

Scrutiny & Overview Committee Supplementary Agenda



4. Scrutiny Improvement Review (Pages 3 - 40)

The Scrutiny & Overview Committee is asked to:

1. Receive and accept the findings of the CfGS Scrutiny Improvement Review,
2. Agree that the recommendation will be incorporated into the Croydon Renewal Plan,
3. Recommend to Council that the CfGS Scrutiny Improvement Review for noting,
4. Agree that Recommendations 1, 5 & 6 are prioritised for delivery.
5. Agree to commission the CfGS to develop a training programme for Scrutiny which will be incorporated into Council's overall programme for Member Learning & Development to be overseen by the Ethics Committee.
6. Work with the CfGS to develop a work programme that is focussed on the priorities of the Council and allows Scrutiny to add value to the ongoing improvement journey.
7. Agree to set up a Scrutiny Co-ordination Group to monitor and steer the scrutiny work programme.
8. Note that an overarching Information Protocol is being developed for Members taking into account the recommendations in the CFGS Scrutiny Improvement Plan and the Croydon Renewal Plan.

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REPORT TO:	SCRUTINY & OVERVIEW COMMITTEE 30 March 2021
SUBJECT:	Scrutiny Improvement Review
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Councillor Sean Fitzsimons – Chair of Scrutiny & Overview Committee
PUBLIC/EXEMPT:	Public

CORPORATE/POLICY CONTEXT

Scrutiny is in place for the benefit of the community at large. It is designed to **support and enhance decision-making processes**. Scrutiny involves non-executive elected members reviewing and scrutinising the whole range of the council’s functions and responsibilities including those delivered in partnership with other agencies and organisations. One of the main objectives of our scrutiny function is to hold the Administration to account in delivering the Corporate Plan.

ORIGIN OF ITEM:	Arising from the Governance Review, the Centre for Governance & Scrutiny (CfGS) was originally commissioned to conduct a review of the Council’s scrutiny function in March 2020 which was concluded in January 2021.
BRIEF FOR THE COMMITTEE:	<p>The Scrutiny & Overview Committee is asked to:</p> <ol style="list-style-type: none"> 1. Receive and accept the findings of the CfGS Scrutiny Improvement Review, 2. Agree that the recommendation will be incorporated into the Croydon Renewal Plan, 3. Recommend to Council that the CfGS Scrutiny Improvement Review for noting, 4. Agree that Recommendations 1, 5 & 6 are prioritised for delivery. 5. Agree to commission the CfGS to develop a training programme for Scrutiny which will be incorporated into Council’s overall programme for Member Learning & Development to be overseen by the Ethics Committee. 6. Work with the CfGS to develop a work programme that is focussed on the priorities of the Council and allows Scrutiny to add value to the ongoing improvement journey.

	<p>7. Agree to set up a Scrutiny Co-ordination Group to monitor and steer the scrutiny work programme.</p> <p>8. Note that an overarching Information Protocol is being developed for Members taking into account the recommendations in the CFGS Scrutiny Improvement Plan and the Croydon Renewal Plan.</p>
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1. EXECUTIVE SUMMARY

- 1.1. The Centre for Governance & Scrutiny (CfGS) was commissioned to conduct a review of the scrutiny function at Croydon Council, with a view to identifying possible areas for improvement. The report from CfGS has been taken account in the Report in the Public Interest, issued by the Council's external auditor, Grant Thornton, as well as other reviews feeding into the Croydon Renewal Plan. A copy of the CfGS Scrutiny Improvement Review is attached at Appendix A to this report for the consideration and adoption of the Committee.
- 1.2. The CfGS Scrutiny Improvement Review has identified 13 recommendations for improving the delivery of the scrutiny function at the Council, which the Committee is asked to receive and accept. To ensure that the CfGS Scrutiny Improvement Review receives wider political buy-in it is also recommended that the report is referred to Council for further endorsement.
- 1.3. There will be a range of different actions needed to deliver the improvements identified in the CfGS Scrutiny Improvement Report. The remainder of the recommendations contained in this report (outlined above) will ensure that work can commence on this, including the development of a scrutiny training programme open to all members, improvements to the work programme and an acknowledgement that a new Information Protocol for Members is being prepared.

2. SCRUTINY IMPROVEMENT REVIEW

- 2.1. A review of the scrutiny function at Croydon Council was initially proposed by the Chair of the Scrutiny & Overview Committee in March 2020 as part of the wider Governance Review that was being conducted at the time. In summary, the remit of the review was to look at how scrutiny worked and the outcomes it delivered to evaluate the performance of the scrutiny function at Croydon Council and to identify possible improvements that could be implemented.
- 2.2. As the CfGS are the industry experts in conducting scrutiny reviews, they were commissioned to undertake the Croydon Scrutiny Improvement Review. In conducting their review, CfGS have interviewed key individuals, conducted a survey of Members on the scrutiny function and considered other evidence such as recordings of meetings, meeting reports and minutes.
- 2.3. The review was initially due to conclude in autumn 2020, but following the publication of the Report in the Public Interest by the Council's Auditors, Grant Thornton, which criticised the scrutiny of the Council's financial performance, CfGS was asked to re-evaluate their report in light of this new context. The revised report (attached at Appendix A) takes into account the Report in the Public Interest along with other reviews that have informed the Croydon Renewal Plan.
- 2.4. Informed by their expert understanding of best practice from other authorities, the CfGS Scrutiny Improvement Review makes 13 recommendations, which can be

found within the report with additional context. In summary the 13 recommendations are:-

- **Recommendation 1:** Take action to ensure that scrutiny can play an immediate role in the Council's financial recovery.
- **Recommendation 2:** Secure meaningful commitment to scrutiny from the executive side of the organisation.
- **Recommendation 3:** Determine scrutiny's role within the wider governance framework, particularly with regard to quarterly progress monitoring on the Council's new Action Plan.
- **Recommendation 4:** Establish a Scrutiny Co-ordination Group.
- **Recommendation 5:** Set a more consistent approach to the provision of information to scrutiny councillors.
- **Recommendation 6:** More systematic prioritisation of the work programme.
- **Recommendation 7:** Bring more focus and rigour to scrutiny in committee.
- **Recommendation 8:** Identify and act on short term member and officer training and development needs to address the above.
- **Recommendation 9:** In the medium term, scrutiny needs to be closer to commercial operations.
- **Recommendation 10:** In the medium term, take steps to expand public participation and community involvement in the work of scrutiny.
- **Recommendation 11:** In the medium term, a more robust role for scrutiny in the pre-decision scrutiny process.
- **Recommendation 12:** In the medium term, adopt a Member and Officer scrutiny development and skills programme which embeds learning opportunities into scrutiny's substantive work.
- **Recommendation 13:** Ensure cabinet member advisory committees (CMACs) and Scrutiny are co-ordinated, and that there is also co-ordination with the Council's member audit committee (GPAC).

Priority of the Recommendations

- 2.5. As responding to the financial challenge facing the Council and delivery of the Croydon Renewal Programme are key priorities for the whole organisation, it has recommended by CfGS, following conversations with the Improvement and Assurance Panel that Recommendation 1, to ensure that scrutiny can play an immediate role in the Council's financial recovery is prioritised. In delivering Recommendation 1, it is recognised that scrutiny will need to be supplied with relevant information to be able to monitor progress effectively, which is why it is also recommended that delivery of Recommendation 5 is also prioritised. Finally, given the scale of the task facing the Council, the work programme for Scrutiny will need care planning to ensure the value that can be added to the process by scrutiny is maximised. As such it is recommended that Recommendation 6 is the third recommendation prioritised for delivery.

Croydon Renewal Plan

- 2.6. To deliver all of these recommendations will take time and will require the support of the political and corporate leadership of the Council, in addition to the existing scrutiny member and officer resource. Through having the recommendations incorporated into the Croydon Renewal Plan, it will help to ensure that this wider support is in place.

Scrutiny Training Programme

- 2.7. It is proposed that CfGS be approached to develop a Scrutiny Training Programme, which will address some of the areas raised in the Scrutiny Improvement Review. Although the training programme will have a scrutiny focus, it will be open to all Members to attend and will include areas that will be of wider benefit beyond scrutiny, including questioning skills, work programming and chairing skills.

Work Programme

- 2.8. Recommendation 1 details the need to ensure that scrutiny can play an immediate role in the financial recovery of the Council and Recommendation 3 concerns the need to determine scrutiny's role within the wider governance framework, giving particular regard to Croydon's Improvement Plan. To ensure that the work programme is effectively prioritised and adds value to the improvement journey of the Council, it is recommended that the CfGS is invited to assist with planning the work programme for 2021-22. It is also recommended that CfGS is invited to work with Scrutiny to ensure that meetings are effectively focussed towards adding value to the Council.

