

UKD: Conditions 2 and 5 as applied to their shed in 1996.

Hi Melanie,

I was just wondering, if you, or any of your neighbours below in Harbour View have been disturbed in the last year and a half, by UK Docks using their shed on a Sunday without prior notice. The practice should have been stopped by the Council shortly after I wrote to their Head of Legal Services, John Rumney, in May 2021 when I raised the issue of the fifth condition with him.

When I sent a complaint about the shed's use on a Sunday, December 16th 2016 the Council did everything to stop the complaint being registered. They had already failed to register my previous complaint made on January 10th 2014 against UK Docks flouting of the second condition.

The earlier offence, re condition 2, was perpetrated by the Principal Planning Officer, Mr Cunningham and the Planning Manager, Mr G Atkinson and the later offence, re condition 5, was perpetrated by the Performance and Information Support Officer of Customer Advocacy, Alison Hoy under the direction of the Senior Management of South Tyneside Council.

Mr Atkinson had later withdrawn his support for Mr Cunningham when he conceded we were right about the shed's height and if you remember we held a meeting in the yacht club in March 2014 where we decided to raise the Petition and I wrote and thanked the Planning Manager for agreeing with us about the shed's height.

When I quite justly complained to the Local Government Ombudsman that they had been given misinformation by South Tyneside Council in 2015 they simply chose to ignore the evidence provided by me on behalf of the protestors i.e. an approved drawing and chose to accept the evidence provided by the Council's Senior Planning Officer which can only be described as a fraudulent misrepresentation of the shed's planned and approved height.

This was all laid out in Shed and Corruption Series: Part 1, the main point being, the claim made by UK Docks and the Council that approval had been given for the slipway cover, was fraudulent and the Council hid by telling the Monitoring Officer to say, *"that all complaints procedures regarding this matter have been exhausted both internally within the Council and externally."*

The Council had lied to the Ombudsman to hide the fraud and it was successful because they said in April 2015: *"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."*

When the Ombudsman was told about the misrepresentation of the shed's height their Second Inspector came up with one of the best examples of conflation when he said: *"I consider that your latest complaint remains that of your previous complaint which has already been determined."*

In part 1:5 of Shed and Corruption, which began life as a letter to you and was published in April 2021, I explained the methods by which South Tyneside Council had managed to persuade the Ombudsman that it was us, lying about the second condition, not a Senior Planning Officer.

I have shown using the second condition as an example, that not registering a complaint is the primary method, is used to corrupt any complaints procedure and I now want to show in some detail how it was done for the fifth condition on behalf of the CEO by Ms Hoy.. When we come to the fifth condition, please note it specifically refers to the use of the shed on a Sunday:-

*No works, other than the launching or beaching of vessels, 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 reasons for the condition were said to be;

1. As required by section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development shall not vary from the approved plans.
3. To ensure a satisfactory form of development in the interests of the visual amenity of the area.
4. & 5 In the interests of the amenity of the surrounding area, which includes residential and tourism/leisure related uses.

I have highlighted *within the shelter* deliberately because the Local Government Ombudsman repeated in 2015:- *The Authority's view is that condition 5 should not have been imposed because the site already had the benefit of unrestricted working hours. I cannot comment on this. I do not know how the business operated in 1996 and it is too long ago for the Ombudsman to investigate.*

By the time the complaint about the breach of the second condition had reached the Ombudsman, the shed had been in use for nearly a year, and certainly since its approval by Building Control on June 13th 2014. The Tyne and Wear Development Corporation was dissolved in 1992 or thereabouts therefore the 'Authority' to which the Ombudsman referred must have been an unnamed officer of South Tyneside Council.

When I lived in Greens Place, I was too far away to be bothered by the noise made by UK Docks until Sunday, December 18th 2016 when I took a walk along to see what they were doing and saw that the shed was in use and put in my one and only complaint about the shed's use on a Sunday:-

From: Michael Dawson

Sent: 20 December 2016 15:53

To: Complaints

Subject: Re: Sunday Working by UK Docks, River Drive.

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.

Kind regards,

Michael Dawson

The response by Ms A Hoy, implied that there were no restrictions to the use of their shed on a Sunday by UK Docks:-

*With regards to the control of general working hours at the site, in respect of planning no restrictions exist. This matter was considered and responded to by the Local Government Ombudsman in response to the earlier complaint they investigated on your behalf.*

*Decision notice point 16 advised:*

*The Authority's view is that condition 5 should not have been imposed because the site already had the benefit of unrestricted working hours. I cannot comment on this. I do not know how the business operated in 1996 and it is too long ago for the Ombudsman to investigate.*

The contact officer for the planning application was Peter Cunningham of Development Management so it appears that he was the 'Authority' quoted by the Ombudsman. It was he as Principal Planning Manager who did nothing to counter the fraud that the shed had UK Docks had approval for their shed at the meeting at the meeting in November 2013 and to reinforce her point Ms Hoy adds:-

*The matter was also considered in the committee report for the latest planning application for the site:*

*5.61 It would be unreasonable to seek to impose a planning condition restricting the working hours of the boat repair business or restricting the types of works associated with boat repairs at this application site, as it is an established boat repair yard. Furthermore, it is considered that condition to require the additional boat shed doors to be closed when activities are taking place would be unnecessary and unreasonable because activities on the slipway or on the existing jetty.*

5.61 is taken from the planning application which recommended the committee approve ST0461/14/FUL which amongst other things said that UK Docks could extend their shed onto footing laid in 2001.

