

## Exhausted Complaints Procedures

South Tyneside Council split Planning Control and Building Control Enforcement into two distinct areas and it is embedded into their Complaints Procedure - [The Area Planning Group and the Building Control Enforcement Policy: July 2008:-](#)

The first is the **Policy Statement:-**

*2.1 Fair and effective enforcement is essential to improve and protect the health, safety and quality of life of the people who live, visit and work in South Tyneside. Often a decision about enforcement action has implications for many people, either directly or indirectly and the enforcement of planning and building control is no exception.*

*2.2 The Area Planning Group and the Building Control section carry out a wide range of legal duties under the various Acts and Regulations. This policy applies to all aspects of the enforcement of Planning and Building Control including;*

- *Works carried out without the necessary permissions*
- *Works not carried out in accordance with the permissions granted.*

The second is the **Statement of Objectives** where the most relevant part is:-

*3.5 Building Control enforcement is different to the planning process. An offence, which can be prosecuted in the Magistrates Court, can be committed at various stages of the development where the developer fails to comply with the requirements of the Building Act 1984. We will attempt to resolve a situation without recourse to formal action, but will use such powers where all other attempts have been exhausted. \**

\* underlined to emphasise the point that exhaustion of a complaint is not part of the planning process and there is no description of how a complaint can become exhausted in the [Complaints-Policy-2019v1.5.pdf](#).

It is safe to assume other authorities apply the Act of 2008 in a similar way and why a solicitor will reasonably advise that the police will not involve themselves in "Planning Matters". One can easily see if a developer has followed the conditions laid down when the permission was granted by taking measurements and comparing them with the approved plans. Where a developer had not sought permission the process is very obviously different and not relevant to [any cases being considered on this site](#).

It is as simple as that, and when someone from the Council starts repeating that a complaint has been 'exhausted' one can safely assume that the developer has not complied with some or part of any conditions of a grant of approval and that the planners and their managers have something to hide. Mind, in more than eight years of dealing with their Planning Officers, I have never heard one of them say that a complaint has been exhausted.

[Customer Advocates are different and I quote from 29-Apr-22:-](#)

Good afternoon Mr Dawson, Please find attached a letter regarding the review of the contact restrictions currently in place. By way of clarification, the scattergun point quoted from the Council's Complaints Policy does not necessarily refer to all such options being pursued, but that one or more such avenues is being pursued despite the Council's complaints procedure having been exhausted.

yours sincerely,

Alison Hoy, Information and Feedback Officer.

Note her use of 'exhausted' and that she and so keen to Section me for another year that she had no time to read my criticism of the use of the word 'scattergun' that I had put in the [forward to Shed and Corruption – Part 14](#):- *"When Mrs Johnson first accused me of being unreasonable in my attempts to bring the truth about UK Docks' shed to everyone's attention, one of her claims was that I had adopted a 'scattergun' approach.*

After my criticism, Mrs Johnson sensibly dropped all references to scattergunning and I am surprised that she had told neither told Ms Hoy nor [Ms Abbott who accused me of it a year ago](#) that its use was unwise:- *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' [to mean approved]. Are you suggesting that the Councillors should not be told that they were misinformed by a Principal Planning Officer of the Council?*

In a similar way, UK Docks said of their shed on River Drive that it met all the 'legal' requirements when they knew it was taller than permitted and again while planning officers do not use the term legal to mean approved they do not correct others from using the misrepresentation. Unfortunately for South Tyneside Council some of their elected members were willing to muddy the waters, e.g. [Councillor Anglin said of a meeting held in the Town Hall in November 2013](#):- *Michael, I took no minutes as is customary at these informal meetings. For your record I am sure all would agree that the Exec representatives of the Group accepted that the construction had been made legally as per drawings seen.*

In the case of UK Docks shed, for that was what the meeting was about, the overbuild was obvious. [The approved plans say it should have a height of 15.5m at its river end](#) but it was built to a height of 18.2 meters at that point. It really is that simple. A variation of 0.7m could possibly be dismissed a non material variation but 2.7m, never. The reason for quoting 0.7m is again simple, it is the depth of the beams (686mm) used to support the roof and can be used to [confirm the overall dimensions on an approved scale drawing](#).

No-one has ever disputed the dimensions on my annotated copy of 8296/14 and it was by reference to it that I managed to convince Mr Atkinson that we were right about the shed's height.