Scrutiny Co-ordination Group

- 2.9. Recommendation 4 proposes that a Scrutiny Co-ordination Group is established. The membership of this group would include the Scrutiny Chairs and Vice-Chairs of the Scrutiny and Overview Committee and its sub-committees. The purpose of this group will be to monitor and steer the scrutiny work programme. Although it is proposed that the recommendations contained in the Scrutiny Improvement Review are incorporated into the Croydon Renewal Plan, it would provide additional oversight for the Scrutiny Co-ordination Group to receive regular updates on the implementation of the recommendations

Access to Information

- 2.10. In both the Governance Review and the Scrutiny Improvement Review, access to information was one of the key concerns of Members. This is reflected in Recommendation 5. To address these concerns an information sharing protocol is being prepared for both Members and Officers to put a structure in place for information requests by Members. It is expected that this Protocol will be created and submitted to the Ethics Committee for formal adoption by summer 2021.

Conclusion

- 2.11. The Scrutiny Improvement Review conducted by CfGS presents a measured view on the state of the scrutiny function at the Council. The recommendations suggested will deliver improvement and can be delivered within existing resources. The Committee is encouraged to accept the recommendations set out at the start of this report, so work can commence on delivery of the recommendations.

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APPENDICES TO THIS REPORT

Appendix A: CfGS Scrutiny Improvement Review

Appendix B: Draft Scrutiny & Overview Committee Work Programme 2021-22

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Scrutiny improvement review

Report for London Borough of Croydon

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Date: January 2021

About Centre for Governance and Scrutiny

CfGS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfGS is respected and trusted across the public sector to provide independent and impartial advice.

CfGS is an independent national charity founded by the Local Government Association (LGA), Local Government Information Unit (LGIU) and Chartered Institute of Public Finance Accountants (CIPFA). Its governance board is chaired by Lord Bob Kerslake.

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Introduction

Croydon Council wants to check and test that its scrutiny arrangements are effectively meeting the council's high expectations of democratic accountability and that overview and scrutiny is effective and impactful.

It wants its overview and scrutiny structure to create the right framework to maximise its impact within its current and proposed new governance arrangements.

The Centre for Governance and Scrutiny were asked to advise and support Croydon Council's members and officers in the review of the council's scrutiny function to ensure that it is effective in providing a quality contribution in accountability, policy and decision making, delivery of council plans and overall improvement.

The CfGS Scrutiny Improvement Review (SIR) is designed to be challenging, but essentially also to be constructive in suggesting ways to drive forward improvement. The SIR has identified some principal areas of focus for the evaluation of the scrutiny function, which are outlined in this report. This review has therefore evaluated the council's approach to scrutiny in the light of the guidance and best-practice.

Acknowledgments

We would like to thank the Chairs and Vice-Chairs of Scrutiny for their time and support and those Scrutiny Committee Members, Cabinet Members, and officers who took part in interviews, survey and observations, for their time, insights and open views.

Review period

Evidence gathering and interviews: 20/7- 18/8 2020

An initial draft of the headline findings were provided to the Council in mid-October. A subsequent draft, circulated to officers in early November, sought to take account of the Report in the Public Interest (RIPI) on the Council's finances. A final draft (this version) has taken into account the content of the action plan agreed by the Extraordinary General Meeting of the Council on 19 November.

CfGS's substantive findings have not altered as a result of this drafting process.

1. Review outline

Croydon Council wishes to explore what it can do to further strengthen the quality of its scrutiny arrangements and develop them in light of challenges and opportunities ahead.

Scope

- **Culture.** The mindset and mentality underpinning the operation of the overview and scrutiny process. This will involve a focus on the Council's corporate approach to scrutiny.
- **Information.** How information is prepared, shared, accessed and used in the service of the scrutiny function.
- **Impact.** Ways to ensure that scrutiny is effective, that it makes a tangible and positive difference to the effectiveness of the council, and to local people.

Further to discussion with Members and officers, the following broad areas of focus were identified, which are explored by way of the Scrutiny Improvement Review method:

- Prioritisation, timeliness and focus of the work programme (informed by a clear, well-articulated role for scrutiny overall).
- The current scrutiny committee structure. Considered on the basis of scrutiny focus, members' needs and expectations, and whether other structures and formats might be more appropriate for carrying out scrutiny work.

Evidence sourcing

The following elements are used as a framework for further discussion on those issues and areas most important to the Council.

1. Organisational commitment and clarity of purpose
2. Members leading and fostering good relationships
3. Prioritising work and using evidence well
4. Having an impact

These four elements were used to ensure that all key aspects of Croydon's scrutiny activity are evaluated and mapped against the Croydon-specific areas of focus identified above.

Evidence gathering consisted of:

- **Desktop work.** This included:
 - a check of the Council's constitution and rules of procedure insofar as they relate to scrutiny, and a small range of other corporate documents including the most recent Annual Governance Statement,
 - recent work plans, scrutiny scopes and review reports,
 - the recommendations of the recent independently-chaired Governance Review;
 - the Report in the Public Interest (RIPI) published by the Council's auditors, Grant Thornton, in October 2020;

- the action plan approved by an Extraordinary General Meeting of Croydon Council on 19 November 2020.
- **Interviews.** Including the previous Leader of the Council, leading Members in scrutiny (Chairs, Vice Chair, Opposition Group Leader, Cabinet Members, other scrutiny Members, the previous Chief Executive, Senior Officers, Head of Democratic Services, Statutory Scrutiny Officer, and the Democratic Services & Governance Officer. It should be noted that interviews were conducted prior to the resignations of the Leader of the Council and various Cabinet Members, and the departure of the previous Chief Executive, so any references to these roles refer to the previous occupants of those posts.
- **Observation.** A remote observation of a meeting of the Council's Scrutiny & Overview Committee on 22 July 2020.
- **Member survey.** Results in Appendix A1 and A2

2. Overall findings

A list of recommendations can be found at the end of this document.

2.1 Organisation commitment

Overall, the Council has an ongoing commitment to scrutiny. While this commitment is strong in the abstract, it does not always follow through into practice.

The organisation commits time and resources to the scrutiny process; the amount of direct resource committed to policy support for scrutiny is comparable to the London average, and senior officer time is expended on ancillary support as well. However, according to what members and officers told us, there is a clear realisation and commitment that this resourcing does not always hit home, and that scrutiny could be more effective and productive. While there is a lot of scrutiny activity, a significant amount is not necessarily productive. Similarly, while senior officers and Cabinet are committed to scrutiny in the abstract, few proactive attempts were made by those previously in senior positions (either on the member side or the officer side) have been made to understand what proactive steps could be undertaken to make improvements to the way they engage with the function in the interests of improving it. This hinges on the way that information is shared with the scrutiny function, and the way that scrutiny is supported to use information to direct its work.

Members, Scrutiny Chairs, Political Group Leaders, and Executive Directors support the need for scrutiny to develop further and make a value-adding contribution. However, the roles and responsibilities identified for scrutiny at Croydon Council are cast too broadly to have a consistent, meaningful impact on the things that matter most.

Despite some of these shortcomings, Member engagement, resources, council support and ambition provide a strong platform upon which scrutiny can successfully develop.

2.2 Scrutiny's role and focus

The majority of those interviewed believed that scrutiny can play a greater role in the way democratic decisions are made. We agree that a more forensic focus on the evidence and assumptions that underpin decision-making, and on productive scrutiny of the performance and delivery issues arising from implemented decisions, would be better. The potential of the scrutiny function in this area is underused and has potential to offer and provide more. Scrutiny has shown a strong focus on policy development, but this could at times have been at the expense of scrutiny of ongoing financial and performance issues – scrutiny which may not have been happening elsewhere. The RIPI explicitly states that even where scrutiny was able to look at such matters – as it did in August 2020 – there was not the commitment to follow-up (in that instance, onward referral of the serious financial situation to full Council).

Members expressed a genuine interest in scrutiny but felt that its focus and work was having less impact than they would like and, at times, lacked sufficient focus on strategic issues. Scrutiny Members overall have an appetite to achieve more and recognise the value of involving frontline councillors in actively shaping and improving policy development.

Scrutiny may at times be used as part of an approval process, resulting in a work programme led more by executive-side activity than members' own assessment of priority and risk. This raises challenges and risk when the executive chooses not to focus on a certain issue or area which might otherwise be a significant importance.