I had said in both Parts 1 and 2\* of Shed and Corruption, that I was basing them on the timeline I shared with all the Council Staff with whom I had corresponded and whoever was in charge South Tyneside Council realised that the fraud about the height of had be revealed and instructed and I had not long published Part 2 of of Shed and Corruption in April 2021, when I received an email from the Performance and Information Team on the 29th.

*Good afternoon Mr Dawson, Please find attached a letter in relation to your recent contact with officers and elected members of South Tyneside Council. Kind regards  
Paula Abbott, Information and Feedback Officer*

The besides the attached letter which began:- *Dear Mr Dawson, I am writing to you following Ms Hoy's letter to you of 28 August 2018, advising that the contact restrictions which had been imposed on your contact with the Council had been lifted* - - would have had some credibility had Ms Hoy sent the letter but I never received one. She also included a copy of the Complaints Policy 2019v1.5.pdf which implied that not only was I, an unreasonable and persistent complainant I was also abusive. I pointed out to her that it was perfectly reasonable to complain about the shed being too tall when it was to tall and that if she checked there had only been one complaint:-

*Dear Paula Abbott,*

*Please see my views on our recent correspondence about the shed on River Drive. I hope I have made it very clear that I am not pleased with your view that I have been abusive. Please see the letter attached.*

*It centres on the question asked of the Chief Executive on the 8th July and the response from Mrs Johnson, 1st August 2016:*

*Q: 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.*

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

I went on to say that Mrs Johnson's response was based on the lie that the shed had been built to plan and you only have to look at the approved drawing from 1996 to see that the LGO have been misinformed but she makes sure that I am not able to respond by threatening to section me using the guidelines given in 'Section F'. She carried out her threat two months later and I went on to explain to Ms Abbott:-

*You will understand why I was not pleased find you doing the same thing nearly 5 years later but what disturbs me most is your remark that: 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.*

What Ms Hoy and I knew was that the Ombudsman will not look at a complaint until it has been through the Council's Complaints Procedure and what you and I now know is that the Procedure is operated corruptly for the likes of UK Docks and the same goes for 71 Greens Place.

Mr Swales had retired in September 2020 and that begs the question, who instructed Ms Hoy and Ms Abbott to misuse the latest version of the staff code? It cannot of been the current Chief Executive, Mr Tew because he was not post until August 2021. It looks from here that it was the someone directly answerable to the Chief Executive and most to gain from Shooting the Messenger and it is George Mansbridge now the Director of Regeneration and Environment.

It was he after all who sent out the letter telling those who lived in the top end of Greens Place and all of those who lived in Harbour View on the 2nd May 2014 that UK Docks' shed was sound:-  
*"The approved dimensions of the steelwork are: • Proposed height 15.5m at the River Drive end.*

By then he needed to dismiss Mr Atkinson's admission that we were correct about the shed's height out of the complaint and that requires a rewrite of the original complaint:- *Dear Mr Dawson, Stage 2 Complaint, Thank you for your complaint, which we received on 8th May 2014.*

My complaint was not a request for an escalation to the next stage as there was no requirement for it. The original complaint that the shed was taller but Mr Mansbridge needed to hide the fact that he had lied in his letter to the residents on the 2nd May. My complaint about this was delivered to him on the 9th May and said: -

*Dear Mr Mansbridge,*

*Thank you for the letter in response to all the various questions that have been raised with the Council in recent months, including a petition which many local residents have signed. 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 etc.*

***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.

He later claimed that 8296/14 was not to scale and that was a lie as well.

Enough of the second condition, while I was compiling Part 3 of Shed and Corruption, someone in South Tyneside Council determined to have another go at Shooting the Messenger and I hurriedly sent it off to Head of Legal Services, Mr J Rumney, because the fifth condition applied to the use of the shed and overrode the general condition of the site and I felt it was more of a legal issue.

Shed and Corruption - Part 3: Sundays, was hurriedly sent as an attachment to an email to Paula Abbot and needs some correction but not that much that he should not have put a stop to Sunday working and here I am assuming that you have not received any prior notices from UK Docks.

I wonder if they are still maintaining Boarder Patrol Vessels on the Tyne Slipway.

Mick Dawson  
13 January 2023