

Cabinet Supplementary Agenda



4. Renewing Croydon Improvement Plan - Update (Pages 3 - 18)

Cabinet Member: Leader of the Council, Councillor Hamida Ali

Officer: Interim Chief Executive, Katherine Kerswell

Key decision: no

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For General Release

REPORT TO:	CABINET – 18 February 2021
SUBJECT:	Renewing Croydon Improvement Plan - Update
LEAD OFFICER:	Katherine Kerswell, Interim Chief Executive
CABINET MEMBER:	Councillor Hamida Ali, Leader of the Council
WARDS:	All

COUNCIL PRIORITY/POLICY CONTEXT/ AMBITIOUS FOR CROYDON

The Croydon Renewal Improvement Plan builds on all the Council's priorities and new ways of working, bringing together over 400 recommendations and actions that will deliver improvements and financial recovery across the Council.

FINANCIAL IMPACT

There are no financial implications arising from this report. However, delivery of the Croydon Renewal Improvement Plan is critical to our financial recovery and delivery of the Medium Term Financial Strategy.

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

1. RECOMMENDATIONS

The Cabinet is recommended to

- 1.1 Note the updates provided in the report in relation to the Croydon Renewal Improvement Plan;
- 1.2 Note the report of the MHCLG Rapid Review team, and the Council's response to the recommendations and milestones;
- 1.3 Undertake further stakeholder engagement to develop a Community Panel, with the purpose of supporting openness and transparency of the Council's delivery against the Croydon Renewal Improvement Plan, with proposed membership and terms of reference reported back to Cabinet in March 2021 for approval;
- 1.4 In recognition of the MHCLG appointed Improvement & Assurance Panel, implementation of the Croydon External Improvement Board be paused and reviewed in July 2021.

2. EXECUTIVE SUMMARY

- 2.1 The Council has submitted a request for a capitalisation direction to MHCLG in response to the Council's financial situation. The submission included the Croydon Renewal Improvement Plan, setting out how the Council would respond to the various reviews and recommendations that have highlighted substantial need for improvements.
- 2.2 On 1 February MHCLG published the report from the Rapid Review, undertaken in October/November 2020, and the Secretary of State's response. This report summarises the Rapid Review report, its recommendations and offers a response by the Council. The milestones and recommendations which are proposed by the Rapid Review team are covered by existing actions / projects within the Croydon Renewal Improvement Plan and as a result are either complete, in progress, or at the planning stage.
- 2.3 The Secretary of State for Housing, Communities & Local Government has appointed an Improvement & Assurance Panel for Croydon with 3 members: Tony McArdle (Chair), Margaret Lee and Phil Brookes. They will support and advise the Council on its progress in delivering the Croydon Renewal Improvement Plan and provide quarterly reports to MHCLG.
- 2.4 In November 2020 the Cabinet approved draft terms of reference and membership for a Croydon External Improvement Board, as well as a community panel. Since then the MHCLG Improvement & Assurance Panel has been appointed. The report therefore proposes that establishing a Croydon External Improvement Board be paused and reviewed in July 2021.
- 2.5 However, it is important that a relationship with the communities of Croydon be established in regard to the delivery of the Croydon Renewal Improvement Plan. It is proposed that further engagement be undertaken to develop a revised standalone community panel.

3. Croydon Renewal Improvement Plan

- 3.1 Regular reports have been provided to Cabinet on the development of the Croydon Renewal Improvement Plan. In November, Council approved its new priorities and ways of working and removed the Corporate Plan from the Council's policy framework. These informed a high level improvement plan which was shared with MHCLG. The Improvement Plan was developed further and reported to Cabinet in December, before being submitted to MHCLG on 15 December 2020 as part of the Council's request for capitalisation direction.
- 3.2 The Croydon Renewal Improvement Plan sets out how we will deliver around 400 recommendations arising from the independent expert-led reviews of the council's governance, financial management and subsidiary companies. The primary component is the financial recovery plan, with proposals for savings and income generation over the next three years.