This is compounded by the tendency of scrutiny to attempt to take on too much, and as a result to fail to recognise the significance of the issues to which it should be devoting the most resources to scrutinise forensically. This means that, where it does happen, scrutiny of – for example – in-year performance issues look and feel superficial. There is a churn of information submitted to members on operational activity, driven by the understandable need to provide oversight across the area, but resulting in the inevitability that such oversight ends up being limited in its impact. There are examples of scrutiny councillors not being provided with information in a way that would help them to carry out their work. This suggests both a lack of any meaningful challenge from members of this withholding of information, as well as a serious lack of willingness, when the chips are down, from the organisation corporately to assist scrutiny to examine and analyse matters that might be embarrassing and sensitive. This is thrown into particularly sharp relief by the experience that scrutiny has had in attempting to challenge the authority on financial issues in 2020. This lack of information has combined with a caution on the part of councillors to flag and escalate these concerns when they became apparent, as highlighted by the RIPI.

The planned implementation of changes resulting from the recent Governance Review includes the introduction of the new Cabinet Member Advisory Committees (CMACs). These committees have the potential to provide Members with an opportunity to discuss and question Cabinet Members on a range of issues, and to broaden Member inclusion on a range of issues which might also include in-year performance and finance matters in particular. However, we heard a spread of opinions regarding the role of CMACs, and their potential to overlap the statutory scrutiny function.

If not clarified as a matter of some urgency, this has the potential to exacerbate the problems we highlight above relating to the uncertainty over scrutiny's own role and responsibilities.

2.3 Access to, and use of, information

Consistent and timely access to information is key for these improvements to be meaningful. As things stand, member access to information is not managed systematically, and councillors are often not supported technically to make the best use of the information to which they do have access. Meeting minutes demonstrate councillors, in some instances, struggling to develop effective lines of questioning or to alight on salient issues for further investigation, which is not helped by the variable quality of some officer reports. Members have not pushed back when presented with poor or incomplete information – perhaps because they do not know what they should expect. We suspect that on some issues officer reports, and verbal evidence given by officers, have not dealt with matters of importance with the directness that councillors should expect. This has led, on all sides, to an approach where those around the table have been prepared to accept at face value a picture of the organisation's corporate health which is increasingly at odds with the reality.

For scrutiny to exercise a greater, and more focused, role in the council's governance framework, it will inevitably need earlier and more consistent access to high quality information and forward plans. Members of all parties will need training and support to understand what high quality information should look like, and what they as elected representatives should expect to see. As an integral part of policy and decision-making process, scrutiny could make a real difference and impact. The recent governance review recommendations to introduce a change to the forward plan protocol will assist in this improvement.

The Leader and Cabinet members attend scrutiny meetings, but these set-piece events do not appear to hold the Executive to account with the rigour that might be expected (which may be driven by some of the factors we set out above). Cabinet Members and the Leader did express support for a more focused, strategic and demanding style of accountable scrutiny. This could be readily achieved through more integrated planning and engagement.

2.4 Leadership in the scrutiny function

The Scrutiny Chairs and Committee Members value the support provided by the Democratic Services and Scrutiny Team in assisting Members in developing work programmes, managing agendas and liaising with Council departments and external partners to generate reports, evidence and information. This is recognised and widely appreciated internally and externally.

We should stress that the shortcomings identified in this report are not the responsibility of scrutiny officers and councillors alone to resolve. We have found that scrutiny officers and councillors recognise the need for change and improvement; while a similar recognition does exist on the executive side, senior officers and the council's political leadership can and should do more to think about the role of scrutiny as part of a strengthened governance framework.

3. Members, meetings and agenda

3.1 How members articulate scrutiny's role

Members engage in scrutiny and understand that it plays an important role. However, there is inconsistency when Members describe the role of scrutiny and its purpose, and they can sometimes lose sight of the key objectives of scrutiny – holding decision-makers to account, shaping policy and driving improvement. This has the potential to lead to critical problems. In a modern council, good governance is a collective responsibility and is as much about culture and behaviour as it is about systems. Scrutiny will continue to be an integral part of a system which includes other critical elements – management oversight, direction from Cabinet, councillor-led audit, and so on. Scrutiny's role should therefore be developed to account for its position alongside these overlapping roles, with its own work designed to fill potential gaps in member oversight. There will be a unique niche for the function which members themselves are best placed to identify and capitalise upon.

This will involve scrutiny members considering how the role of the function aligns with that of the General Purposes and Audit Committee (GPAC) and with Cabinet Member Advisory Groups (GMACs), the latter of which we expect to be established in the near future.

For GPAC, that committee will be carrying out significant work to oversee the authority's financial stabilisation in the coming weeks and months. Members should consider the likely GPAC work programme and how scrutiny – with its broader remit and perspective – could add value. This is likely to relate to the specific tasks that scrutiny takes on in the short term – focusing on business critical activities with a "life and limb" importance. These are explained in more detail in the section below on recommendations.

For CMACs, the situation is likely to be similar. We anticipate CMACs providing a supportive role to Cabinet Members, opening out the policy development process for critical decisions as councillor ownership of major change is especially important. Scrutiny will have to carefully consider its role in respect of policy development. Again, we expect that scrutiny members will want to look to where CMACs engage in policy development on business critical activity – which might involve substantial change to local services – in order to subject such matters to further oversight.

3.2 Using scrutiny's role to prioritise its work

There is scope for each committee to review its agendas to ensure that they maintain a greater focus on the most important issues. Again, this would be aided by a more rigorous approach to understanding scrutiny's role. Agendas can often become overburdened with routine reporting and discussion-led topics, leaving less capacity for the important matters – making it more important that critical issues are either overlooked or only considered superficially. As things stand, reports presented to committees tend to be dominated by updates and progress reports. Many reports simply ask the committee to 'note' the report which may lead to Members simply commenting on its content or seeking clarification, without making a substantive contribution or proposing recommendations for change.

3.3 Focused and streamlined agendas

To allow scrutiny to free itself of administrative or less critical tasks, it may need to segment and prioritise its work, and to remove regular review of such information items. Ultimately, councillors need to develop systems to escalate to committee only matters where member scrutiny can add value – not a broad sweep of issues which councillors may find interesting, but where scrutiny’s contribution is moot. This requires more astute management of information, and a much more rigorous approach to topic selection.

Slimmer agendas – with more time to discuss substantive topics – would offer more capacity to explore in greater depth and to develop stronger recommendations. It would make it more likely that scrutiny would alight, and deal effectively with, matters critical to ongoing Council business. As things stand, there is a lot of scrutiny activity and time spent in meetings, but not enough of it is productive. We make some more detailed comments on work programming in the section below.

Scrutiny in Croydon can work best when it is focused on single issues and is able to target its capacity in exploring and challenging in greater depth, rather than having long agendas which may result in more superficial scrutiny. Members expressed the value of task and finish work, and see the value in doing more of this single-issue project work.

3.4 Operation in committee: working as a team

Overall, most members work hard to ask useful and enquiring questions, but scrutiny meetings can often tend to favour detail over strategy and may overlook the bigger picture. Some Members tend to prefer asking information-gathering questions, rather than questions which explore and challenge issues. This may inform the tendency, which we discussed in section 4, of scrutiny members to focus on holding officers to account, rather than Cabinet Members, in committee meetings. We cover information management in more detail in section 3.5, and in section 4.

Other scrutiny Committee agendas and minutes have been reviewed. From our conversations with Members and officers, there is a pattern of meetings largely featuring officer presentations. Cabinet Members are often present but are not the focus of members’ scrutiny, as they arguably should be. They often introduce reports and make useful comments during the discussion. However, there is no obvious democratic accountability for decisions, performance, delivery and policy.

Members could refresh this practice and consider the Cabinet Member as the focal point of scrutiny sessions, with officer support. Inevitably, better use of information would help scrutiny to use these sessions more effectively.

Scrutiny councillors sitting on committees do not always work effectively as a team. This includes planning work, and planning lines of questioning for executive councillors and officers. Committee members will have different motivations. These will derive from their political perspectives, their backgrounds, and the insight they have gained from the people they represent, amongst other things. Members may not be aware of the motivations of their fellow councillors; Chairs, too, may lack this awareness.

A lack of mutual understanding of these crucial issues raises the risk that committee meetings in particular, but also task work, may be unproductive. This comes across in committee questioning, which can appear scrappy and disjointed. Using a pre-meeting (possibly using video conferencing for efficiency) – not for every meeting or item, but for those with a particularly high profile or where particularly complex issues are to be discussed – would mean that councillors could effectively set a questioning strategy and decide who they would require to appear at the meeting. It would assist cross-party working and ensure that scrutiny activity “in committee” is more effective and focused.

This is not about litigating matters beforehand or having a single committee “line” on an issue, but about sharing understanding between members about mutual areas of interest and ensuring that space exists for those collective objectives to be managed by the chair in a more systematic manner. It also makes it easy for effective recommendations to be developed.

