

Dear Mr Tew,

## Shed and Corruption – Part 15 (Detail)

Please accept my apologies for not including you in the circulation of my the email/letter of the 29th April to your Monitoring Officer about the height of UK Docks' shed on their slipway off River Drive. I was about to correct it when I received a response from Alison Hoy, your Information and Feedback Officer, [within 15 minutes of sending shed and Corruption – Part 14](#).

Ms Hoy's response appears to answer the question posed at the end of the email and it seems to be the officer in charge of Customer Advocacy if it is not herself:-

*Mr Swales had retired by the time of Paula's false accusations so who asked them to be made. I believe and sincerely hope it was not you.*

To save me sending [S and C- Part 14 again](#), your Monitoring Officer, Ms Hoy or Mrs Johnson should be able to pass you a copy.

[Her response refers to two complaints](#), one about the 'Ponderosa' on Greens Place and the other about UK Docks' shed. The first, about 71 Greens Place, was laid off to the Ombudsman to cover for the fact that the planning officer responsible *had not followed the SDP9 guidelines while the Council maintained that she had followed them*. The issue was complicated by the fact that the overbuild was not reported by the building inspector, so the Senior Enforcement Officer was able to ignore it.

The second complaint was about UK Dock's shed which was 3m taller than planned but it had been reported in September 2013 that a spokesman for them said: *"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. All we are doing is going ahead with the previous planning permission."*

The work may have met legal requirements but it clearly was not going ahead with any planning permission as many soon discovered, indeed the Principal Planning Officer was asked about it within 4 days of the erection of first frames:- *Has the revised height of 15.5 metres been approved or is it in breach of the 1996 Planning approval?*

Instead of answering the question Mr Cunningham attached a link to the Council's website explaining the complaints procedure and he made matters worse for himself two and a half months later, when he passed [misrepresentative drawings to the Tyne Gateway Assn](#) in December 2013 following a meeting of them with the Council. I grew particularly concerned during the meeting as I had gone to get confirmation that UK Docks had approval for the structure on their slipway and we were not given any.

The [agent's drawing for the modifications to the shed](#) was approved in October 2013, though it did not appear in the public domain until mid December, proved beyond doubt that it was a fraudulent misrepresentation to claim that UK Docks had approval for their shed.

I used 8296/14 [to bring to the attention of Planning Enquiries to the shed](#) and the fact that it was not only taller than planned but wider as well and the rest is history. Mr Cunningham was waiting for the complaint to arrive and the first thing he did was to refer me back to the meeting where we were told that the shed was legal. He and the Planning Manager not only removed the complaint of the 10th of January 2014 from the public records they [seeded much of the misinformation that was to appear in the Ombudsman's findings](#) over two years later.

With UK Docks, like the development in Greens Place, my first thoughts were that the planning officers were giving misinformation to the Ombudsman to hide the misconduct of the Council's building inspectors/enforcement officers, and themselves but I soon learnt that the primary purpose was to misinform third parties, like the MP for Berwick, Anne-Marie Trevelyan on the 25-Jun-15, Attachment 6:-

*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.*

*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.*

One might wonder why the MP for Berwick was handling a complaint about a shipyard in South Shields but [the complaint to the Member of Parliament for South Shields](#) was passed to her because I had taken up lodgings in Amble. I did not mind however because her assessment of the situation was [accurate and precise and she copied me into the dialogue with the South Tyneside Council](#):-

*I agree with your summary but I must say that one has to be very specific about which end of the shelter one refers to when talking about the height. The fall along the length of the shelter is about 3m and this coincidentally is the height of the apparent overbuild.*

*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.*

[I finished my letter to her](#) with a request to let me know if any new plans were provided to show her that I was wrong in my assessment of the development on River Drive by UK Docks to let me know. I was not told of any new plans so it was clear to me that the MP for Berwick had not been sent any and my claim that the shed was taller and wider than planned was still valid and that Mrs Johnson had falsely accused us, the other local residents and I, in June 2015, of making allegations.

Ms Trevelyan had copied me to her letter to the Chief Executive, unlike Mrs Johnson who wrongly accused us of making allegations. [I was not copied into her response on behalf of Mr Swales](#):-

*Mr Dawson has advised you that he believes the boat shed had been constructed outside the remits of the approved plans.*

*I have made enquiries into this matter and have been advised as follows:*

*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 etc.*

In the early days of the complaint that the shed was taller and wider than planned, I noticed that the responses to my attempts to establish that there were breaches in planning control were met at first with flat denials and later by misrepresentations given by references [a non-approved drawing 8296/1A](#).

I did not find out that the Council's Corporate Lead was accusing others and I of making allegations so that she could misinform the MP, until January 2016 and by then it was too late to do anything about the members of the Planning Committee meeting of February 1st 2016 being misinformed as well [and they gave permission to UK Docks to extend their shed](#).