- 3.3 On 25 January 2021, the Council submitted further information to MHCLG in support of the capitalisation request. This demonstrated the progress the Council had already made against the plan and provided further details to provide
- Assurance of the Council's ability to deliver, demonstrating strong progress on the assets strategy and external companies
 - Detail of the planned approach to reduce the cost base to London average or below within adult and children's social care improvement work
 - Assurance of our leadership, governance and monitoring arrangements, with mobilisation across our improvement plan.
- 3.4 The supplementary information provided to MHCLG set out how the Council has:
- Completed a review of assets, which will inform a disposal strategy to reduce the borrowing requirement over the Medium Term Financial Strategy (MTFS) period.
 - Identified options for the future of Brick by Brick
 - Prepared options for the future of Croydon Park Hotel site
 - Supported the new MHCLG Improvement Panel
 - Refined savings plans for Adults and Children's social care, with detailed analysis completed with external support, which identify areas for cost reduction and reshaping service delivery that aligns to the London average cost base or below
 - Held workshop with the Department for Education and Home Office to seek agreement on cost drivers in relation to Unaccompanied Asylum Seeking Children and identify solutions and approach to the additional financial cost burden, including where future costs should be met, and by which government department
- 3.5 Delivery of the Croydon Renewal Improvement Plan is being coordinated and managed through a new Programme Steering Group, with dedicated support from a corporate Programme Management Office. New programme and project management practices have been introduced, with clear accountability and responsibility for delivery, and consistent corporate reporting against targets.
- 3.6 Improved performance reporting will provide assurance and support openness and transparency of actions, reporting to ELT, Cabinet, Scrutiny and the MHCLG Improvement & Assurance Panel.

4. MHCLG Rapid Review

- 4.1 On 26 October 2020 the Secretary of State for Housing, Communities and Local Government appointed a team to undertake a non-statutory rapid review of Croydon Council.
- 4.2 The rapid review team was led by Chris Wood and included Alan Gay OBE (financial reviewer) and Boris Adlam (commercial reviewer). The team

submitted a report to the Secretary of State in November 2020. This was published, alongside the Secretary of State's response, on 1 February 2021.

- 4.3 The full report and response is available at <https://www.gov.uk/government/publications/london-borough-of-croydon-rapid-review>
- 4.4 The report was clear that Croydon Council has had significant failings and its governance and assurance mechanisms have failed in identifying, escalating and addressing risk. The report recognised that the Review Team had received the highest level of co-operation, a high degree of transparency, honesty and candour. The report recognised that the Council understood the seriousness of its position and had a strong commitment to resolve the outstanding issues.
- 4.5 As part of their overall findings, the Rapid Review Team reported that they:
- Could give assurance that the Council recognised the seriousness of its position and that there was lots of evidence of Officers and Members working energetically to mount an effective recovery
 - Cannot offer full assurance or confidence that the recovery can be achieved, due to it being in its early stages
 - Recommended that MHCLG agree to the Council's capitalisation request, whilst setting out recommendations to mitigate risks.
- 4.6 The Rapid Review Team made eleven specific recommendations in their report, as well as setting out the short to medium term milestones that the Council should be expected to meet. The report recommended that if the Council fails to meet these milestones, consideration should be given to whether commissioners should be installed to take over the governance of Croydon Council.
- 4.7 The milestones and recommendations are set out in the appendix. All of these are covered by existing actions / projects within the Croydon Renewal Improvement Plan and as a result have been completed, are underway, or are planned in accordance with the timescales proposed by the rapid review team.

5. MHCLG Improvement and Assurance Panel

- 5.1 On 1 February 2021, alongside the publication of the Rapid Review report, the Secretary of State published his response. The response concluded that:
- Croydon faces very significant challenges and, whilst a recovery effort is underway, the Review Team cannot offer full assurance or confidence that the task can be achieved. The Council has significant capability and capacity issues.