When I thanked him for the concession following the meeting of the Local Residents, at the sailing club in Littlehaven, [I deliberately referred to 8296/2](#), the only approved drawing from 1996 with a dimension because he had lied when he had said that 8296/14 was not drawn to scale. In the same email I made a request on behalf of all the local residents [with the exception of the owners of 71 and 72 Greens place for the shed to be removed](#):- *The immediate response from residents was to request the slipway construction be removed. However the universally agreed request of Council, is that there is immediate cessation of work on the Slipway Shed until such time as appropriate community consultation with the relevant council departments can be arranged.*

The complaint that the shed had been accepted by South Tyneside Council on February 13th and that was why we held the meeting. There were many clues to the fact that the Council were rigging their own Complaint Procedure in favour of UK Docks, over the Local Residents, and I made the point quite clearly on the second page of Shed and Corruption – Part 1, see reference above. When I asked Mr Cunningham for the drawing we were supposed to have seen at the Town Hall meeting in November it was his choice to fraudulently misrepresent the height of the shed by passing us a [copy of an unapproved drawing that contained a mistake](#).

The next indication that all was not well with the comings and goings at the Town Hall was when they got news that we were raising a petition and [gave a similarly distorted view view of the shed to the local reporter](#):- *“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.**”* -MD, 4th April 2014

The article was one of first indications that the complaints procedure was being manipulated in favour of the developer and the [second was when original complaint 248789](#) was passed forward without anything being done about the shed:- *“Dear Mr Dawson I’m sorry for the delay. Mr Mansbridge is hoping to get a comprehensive response off to residents by the end of next week, Regards Gordon Atkinson.*

There was no consultation and UK Docks continued to work on their larger than permitted shed and the completion certificate issued in June 2014 but we did not know of this until September but it only confirmed what we already knew, [that Building Control hid the truth about the shed's height](#):- *The Head of Development Services is out of the office at the moment and I have been asked to respond to your email – my colleague from the Building Control Team has confirmed that they sent the completion certificate out on June 17th. The final Building Control inspection was on 13th June.*

The second indication that the decision to hide the fact that structure was too tall had be made at a senior level in South Tyneside Council came when the Head of Development Services passed my letter of the 4th April back to his planning section and [the third came when he took no notice of my letter of the 2nd May](#):-

*I will also ask at the same time that you do not refer this letter to one of your staff to raise a stage 1 complaint on my behalf. I understand you did this with my email of the 4th April which I take to be an abuse of the complaints procedure. If you had taken some care with the response to my email you will have seen that:-*

1) in an email from your Principle Planning Officer, Mr Cunningham, dated 13th Jan 2014:- *“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.”*

2) in an email from your Planning Manager, Mr Atkinson, dated 28th Jan 2014:- *“I can only suggest that if you do wish to pursue this matter further you ask that my Head of Service, George Mansbridge, responds to any remaining points you may have formally under stage 2 of the Council’s complaints procedure. You will have to write to him and say specifically what you remain unhappy about.”*

*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. Work continues in the slipway shed as I write this so if you have not written to the operator to stop, as you intended to, then please do so.*

Meanwhile the proof that South Tyneside Council was determined to side with the scam, that UK Docks had approval for their shed was provided by [Mr Mansbridge in his response to our Petition, on the 2nd of May](#), with a repeat of what was, so clearly by then, a fraudulent misrepresentation:- *“Apart from the width these dimensions are either entirely in accordance with the approved plan, or subject to such minor deviation that they are properly categorised as non-material changes. It was following queries raised in mid-January that that the plans were re-examined. We discovered*

*that the overall width of the steelwork at ground level was shown as 12.2m on the plan, not 12.9m as previously understood.*

The structure was measured by the Principal Planning Manager in September following queries raised earlier that month and the width found to be nearly a metre oversize which is admitted to be a material variation. There was no justification to say the height had been approved, as copies of 8296/2 and 8296/14 had been widely circulated by then, [and I told him so on the 9th May, 2014:-](#)

*“I would like to question your basic assumption in the letter:- The approved dimensions of the steelwork are: • Proposed height 15.5m at the River Drive end.*

***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.

I went on to say:- *“In the light of this please consider a correction to the letters sent to the households 32 to 99 Greens Place and all the households in Harbour View”* but 3 days later I get notice that he has introduced a new complaint to overwrite the one raised by me in January, see forward pass of 248789 in April by his Planning Manager on page 2, [under reference GM/LB – 253539:-](#) *“Dear Mr Dawson, Stage 2 Complaint, 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.*