As things stand, most Members take the opportunity to speak at committee, but the quality of questions can vary, and a large number (reflecting the issues we highlighted above) appear to be information exchanges rather than exploring, testing and challenging. Some councillors are much more forensic, but success here appears to be down to individual initiative rather than collective endeavour, which is unfortunate and works against scrutiny as a collegiate activity. There is an opportunity for Members to build better questions, if they are able to work together to select themes or lines of enquiry – recognising the challenges this poses for councillors who may come with different party political perspectives. Members may also benefit from more training and experience in the area of developing questioning techniques.

Overall, political relationships in scrutiny appear broadly positive. There is good cross-party working and little evidence of political management activity. Generally, Scrutiny Committee Members get along and co-operate with each other. Member behaviour is cordial and respectful. The independence of scrutiny and of political groups is maintained and respected.

3.5 Members using information effectively in committee

In section 3.4 we noted the tendency of scrutiny to focus on detail, rather than strategy – this is reflected in the way that information is shared in, and outside, committee. Information-gathering matters could be handled better by more effective pre-meeting preparation, leaving more time at committee for more informed and targeted questioning. It is unreasonable for members to expect that they can craft effective questions at the same time as absorbing additional, complex information about a topic; it serves to exacerbate the power imbalance between senior officers and executive members who have information to hand and at their command, and scrutiny councillors who arrive at topics with far less evidence.

There has been a particular tendency for information made available to scrutiny on officers’ terms, ie reflecting officers’ priorities and expectations rather than those of scrutiny members. Efforts have been taken by scrutiny chairs and members, and support officers, to remedy this situation, but there is no evidence of the kind of pushback that we would hope to see from support officers, and from members of all parties, to this unsatisfactory state of affairs.

It can be difficult for this kind of confident pushback to be exerted – the position of support officers can be isolated and isolating, and councillors can face political and organisational challenges which

may lead them to think that pushing back robustly is unwise or unnecessary. But a strong and independent-minded scrutiny function has to have at its core the idea that councillors are entitled, as a matter of right, to accurate and timely information about core council functions. Here, on all sides, there has been an abrogation of responsibility in this regard.

The provision of member (and officer) development on information access will allow members to be more proactive and less reliant on council officers to provide information. Changes to the way that key sources of information are shared with members regularly (as we suggest elsewhere) will also help to address this matter. It should be stressed in doing so that this is less a problem with process than one with the culture and mindset of senior officers – which is covered in the RIPI.

A particular example of some of these shortcomings in action is provided through review of the August 2020 call-in of the Council's financial position. The call-in demonstrates a proportionate and appropriate attempt for scrutiny to address the then-emerging developments on council finances, which have since culminated in the issuing of the Report in the Public Interest. Minutes of the meeting, and information gathered from other sources, paint a picture of councillors struggling to get to grips with complexities about the issue. This clearly affected the penetration and pertinence of the scrutiny they were able to carry out. The meeting demonstrates the challenges that scrutiny has experienced in getting access to information with appropriate technical support, and raises concerns about the candour and frankness with which senior officers approach engagement with scrutiny – particularly given the information about the council's finances which has emerged in the meantime. It is likely that a more forensic and directed approach to questioning and meeting preparation could have yielded better results. This supports our observation that – while improvement to scrutiny's own internal systems and processes is critical – the issues highlighted are more fundamental, and relate to the strengthening of the governance framework more generally. This also aligns with the views expressed in the Report in the Public Interest.

Scrutiny councillors explicitly raised concerns around access to information to support their work in summer 2019, but it is unclear what steps were taken to address this issue. The matter was picked up in the Council's Governance Review, but no substantive actions appear to have been agreed or progressed. In the section below we make some suggestions as to the basic information sources to which members should expect to have access on a regular basis.

4. Work programming and relationships

The council operates a Scrutiny and Overview Committee, together with three scrutiny sub-committees which focus on specific areas of the council, plus two joint health scrutiny boards. Each has their own terms of reference and a clear scope which details their responsibilities.

4.1 Developing executive/scrutiny relationships

The Leader and Cabinet are very supportive of scrutiny and recognise its value. They also support a more central role for Cabinet in being held to account at scrutiny meetings, although to-date this has not been the norm and Cabinet accountability by scrutiny is limited. This general commitment, therefore does not feel like it is followed through into practice, evidenced through some of the challenges we identified above around work planning and information access.

Committee Chairs endeavour to maintain good relations and communications with Cabinet counterparts. This is a positive and essential part of ensuring that scrutiny is properly sighted on important issues. Chairs would like to build on this and have more structured communications that would encourage greater collaboration. This could be strengthened and enhanced through timetabled individual committee quarterly triangulation sessions. These could involve the Scrutiny Chair and Vice Chair of each Scrutiny Committee, together with Scrutiny Officers and appropriate Senior Officers and the Cabinet Member(s) relevant to each committee, to discuss the next quarter of council business and key deliverables. Through a discussion and negotiation, this could form part of the basis for future scrutiny work planning and scheduling, alongside close working with the CMAC chairs.

Political accountability could be a stronger feature for committee meetings. Often there seems to be a preference to challenge and hold officers to account rather than political decision makers. This is likely to reflect long-standing practice rather than a conscious decision to take this approach, but it will be needed to reflect on scrutiny's formal role in the political accountability of the executive. The council may also choose to strengthen Cabinet accountability sessions to allow scrutiny to examine the work programme of individual Cabinet Members and assess progress against plans.

We discovered some useful good practice by a Scrutiny Chair who circulated a note on the key issues on forthcoming agendas and used this as the basis for planning in a pre-meeting. Members can then co-ordinate and develop questioning strategies for the scrutiny meeting. All pre-planning and preparation will inevitably lead to better scrutiny sessions and outcomes.

The proposed introduction of Cabinet Member Advisory Committees (CMAC) was a recommendation that came from a cross-party Governance working group and is an interesting development which is designed to draw backbench Members closer to policy and decision making and allow them the opportunity to engage on a wide range of issues.

We think that CMACs provide a potentially valuable way to draw a wider range of councillors into difficult and complex decisions with significant implications for local people. They can help the executive to draw on a wider range of perspectives – cross-party – to navigate through the next few months, and to ensure decision-making on matters of significant local contention are considered in a transparent way.

Scrutiny can complement the role of CMACs. Plans are already in place to ensure that co-ordination between scrutiny and CMACs happens, but this is likely to need to be stepped up in what will be a fast-moving decision-making environment. We think that scrutiny should play an ancillary policy development role on matters of the greatest contention and complexity – seeking scrutiny's legitimacy as a cross-party, member-led function to rigorously examine the assumptions and evidence which underpins CMACs' work on business critical, "life and limb" matters. We think that scrutiny's engagement could be determined from where the most significant areas of corporate risk lie in CMACs' work.

4.2 Working with the member audit function

We have noted above the need for close working with GPAC, and the need for scrutiny's role to be defined with reference to the audit function, which will be carrying out critical tasks in the coming months.

As things stand, close liaison between GPAC and scrutiny is lacking. This is not a challenge unique to Croydon. In other councils, audit/scrutiny relationships are often sporadic. But given Croydon's circumstances and situation, it is particularly vital that this issue is addressed.

Scrutiny members should familiarise themselves with GPAC's statutory duties and engage closely with the GPAC chair and members in considering how scrutiny can complement its role. There may be matters relating to corporate risk and financial performance which would benefit from an additional layer of oversight; scrutiny can also seek to use insights gained through member audit to feed into its wider work, ensuring that scrutiny activity on (for example) social care, or children's services, is framed by a keen understanding of the council's financial and audit situation.

As scrutiny comes to be focused in the medium term on more strategic issues – especially the expected change in the council's overall appetite and approach towards commercial activity – scrutiny's relationship with GPAC could shift to provide the necessary oversight to these changes.

4.3 Topic selection

While work programmes exist for the committees, the methods by which topics on those programmes are selected is unclear. We appreciate that work programming is a difficult area for scrutiny to get right, especially for committees with such large and important areas of responsibility such as Adult Social Care or Children's Services, where there is so much activity of a critical and essential nature within scope for scrutiny. But to be effective, scrutiny needs to focus on the key areas that make a difference, to maximise the finite amount of time and resource available and give more value for the time and effort put into scrutiny. In the short term this is likely to involve an exclusive focus on business-critical, life and limb issues – reflecting the Council's challenging position.