- This is mitigated by the new interim senior management team who have already made a strong start in putting in place solutions, building on the findings of six external reviews.
- 5.2 As a result, the Secretary of State determined that a Best Value Inspection at this time would likely hinder rather than help the Council's improvement. However, given the scale of the Council's financial challenges it was considered that the Council should be the subject of continued monitoring and scrutiny. As a result, an Improvement and Assurance Panel was appointed.
- 5.3 The MHCLG Improvement and Assurance Panel currently has 3 members:
- **Tony McArdle (Chair)**
Tony is the former Chief Executive at Wellingborough Borough Council and Lincolnshire County Council. He started the role at Lincolnshire at a time when the council was suffering from significant corporate governance and service failures and was under the immediate threat of government intervention and delivering a significant improvement programme. He is currently the lead commissioner at Northamptonshire.
 - **Margaret Lee**
Margaret is the Executive Director for Corporate and Customer Services at Essex County Council, with responsibility for legal, assurance, customer services, strategy, insight, engagement, delivery and commercial development and portfolio management. Margaret was previously the Council's Chief Financial Officer (S151) and a past President of the national Society of County Treasurers (SCT)
 - **Phil Brookes**
Phil is a Crown Representative at the Cabinet Office and has worked with a range of strategic suppliers to government in facilities and construction services. He previously worked in a number of roles across infrastructure investment, most recently for Balfour Beatty. Phil was also part of the recent Rapid Review Team at Nottingham City Council.
- 5.4 The panel have initially been asked to provide an independent view of the Council's capitalisation request and Improvement Plan. In order to complete this, the panel members have been reviewing the submission and meeting with the Cabinet and Senior Officers. In responding to this, the panel has informally agreed that the Council can only deliver the changes and achieve a sustainable financial position with government support for the capitalisation request. The panel has also confirmed that the Council understands the gravity of its position, accepts the need to address it and intends to do so.
- 5.5 The panel has identified three key objectives:
- Determining and putting in place a process for limiting the liabilities in respect of its property ventures
 - Restoring financial discipline to its processes for setting and living within its budget

- Transforming the operation of its services so as to deliver good performance on an affordable basis

Whilst there are other improvements required (and included in the Croydon Renewal Improvement Plan), these three objectives are considered the most important priorities by the panel, and align with the Council's new priorities, as set out earlier in the report.

5.6 Regular meetings are being organised to provide updates and reports to the panel. The panel will report privately to MHCLG on a quarterly basis, starting in April.

6. Croydon External Improvement Board

6.1 Whilst developing the Croydon Renewal Improvement plan, the Council fully recognised the importance of external support and challenge. A range of external support has been utilised in developing the improvement plan, including:

- Local Government Association
- Finance Review Panel
- Centre for Governance & Scrutiny
- Specialist external finance consultants
- Social care finance specialists
- Other local authorities

6.2 The benefits of external challenge are therefore fully understood, and in November 2020 the Cabinet and Council approved draft terms of reference for an External Improvement Board, as well as proposals for a community panel.

6.3 The draft terms of reference for the Croydon Renewal Improvement Board proposed an independently chaired body of experts reporting to MHCLG and Full Council. The proposed purpose was to hold the Council to account for the delivery of the Croydon Renewal Improvement Plan and the use of any MHCLG granted capitalisation direction funding.

6.4 Under the terms of reference, meetings of the External Improvement Board would be held in public, with a question and answer session for residents mirroring the Council's public question time at Full Council.

6.5 At the time of approving the draft terms of reference, it was intended that the panel would be reporting to MHCLG providing updates on the delivery of the Croydon Renewal Plan on a quarterly basis. Since then, and as set out in the previous section, the Secretary of State has appointed a separate Improvement & Assurance Panel to undertake this work.

6.6 In approving the draft terms of reference, the Council agreed that engagement should be undertaken to inform the proposals. A survey was undertaken through the Council's Get Involved platform and shared via the Council's

social media, including Twitter and Facebook, the Council website and via emails to key stakeholders which included partners, the voluntary and community sector, staff and others.

