



# Birmingham City Council

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Our ref: CH/UW.241219.Food Safety

Your ref: 19/11/19/HCS

24 December 2019

Foods Standards Agency  
Floors 6 & 7 Clive House  
70 Petty France  
London  
SW1H 9EX

Dear Ms Miles,

## **Birmingham City Council – Food Safety Service**

Thank you for your letter dated 13 December 2019 concerning the City Council's Food Safety Service. Your concerns are noted and accepted.

The new processes adopted by the Food Standards Agency for dealing with concerns over local authority performance are noted. These came into effect after the previous correspondence, but I can assure you, as the Council's new Chief Executive, I am treating these with the utmost importance.

Reflecting on the context at the time of your previous correspondence, the Council was subject to Government intervention for several reasons including the management and control of its budgets. Consequently, our focus has been to ensure that we could move forward whilst at the same time, tackling service issues that were evident. While finances remain fragile, the Council now has a balanced budget and statutory functions are at the heart of the Council's activities with a focus on resourcing services for ongoing demand and tackling backlogs.

In addition, I have set up a regular meeting of the Council's Statutory Officers to keep under review activities in the functions and to identify before it becomes an issue any shortfall in activity or performance.

I will now set out what action has been taken since February 2019 and since your team visited the City Council in late October 2019. A chronology is set out below of the actions taken: -

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- April 2019- Draft Food Safety Plan produced
- July 2019- New Interim Assistant Director appointed and commenced at the City Council
- July 2019- Food Safety Plan adopted with the issue of shortfall raised with Members.
- July 2019- Budget process for 2020/2021 commenced. A budget bid for additional resources to supplement the Food Safety Service was put forward. (this is coupled with a proposal to modernise the service.)
- October 2019- the bid and modernisation proposal was approved in principal by the Cabinet/ Corporate Leadership Team
- October 2019- FSA visit escalated to Acting Chief Executive and Leader.
- November 2019- Acting Chief Executive requested Assistant Director to produce a recovery plan.
- December- Interim Assistant Director's contract extended with a focus on achieving the necessary improvements to the Food Safety Plan.
- December 2019- Draft recovery plan considered by Leader, Deputy Leader, Acting Chief Executive and Assistant Chief Executive. Agreed to place before Cabinet as soon as certain issues are clarified.

The issues raised in your letter and a proposed recovery plan are to be considered on 13 January 2020 by the Corporate Leadership Team Cabinet and the Cabinet. This proposed recovery plan is designed to address all shortfalls within a period of two years and was sent to Helen Castledine-Smith and Andrew Gangakhedkar on 13 December for comment before we make our formal response. Your letter has crossed with this intended programme of action, but I am attaching the draft Action Plan for your information and welcome any comments you may have.

You will note that action was taken prior to receipt of your letter to appoint additional staff and a private sector provider was appointed to provide an additional resource to tackle the outstanding new registrations. It is a significant factor that businesses are closing when they receive a poor food hygiene rating and re-opening overnight as a new business often with the same management. This means the consequent uplift in new registrations is having a major and deleterious impact on the rest of the food safety programme. Notwithstanding this, the City Council is committed to meeting its statutory responsibilities and will use its best endeavours so to do.

In your letter I note that you indicated that you had copied your letter to Councillor Hamilton. Policy issues relating to food safety are the responsibility of the Leader of the Council, Councillor Ian Ward, and the non-executive functions (which by law cannot be the responsibility of the Cabinet) fall to the Chair of the Licensing and Public Protection Committee, Councillor Phil Davis. I have ensured they have a copy of your correspondence and this response.

Lastly, I appreciate your offer to meet with me and relevant colleagues. I would welcome such a meeting and a discussion of this Council's proposals not only to maintain the quality of its existing service but to meet the quantitative requirements imposed by the Food Standards Agency. I will ask my Assistant to set up a meeting early in the New Year.

Yours sincerely

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

**Clive Heaphy**  
**Chief Executive (Acting)**

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