

Dear Melanie,

The Shed and Corruption

As I said in the covering email the first thing I have noticed when updating the timeline was that UK Docks had stopped working on their shed in mid September 2013 and did not seriously restart until the huge cranes reappeared in January 2014. Three months is a long time and they would not have stopped unless a 'Stop Notice' had been issued.

I have put 'Stop Notice' in bunny's ears because there may have been nothing in writing, just a Gentlemen's Agreement: if it was only a meter wider UK Docks would have told the Council to get lost but they knew their shed was going to be nearly three meters taller than the one for which they had permission and they did not wish anyone to look closer at the plans because they needed a longer shed as well as the footing laid in 2001 indicated and to rebuild it to correct height was not on, and that was why the pair of drawings were given to Mr Cunningham by the UK Dock's representative, [stamped on the 6th September and forwarded to us, as a pdf document](#):

The Principal Planning Officer, Mr Cunningham [had refused to answer your question, 9-Sep-13](#), *Has the revised height of 15.5metres been approved or is it in breach of the 1996 Planning approval?* One can only conclude that the answer was that it was in breach of planning approval as UK Docks did stop work on their shed, [as reported on 23-Sep and 3-Oct-2013](#).

They were in a fix because they had passed a set of plans which falsely claimed, the height had been approved, on the 6th September to Mr Cunningham and unfortunately he had passed them to us when he implied the shed had been approved in his emails to you.

The first was a cropped copy of an approved drawing from 1996, 8296/2:

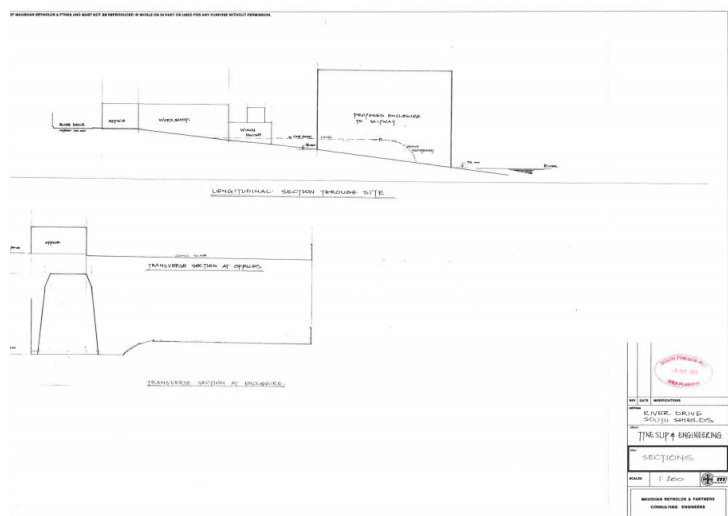


Figure 1: Cropped copy of 8296/2

You will notice that the dimensions are missing from the left hand edge and drawing number from this one. Neither UK Docks nor Mr Cunningham realised that we could prove that that they were being deceitful when they told us the shed had been approved. It is very easy and one can calculate the planned height because we know the difference height between each end was 2.7m. The heights on the A4 print shown; are 3.05cm and 3.70cm which give by ratios, 12.7 and 15.3m.

The second was an amended copy of 8296/1B, made in February 1997. It was ambiguous in respect of height as it gave both ends a height of 15.5m: one must be wrong as you can see from the drawing above. [It tells us it was the one at the landward end](#). Any claim it was the approved height is 15.5m is therefore fraudulent. It was not ambiguous about the width which was given as 12.2m. The missing dimension at the landward end of the shed is 12.7m. It was therefore a fraudulent misrepresentation for UK Docks to claim it was 15.5m.

Mr Cunningham would have saved a lot of trouble if [he had sent us the full authorised copy](#) but it would have meant that UK Docks would have to find another slipway for their shed or apply retrospectively for permission to complete it and neither happened.

Mr Cunningham did not answer your question, he remained silent and referred you to the complaints procedure and as you will see they have tried and tested method of manipulating it to hide bad planning practice, the lack of building control and any hint of corruption. The process ends with a referral to the Local Government Ombudsman and they are easily conned.

We thought that with the resurrection the Tyne Gateway Assn (TGA) we might get some truth but that failed because it got taken over, with Councillors Anglin's and McMillan's help, by Messrs Watson and Haig who failed to declare their interest in UK Docks.