As we have noted above, more effective topic selection is necessary. Members might consider developing a methodology for their work programme selection and prioritisation, derived from the need for a consistent rationale for choosing certain topics and items, and driven by the need to have an impact on the work of the council and on the wider area. This selection process should be led by scrutiny members, with officer expertise and advice, but possibly also involving Cabinet Members to gain a suitable level of shared understanding and alignment. The system overall hinges on timely access to proportionate, relevant and accurate information from the council corporately; as we have noted in the section above this has proven challenging.

4.4 Use of information to support topic selection

To support effective work programming, ideally scrutiny will need sight of a suite of basic information sources, which at the moment are provided to scrutiny on an ad-hoc and unsystematic basis. Cabinet forward plans and individual Cabinet Member delivery programmes will help pre-decision scrutiny to be better targeted. Regular performance, finance and risk information will

provide scrutiny with a grounding on delivery issues; corporate complaints information would provide context for this. Officers and members should collectively consider the changes to information production and information flows as a result of the implementation of the council's improvement plans, and consider how scrutiny can use information to its advantage in a timely and proportionate manner.

Closer working with the Council's member audit committee would allow emerging financial matters to be dealt with more systematically. Information like this would help councillors to judge where they can best direct their efforts on long term policy development, on pre-decision scrutiny, and on ongoing review of the performance and financial resilience of the authority generally.

Scrutiny's efforts to be more systematic about its approach to work programme have been hindered at times by the lack of early access to the Cabinet forward plan and by scrutiny not being involved in earlier stages of the policy development and decision-making process. This lack of early visibility can therefore mean that Scrutiny is not provided with a sufficient timeframe for effective pre-decision scrutiny, and that it is not sighted on emerging shifts to the Council's priorities. The committees therefore use some of their energy examining operational performance and detail rather than inputting in future ideas and delivery.

The proposed changes to improve the council's forward plan will be helpful here, alongside a co-ordinated agenda planning approach with the new CMAC Chairs and Cabinet Members. These structural changes will only deliver improvements if they are accompanied by a practical behavioural shift from the Council's political leadership and senior officer team.

4.5 Scrutiny of financial matters

Scrutiny of the council budget and medium-term financial plan can take up a significant amount of scrutiny capacity but is of variable quality. Members recognise that scrutiny input into the process of budget construction is essential if the Council's resourcing plans and long-term financial viability are to be constructively challenged in an open and transparent way.

As we have noted above (at section 3.5, when discussing scrutiny's call-in relating to the Council's financial position in August 2020), councillors' aspirations on this point have on occasion been thwarted by the provision of inadequate information, presented in a sub-optimal way. Members are aware of the serious financial challenge that Croydon is currently facing but have struggled to direct their time and resources in an appropriate manner.

The Report in the Public Interest and the Action Plan gives a range of examples of opportunities for Member-level direction on financial stresses, pressures and weaknesses. A number of these missed opportunities relate to an absence of Member oversight, some of which ought to have come from scrutiny. Scrutiny Members have not had the skills, or the support, required to sift intelligently through the information at their disposal to highlight systemic weaknesses. They have not taken the opportunity to engage productively with GPAC to ensure that there is effective oversight of financial matters across the piece. The systems also have not existed to provide clarity on where scrutiny's responsibilities lie on this subject, complementary to the role of the relevant Cabinet Member(s), senior officers (including the s151 officer) and the member GPAC in providing satisfactory assurance and oversight on, amongst other things, the Council's overall control environment, and specifically on strategic risk associated with financial decisions. This, alongside

the paucity of information made available to Members to carry out their role effectively, have served to make scrutiny's attempts to probe on financial matters generally ineffective.

There is a clear need for scrutiny to be more directly and productively involved in the council's financial recovery – as part of a cross-council approach to the strengthening of governance. This needs to be an ongoing role – in recent years the focus for budget scrutiny has been at set-piece meetings, although we note that recent task group activity seeks to change this, by way of a Financial Review Panel which is providing Members with additional detail and insight of the budget. The s151 officer's decision to issue a s114 notice on 11 November and the plans for improvement which have followed will have an impact on the way that this oversight is carried out in respect of the 2020/21 budget, as well as on the way that scrutiny of in-year financial matters are managed. Our recommendations set out some practical ways for scrutiny to take an active role in this exercise in the coming months, and expand on this section and the points in the previous section on GPAC. This does point the way to a more robust role for Members in this area, alongside other improvements to information access. This – alongside significant strengthening of the overall governance environment relating to finances - will hopefully begin to provide Members with the core knowledge to provide robust constructive scrutiny of the budget/MTFS when this comes before a public scrutiny committee. But there is still a long way to go, and the need for action is immediate.

4.6 Operation of task and finish groups

There appears to be support from Members to use this option to focus on helping to shape policy or exploring issues of community concern where the council or its partners may need to respond. These task and finish (T&F) assignments or similar focused 'project scrutiny' can, if used well, build more versatility and agility for scrutiny. However as these can be very demanding on officer time and resources, committees might consider limiting the number running consecutively and having a finite number per year – as well as considering afresh the scope and scale of their work. There is some concern that some T&F projects take too long to complete. Attention to setting realistic and acceptable timeframes may assist efficient completion. In the short term, we anticipate that it will be challenging to transact any T&F projects at all; as such scrutiny members and support officers should consider how directed and proportionate scrutiny work, reflecting the Council's needs, should be carried out within a tight resource envelope. Inquiry days or single-item agendas might provide a way of delving into more complex topics in the short term.

4.7 Call-in

The use of Call-in by Members is applied sparingly but seems overall to be used appropriately. Call-ins can be made more challenging by the information access issues which we have already noted. In the previous section we noted this in respect of a recent call-in in particular. Members will need to note that the way that call-in works will need to change in light of the issuing of the s114 notice.

5. Member leadership and officer support

5.1 Officer support

There is an experienced team of Officers who support scrutiny. They are proactively engaged in advising Chairs and Members on their roles and in developing scrutiny activity. Members told us that they do feel in control of their own work programmes and agendas.

There is always potential to review whether the level of officer resource available to support scrutiny is sufficient. The team work hard to bring scrutiny to the attention of officers, a wider ownership for the success of scrutiny within the senior and wider leadership team would be beneficial. We note some of the challenges here in the section below.

The council's website has useful content on scrutiny, which is relatively easy to access and has helpful guidance. The site is up-to-date and offers a good public oversight of scrutiny activity.

5.2 Member leadership

The Chair of the Scrutiny and Overview Committee received praise during the review from Members and partners for his level of experience and proficiency in chairing meetings. He is seen as an important advocate for scrutiny and works hard to ensure that scrutiny and its Members are supported and recognised. The Chair and others recognise that work needs to be done to more effectively engage with the wider pool of backbench members – particularly on matters relating to training and development, as we comment below.

Relationships between political groups are generally co-operative in the context of scrutiny. Clearly there are differences in policy and approach, but all Members appear to work towards a similar goal in committee.

Croydon has in the recent past had a political culture which is quite tense and fractious. Councillors work hard not to bring this to bear on scrutiny's operations but it will inevitably play some part. We have noted above the tendency from councillors not to push back against attempts to restrict the flow of information to scrutiny, or to restrict scrutiny's activity more generally. It is easy to identify potential points of intervention in hindsight, but members should be aware of the risks that political objectives – even if they are experienced subconsciously – end up overwhelming the need for robust and vigorous scrutiny. We cannot know if this played a part, for example, in the way that the call-in meeting in August was carried out. For party politicians, marrying the need for the effective operation of political Groups with the need for candid, frank and honest scrutiny is a challenge. In Croydon it is a challenge that has probably been sidestepped. Councillors could do more, now, to address the need for constructive cross-party working and to understand how past motivations, on both sides, may have led to scrutiny's failure, as part of the wider governance framework, to play a part in addressing these issues.

Scrutiny Members could play a greater role in how scrutiny operates and resourced. Members could be more central in the preparing of programmes, projects and agendas, or researching issues and helping each other to be well-prepared and informed. Experience of remote working during the pandemic could point the way to more permanent changes here, ensuring member engagement in scrutiny activity on a continuous basis rather than just around committee and task group meetings.

5.3 Skills and development

Croydon Council is fortunate to have a reasonable pool of experience among its Members. Many councillors have relevant backgrounds and experience who bring a very useful set of skills to many areas of the council. Good practice also suggests that Members' interests, experience and background knowledge can also be useful in allocating a spread of skills to committees.

However, there is variability in the level of some scrutiny members' skills and capacity to carry out work. Some scrutiny councillors are highly capable and confident in their ability to work; others less so. As we have already noted, this is thrown into sharper relief than would otherwise be the case by the general lack of pre-meeting planning. We highlighted the specific challenge in relation to skills to oversee and scrutinise financial matters in the section above, but it cuts across other issues as well. Members should be supported to understand that rather than detailed subject or technical knowledge, their development focus should be on acquiring the skills to effectively interrogate and scrutinise information at their disposal to identify risks and pressure points. There is also a pressing need to ensure that councillors are aware of their rights as members – in particular, their rights to require access to information held by the authority. This is information that also needs to be shared with the officer side of the authority.