- 6.7 The questions were themed around:
- The role and function of the board;
 - How to achieve the board's ambition effectively;
 - How to ensure the community is involved in the board;
 - How to select members for the Communities Board.
- 6.8 Response to the engagement was very limited. There was support for transparent reporting of progress against the improvement plan and for engagement with community representatives. However, there was also concern about the ability for any membership to fully represent the diverse communities and organisations across the borough.
- 6.9 In recognition of the new context, with the MHCLG Improvement & Assurance Panel only recently appointed, it is recommended that the Council pause establishing an External Improvement Board at this stage, for review in July 2021.
- 6.10 However, it is important that a relationship with the communities of Croydon be established in regard to the delivery of the renewal plan and in the light of the Improvement & Assurance Panel meeting in private, there is a clear need for transparency in this work.
- 6.11 Therefore, further engagement will be undertaken to develop a Community Panel, with proposed membership and terms of reference reported back to Cabinet in March 2021 for approval.

7. CONSULTATION

- 7.1 Consultation on the terms of reference and membership for the proposed Croydon External Improvement Board was undertaken as set out in the section above.

8 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 8.1 There are no direct financial considerations arising from this report, although delivery of the Croydon Renewal Improvement Plan is key to the Medium term Financial Strategy.
- 8.2 The Council is required to fund the costs of the MHCLG Improvement & Assurance Panel. These costs have been factored in to the MTFs and the 2021/22 budget.

Approved by: Geetha Blood, Interim Head of Finance

9. LEGAL CONSIDERATIONS

- 9.1 The Head of Commercial and Property Law comments on behalf of the Interim Director of Law and Governance that there are no legal considerations arising directly out of the recommendations set out in this report and the recommendations are within Cabinet's authority pursuant to the delegation from the Leader.

Approved by Sean Murphy, Head of-Commercial and Property Law and Deputy Monitoring Officer-on behalf of the Interim Director of Law and Governance

10. HUMAN RESOURCES IMPACT

- 10.1 There are no direct human resources impacts arising from this report for Croydon Council employees or staff.

Approved by Gillian Bevan, Head of HR (Resources) on behalf of the Director of Human Resources

11. EQUALITIES IMPACT

- 11.1 The Equality Act (2010) introduced the public sector duty which extends the protected characteristics covered by the public sector equality duty to include age, sexual orientation, pregnancy and maternity, and religion or belief.
- 11.2 Section 149 of the Equality Act requires public bodies to have due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 11.3 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that decision makers must be able to evidence that they have taken into account any impact of the proposals under consideration on people who share the protected characteristics before decisions are taken. The programme Steering Group includes the Council's Equality & Inclusion Manager to ensure that the Equality Duty is part of our programme and project decision making.

Approved by: Gavin Handford, Director of Policy & Partnership

12. ENVIRONMENTAL IMPACT

12.1 There are no environmental impacts arising from this report.

13. CRIME AND DISORDER REDUCTION IMPACT

13.1 There are no crime and disorder impacts to consider as a result of this report.

14. DATA PROTECTION IMPLICATIONS

14.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

14.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

NO

The Director of Policy & Partnership comments that there are no data protection implications arising from this report.

Approved by: Gavin Handford, Director of Policy & Partnership

CONTACT OFFICER: Gavin Handford, Director of Policy & Partnership

APPENDICES TO THIS REPORT: Appendix 1: Rapid Review recommendations and milestones

BACKGROUND PAPERS

MHCLG Rapid Review report - <https://www.gov.uk/government/publications/london-borough-of-croydon-rapid-review>

Croydon Improvement & Assurance Panel – appointment and terms of reference: <https://www.gov.uk/government/publications/london-borough-of-croydon-chair-of-the-improvement-and-assurance-board-appointment-letter>

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Rapid Review Recommendations and Milestones