It matters not whether the Councillors were aware of this but it sufficient to know that Mr Haig as Treasurer never published any accounts and more importantly, Mr Watson as Chair has not published a single Annual Report report was elected Chair in 2013.

There was, however, one good thing to come out of the TGA and that was that one could rely on the minutes, while they they were never published there was a limited circulation amongst committee members and the [copy for 25-Nov-13 is still relevant](#):

KH advised that they had seen the plans which were date stamped 1996, the structure is 15.5m.

Proper drawings were on file and there is nothing illegal about the structure.

KH advised that PC was honest and fair. With regard to conditions 3 & 4, these related to cladding of the structure, initial drawings showed blue cladding, which was agreed.

KH or Ken Haig, was referring to the Town Hall meeting of the same date and while I can confirm that Mr Cunningham did not use the expression 'legal' to mean approved because that would have been fraudulent misrepresentation but he did not correct Mr Haig for its use.

When Mr Haig said that Mr Cunningham was honest and fair you can see that both were being a little economical with the truth. As I have shown above the plans may have been date stamped 1996 but they were not approved. If any approved drawings were produced at the meeting, they would have shown that the shed was 3m too high and the minutes of the TGA reflected this and that was why UK Docks got permission to restart work on their shed.

There were no minutes of what went on at the [Town Hall and Cllr Anglin wrote, 1-Dec-13](#):

Michael, I took no minutes as is customary at these informal meetings. For your record I am sure all would agree. The Exec representatives of the Group accepted that the construction had been made legally as per drawings seen. It looks like he had faithfully reproduced the view given by Mr Haig to the TGA committee a week earlier. I knew that we had been misinformed and wrote to Councillor Anglin to advise him on this point.

It had been reported at an earlier meeting, 9-Nov-13: *Residents believe the building being constructed is wider and higher than approved*, and I went and measured the width for myself, which could be done without troubling UK Docks, by sighting along the pillars and putting chalk marks on top of the conveniently placed railings.

The biggest problem I had was that they were not square with the frames and there were 5 of them when I got round to measuring it which did not help with parallax errors. The fence was not straight either and that required a plumb line and builder's square to make the adjustment but in the end I could claim that the shed was a meter wider than planned (13.2m) with an accuracy < 1% error.

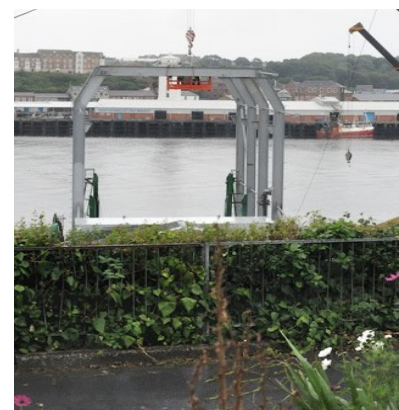


Figure 2: 11-Sep-2013

Not only were Messrs Cunningham and Haig [misleading us about the height, they were lying about the width as well](#) and it appears they were relying on the fact that there were no minutes to record the fact that no approved drawing was presented to back their claims. There are none, both the approved drawings show the shed is just under 3 m taller than permitted.

Simply put, there are no drawing in existence that backed UK Docks' or Mr Cunningham's view, that the structure was the approved height. There are 2 that confirm the approved height to be 12.7m and not 15.5m at the landward end of that shed and [they are 8296/2 and 8296/14 and the use of the latter is to be preferred](#) because it shows the shed to be a meter wider than planned.

Planning had recovered 8296/2 in September and the Council had published the drawing attached to the [Decision Notice ST/1146/13/COND, 8296/14](#) in mid December. It had been approved by the Planning Manager in October 2013, and thanks to Julie for pointing out its provenance. The Wilsons had possibly not told their Agents that they intended to erect a shed 3m taller than the one for which they had approval but more to the point Maughan Reynolds Partnership Ltd could never have superseded the previously approved plans in terms of defining the dimensions of the approved development and the Council knew that. No-one has ever disputed the note about the height!

The responsibility of managing the complaint, that the shed was taller than planned and the Council had done had nothing about it, had gradually passed from you to me and it may be best to put a date on it and I suggest it should be the Town Hall meeting on the 25th November 2013. I think you were unavailable and I was determined to be there as a witness if nothing else. It was also obvious that [we had moved into second stage of the Council's Complaints Procedure](#).