A more confident member corps will be able to be more proactive in how it carries out its work – in particular, how it uses information to support work programming. This will mitigate the challenge around free member access to information that we identified above.

In this context it was positive that training and development were raised by some Members, who were clearly aware of the gaps in their knowledge and understanding. There is also a number of relatively new councillors with limited experience of local government scrutiny, particularly in large complex councils like Croydon, who would benefit from further training and development.

Specific training needs are likely to emerge from discussion about some of the improvements to work programming, information management and business in committee that we discuss elsewhere. Where those needs are identified, it is likely to be more productive to integrate member development into substantive scrutiny work rather than trying to devise and develop a separate "training programme", particularly bearing in mind the urgency of the Council's other challenges.

6. Recommendations

Short term / immediate

Recommendation 1: Take action to ensure that scrutiny can play an immediate role in the Council's financial recovery. In the coming months there will be significant activity undertaken to strengthen the council's governance arrangements and set it on track to deliver a balanced budget for the coming years. Member ownership and direction will be important for the success of this work; the organisation needs to be prepared to use the scrutiny function as part of its improvement plans.

Immediately, members will need to consider how they will meet the expectations made of the scrutiny function in the Council's Action Plan – in particular, the immediate needs for scrutiny of the delivery of a balanced budget in 2020/21, and a sustainable and robust budget and MTFs for 2021/22. This will include engagement and oversight over the way that the Council tests its budget proposals. It will require that members prepare themselves for working to a challenging timetable during December and January.

Scrutiny will also need to immediately take action to engage with the ongoing work of GPAC, and consider how it can add value and rigour to the statutory member audit function. In the short term we consider that this will be by seeking to understand the wider organisational implications of in-year changes to the budget for 20/21, and in considering the broader implications of failings in the risk management regime, as well as providing assurance on GPAC's work to re-establish a robust financial control environment, led by the S151 Officer

This pressing need colours the remainder of our recommendations. We expect that – certainly for the remainder of this financial year – all scrutiny activity will need to be framed with reference to Croydon's financial challenge. We also expect that immediate steps will need to be taken to address in-year 2020/21 financial oversight by scrutiny, and much more robust arrangements for oversight of the refinement and agreement of the 2021/22 budget. We recognise that it will exceptionally challenging to turn around these plans quickly, but the current circumstances make it a necessity. This need will also influence the focus of scrutiny's work in the medium term, as we explain further in Recommendation 3.

Recommendation 2: Secure meaningful commitment to scrutiny from the executive side of the organisation. We have noted that while an executive commitment to effective scrutiny exists in the abstract, senior officers in particular, could do more to proactively support scrutiny. The actions described in these recommendations – on information, in particular – rest on senior officer involvement which is framed by candour and by a willingness to engage constructively with challenge. Evidence of both of these characteristics is currently variable.

The agreement of the Action Plan and implementation of the Renewal Plan provide an ideal opportunity for the leadership of the Council to specifically restate its commitment to councillor review and oversight. The opportunity can be taken as part of this to set out scrutiny's role in relation to CMACs, as we set out above. We think that scrutiny will be able to provide additional, publicly-visible assurance on matters of particularly contentious policy development being managed through CMACs, embedding a more pluralistic approach to policy development overall. This involves a slight shift to the existing plans for the CMAC/scrutiny relationship.

This commitment will need to be immediately backed up with action. For example, regular meetings between Cabinet members and relevant scrutiny chairs, outside the committee cycle, would supplement formal committee activity and ensure that scrutiny councillors are kept apprised of developing service and policy matters. These arrangements would be brought together in a refreshed executive-scrutiny protocol. While, in total, this is probably an action for the medium term – once the Council's finances have stabilised and a more conventional approach to decision-making can be taken – regular briefing and conversation between scrutiny councillors and decision-makers is still an urgent priority.

Recommendation 3: Determine scrutiny’s role within the wider governance framework, particularly with regard to quarterly progress monitoring on the Council’s new Action Plan.

Collectively, members and officers hold responsibility for the health and effectiveness of the governance framework. Each part of this governance framework – audit, scrutiny, the operation of the scheme of delegation, and so on – has a particular role to perform. Articulating more clearly scrutiny’s unique role will help members’ efforts to be focused on those areas where they can add most value – and will ensure that gaps in member oversight do not exist in one area while duplication may be present elsewhere.

Particular thought will need to be paid to ensure that scrutiny’s oversight of the implementation of the Council’s improvement plans to ensure that it is sufficiently constructive and robust. In particular, scrutiny will need to understand the role that others are performing with regard to the improvement plans and specifically the Renewal Plan, and seek to cast a role for scrutiny which adds real value. Regular receipt of updates at meetings should be taken as the baseline for scrutiny.

Recommendation 4: Establish a Scrutiny Co-ordination Group.

This would comprise Chairs and Vice Chairs of each committee and Chaired by the Chair of the Scrutiny and Overview Committee. The purpose would be to discuss alignment of work programmes and where possible to achieve a joined-up approach to scrutiny of council policies, priorities and delivery plans.

Recommendation 5: Set a more consistent approach to the provision of information to scrutiny councillors.

Members do not currently have access to the best information, at the right time. This is despite members having raised concerns about this issue recently, notably in relation to financial matters. Members are provided with information to meet officers’ needs, rather than driven by members’ expectations, a problem compounded by members tendency not to challenge this obvious shortcoming in a cross-party way. The council has to quickly determine how best it can support members to access the information they need – both to allow them to hold the executive to account more effectively and to permit a more informed approach to be taken on the work programme, as we describe below. It is likely that the development of a members’ information digest, as recommended by Government guidance, will form a part of this; informal member briefings will also play a role. This needs to be accompanied by professional technical advice to support scrutiny Members’ understanding, to a similar level of advice provided to Cabinet. Scrutiny cannot perform its task effectively unless it achieves a parity of knowledge and understanding. This is particularly important where scrutiny is tackling issues such as financial recovery, or scrutiny of commercial activities where expert advice to scrutiny would be essential. There needs to be a shift in mindset amongst senior officers about members’ information entitlement – this is not just about changes in process. Statutory officers need to champion and support members to be more proactive in their ability to access information. In a general sense this will involve changes to the way that the organisation gathers and uses data overall.

A bespoke approach will be needed to the oversight of the council’s improvement plans, and especially the Renewal Plan. Here, scrutiny will need to understand what information is being developed to support the implementation of these plans, and how and when it should receive this information, in deciding what role it should play (as we set out in Recommendation 1). Members’ information needs are likely to be determined by the focus they apply to the work programme in the coming months.

As a starting point, the Council should ensure that scrutiny councillors have immediate access to the new monthly Corporate Finance, Performance and Risk report, with officers and members considering how this and other management information can be used to intelligently direct members' work to the most important matters (on which see Recommendation 6 below).

Recommendation 6: More systematic prioritisation of the work programme.

A clear role for scrutiny will mean an easier process to prioritise work that aligns with that role. To an extent this will also involve a renewed focus on the council's own corporate priorities. At a practical level, individual items on each work programme should have a clear rationale to justify their inclusion, driven by a clear system for selection, supported by the renewed approach to information access described in the last recommendation. Prioritisation would also involve use of a more varied range of ways for scrutiny to carry out its day to day work – through shorter task and finish reviews, inquiry days, and in due course experimentation with the co-production of scrutiny work with local people and other stakeholders. Managing necessary work within an exceptionally tight resource envelope will be a necessity.

We consider that the introduction of the CMACs, when this occurs, will provide a practical opportunity to refresh scrutiny's purpose, role and ways of working, alongside ongoing improvement support activity relating to the Council's financial position. As significant improvement activity occurs across the Council, we expect that scrutiny will need to focus its work programme on "business critical" matters, and work programming will need to reflect this. In particular, we think that these issues will need to be:

- Proportionate oversight of the delivery of the Action Plan;
- Delivery of a balanced budget for 2020/21 and a sustainable balanced budget for 2021/22 alongside a robust MTFs. Prioritisation of work to be undertaken with relation to financial matters will require immediate attention, and this is likely to be a focus for liaison between scrutiny and GPAC to reduce the risk of duplication;
- The Council's overall approach to risk and risk management (again, a matter on which scrutiny and GPAC will need to work together; we consider that while GPAC will be focused on in-year risk management, scrutiny can productively begin the work of rigorously examining the council's culture of risk management overall);
- Oversight of the safety and effectiveness of services in relation to:
 - Adult social care, with particular reference to oversight of the Council's response to the diagnostic review being undertaken by the LGA;
 - Children's services, and particularly services provided to unaccompanied asylum seeker children (UASC);
 - Economic recovery post-pandemic with particular reference to the Growth Zone.

