

Dear Rachel

20th May 2021

If South Tyneside Council do not wish to answer a complaint they simply ignore it and they have various methods or devices to do this. I will use the case of UK Docks' boat shed as an example.



Neighbours think 'boat shed' is a bit of a misnomer and it has been lengthened at the inland end by 25% since the picture was taken in 2015. The end you can see has a height of 18.2m but the plans say it should only be 15.5m and if the Council had not ignored our complaint that it was 2.7m taller than permitted it is unlikely to be been put to use or finished.

When UK Docks applied to have it lengthened the Planning Committee were not told that the other end of the shed was 17% taller than permitted and in February 2016 they got permission to extend it. They were aided in this underhand scheme by the Council accusing the protestors of making unfounded allegations:-

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.

Corporate Lead to the MP for Berwick – 25th June 2015

One only had to look at any approved plans to see that what the residents was saying was true and the Corporate Lead was the one making allegations. A year later, when I pointed out to the Council that the Ombudsman had been misinformed by one of their Senior Planning Officers, I was told that there was no evidence to support this point of view.

I had asked the Ombudsman to look an approved drawing but she chose to use the some plans provided by the Council that contained errors and had not been approved. She found for the Council, presumably because the Senior Planning Officer had told her the drawings to which he referred had been approved and one need look no further than the dates on those drawings to see the fundamental flaw in his argument. The drawings appear to have been made after approval had been given by the Tyne and Wear Development Corporation.

It appears from here that he had also been leaning on the Ombudsman by repeating the Council's opinion, that complaints about the shed being too tall, were allegations. There is some evidence of this because when a second ombudsman was asked to review their findings in 2017 he said:-

I consider that your latest complaint remains that of your previous complaint which has already been determined and the opportunity to request a review of that decision has passed.

Paul Lewis, Investigator, 17th May 2017

In the first part of his statement, he had conflated the complaint to the Ombudsman made in 2015, that the Council were giving misinformation/misrepresentation to the Ombudsman, with the complaint made in 2014:- *As the applicant has not discharged condition 2 why is there no retrospective planning application?*

The second part should concern those who wish to see that the services like the Local Government Ombudsman are not misused by corrupt Councils to hide misdeeds by their planning and building control staff. Mr Lewis was being complicit with them when he said it was too late to request a review. The approved plans from 1996 survived and they show that the shed was nearly 3m taller than permitted.

In the interval between the First and Second Ombudsman's findings UK Docks had successfully applied for permission to extend their shed permission to build it was granted on 1st February 2016 and one may curious to know how it came about. The answer was very simple, UK Docks employed another Agent, Gary Craig Associates and both failed mention that their plans to extend the shed included special footings, laid in 2001, and it appears the plans submitted to the planning office in late 2015 for extending the shed were little better than 'fag packet sketches'.

What was more telling was the threat of suppression of all discussion by the Council on the 1st August 2016:-

*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
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. . . .
(you) refused to accept the decision of the Council or Local Government Ombudsman, by arguing points of detail. . . . 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.*

Hayley Johnson, Corporate Lead

What I had said to the Chief Executive was: *"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"*

I finished by asking: *"I have been advised you may well say that all this relates to an old complaint and so I will ask you for a "new" complaint based on this letter and if you will not deal with it then the Local Government Ombudsman can deal with it"* and it appears to have been good advice from the solicitor. He had spotted that the Council were conflating complaints so that the second can be ignored.

The first was summarised in 2014 when I asked why were there no retrospective plans submitted when the shed was found to be wider and taller than planned and **the second was** that the Ombudsman had been misled by a Senior Planning Officer when he said the shed was no taller than than the approved plans allow. The clear contradiction was that the authorised plans from 1996 say the shed should not be taller than 12.7m but the shed is actually 15.5m at that point.

Both the Ombudsman and the Council abuse their complaints procedure by conflating different complaints and it the method enabling this is not to register a complaint.

While the Ombudsman is probably not failing to register a complaint that they have been asked to investigate, it appears that they are acting in a like manner as South Tyneside Council when it comes

to unjust decisions made by their Inspectors. The main indicator of this happening are in the responses of the Corporate Lead and the Second Inspector which both involve a denial that there was anything out of order followed by a closure:-

1. *There is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman;*
2. *I now consider this matter closed.* Corporate Lead, August 2016.

Followed ten months later by:

1. *I consider that your latest complaint remains that of your previous complaint which has already been determined;*
2. *the opportunity to request a review of that decision has passed.* 2nd Inspector, May 2017.

Two of those ten months were used up by pointing out the shortcomings of the Corporate Lead's desire to misapply a Section F (persistent and unreasonable complainants) of an unspecified code but they were passed back to her so they disappeared without trace and thus the cycle of deceit could be repeated at will and it was. It was repeated by the Ombudsman's second inspector when he conflated the complaint was taller than permitted and the Council had done nothing about it with the complaint that the Council had given misinformation/misrepresentation to the Ombudsman.

Corporate Lead was forgetting one thing: there was only **one letter** to the Chief Executive about his staff misinforming the Ombudsman and it is **entirely reasonable** so say that the shed is nearly 3m taller than permitted when it is taller than permitted.

The Second Inspector overlooked the fact that his predecessor chosen to use the misinformation provided by Council so that she could say: *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.*

At the end of April, I received a copy of what appears to be a rewrite of Section F, and I was asked take notice of 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.

What is upsetting is that the Council have defined unacceptable behaviour as: "*Aggressive, abusive or offensive language or behavior*" with the implication that I have been using offensive language or behaving aggressively and they may have had a case had they produced an example. All they have done is to reproduce a list of unanswered correspondence with the Office of the MP for South Shields and the Council since January 2020.

As you can see from Paula Abbott's email, which I have attached, there will be another year gone before we get any answer to the question the shed's height.



Yours sincerely,
Michael Dawson