I was wary of raising a formal complaint because, as you can see, we were in the second stage of one. What you had done in September 2013, was to point out that we knew, as well as UK Docks and the Council, that the shed was taller than planned [and that they were being evasive](#).

When they restarted work after the Town Hall meeting, I was left with no choice but to repeat your observation and ask, 10-Jan-14: [As the applicant has not discharged condition 2 why is there no retrospective planning application?](#)

So that there was no confusion about which end of the shed had a planned height of 15.5m the complaint was based the drawing attached to the Decision Notice which had been approved by the Council in October, a month before the fateful meeting. My complaint was addressed to Planning Enquiries but intercepted by [Mr Cunningham who simply referred me back to the TGA](#).

It had become clear that both the Cllrs, Anglin and McMillan and Mr Cunningham, wished to hide the truth about the shed and they were ably assisted by the HB Hydraulics men. I had no trust in Mr Haig and I certainly was not going to [deal with his procurement officer, Mr Watson](#).

Mr Cunningham will have known that the shed was wider than planned and it was possible but unlikely that he still believed UK Docks fraudulent claim for the height at landward end. The complaint of January 10th, showed that we had proof that they had been lying to him and he should have referred the complaint to Building Control, not passed it back to the TGA.

In my book, both of these offences, the lack of registration of the complaint and the back-pass are serious misdemeanours and both indicate that he was misusing or corrupting the complaints procedure, to avoid answering for the Council's actions or in this case, the lack of planning control.

[The fact remains that Mr Cunningham did not register our complaint](#) and by referring us back to the meeting meant that he was as good as repeating UK Docks fraudulent claim and it was obvious that we were no further forward than we were in September. The meeting had established that the shed was taller than planned and that [left the question about retrospective planning unanswered](#):

Therefore until I have some satisfactory answers to my very reasonable questions I do not consider this matter closed. If you are unable to supply me with answers to my questions could you please pass the issue to someone who can.

The Planning Manager, Mr Atkinson did nothing to resolve the situation because he sided with Mr Cunningham [by saying the shed had been approved](#):

Approved Drawings. The drawing that was submitted on 11th April 1996 with the application is numbered 8296/1A. That shows the overall height of the structure as 15.5m above the foundation level at the landward end.

Mr Atkinson showed that he was party to the decision to remove the complaint from Planning Enquiries when he said: *“The dimensions of the steelwork have been checked on site and they are in accordance with the measurements shown on the approved drawings.* He echoed the lie told to us in December, see reference at the top of page 2, though Mr Cunningham used the word ‘compliant’ to falsely claim that the shed had been approved.

Mr Atkinson also mentioned another drawing, 8296/2 and said it was one of two drawings that had been approved so I asked him to produce them, 24-Jan-14: [Why have these two drawings not been provided to residents and why are they not available on the planning portal?](#)

He made excuses but he did actually produce them with his response on January 28th, five months after you had asked Mr Cunningham for the equivalent, in your email of 13-Sep-13. The one that was never answered, which led to us setting up the TGA. Besides his excuses, [Mr Atkinson’s response was riddled with misinformation](#) and I will highlight two worst of them:

1. *“It is therefore reasonable to say that 8296/1A, 8296/1B, 8296/2 and 8296/4 represent the development which was approved in 1996.”* - this is only true if [one accepts that the dimension on the river end is correct](#) giving a landward end of 12.7m not 15.5m which is shown in error on either 8296/ 1A or 1B. ***Both 1A and 1B showed each end of the shed had the same height, 15.5m and one must be wrong!***
2. *“the 15.6m height is the height to River Drive and the height on the river side is some 3m greater.”* - an obvious lie the gable drawing to which he was referring was of the river end.

He like Mr Cunningham avoided the central question, why, when the second condition of the grant: *The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications* are they still working on their shed?

[In his last response, 13-Feb-14](#), he conceded that we were correct about the shed when he wrote: *3 the current structure is not built to “approved” plans* and as one can see were discussing the height of the shed when he made that admission. It was this pair of emails that we circulated at the public meeting held in the Little Haven Sailing Club on the 3rd of March 2014 and we agreed to [raise a Petition and I would write to them about the shed](#).