Rapid Review Recommendation	Response
The Council should produce a single detailed improvement plan in response to all external and internal recommendations and that this should be in place by no later than Dec 15th, 2020.	<p>Complete</p> <p>This formed part of our submission to MHCLG in support of a capitalisation request.</p>
The Council should appoint an independent panel of specialist non-executive advisers, who should remain in place for a minimum of 3 years to advise and oversee progress on the improvement plan.	<p>Complete</p> <p>Terms of reference for an external panel were developed and consulted on, as set out in the report.</p> <p>However, MHCLG has now appointed a panel of three external improvement advisors.</p>
The Council's budget for 2021/22 should receive the scrutiny of the Council's Finance Review Panel, prior to being presented to the Cabinet and Council and the comments of the Panel should be presented with the budget report.	<p>Underway</p> <p>The Council's budget scrutiny process is underway and due to be reported to Cabinet on 1 March and Council on 8 March.</p>
<p>The CEO should produce a revised organisational structure which ensures:</p> <ul style="list-style-type: none"> • the Section 151 officer reports directly to the CEO; • that the executive leadership of the Council is strengthened and has sufficient capability, capacity and experience to lead the recovery; • that there are officers at senior level with sufficient commercial experience and expertise to properly oversee the Council's commercial investment portfolio; • this revised structure should support the establishment of a programme management back office resource which is of sufficient capacity to properly enable and oversee the successful implementation of the single improvement plan; • the Council's Finance Team should be strengthened both in terms of expertise and capacity; • the Leader and interim CEO should produce a timetable for key executive posts to be filled permanently. 	<p>Underway</p> <p>Consultation on a senior management restructure has been undertaken. This responds to the issues identified by the rapid review team.</p>
The Council should immediately strengthen its oversight of Brick by Brick by improving communication, monitoring contract information and development milestones and having experienced Non-Execs on the BBB board to	<p>Complete</p> <p>New appointments have been made to the BBB Board. Report on BBB is set out elsewhere on the agenda.</p>

Rapid Review Recommendation	Response
<p>ensure:</p> <ul style="list-style-type: none"> • the appointment of a Director of Finance; • robust BBB financial (P&L and Cashflow) forecasts; • further asset review work to test asset values; • a State Aid compliant capital structure (possibly involving equity as per the original business plan); • a review by the new Finance Director of 3rd party future funding avenues to avoid premature value destruction; • restoration of a collaborative relationship to meet (at least some of) the original goals of providing affordable housing and value creation. 	
<p>The Council should urgently consider and implement alternative uses for the Croydon Park Hotel, including the recent business case to use it for Emergency Temporary Accommodation.</p>	<p>Complete Business cases have been reviewed and proposals are set out in the asset strategy.</p>
<p>The Council review its Assurance process and produce a more robust Assurance Framework to ensure that the checks and balances that should be in place to anticipate, alert and escalate any significant potential failings are effective. This Assurance Framework should be agreed with the Council's budget for 2021/22. Within this the Council should give consideration to appointing a Chair from outside the majority group to its General Purpose and Audit Committee.</p>	<p>Underway The Croydon Renewal Improvement Plan incorporates a range of actions that will produce a more robust Assurance Framework.</p>
<p>The Council should adopt the practice of the annual external audit report being reported to full Council and should formalise the facility for the CEO, Monitoring Officer and the Section 151 officer to meet with the key audit partner at least annually.</p>	<p>Underway The CEO, Monitoring Officer and S151 Officer have met with the audit partner. The annual external audit report will be reported to Full Council.</p>
<p>The Council should undertake a review within 6 months of the implementation of its integrated social care IT systems (ControCC and Liquid Logic) intended to link activity to Finance.</p>	<p>Agreed This is fully supported and a project plan is in development.</p>
<p>The Council should undertake a comprehensive review of its eligibility Criteria for Adults Services within 12 months.</p>	<p>Underway Our MHCLG submission included a range of actions within Adult Social Care to reduce our expenditure.</p>
<p>The Council should identify opportunities to generate capital receipts to fund capitalisation in lieu of borrowing where possible. It should also</p>	<p>Complete Proposals for generating capital receipts were set out in our</p>

Rapid Review Recommendation	Response
review its capital programme to reduce the need for additional borrowing more generally and thereby reduce the pressure on the revenue budget.	submission to MHCLG in support of the capitalisation request. Review of capital programme has been completed.