For clarity, in our view this list is exhaustive – we consider that these should be the only matters for scrutiny to formally consider in the coming months. Members should continue to receive information informally on other matters, and should seek to satisfy themselves that sufficient oversight exists on performance and delivery of services not as critical as these.

Recommendation 7: Bring more focus and rigour to scrutiny in committee.

The focus of scrutiny should shift from senior officers to members of Cabinet, who should be the main subjects of formal questioning sessions in committee. Where responsibility is shared between Cabinet members and individuals providing improvement support to the Council in the form of the

Panel established for this purpose, these external individuals should expect to be engaged in a similar way.

The coming weeks will need to see a substantial reduction in the overall number of items on agendas. This will mean that those items chosen – through a rigorous selection process as described above – can be looked at in more depth. And better information sharing between meetings will mean that the tendency for committee meetings to be dominated by the presentation of officer reports, and officer presentations, will be minimised.

Recommendation 8: Identify and act on short term member and officer training and development needs to address the above

Below, we identify the need for a holistic member development programme to develop councillors skills, but in the short term plugs in knowledge, competence and confidence need to be addressed in some key areas. This paper sets out what some of those priorities are likely to be: Croydon should work with the Local Government Association (LGA) and other partners to develop a short term plan to plug these gaps as part of the broader improvement strategy.

Medium term

Recommendation 9: In the medium term, scrutiny needs to be closer to commercial operations.

The council's commercial activities lack sufficient oversight from scrutiny members. We note that these operations are about to undergo a full review, and scrutiny should in due course play a role in this. For the short term, trying to assert a focus on these matters will limit members' ability to oversee the business-critical, life and limb issues that we noted in Recommendation 5, above. However, as the Council seeks to stabilise and transform its approach to commercial operations, scrutiny needs to play a central role in determining member ownership of what is to come.

In particular we anticipate a role and need for scrutiny to explore the key strategic aims of council commercial operations and appropriate access and information should be available, together with technical advice to enable scrutiny to play an active role in effective governance of this key area of council finance, investments and risk.

Recommendation 10: In the medium term, take steps to expand public participation and community involvement in the work of scrutiny.

As scrutiny's fundamental role and systems of operation are stabilised, scrutiny members will need to consider how to meaningfully and productively engage with the public in the design and delivery of scrutiny work. This will strengthen scrutiny and its external focus; it will take time and resource to put in place. Scrutiny will need to play an important role in reconnecting the Council to the people it serves. There is likely to be work that scrutiny can do to enable the public voice – what this looks like will depend on how ambitious the council is able to be on shifting power down to local people.

Recommendation 11: In the medium term, a more robust role for scrutiny in the pre-decision scrutiny process.

On the most critical and high profile matters, there should be an expectation that scrutiny will have

an opportunity to feed in to decisions some time before they are made, aligned with the expected role of CMACs – taking advantage of the opportunity to draw a wider range of councillors into policy development, and driven by scrutiny’s role. The impact of this activity would be highlighted in papers subsequently presented to Cabinet for decision, to demonstrate how and where scrutiny has been included in the journey of the plan, policy or decision. This will help to clarify scrutiny’s role within the broader governance framework, and will add an extra layer of assurance to that provided by CMACs on the most important, contentious and high profile issues. We anticipate that this is a medium term objective, for when the Council’s finances have stabilised, but in the short term major decisions made that relate to the Action Plan and Renewal Plan may need to be subject to a form of pre-decision scrutiny. This will need to be subject to whatever governance and accountability arrangements made with regard to those decisions by the Council, and the organisations providing it with support.

Recommendation 12: In the medium term, adopt a Member and Officer scrutiny development and skills programme which embeds learning opportunities into scrutiny’s substantive work.

This will support greater understanding of the role of scrutiny and improve its effectiveness. There are some immediate steps that will need to be taken to develop councillors’ knowledge on commercial matters, on finances, on strategic risk and on performance oversight. Broader development activity can wait until the Council’s financial situation stabilises.

Recommendation 13: Ensure cabinet member advisory committees (CMACs) and Scrutiny are co-ordinated, and that there is also co-ordination with the Council’s member audit committee (GPAC).

In order to deliver these outcomes there are a range of associated structural changes which could be undertaken. We note that wider changes to the governance framework are happening in light of the Report in the Public Interest, and these structural proposals sit in that context. These structural changes are likely to be medium term in nature, but the Council may need to consider streamlining the committee structure, and reviewing the frequency of scrutiny meetings, in order to provide the necessary level of focus.

The long term relationship between these functions may need to look different to the division of roles set out above; as such these relationships will need to be reviewed again in the medium term.

The exact nature of this structural co-ordination will rest on the form of any structural changes made by the council further to the recommendations in the RIPI and Action Plan.

7. Conclusion

Overall Scrutiny currently is underdelivering compared to its potential and aspiration. There are particular shortcomings relating to the clarity of scrutiny’s overall role within the governance framework, the information to which councillors have regular access, and the way that scrutiny use both their role and that information to devise a proportionate work programme. This therefore represents a real opportunity to develop. Members could reflect on the volume of scrutiny activity

and the fact that this will be diluting its ability to concentrate its efforts on areas which are critical to the council and community.

The period following the issuing by the Council's s151 officer of a s114 notice will be an exceptionally challenging one. It is vital that during this period Members are made ready, through scrutiny, to focus their work on this challenge, certainly for the foreseeable future. The Action Plan sets out the framework for this activity but scrutiny councillors also need to set a clear direction, and expectations, for the way in which they will need to be engaged. Substantial decision-making activity, with major implications for local people, will be happening in the coming weeks and scrutiny needs to play a role in the vital democratic oversight of that work.

In the medium term, scrutiny has the capacity and capability to have greater impact and make a significant difference within the council if it could occupy a more central role in policy shaping and value-adding. Although ambition and desire are shared across the council, proactive and practical commitment to change has not followed on from the aspirations that have been articulated. The poorly-recognised gap between objective and practice is part of the reason why scrutiny has found itself unable to carry out a meaningful and directed role as the Council enters a period of unprecedented pressure.

As improvement support is provided in Croydon and the Action Plan and Renewal Plan come to be implemented, scrutiny has to be prepared to step up to ensure that non-executive members can play an appropriate role in getting a handle both on the situation and the urgent activity that must follow; scrutiny can and should play a central role in that improvement.

In the medium to long term, once governance arrangements assume more stability, steps should be taken to reset the Scrutiny and Cabinet relationship. Scrutiny needs to provide a regular source of quality recommendations to Cabinet, and Cabinet needs to provide clear feedback so that scrutiny's effectiveness and contribution can be tracked. Members did voice concern that their recommendations were not always listened to or taken into account and were frustrated by the lack of consistent feedback. Scrutiny should expect a response from Cabinet and feedback on its recommendations or reports. Action taken by scrutiny to support the Council as it navigates its current crisis could and should point the way to a better scrutiny/executive relationship.

Scrutiny at Croydon can overburden itself with too much activity and agendas focused on 'for information' reports. Doing less, but doing it really well, is worth considering. Asking the question; 'what value can scrutiny add to this' is also a useful test. Scrutiny's output must aim to shape and improve policy and decision-making as well as transparently testing the suitability of decisions being considered by Cabinet in the future. Naturally, in the short term this necessary focus will be provided through scrutiny working exclusively on matters relating to the Council's financial position.

There is interest from Members and Cabinet for Scrutiny to be more future-focused and for its pre-scrutiny activity to be further developed. Pre-scrutiny of Cabinet decisions, through selective scrutiny of Cabinet forward programmes and the Council plan could, in the medium term, add significant impact.

Appendix A1

LB Croydon Council Scrutiny Member Survey – sent only to members of Scrutiny, 7 total responses.

Q1. What do you think the main purposes for Scrutiny are?

- Scrutinize the council in all aspects
- Ensure challenge and accountability of the Executive
- To hold the Council to account
- Hold executive to account
- To scrutinise strategic decisions pre-implementation and to review key processes and strategic decisions as necessary.
- To hold political leadership, Council Officers and others to account for the services that affect the lives of the people of Croydon
- To hold the Council to account in an independent and impartial manner.

Q2. How well do you think Scrutiny achieves these purposes?

Very well	0.0%
Fairly well	85.71%
Not sure	0.0%
Not very well	14.29%
Not at all	0.0%

Q3. Who does Scrutiny currently hold to account? Please tick all those that apply.