The letter of the 9th of May was not a complaint it was a request that [the Head of Development Services correct the misinformation, about the steelwork having been approved](#), given to the households 32 to 99 Greens Place and all the households in Harbour View given in response to our Petition. He ignores this request because he wanted to hide the truth about the shed's height and three weeks later [he repeats the lie made in his response to the Petition, in a what he called a stage 2 response](#) about the shed having been approved at 15.5m at its landward end:-

- *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. That must be the plan which the Development Corporation was referring to when it granted planning permission in 1996. The height of the steelwork at River Drive is clearly marked as 12.5m+3m (total 15.5m).*

[It may be clearly marked but it is an error on an unapproved drawing](#) and this was not the only misrepresentation given in his faux stage 2 response and I'll start with his introduction:- *I am writing in response to your letters of 2nd and 9th May regarding the above. You have made it clear in your letter of 2nd May that you were not happy that I referred your email of 4th April 2014 on to my Planning Department.*

It was *back* to his planning department. They had passed it *forward* to Mr Mansbridge in April without any action. The original complaint still remained in limbo after Mr Cunningham had referred me *back* to the TGA, then after having failed to register it, he then passed it *forward* to his Planning Manager as described in Shed and Corruption – Part 1 and Mr Mansbridge' apology was therefore a masterpiece in misrepresentation for he was operating at the [centre of an alternative complaints procedure](#):- *I apologise if you feel that was inappropriate, however, this is required under the Council's complaints procedure and allows for the appropriate escalation of cases to Head of Service level should the operational department not provide a satisfactory response.*

The truth of the matter lay in my email of the 4th April 2014 and concerned the closure of Tyne Dock which forced UK Docks to find somewhere else to live:-

*This political hot cake is about to slip under the radar and be 'rubber stamped' by a largely ill informed committee and is possibly the main reason why the council has been obfuscating, misleading if not outrightly lying to a group of residents about an ill considered planning application at the other end of the town for 7 months.*

The email referred to page 35 of the Planning Document 25175, the reference for which was removed from the public records within days but [ST/1146/13/COND](#) with its drawing ST114613COND Details 300913.pdf (8296/14) was still in existence and a decision was made to [overwrite my \(our\) complaint, about the shed's height](#), with reference to 8296/14, was reasonable and that the shed should go (FBR 248789) with a fictitious Stage 2 complaint (FBR 253539), that the shed had been approved with reference to 8296/1A and it can stay. Mr Mansbridge was its author and he goes on to say:-

*"I appreciate that this can come across as somewhat process driven however it is important for consistency and helps should you continue to be dissatisfied having exhausted the process and wish to refer the matter to the Local Government Ombudsman. For this reason I am treating this as a Stage 2 response.*

From my introduction, you will see that Building Control complaints can become 'exhausted' but not those generated by breaches in Planning Control. The breach in planning control was made as soon as the first frame was erected but hidden by two planning officers misrepresenting its height. Mr Mansbridge had an opportunity to repudiate their claim which was a direct contradiction to the facts but he chose otherwise. The truth was:- *"Your letter of 9th May focuses on the dimensions of the shelter as being built and in particular your view that, as well as being wider than approved, the shelter is also 3m taller. That would represent a significant deviation from the approved scheme.*

This is true as one can see from comparing the height I have marked on the drawing 8296/14, 15.6m with the actual height at the river end of the shed of 18.2m, as found by Mr Cunningham in September 2013. It was resolved in our favour, when his Planning Manager had conceded that ["the current structure is not built to approved plans"](#) in February 2014 and we asked the Council to remove it but it is still there because Mr Mansbridge overwrote the original stage 2 with one that was a fiction, containing two fraudulent misrepresentations amongst much misinformation:-

- *The approved dimensions that I state are those which are annotated on drawing number 8296/1A – [drawing 8296/1A was not approved because it contained a mistake](#);*
- *The engineer also chose to include a gable elevation of the structure on the same drawing but that was not drawn to scale – [it is drawn to a scale of 1:100](#).*

We were told in February that following a search of the archived file the only drawings that the Council had, that had been approved by Tyne and Wear Development Corporation, were 8296/2 and 8296/4 and one only has to look at 8296/14 to see that it is drawn to scale. The scale was 1:100 which made it very easy to determine that the shed is 2.7m taller than planned. Mr Mansbridge went on to say:- *"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.*

I did arrange a meeting but at the same time as the arrangements were finalised for a meeting on July 8th, I saw that Mr Mansbridge had invited two people to join us, a Senior Environmental Officer and the Planning Manager and realised that I could be walking into a trap and so I wrote to the Chief Executive [to explain that Mr Mansbridge' Stage 2 complaint was a complete fiction](#):-