I cannot remember if I highlighted the worst misrepresentations but they were recorded and the one about the scale survived and was repeated to the Local Government Ombudsman. Mr Atkinson said: *“why did we determine the elevation on 8296/14 is the south end? The drawing was submitted in discharge of condition 4 relating to fixing details of the end panels. Those details are the 1:10 sections and elevations at the left hand side of the sheet. The engineer chose to show a gable elevation of the structure (not drawn to scale) on the same drawing.”*

The south end is the road end the gable elevation faces the river and is the north end and there is a note about allowing access to boats and as everyone should know – the boats arrive from the river;

The elevation is drawn to scale a scale of 1:100 so it would have been very easy to verify the planned height of it. I got 15.6m but then again I was reading from an A4 pdf document on a curved glass screen in South Shield Library in late 2013. It was not the 18m that Mr Cunningham found it to be, in September of that year.

As you know, nothing was done despite numerous complaints from many people, including me.

[All he did was to acknowledge the receipt of our wish list](#). UK Docks continued with work on their shed and they even put it to use without doors on either end when they took a Port of Tyne Tug onto the slipway 17th March but by then UK Docks had become a law unto themselves. When it came to the Gazette repeating the misinformation about [the shed in an article about our Petition on the 1st April 2014](#). I wrote to his manager on the 4th but I later learnt that it was passed back Mr Atkinson and is still awaiting attention as is the complaint of 10-Jan-14.

Mr Mansbridge and the Petition

The Head of Development Services still owes us an apology for misinforming the rest of the community about the shed in his response to our Petition and everybody's complaints i.e. repeating the drawing error based lie about it being the correct height but he made it clear that he was not interested in the truth because not only did he not stop UK Docks completing their shed he passed my letter straight back to Mr Atkinson – another cycle of deceit. It was never actioned because Mr Atkinson later passed our request of the 4th March, for the shed to be removed, forward to [Mr Mansbridge, 25-Apr-14](#).

Date: Fri, 25 Apr 2014 12:43:07 Subject: feedback case 248789:

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.

When Mr Mansbridge received my letter on the 4th April he notified me that 248789 had been updated but not told me that he had passed my my letter back to Mr Atkinson. Meanwhile I thought he ought to be [made aware of the misconduct of his Planning Officers, 2-May-14](#). That too is still awaiting attention.

While I was delivering the complaint about the way his staff were dealing with UK Docks, South Tyneside Council were delivering their response to our Petition, 2-May-14 [and the first thing to notice is that it was not answered by the Chief Executive](#). Next and of more concern is his repetition of the Planning Manager's fraudulent claim that the shed had been approved: *The approved dimensions of the steelwork are: • Proposed height 15.5m at the River Drive end. The gradient of the slipway is 2.66m over the length of the shelter. This would mean the height at the riverside end would be 18.16m above the slipway.*

Naturally, an attempt was made to [draw attention to his repetition of the fraudulent claim about the height](#) of the shed and I ask him to:

1. please examine again the plans that are held by your office and you will see that the elevation in the drawing 8296/14 is the north end and that scaling gives the elevation height to be 15.5m and subsequently the south elevation 12.5m – if you have any problems with this than please provide the full frame drawing from which the elevation is taken.
2. please consider a correction to the letters sent to the households 32 to 99 Greens Place and all the households in Harbour View;

It must be stressed, only approved amendments made since 1996 could be shown on 8296/14:

The river end gable elevation on 8296/14 is drawn to a scale of 1:100 and is approximately 16cm x 12.5cm which equates to the section at the river end section given on either 8296/1A or 1B, 15.5m x 12.5m and a landward end of 2.7m less, making the approved height to be 12.8m. Mr Mansbridge does not specify which drawing he was using to misinform the residents but I can tell you it was not 8296/14 as it was not Messrs Cunningham and Atkinson preferred drawing.

Mr Mansbridge and the Complaints Procedure

The correction was never sent. Not only did this save him the embarrassment of having to apologise to the nearby households it also saved him from having to instruct his Enforcement Officer to instruct UK Docks to rebuild their shed to the correct height or remove it and it would have been up to UK Docks to decide whether they dismantled the shed or sent in an application for the Council for them to reconsider it retrospectively.