Month	Milestone / Action	Progress
<i>(Note: timescales based on November submission – but only published 1 February)</i>		
November 2020	<ul style="list-style-type: none"> Agreement to establish Independent Croydon Renewal Improvement Board (CRIB) 	Complete Draft terms of reference and membership approved
	<ul style="list-style-type: none"> Appoint Board Members to Brick by Brick 	Complete
	<ul style="list-style-type: none"> Consider and agree the recommendations of the PWC review of companies 	Complete Recommendations incorporated in to Croydon Renewal Improvement Plan
December	<ul style="list-style-type: none"> Response to RIPI considered by Scrutiny and Audit committees 	Complete Recommendations incorporated in to Croydon Renewal Improvement Plan
	<ul style="list-style-type: none"> Approve Section 114 budget for 2020/21 	Complete Budget reviewed at Extraordinary Council meeting and capitalisation request made to MHCLG
January 2021	<ul style="list-style-type: none"> Draft 2021/22 budget scrutinised by Finance Review Panel 	Underway The Council's budget scrutiny process is underway and due to be reported to Cabinet on 1 March and Council on 8 March.
	<ul style="list-style-type: none"> Cabinet agrees full response to RIPI 	Complete Recommendations incorporated in to Croydon Renewal Improvement Plan
	<ul style="list-style-type: none"> Cabinet approves Croydon Renewal Improvement Plan (CRIP) 	Complete
	<ul style="list-style-type: none"> Appointment of Director of Finance at Brick by Brick 	Complete
	<ul style="list-style-type: none"> Approve a proposal for the future use of the Croydon Park Hotel 	Underway Business cases have been reviewed and proposals are set out in the asset strategy.
February	<ul style="list-style-type: none"> 2020/21 third quarter financial monitoring report to Cabinet 	Underway Third quarter financial

Month	Milestone / Action	Progress
<i>(Note: timescales based on November submission – but only published 1 February)</i>		
		monitoring report scheduled for 1 March Cabinet meeting
	<ul style="list-style-type: none"> Central Programme Management Office established 	Complete PMO established and managing implementation of Croydon Renewal Improvement Plan.
	<ul style="list-style-type: none"> Receive the 2nd phase report from PWC on the strategic review of companies and make decisions on the future operation of Brick by Brick 	Complete New appointments have been made to the BBB Board. Report on BBB is set out elsewhere on the agenda.
March	<ul style="list-style-type: none"> Council approval of 21/22 budget 	Underway Budget due to be considered at Cabinet on 1 March and Council on 8 March
	<ul style="list-style-type: none"> In year savings of £X achieved (see Section 114 budget) 	Underway Significant savings delivered. Update will be included in Q3 financial monitoring report.
	<ul style="list-style-type: none"> First meeting of Croydon Renewal Improvement Board (CRIB) 	Alternative complete The MHCLG Improvement Panel has been appointed and is meeting regularly.
	<ul style="list-style-type: none"> Council restructure agreed 	Underway Consultation on a senior management restructure has been undertaken.
April	<ul style="list-style-type: none"> Review of finance/social care IT systems (ControCC/Liquid Logic) to validate effective usage 	Agreed This is fully supported and a project plan is in development.
May	<ul style="list-style-type: none"> First Report from CRIB submitted to Secretary of State 	Alternative underway The MHCLG Improvement Panel has been appointed and will report regularly.
	<ul style="list-style-type: none"> Draft outturn 2020/21 report to Cabinet 	Agreed
June	<ul style="list-style-type: none"> Corporate Finance Performance and Risk Reporting in place 	Underway Improved performance reporting for 2021/22
	<ul style="list-style-type: none"> Finalisation of 2020/21 outturn 	Agreed
July	<ul style="list-style-type: none"> 1st Quarter budget performance considered by Independent Improvement Board. Report back to Secretary of State 	Alternative underway The MHCLG Improvement Panel has been appointed and will report regularly.
August		
September		

Month	Milestone / Action	Progress
<i>(Note: timescales based on November submission – but only published 1 February)</i>		
October	<ul style="list-style-type: none"> Half year budget performance considered by Cabinet and CRIB. Report back to Secretary of State. 	<p>Agreed The MHCLG Improvement Panel has been appointed and will report regularly.</p>
	<ul style="list-style-type: none"> Half year progress on Croydon Renewal Improvement Plan considered by CRIB. Report back to Secretary of State 	<p>Alternative underway The MHCLG Improvement Panel has been appointed and will report regularly.</p>

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