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Your ref:  
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To: Esh Parish Council

9 March 2021

Dear Members

**Decision Notice: Complaint Ref COM 288 - covering letter**

The Governance Solicitor recently considered a complaint from Mr Ian Dowson concerning the alleged conduct of the Councillors of Esh Parish Council in accordance with Durham County Council's Procedure for Local Assessment of Complaints ("the Procedure").

The Decision Notice has now been issued but must not be made available for publication due to references to third party information of a sensitive nature. It would not be appropriate to disclose such information without express consent.

The complaint was in respect of Facebook posts allegedly made by the Council, which Mr Dowson claimed alleged him of being a bully.

Various other issues were raised in the process of considering the complaint and it is clear there is a long-standing history of challenge between members of the public and the Council in a manner which can be described as persistent.

The Governance Solicitor has decided that no further action is required in respect of this complaint.

**Resources**

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Whilst the complaint was made against the Council as a whole, it was evident that the issues lie predominately between the Chair, Complainant and the individual that the bullying allegation relates to. The individual was not subject to the complaint and their conduct was not subject to determination.

The Governance Solicitor carefully considered the evidence available and whether to refer this matter to investigation. However, the administrator of the Facebook Page was unable to verify the identity of who made the original post. The Chair, on behalf of the Parish Council strenuously denied the allegations. In the circumstances, it is unclear what more could be achieved through an investigation, as the evidence is inconclusive. Further, whilst there is clearly a long-standing history of dispute between the parties, it would not be proportionate to investigate a complaint about a single Facebook post. Further enquiries are unlikely to resolve this matter to the satisfaction of the Complainant.

Whilst the Complainant and his conduct did not fall to be considered as part of the complaint, the Governance Solicitor noted that there was no evidence within the information provided on behalf of the Parish Council, which supports the comments made in the Facebook post about the Complainant, nor is there anything to suggest any 'bullying'.

The Governance Solicitor was asked to consider whether this complaint falls within the vexatious or habitual complaint process. The Governance Solicitor noted the multiple contacts both this Complainant and others in the village have made to the Parish Council expressing their dissatisfaction and recognised the administrative burden in responding to such requests. It is a matter for the Parish Council to determine how they respond to such correspondence. However, the submission of the complaint (notwithstanding the history between the parties) does not meet the criteria for a vexatious complaint as set out in the Local Assessment Procedure.

To conclude, no further action will be taken in respect of this complaint and the Decision Notice should not be available for publication, although this letter can be published and noted.

**Yours sincerely**

**Kamila Coulson-Patel  
Governance Solicitor**