Instead he instructed his Officers to raise yet another complaint, 253539, to overwrite 248789, much as Mr Atkinson had overwritten the complaint of January 2014 and Mr Cunningham had done way with yours at the Town Hall meeting in November:

Planning enforcement of Tyne Slipway boat shed. – Letter to GM following previous letter dated 4th April. – [Not happy with G. Atkinsons response at Stage 1](#). Letter to be dealt with at Stage 2.

The Council were correct in issuing the Stop Notice in September 2013, but nothing was written down and it appears to have been a Gentleman's Agreement and UK Docks broke it when they restarted work after the Town Hall meeting of November. All still perfectly legal and here we get to the crux of the matter.

Mr Cunningham had misled the majority of the committee of the TGA by falsely claiming that the shed had been approved and rather than admit it, he removed the evidence by deleting the complaint to Planning Enquiries of January 10th 2014, and the Planning Manager was complicit in this act by replacing it with: *“see email to planning 14/1/14. Mr Dawson asking various questions relating to the ongoing development at the slipway,”* and then refusing to answer the vital question: *“As the applicant has not discharged condition 2 why is there no retrospective planning application?”*

Incidentally the last word on this, from the Council was: *“I can confirm that the Council as Local Planning Authority has not received a retrospective planning application from UK Docks. It is entirely a matter for UK Docks to decide whether or not to submit such an application and the Council has no influence in that matter.”* Monitoring Officer, 19-Dec-19.

Notice the subtle shift of blame back onto UK Docks which took place over nearly six years when in fact it had been the Council defending UK Docks position by repeating the lie that they had approval for their shed for all that time. Mr Cunningham had just simply said the shed was compliant with the approved drawings but his Manager had embellished it when he said it in accordance with them.

I say embellished because he adds: *“That shows the overall height of the structure as 15.5m above the foundation level at the landward end.”* and as I have shown that while the drawing does say that, to repeat it to mean the shed had been approved at that height is fraudulent misrepresentation and we saw it being repeated in the response to our Petition by Mr Mansbridge.

It was possible Mr Mansbridge may have not have been aware of the Gentleman's Agreement nor that it was a gross misrepresentation to claim that the approved height was 15.5m when he wrote to the residents of Greens Place and Harbour View but it seems unlikely. He was told in no uncertain terms that the shed was 3 meters taller than planned: 1-Apr-14, that his staff had been dishonest about it: 2-May-14 and that he had lied to us in his response to our Petition: 9-May-14.

Following the admission by Mr Atkinson, that we were correct about the shed being taller than planned the Mr Mansbridge wrote to some of the residents to say that it wasn't.

That was a lie of course and to cover that up and 248789 had died a natural death with Mr Atkinson's admission so it was taken out and 253539 replaced it to [reintroduce a complaint to take forward to the Local Government Ombudsman](#).

STAGE 2 COMPLAINT – Development at UK Docks Ltd, River Drive – 2nd June 14

[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. 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. 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 Stage2 response.

Mr Cunningham refused to answer your question about the height in September so it became a complaint at Stage 1 and it was definitely not resolved when he attempted to pass it back to the Chair of the TGA. Logic if nothing else indicates that after after that meeting it must therefore be at Stage 2 and Mr Mansbridge at Stage 3. What he was actually doing was overwriting all the [corrections made in the second stage, to the misinformation given in the first](#).

1. he passed the letter [correcting the misinformation about the height](#) of the shed given in the local press back to an exhausted Stage 2;
2. the letter 2nd May was about the fact that he had ignored the letter of the 4th April. It also suggested that the conduct of his staff left much to be desired: *“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 no need for any escalation to the next stage (mislabelled as 2 by Mr Mansbridge);
3. the letter of the 9th May explained why there was no truth in his statement made in response to our Petition: *The approved dimensions of the steelwork are: Proposed height 15.5m at the River Drive end.*

Not only that he repeats it in his Faux Stage 2: *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:*

The Mansbridge Trap

There was no escalation to another stage, it was never written as it was not needed after Mr Atkinson's concession on the height however he did say we could meet to review [8296/14]: *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.* Anticipating that the meeting would come to nothing, if it was anything like the farce at the Town Hall in November, [I wrote to the Chief Executive, 7-Jul-14](#), and copied its timeline to Mr Mansbridge and others.

The meeting took place on 8th July 2014 but drawing 8296/14 was not produced. Mr Atkinson produced /1A and /2 instead. The meeting ended abruptly when the error on 1 A, that it showed both ends to have as height of 15.5m, was pointed out and [the trap was sprung the following day](#).