Dear Mr Swales,

*I am writing to you because I am not satisfied with the Head of Development Services' response to my request that he explain why work on an illegal building continues despite many requests that it stops until the planning issues are resolved.*

*On the 5th Sept 2013 work started at UK Docks premises on River Drive to build a slipway shed length 22.3m, **width 13.1m and height at end facing River Drive 15.5m.***

*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 relevant plans, 8296/14, were not brought to the meeting because they would have shown that Mr Mansbridge was repeating the two fraudulent misrepresentations given him by his Planning Manager and they were, *"the approved height of the steelwork at the road end was 15.5m"* and the gable end on 8296/14 was *not drawn to scale*. The Planning Manager brought drawing 8296/1A instead and the meeting ended when I advised them it was not authorised because it showed both ends to have the same height but [the Head of Development Services said:-](#) *"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. If that is not the case then please let me know and I will pass that information on.*

Confirmation that the meeting of the 8th July 2014 had been rigged to hide the fact that the shed was taller than planned came [via Alison Hoy on the 11th of July when she wrote:-](#) *Dear Mr Dawson, Your letter to the Chief Executive, Martin Swales, was forwarded to our team on 7 July 2014 in accordance with the Councils corporate complaints procedure. Following your email of 10 July to George Mansbridge, in which you confirmed that following your earlier meeting with him you still wished to proceed with your complaint, we have now escalated this to stage 3 of the procedure.*

My complaint was that the shed was taller than planned, therefore I had no wish for Mr Mansbridge' version to go anywhere but the bin because it was an invention where he repeated the misrepresentation that the height of 15.5m at the landward end had been approved whereas my original complaint was based on the drawing, made in August 2013, 8296/14 which in turn was based on [the approved drawing from 1996, 8296/2](#) which show 12.7m or 12.8m at that end. Ms Hoy lied about my wish to proceed with Mr Mansbridge' version of the complaint and in doing so, she became party to the fraud that shed had been built to the approved height and this was confirmed when I was [sent a copy of the 3rd stage complaint in which:-](#)

- there was no mention of the height at all but she repeated the fraudulent misrepresentation made by the Planning Manager made in February that year:-*"I agree with the Planning Team's assessment that, on balance, drawings 8296/1A, 8296/2 and 8296/4 can be reasonably considered to show the approved development."* except that she had dropped 8296/1B. It is only reasonable if [one accepts that the river end on 1A is correct making the other en 12.8m.](#)
- Mr Mansbridge stated in his Stage 2 response that gable elevation of the structure was not drawn to scale.

However; we got confirmation of who removed the enforcement notice following the earlier meeting at the Town Hall in November 2013. [There had been one in place at the time, see entry at top of page 2 of Summary.](#) It was Mr Mansbridge himself. The author of the Faux Stage 3 response, said:-

*I am satisfied that when George Mansbridge made the decision on behalf of the Council that it was not expedient to take planning enforcement action, he was fully aware of the discrepancies noted in your email with regards to the width of the structure and the variation in pillar angle.*

It looks like the author of the Stage 3 did not wish to be party to the fraud because she avoided all mention of the height and blamed Mr Mansbridge for the comment about 8296/14 not being to scale but she cannot be excused from being party to the fraud about the height being approved because it was [her name on the Faux Stage 3 Response](#).

I saw what Mr Mansbridge and Ms Hamilton were up to and complained to the Ombudsman that she had failed to mention the height of the shed in her first draft and then discovered that she went on to repeat the main fraud about the shed's height in her second draft:- 23. *I have seen the 1996 plans and report written by the Development Corporation. The applicant has written the elevations on the plans. At the inland end this is 12.5 metres plus 3 metres.*

She had said in paragraph 22, that she has discussed this with a Senior Planning Officer and it was obvious that he was telling her a pack of lies and I did explain to her the shortcomings of 8296/1A and [sent a letter to the MP for South Shields explaining something similar](#):- *The Head of Development Services, Mr Mansbridge, would not admit to the fact that it was built 3m higher than approved and in a letter to residents in May he said "The approved dimensions of the steelwork are: Proposed height 15.5m at the River Drive end, Proposed length.." etc. He has not produced any plans that support this and there are none in the public domain, either, that show the shelter to be built to an approved height.*

When I later protested to the Chief Executive that his staff were giving misinformation to the Local Government Ombudsman, it was denied and I was accused of a great many things and none of them true and a system was devised so that South Tyneside Council could continue to hide the truth about the shed and that was to misapply section F of some staff rules and to deny that there was any misinformation and or misrepresentation given to the Ombudsman. [Page 9 of 'How UK Docks got their Longer Shed' refers](#).