At the same time as I was informed that the Corporate Lead was giving out misinformation to hide the fact that the shed was taller than planned [I discovered that she was not the only one doing it:-](#)

*Your email of 4th December refers to not being satisfied with the responses to the second part of your earlier contact to the team on 30 September. This was regarding the planning enforcement aspect of the existing boat repair shed. This matter has been investigated fully by the Council through its corporate complaints procedure. The complaint was not upheld and was also considered and decided by the Local Government Ombudsman who found no fault with the Council's decision.*

The emails forwarded to Ms Hoy from the Planning Team by Mr Simmonette were not about enforcement but about the height of the shed and if you read the [one from the 30th September](#) and [the one from December](#) you will understand they were passed to Ms Hoy. ST/0461/FUL was ready to present to the Planning Committee and he had no wish to include the fact that the shed was too high.

In her email of the 9th December 2015, Ms Hoy links the duplicity of two members of your staff, Mr Simmonette and Mrs Johnson, with the [summary from the Ombudsman's findings](#) when she went on to say:-

*The Local Government Ombudsman's final decision dated 15 April 2015 was that: 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.*

*We have also responded to a further enquiry made to the Council via your then local MP Anne-Marie Trevelyan, dated 1 June 2015, which claimed you had not been able to locate any details from the Council on why the shed had been approved despite the breach in planning conditions, even though at that time you had received complaint responses from both the Council and the Ombudsman.*

It was Ms Hoy's email of the 9th December 2015 that I took to a solicitor and after examining much of the correspondence between the Town Hall and me and many others since we first starting to tell the Council that the shed was taller than planned, he advised:-

*My view is that we need to raise a "new complaint" so that the Local Authority shall deal with it and if not the Local Government Ombudsman can deal with it. The new complaint being the misinformation/misinformation in supplying information to the Local Government Ombudsman. Hopefully this can be dealt with as a "new" matter. If this complaint is not dealt with by South Tyneside Council, and it may well be that they say it relates to the old complaint, then I believe justifies going straight to the Local Government Ombudsman.*

I drafted a letter to him but after a bit of toing and throwing, [decided to send it directly to the Chief Executive](#), giving the best examples of misinformation and misrepresentation but it was answered by his Corporate Lead who denied that it had happened:- "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.

The misrepresentation of the kind given to the Ombudsman was deliberate and was akin to saying that a developer had permission to build a 5 story block of flats when he only had approval for 4, or put into context, UK Docks saying they had permission to fit an overhead travelling crane into the extra 3m of roof space when they had not.

Mrs Johnson had proved her worth to Mr Swales when she accused the us of making allegations about the shed in her response to an MP, so when it came to the time he wanted to hide the misconduct of his planning staff she was just the person to [threaten me with the misuse of a section of the staff code](#):-

*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 submitted repeated complaints, essentially regarding the same issue, after our complaints process has been exhausted.*

Since August 2016, the Council have [personalised the issue by misusing Section F](#), which became Section 7 in 2019, of a Staff Code to shoot the messenger while they still tell enquirers with reference to the Ombudsman's findings, that the people who claim that the shed is taller than the approved plans allow, are making allegations. Paula Abbott was appointed to misuse [the later version on April the 29th last year](#).

*Due to this continuation of unreasonable behaviour and in line with the Council's persistent/unreasonable behaviour policy, we must advise you that we will now impose contact restrictions from immediate effect. Any emails you make to officers of the Council regarding this subject, will not be acknowledged or responded to.*

I did point out to Paula and many others besides yourself, [Shed and Corruption – Part 10; page 9](#), that it is entirely reasonable to say that a structure is nearly 3m taller when the approved plans back that point of view and I made this point very clear to Paula and others including [Mr Rumney, in the introduction to Shed and Corruption – Part 4](#).

I have pointed out on numerous occasions, as Ms Hoy can verify, there has only ever been one complaint that South Tyneside Council have been giving misinformation to the Local Government Ombudsman and it is not unreasonable to say that a structure is taller than planned when it is taller than planned. The [only approved drawing from 1996, with dimensions](#), says it should be 12.7m at the old landward end but the measured height of the shed at that point was found to be 15.5m in September 2013 so why were they allowed to restart work in early in January 2013.

The fourth argument used by Mrs Johnson for me being sectioned in August 2016 was that I,

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

It appears from here, that the decision to hide the fact that the shed was taller than planned was taken well before the frames were assembled on site, prior to their erection. We claimed the structure was nearly 3 meters taller than planned within a few days of it being erected but the Council claimed it was not and it looks like UK Docks anticipated this row by presenting the Council with drawings to fraudulently [misrepresent the height of the shed on 6th September 2013](#).

It appears the Principal Planning Officer was also party to that decision because he immediately passed the pair of drawings to the local residents.

Following the meeting in November we were passed a replacement because there was no copy of 8296/1B in the Council Archive but [a near identical copy was found, 8296/1A](#). I had not spotted that 1B showed both ends to have the same height but noticed it was an amendment made in 1997 and it was more likely that the 12.500mm should have been pointing to the hip of the frame rather than to the top of the roof. The shed was simply 3m taller than planned, it was simple as that.

