

Dear Ms Abbott

## **An Apology**

I owe you an apology for conflating unreasonable and unacceptable behaviour in my letter to Mr Rumney on Thursday. By the way, his copy was rejected by your server nearly 24 hours later. My views on his use of a script that lets an incoming mail sit for nearly a day before being rejected should be well known by now.

Please believe me when I say it is an easy mistake to make when it says at the foot of the introduction to section 7: *This policy sets out our approach to managing those customers whose actions or behaviour are considered unacceptable, unreasonable or unreasonably persistent and are either having a harmful impact on our staff or their ability to provide an excellent service to other customers.*

When the Council give misinformation/misrepresentation (lie) to Local Government Ombudsman to hide malpractice in planning control, it is not by anyone's standards, an excellent service. As one who has been falsely accused of being a persistent and unreasonable complainant, believe me.

I say falsely because there has only been one complaint to the Chief Executive that the Council have given misinformation to the Ombudsman, and that is not unreasonable to claim that the shed was nearly 3 meters taller than planned when it is nearly 3 meters taller than planned.

Your letter, 29-Apr-16: the list provided by by Customer Advocacy concerned the fallout from a phone call made to the MPs office, January 2020 but it is missing the events from the middle of 2017 and looked to the conclusion of your letter to see why you had been tasked with sending me a copy of *Complaints Policy 2019v1.5* to review.

1. my conclusion is that it is scarcely relevant to the argument made to South Tyneside Council about the shed on River Drive.
2. your conclusion was a rewrite of the Corporate Lead's response to my claim that the Council misled the Ombudsman, to the Chief Executive, 5-Jul-16: *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 Corporate Lead's response 1-Aug-16 was deceitful, pejorative and now looks like it was produced to be repeated by those wishing to shoot the messenger rather than consider the message. She said that I had:

1. submitted repeated complaints, essentially regarding the same issue, after our complaints process has been exhausted;
2. attempted to have the complaint reconsidered in ways that are incompatible with our adopted complaints procedure, or with good practice;
3. 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;
4. refused to accept the decision of the Council or Local Government Ombudsman, by arguing points of detail.

She terminated the list with: *“I consider this matter closed”* but it was not closed. Nearly five years later the list was rewritten and re-presented:

- persistent refusal to accept a decision; persistent refusal to accept explanations;
- continuing to contact us without presenting new and relevant information;
- Adopting 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/the Local Government Ombudsman/the press.

I doubt neither you nor Ms Hoy were the authors of it but it looks from here that you drew the short straw. As you can see from opening paragraphs of my letter to Mr Rumney, I was having trouble in pinning things down and I apologise again for confusing unreasonable with unacceptable behaviour.

My next problem was in reconciling Alison’s list which started in 2020 and more to do with the troubles that stemmed from a call made to the phone in the MP’s office than any of the previous trouble that I had had with the Town Hall. The call was taken by Mr Palmer on the 13-Jan-20.

What links Mr Palmer to the Council is not difficult to glean:

- by Mr Buck: *Mr Palmer correctly informed you that MPs have no influence over the Local Government Ombudsman, and he suggested that a possible course of action may be to complain further to the Local Government Ombudsman and suggested you take legal advice.*
- yourself: *You were also advised that you are free to contact the Ombudsman and make further enquiries of their office, but unless the Council receives formal enquiries from the Ombudsman, we would not look at this further.*

I’ll leave you to work out whether it is wise to associate yourself with any proposals put forward by Mr Palmer. By the way I took legal advice in 2016 and Mr Palmer knew that.

### **Scatter-gunning.**

The reason I attached the ‘lost’ email from me to the Corporate Lead and copied to Customer Advocacy, 02-Sep-16, was because of the accusation of adopting a 'scattergun' approach was a trifle over the top: *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;*

I made a very convincing argument for broadcasting my explanations on how things has come to pass because she dropped it when she carried out the threat to Section me on 5-Oct-16:

*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'.*

*Are you 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 'legal' or should I say compliant.  
Are you suggesting that members of the Residents Group should remain ignorant of the fact that the shed was not compliant and built without planning permission?*

Before we go any further I want to make it clear that is is not illegal build without planning permission, and to be told the shed was legal was meaningless but to say that it was 'legal' to mean it had been approved was probably fraudulent misrepresentation and it is that the Council are trying to hide. As a Principal Planning Officer, Mr Cunningham will have known this but he did not correct Cllr Anglin when he said in December 2013: *The Exec representatives of the Group accepted that the construction had been made legally as per drawings seen.* My views differed from those of the Executive.

Nor was Mr Cunningham correct when he said, again in December: *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.*

Compliant with what? The plans to which Mr Cunningham referred, had a fundamental error. The draughtsperson showed each end of the shed to have the same height and this can only be true if the shed sloped down with same gradient as the slipway. It does not. One could calculate by various methods, that height of the landward end was 2.7m more than the one approved which is what we had to do before the meeting to referred to by Mr Cunningham. That was because no approved plans had been made made available prior to the meeting although one, 8296/2, had been in existence since 1996 and the other, 8296/14, had been received by the Council in September 2013.

UK Docks were forced to stop work on their shed in September 2013 and it was nothing to do with the protestors. At the same time we were being told that the shed had been approved and it was not until after they had restarted work on it in December 2013 that they started telling us that there were differences from the plan but they were only minor!

The size of the shed was not our only problem and I let others deal with the Council about change of use for the shed because I was having enough trouble with trying to get round the duplicity of the Planning Manager and I think they were as well. It was my experiences with him that led to what was your Corporate Lead rather meanly called scatter-gunning.

I reasoned that if all the people that we were dealing with, were aware that the shed was actually wider and taller than permitted then our problems would be over but I was very naive.

I was forgetting that certain members of staff were not averse to giving misinformation to the Ombudsman to hide what was going on.

Yours sincerely  
Michael Dawson