

to Mr R Braithwaite

date 10 July 2015

BY EMAIL: your ref
my ref
email
websitemarksmith@wirral.gov.uk
www.wirral.gov.uk

Dear Mr Braithwaite

**UNREASONABLY PERSISTENT COMPLAINTS IN CONNECTION WITH
TOMMY'S FRUIT AND VEG SHOP, MORETON**

The Council has received several hundred emails from you in 2015 on the above topic, and greater numbers in previous years. The Council has made its position clear to you regarding its policy regarding shop front displays and its application, including responses to you from the Chief Executive on 7 July and 11/12 May 2015; inviting you to address your dissatisfaction through the Local Government Ombudsman if you did not accept the Council's position explained to you by the Chief Executive.

Despite this, you have continued in the same vein, and a number of your emails recently are considered offensive, in the manner which you have addressed the actions and opinions of Council officers. Such conduct is unacceptable. The Council will not tolerate its officers being subjected to such inappropriate behaviour.

I have now taken the advice of the Council's Head of Legal and Member Services regarding your incessant correspondence concerning the shop front display at Tommy's Fruit and Veg, Moreton. We are both agreed that it is not in the public interest for the Council to continue expending Council resources in dealing with the issues you have repeatedly raised on this matter.

The Council has considered the alleged breaches and maintains that any enforcement action must be proportionate, having regard to all relevant legal and evidential factors, including any aggravating and mitigating factors. In addition to this, enforcement action must be in the public interest. On the facts and evidence considered, the Council does not consider enforcement action is either proportionate or in the public interest.

In view of the Council's clear position, I would ask that you now stop sending emails (or other communications) to the Council or its officers in respect of this matter. The Council will no longer engage in protracted correspondence/communications with you

regarding the same issues concerning the shop front display at Tommy's Fruit and Veg, Moreton.

Should you fail to heed this warning, the Council will have little choice but to consider what further action it should take to prevent you from sending further communications that are abusive, offensive and/or related to the same issues concerning the shop front display at Tommy's Fruit and Veg, Moreton. I hope this will not be necessary.

If you are dissatisfied with the Council's handling of this matter, I suggest you refer your complaint to the Local Government Ombudsman.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Smith', written in a cursive style.

MARK SMITH
HEAD OF ENVIRONMENT & REGULATION