When Mr Cunningham passed me a copy of 8296/1A, it more clearly showed the river end as 15.5m as well as the landward end. I did not spot it till after I had taken some trouble to calculate [that the landward 12.500mm was wrong and it should be 9840](#). If one takes the gradient and 3m from the 15.5m one gets the same result give or take a few millimetres and proof that when anyone claiming that the landward end of 15.5m as the approved height was lying.

When the Planning Manager said of 8296/1A, 15-Jan-14:- “*That shows the overall height of the structure as 15.5m above the foundation level at the landward end. At the riverside end the foundations are shown as 2.656m lower due to the gradient of the slipway*”, I realised he repeating the misrepresentation given to Mr Cunningham by UK Docks and the rest is history as they say.

Mr Cunningham chose to hide the fact that the Council were sitting on plans from 1966 that showed we were correct in our assessment of the shed’s height by passing me 8296/1A then the Planning Manager, Mr Atkinson, who knew as well as I did that the shed was taller by the gradient between each end, but chose to claim the error on 8296/1A represented the approved height of the shed. It appears that he was preparing the ground for misinformation to be given to the Ombudsman. Please see paragraph 35 of her findings:-

*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.*

I covered this on in my letter to the Monitoring Officer the 14th April which I copied to you but raise the issue again because Mr Swales’ Corporate Lead in said in August 2016 that my behaviour caused a disproportionate use of resources and I want to make it clear perfectly that it was the planning officers Messrs Cunningham and Atkinson who caused the disproportionate use of resources.

Up until I returned to live in South Shield late in 2015, I was only only concerned with the beach in the second condition imposed on the slipway enclosure but during 2016 I became aware that the fifth was regularly being breached and on 20th December I tried to raise a complaint [but failed for similar reasons that our protest that the shed was in breach of the second](#). I had written:-

*Dear Sir or Madam, This is the second time in a few weeks that they have been working on a Sunday. Please acknowledge this complaint as I wish to take the issue up with the ward [Councillor who organised the meeting - see below](#).*

The Council first denied that UK Docks were at work, and not for the purpose of beaching or launching a vessel, and when I gave evidence that the shed was in use that Sunday, the Council’s [Corporate Lead put her oar in on the 17th January 2017:-](#)

*Confirmation was provided to you following advice from the Council’s Planning Manager on 21 December 2016, that with regards to the control of general working hours at the site, in respect of planning no restrictions exist.*

The fifth condition clearly states:- *No works shall take place within the shelter between the hours of 7pm and 7am Monday to Saturday and not at all on Sundays or Bank Holidays unless any written consent of variation is previously given by the Development Corporation as local planning authority.*

The Council's Planning Manager was being a little economical with the truth when he confused the issue no restrictions exist for the site. [Please see the last page of the copy of application ST26/96/96.](#) The portion he highlighted about the height could be misinterpreted as referring to the landward end a senior planning officer did when he [conned the Ombudsman into believing](#) that the shed had been built to the approved height.

It was in breach and the only approved plan with dimensions, to have survived from 1996, shows the approved height to be 12.7m and someone with the authority was aware of it because UK Docks were forced to stop work on unclad structure for nearly 3 months.

The plans given to the Tyne Gateway Assn following the meeting between them and the Council in November 2013, fraudulently misrepresented the height. The planned height was misrepresented again, two months later by the Planning Manager in mid January 2014, which has led to years of denials and evasions and to the disproportionate use of resources by the Council on UK Docks behalf, and yet I am blamed for them!

I asked at the end of my letter to Ms Robason, 29-Apr-22:- *Mr Swales had retired by the time of Paula's false accusations so who asked them to be made?* not expecting an answer but it looks like you can ask the same question of Ms Hoy's line manager as it is most unlikely that she could conduct a review and respond to the latest chapter (Part 14) of Shed and Corruption in 15 minutes.

As you can see from its contents, Part 14 was mostly concerned with the misinformation about the shed's height and the way that the Council has been pumping it out on UK Docks behalf over the years and it looks like your predecessor with the aid of his Corporate Lead devised a system that can support the corrupt practices exercised by your Senior staff indefinitely. To quote Ms Hoy from 29th April 2022:-

*"In my view, your behaviour is unreasonable etc. Any emails you make to officers of the Council regarding this subject, will not be acknowledged or responded to.*

[Paula had written a year and a day before:-](#)

*Due to this continuation of unreasonable behaviour and in line with the Council's persistent/unreasonable behaviour policy, we must advise you that we will now impose contact restrictions from immediate effect: Any emails you make to officers of the Council regarding this subject, will not be acknowledged or responded to.*

All this to avoid being honest about the shed's height. If one looks the list that was given to Paula for 2020 there are six that had not been copied to anyone at the Town Hall which means that staff in Town Hall must still be telling people that the complaints procedure, and that includes Ombudsman, has been exhausted.

Kind regards  
Michael Dawson