I had based all my arguments that the shed was taller and wider than planned on the approved drawing 8296/14 and while 8296/2 was also approved and showed that the shed taller it failed to show the extra width and change of section that allowed the travelling crane to be fitted. To me the change in section was as much a breach in planning control as the height and yet another reason that it should have been brought to a meeting arranged to view it.

I had to forget about the change in section with the fallout from the meeting as you will see from my [exchange with Michaela Hamilton over the following month, 12-Aug-14](#). Notice that I had added Mr Mansbridge and Customer Advocacy to my list of miscreants: *i.e. The misuse of the formal complaints system as operated by South Tyneside Council firstly by the Planning Office then by the Development Services and lastly by the Customer Advocates to stifle enquiry into what may be considered as bad planning practice by the Council.*

I had plenty of time to review what had passed since Mr Mansbridge rewrote the history of the shed and hide the fact that UK Docks had claimed its height had been approved so Ms Hamilton, she has married since, [was reminded that the shed was actually 3m taller than planned, 29-Aug-14](#).

It looks like Mr Mansbridge' fictitious third stage in our complaint was presented to Ms Hamilton as the truthful Stage 2 so that she was able to respond on behalf of the Chief Executive at Stage 3. It looks like she was told by Mr Mansbridge that the drawings seen at the meeting represented the approved dimensions of the shed but she did attribute the lie about scale to him after all: *Mr Mansbridge stated in his Stage 2 response that the engineer chose to include a gable elevation of the structure on the same drawing but told you this was not drawn to scale.* More to the point she also said: *"Mr Mansbridge discussed the case with the Council's Solicitor and with the Chair of the Planning Committee."* and it looks like [they advised her to avoid talking about the height altogether](#) or she would have to admit that we were right about the shed being 3m taller than permitted.

It was no coincidence that the first draft of the Local Government Ombudsman's findings did not mention the height either and I point out to her there would be little point in having asked her to look at this complaint if she did not mention the height and she says in her second draft: #21. *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. The Council says the permitted height at this end is 15.5 metres and this is the height as built.*

As I have shown on pages 1, 2 and 3, that to say the permitted height at the road end is 15.5 metres was an outright lie but strangely she left something like the explanation given with Figure 1, [in her final draft which is not quite an outright lie](#): #33. *In response to a draft of my decision Mr X says the 15.5 metres height relates to the river end. He considers the land end should be 2.6 metres lower. He says the Council cannot prove 15.5 metres relates to the land end not the river end. I do not agree.*

It occurred to me before I even saw the final draft, 15-Apr-15 that the Ombudsman was repeating the lies about the shed rather than the truth and [I wrote to our MP about it, 31-Mar-15](#) but some bright spark had noticed that I was lodging in Amble so my email was diverted to Alan Beith the MP for Berwick but he was standing down but said he would pass my email/letter to his successor.

[Anne-Marie Trevelyan reviewed the situation and wrote to the Chief Executive, Mr Swales](#). Her assessment was concise, and would have been superb apart from the fact that she was not specific about which end of the shed should have a height of 15.5m. All it needed was an explanation to both to clear this up and I popped the [letters to her and Mr Swales into the post on the 9th June 2015](#), wondering how he would react to my proposition: *"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 was curious to know how he had reacted and enquired of her office and Anne-Marie herself a few times over the next six months but received no reply and it was not until January 2016 that I discovered why I had received no answer. It was because he had resolved the problem I had set him by instructing [one to his staff to accuse us of making allegations, attachment 6, 25-Jun-15](#):

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.

His solution, to falsely accuse us of making allegations, was made to cover over the fact that his staff had been lying about the shed for nearly two years. There were no plans to show we were wrong in our view about the shed taller than planned. Mrs Johnson went on to say, 1-Jun-15: *Please do not hesitate to share this letter with your constituent.*

