about the conduct of his planning staff (**staff: not the shed**) by the Head of Development Services – 253539.
    - i) the Planning Principal Officer referred me back (**back pass**) to a meeting where he had produced drawings with errors on to back a false claim that the shed had been approved. He did not answer the question that; *if the shed was taller and wider than permitted why had nothing had been done about it:*
    - ii) the Planning Manager gave out bits of misinformation re the drawings and tried to pass me forward to the next stage (**forward pass**) without answering my question; *if the shed was taller and wider than permitted and nothing had been done about it.*
  2. 8-Jul-16, that the Council had misled the Ombudsman about the shed.
- 6) attempted to have the complaint reconsidered in ways that are incompatible

with our adopted complaints procedure, or with good practice, **No – incompatible with a corrupt complaints procedure but compatible with good practice. Please see the guide to the Council's Complaints Procedure.**

- 7) adopted a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/independent auditor/the Standards Board/local police/solicitors, while an appropriate avenue is available via the Local Government Ombudsman, **No – I not written to the local Police or the Board which she was implying. If I think that the Council is acting improperly on any issue I believe I am entitled to write to my MP- it is up to the MP whether he or she takes up my case. I wrote to my ward Councillors because they, apart from the Chairman of the Planning Committee(Cllr Wood), attended the meeting where we were told the shed was 'legal'. Was she suggesting that the Councillors should not be told that they were misinformed by a Principal Planning Officer of the Council? I included members of the Residents Group Committee as well because I had to relay the 'facts' to a meeting with them a few hours after the same meeting where we were told the shed was 'legal'. I did not believe what I had been told by the Officer and it took me 2 months and numerous emails to prove that shed was not approved. Was she suggesting that members of the Residents Group should remain ignorant of the fact that the shed was built without planning permission?**

- 8) refused to accept the decision of the Council or Local Government Ombudsman, by arguing points of detail. **No – the Council have based their decisions on drawings provided by UK Docks, These were not authorised and one of them was incomplete because there were vital details missing. I based my arguments on documents provided by their Agents in pursuance of ST/1146/13/COND which had been approved.**

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 communication.

We will however, ensure that any separate complaints you raise, including any that may arise from a new planning application, are dealt with appropriately and that you receive a response where necessary.

**She does not deal with it because if you say, for example, that the shed is 3m taller she calls it an allegation and as she and all those since 2013 have not properly dealt with the original complaint nor has she dealt properly with the complaint that the Council gave misinformation and or misrepresentation to the Ombudsman.** MD 09/12/20

Yours sincerely  
Hayley Johnson  
Corporate Lead Strategy and Performance