This also included the first use of exhausted, [on 1st August 2016 by the Corporate Lead](#), to hide the fact that Building Control are not obliged to report any material variation from the approved plans. She said that:- *In her view, my behaviour is a disproportionate use of resources and unreasonable because I had submitted repeated complaints, essentially regarding the same issue, after our complaints process has been exhausted.*

She was blaming the wrong person for the disproportionate use of resources:-

1. it was not me who passed the unapproved drawing 8296/1A to the Tyne Gateway Assn in 2013 when he was sitting on the approved drawing 8296/2, [it was the Principal Planning Officer, Mr Cunningham](#);
2. it was not me that came up with the misinformation about the landward end of the shed with reference to 8296/1A - *"That shows the overall height of the structure as 15.5m above the foundation level at the landward end"*, [it was the Planning Manager in January 2014](#);
3. it was not me who repeated in response to our Petition - *"The approved dimensions of the steelwork are: Proposed height 15.5m at the River Drive end"*, [it was the Head of Development Services, Mr Mansbridge](#);
4. it was not me who introduced a new complaint, 253539, to take forward to the Local Government Ombudsman, [it was Mr Mansbridge on 12th May 2014](#);
5. it was not me who failed to mention the height of shed in a fictitious Stage 3 response, [it was Ms Hamilton](#);

6. [it was not me who told the Ombudsman was built to the 1996 plans](#):- 30. Mr X says the shed is also 3 metres higher than shown in the 1996 plans. He says a scale measurement from the plans shows a total height of 12.75 metres at one end of the shed, - *it was a Senior Planning Officer:- 31. I have discussed this with a senior planning officer - It says what it relied on was the dimensions written on the plans by the applicant. The applicant stated the height at this end as 12.5 metres plus 3 metres making 15.5 metres. The Council says the permitted height at this end is 15.5 metres and this is the height as built.*

It was Mr X who complained to the Chief Executive that his staff were [giving misinformation to the Local Government Ombudsman in July 2016](#) and it was the Corporate Lead who said that said it was not done deliberately and misapplied Section F, to Section him:- *“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.”*

Mr X was correct when he said the shed was 3m(2.7m) higher than shown on the 1996 plans (8296/2) and his use of scale on 8296/1A or 1B only went to confirm that his estimate of 12.75m for the height at the landward end was reasonable and he only ever made one complaint to Mr Swales, 8th July 2016, about his staff giving misinformation and misrepresentation to the Ombudsman but his Corporate Lead needed some justification for the Sectioning of the innocent Mr X so she lied on two counts when she said there was no evidence giving misinformation deliberately and that Mr X had submitted repeated and unjustified complaints.

When UK Docks were asked by Cllr Hamilton to produce plans and drawings to justify their claim that they had approval for their shed in early 2019, they told her that they had been given approval for their shed retrospectively which was a lie of course but a lot better than accusing others and I of making allegations but it took me more than six months to get the [Council to confirm that there no grant given retrospectively for it, 19-Dec-19](#). It was a question that could have been answered within a day or so but like everything connected with the shed's height a catch all was added:- *I understand that all complaints procedures regarding this matter have been exhausted both internally within the Council and externally.*

As reasoned above, as soon somebody says that a planning matter had been exhausted then one knows that at least one of the planning conditions has not been met. In the case of the ‘Shed’, it is the variation in height of 2.7m.

It looks like the Corporate Lead had become aware that she had been set up to Section me and she was not prepared to be party to its revival, and that was why [Paula Abbott was employed to misapply Section 7 of the Complaints Policy 2019v1.5 in April 2021](#). It could not have been Mr Swales who authorised the reimposition of the Section because he had retired from his post in September 2020 and you had not taken up the post by then, so who was it?

I suggest it was someone with much to lose if I was not silenced and that was one of the people with whom I have shared my time-line since I first raised the question of the shed's height.

It now looks like Ms Abbott had put her foot down and refused to carry on with the sectioning charade and it was left to [Ms Hoy to do that on receipt of my email](#) Shed and Corruption – Part 14, addressed to the Monitoring Officer on the 30th April, which she did, after conducting a review of the contact restrictions [which took her a full ¼ of an hour before sending her response](#).

M Dawson, 5th July 2022