Needless to say the letter was not shared with her constituent and I would not have discovered Mr Swales to instruction to his Corporate Lead to malign the good people of South Shields rather than admit to the truth about of the shed, because of the actions of the Planning Officer charge of the Second Phase of the River Drive development which included adding 5.5m to the shed. The officer, Mr Simmonette, was put in a similar position to that of the Chief Executive on June the 9th when I copied him into my letter to the MP for Berwick. I had written to Mr Simmonette in September but [he did not even have the courtesy to respond so I wrote again, 04-Dec-15](#), and asked: *1) Do you agree that 8296/1A shows, in truth, that the planned height of the road end is about 12.5m? and 2) Do you agree that 8296/14 shows the planned height of the road end is about 12.5m and that it has been built 3m higher than authorised in 1996?* I had grown very wary of people saying that 8296/1A shows the road end of 15.5 and repeating that it had been approved. I also think that Mr Simmonette had been made aware that to repeat it was probably criminal fraud so referred the email to Alison Hoy and the real reason for the Council [giving misinformation to the Local Government Ombudsman was revealed, 9-Dec-15](#).

Once the Council has hold of the Ombudsman's Decision they tell anyone who enquires with concerns about the shed being taller and/or longer than planned that the matter has been dealt by the Ombudsman. No-one thinks that a [Council could possibly lie to the Local Government Ombudsman](#), 26-Jan-16, so any enquiry gets flicked into the waste bin, for example:

1. MP for Berwick, 25-Jun-15, - *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.*
2. CA to Me, 9-Dec-15, - *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.*

Before I quote the 3rd example, I wish it to be known that it was not a further complaint made on the 13th July 2015 but a request for the screen prints for 248789 and 253539 over which I was having trouble. Alison solved the problem by simply sending me screen prints and proof of the corruption of the Complaints Procedure.

With the response from the solicitors Peter Dunn, and Co and Alison's email of the 9th December 2015, I had proof that the Council were feeding misinformation to the LGO to enable them to hide malpractice and my first task was then to get them to admit they were doing it.

Corporate Lead: 5-Oct-16, - *I can again advise that there is no evidence to suggest that there has been deliberate misinformation provided by Council officers to the Local Government Ombudsman.*

[Giving misinformation to the Ombudsman is deliberate by its very nature](#) and in that statement she denying that the shed was taller than planned. More seriously was saying that the Council were not giving misinformation to the LGO. She then goes onto misuse 'Section F' of some staff code normally applied to silence unreasonable and persistent complainants.

One complaint that the Council were giving misinformation to the LGO was hardly persistent and if she had bothered to check the fact that, when I said the shed was 3m taller than that approved she would have discovered that I was being entirely **reasonable**. The solicitor who reviewed the correspondence 2013 to 2015, thought so as well – see above:).

3. Corporate Lead: STC, 17-Jan-17, - *This matter was considered and responded to by the Local Government Ombudsman in response to the earlier complaint they investigated on your behalf. The matter was also considered in the committee report for the latest planning application for the site – [please see the critical appraisal of her work.](#)*
4. Customer Advocacy for CEO, 19-Jun-17, - *Dear Mr Dawson, Thank you for your letter to the Chief Executive, Martin Swales, dated 26 May 2017 which was received 13 June 2017. Your letter has been forwarded to our team in line [with your current contact restrictions regarding issues raised regarding the UK Docks boat shed.](#) I must advise you that this letter is raising your historic complaint again which has been thoroughly investigated by the Council and the Local Government Ombudsman, therefore will be placed on file.*
5. MP for South Shields, 6-Sep-17, - *The previous issues relating to the boat yard have in fact now been looked at by the Local Government Ombudsman and they found no issue with the yard or anything relating to its development. Unfortunately, the Ombudsman’s decision cannot be re-visited.*
6. STC Solicitor, Gill Hayton, 14-Dec-18, - *#4. The Council investigated the matter and found that the planning permission had been lawfully implemented.
- #6. The Local Government Ombudsman issued her decision in 2015, finding that there was no fault in the way in which the Council had determined that enforcement action (with regards to the width of the development) should not be commenced.*

It looks like everyone was staying tight lipped about the height for her to say what she said. To say that planning permission had been lawfully implemented to mean approved is dishonest to say the least and note that she has omitted the height when referring to the lack of enforcement.

When Mr Haig brought the meeting in November 2013 to an end by declaring that the shed was ‘legal’, he implied that we were examining approved documents and that was why the Council removed the threat of taking enforcement action implied by the Gentleman’s Agreement and why UK Docks busied themselves **without** having to apply for retrospective planning permission in late 2013. Note also that the height has been excluded from talk of taking enforcement action.

Gill Hayton’s response at the close of 2018, to my complaint about Cllr Anglin’s part in this, included some of the misrepresentations given to the Ombudsman by a Senior Planning Officer. The repetition of the three lies made no sense unless they were included for presentation to someone appointed to look carefully into the conduct of Councillor Anglin:

LGO	Gill Hayton
i. 23. The Council accepts these measurements were wrong.	5. The Council later accepted that the measurements as taken in 2013 were incorrect.
ii. 31. The applicant stated the height at this end as 12.5 metres plus 3 metres making 15.5 metres.	6. The Ombudsman found no fault in how the Council determined the permitted height of the landward end of the development was 12.5 metres plus 3 metres.
iii. 23. It decided the degree of departure from the plans – less than one metre – was “ <i>non-material.</i> ”	5. The Council decided not to take enforcement action against the developer and considered the degree of departure from the grant of planning permission was “ <i>non-material</i> ” given the overall scale of the building.
i. Not true. The measurement were were taken on 17 September 2013 and had not changed by the time UK Docks restarted working on their shed in December 2013 – see pages 1 & 2;	
ii. Not true. The only one of the two authorised drawing from 1996 states the approved height to be 12.7m, the other is dimensionless – see page 1;	
iii. Even the Council admit that the extra width was in breach of planning permission – see response to petition 2-May-14.	

Following visits to UK Docks in the spring of 2019, by the MP and a Councillor, we were told that they had been given permission retrospectively their shed which was so obviously a lie but I could foresee the Council would use it to replace the lie that the shed was the approved height, which the with the aid of the Ombudsman, they had maintained for over five years.

It took me till the end of 2019 to get confirmation from the Council that UK Docks they had not been given permission retrospectively and this goes right back to the question first asked by you in September 2013 and answered by me in January 2014 and that poses the question, why when the Council found out that the shed was taller and wider than planned did they do nothing about it and secondly why was it allowed to be extended.

I, or should I say we, still have the problem with the Council now telling us: *It remains the case that all complaints procedures relating to this matter have been exhausted both internally within the Council and externally.*

That is is a tacit admission that they are aware that someone on their payroll had been lying to the Ombudsman but it does not mean they are going to repeat something like: *The Local Government Ombudsman issued her decision in 2015, finding that there was no fault in the way in which the Council had determined that enforcement action should not be commenced.*

As far as I can see the main complaint, that the shed is bigger than planned and the Council have done nothing about it still stands. The escalation of your complaint made by me on January 10th 2014 was just to tidy up a loose end.

All the complaints, apart from the ones about Noise etc. and Sunday Working, stem from that single one including giving misinformation/misrepresentation to the LGO. The ones the against Case Officer in charge of the lengthening of the shed are not included with Noise and Sunday Working as they would still apply the shed was only 22m x 12.2m x 15.5m at the river end.

Some time ago it became clear that the misuse of both the Complaints Procedure and the Office of the Ombudsman was not exclusive to South Tyneside Council and I even suggested that the latter should be made a criminal offence. I have come round to thinking that the issue should be raised in Parliament, by the MP for South Shields (Emma) rather than the MP for Berwick upon Tweed (Anne-Marie), and they can decide what to do with errant Councils and an easily swayed Ombudsman.

Emma because she was quite aware of what is going on and we do not know what the Chief Executive told Anne-Marie on the 25th June 2015. The Corporate Lead's letter was attachment 6 and though I have asked, they will not tell me what is in the main letter or any of the other attachments.

There are nearly 50 references (URLs) and I make no apologies because we would not have had to complain about the shed if Mr Cunningham had admitted that it was taller than planned in the first week or so of September 2013 because they would have had to have built it elsewhere as the one for which they had permission was not economically viable. When they first recovered the drawings from archive they should have issued a what I think is called a Stop Notice to bring UK Docks to the table to discuss what they were going to do with the taller structure.

When they heard we were trying to resurrect the dormant TGA they spotted a weak spot and Cllrs Anglin and McMillan went into action but what they and Messrs Watson and Haig did not realise was that there was a fatal flaw in their scheme. Mr Cunningham had to either to admit we were right about the shed or commit fraud. He chose the latter and that is why South Tyneside Council have gone dreadfully quiet about UK Docks.

Yours sincerely
Mick, 12th March 2021