Mostly Cabinet members or Leader	57.14%
Mostly Officers	57.14%
Cabinet members with Officer support	42.86%
Partners/ Stakeholders	42.86%
Council Services	42.86%
Not sure	14.29%

Q4. Have you experienced the Scrutiny function influencing and/or improving council policy or Cabinet decisions?

Yes, often	14.29%
Yes, sometimes	42.86%
Not sure	14.29%

Rarely	28.57%
No, never	0.0%

Q5. There is a constructive relationship between Scrutiny and the council cabinet/executive that leads to substantive recommendations being implemented.

Strongly agree	0.0%
Agree	28.57%
Neither agree nor disagree	28.57%
Disagree	42.86%
Strongly disagree	0.0%

Q6. Considering LB Croydon is in the process of setting up Cabinet Advisory Committees, what are your expectations concerning the roles of and relationships between Cabinet Advisory Committees and Scrutiny?

- "These should not be chaired by a cabinet member or deputy.
- I do wonder who will be own the outcomes and monitor progress of outcomes presented to scrutiny."
- Scrutiny will focus on decisions and CMACs strategic direction and policy
- hopefully a working relationship
- CMACs more political
- I expect CACs to undertake scrutiny in their own policy area leaving Scrutiny to undertake cross-departmental work.
- Collaboration or we will create work and get in each others way.
- There will be an overlap and confusion of what the functions are

Q7. Do you think that Scrutiny focuses its time and attention on the right priorities?

Always	14.29%
Sometimes	57.14%
Not sure	14.29%
Rarely	14.29%
Never	0.0%

Q8. How much does Scrutiny spend its time looking forward at strategy and policy, and, past performance and delivery?

Mainly forward looking at strategy and policy	14.29%
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Mainly past focus on performance and delivery	57.14%
An even mix	14.29%
Not sure	14.29%

Q9. What is Scrutiny's role in developing the council's budget and medium-term financial plan?

Involved in early stages of budget planning	0.0%
Has full access to information which allows it to make recommendations and able to test and challenge plans and assumptions	0.0%
It is mainly involved scrutiny of the budget in later stages when it is finalised	42.86%
It is hardly involved in budget planning	57.14%
Scrutiny tends to focus on how the budget is spent and tracking performance	0.0%
Not sure	0.0%

Q10. Which of these methods of scrutiny do you think work or are likely to work well? Rate from 1, low to 5, high.

	1	2	3	4	5
Time-limited sub-committees	0	0	5	0	2
Task & Finish Groups	1	1	2	1	2
Inquiry days	0	2	0	2	3

Any other comments?

- I only remember a few task and finish groups. One of them was very divisive. This is the first I've heard of inquiry days, they sound interesting. Bur we haven't got the resources for any of this.
- Depends on who leads them and tightness of the Terms of Reference.

Q11. Overall, do you consider the Scrutiny function an important part of the democratic process in LB Croydon?

Yes	100.0%
Not sure	0.0%
No	0.0%

Q12. Do the Scrutiny arrangements enable members to be in control of the work programme(s)?

Yes, members decide and control what is scrutinised	28.57%
It's decided by members with officer advice	42.86%
No, it is predominantly led by officers	14.29%
It's unclear how and who decides	0.0%
Not sure	14.29%

Q13. Are Scrutiny meetings effective at focusing on the right issues and / or asking the right questions?

Yes, most of the time	14.29%
Yes, sometimes	42.86%
Not sure	28.57%
Rarely	14.29%
No, never	0.0%

Q14. Concerning the conduct of Scrutiny meetings – what works well and what could be improved

- less on the agenda
- What works best is careful preparation for meeting with themes and lines of questioning identified.
- "Virtual meetings have helped, although don't know if this would be sustained.
- Pre-meetings help but getting members to attend is problematic."
- Data and information asked for should be provided accurately and in a timely manner

Q15. What sources of information does Scrutiny use while doing its work? [Tick as many as is applicable]

It is reliant on information provided by officers	100.0%
Seeks public views on issues	0.0%
Uses external witnesses or experts	42.86%
Actively involves co-optees	57.14%
Councillors use performance, finance, and risk information available at the Council's disposal	28.57%
Council's priorities and/or policies	28.57%
Not sure	0.0%

Q16. Are you satisfied with your personal development and training in relation to Scrutiny?

Very satisfied	14.29%
Somewhat satisfied	57.14%
Not sure	14.29%
Somewhat unsatisfied	14.29%
Not satisfied	0.0%

Q18. Which political group are you a member of?

Conservative	42.86%
Labour	57.14%

LB Croydon Council Member Survey – sent to all non-Scrutiny members, total responses 23.

Q1. What do you think the main purposes for Scrutiny are?

- To investigate and influence the policies and decisions made by the council and other organisations involved in delivering public services.
- To examine the effectiveness of the policies of the Council - using independent experts; questioning Cabinet members and scrutinising senior officers.
- To look in depth at a particular area and offer additional challenge to the work in that area, to ensure we are working to guidelines and to hold us all to account, to police our strategies and long term goals
- To scrutinise the administration by looking at proposed and actual decisions and strategies
- To hold the Council to account
- To hold the administration to account
- Scrutinise decisions made by the Council
- The purpose of Scrutiny is to do its best to ensure the Council serves the very best it can to achieve the highest level of satisfaction and contentment for the residents and council tax payers of the London Borough of Croydon.
- Scrutinising the majority parties action on important areas they control
- To ask questions around how policy is being formed and executed.
- To investigate the operation of the council and deliver a better outcome for the residents of Croydon. To deliver transparency and understanding of decisions
- Scrutinised the council works and decisions making process to holding them on account.
- review and hold members and those in positions of making change responsible for decisions taken and officers to report on those decisions and how they were carried through. The outcomes.
- To hold the executive to account and to identify any areas for improvement within the council
- Ensuring good practice, Post decision assessment, Questioning departments
- To hold the executive to account and give a meaningful role to members outside of the executive
- To scrutinise the decisions and proposed decisions of the council to improve the effectiveness of those decisions
- An opportunity for opposition cllrs to review Administration's decisions in more detail than is possible at Exec meetings where Administration is always in majority and shuts down any debate
- To scrutinise strategic decisions before implementation and to review them post-implementation.
- To hold political leadership, Council Officers and others to account for delivery of services that affect the lives of the people of Croydon.
- Scrutinise the local stake holders and council with essential services, in my case health and social care.
- To assess and analyse the effectiveness of the policies of the Council administration.

Q2. How well do you think Scrutiny achieves these purposes?

Very well	0.0%
Fairly well	43.48%
Not sure	4.35%
Not very well	47.83%
Not at all	4.35%

Q3. Who does Scrutiny currently hold to account? Please tick all those that apply.

Mostly Cabinet members or Leader	40.91%
Mostly Officers	36.36%
Cabinet members with Officer support	68.18%
Partners/ Stakeholders	40.91%
Council Services	31.82%
Not sure	13.64%

Q4. Have you experienced the Scrutiny function influencing and/or improving council policy or Cabinet decisions?

Yes, often	8.7%
Yes, sometimes	39.13%
Not sure	4.35%
Rarely	34.78%
No, never	17.39%

Q5. There is a constructive relationship between Scrutiny and the council cabinet/executive that leads to substantive recommendations being implemented.

Strongly agree	0.0%
Agree	26.09%
Neither agree nor disagree	30.43%
Disagree	39.13%
Strongly disagree	4.35%

Q6. Considering LB Croydon is in the process of setting up Cabinet Advisory Committees, what are your expectations concerning the roles of and relationships between Cabinet Advisory Committees and Scrutiny?

- I am not too clear about the difference between the two! Too early to tell!
- A more robust, publicly accountable system of scrutiny involving members of the public. More backbench councillors enfranchised to scrutinise.
- I'd like to see a close relationship however a definite purpose needs to be established as I do not believe it is clear
- Cabinet Advisory Committees will really look at strategy and performance and scrutiny will focus on decisions
- Depends who will chair these, of the cabinet deputy then i feel there could be a conflict of loyalty if the issue is on their portfolio
- Very low expectations of this administration
- Just another talking shop, The Cabinet will still make all the decisions regardless.
- The majority party is likely to do what it chooses and will disregard the points raised by the Conservative party and the Government. For example they are likely to over develop the Borough, destroy many of the trees and build on the Green Belt.

- Unless it works as intended all decisions will have been made by a few regardless
- I think it's very confused. It might be that the advisory committees are not robustly political allowing scrutiny to be more considered. One scenario is that it simply wastes everyone's time.
- So long as they deliver outcomes and don't become yet another layer of bureaucracy and talking shop
- Don't much have expectation because the chair (deputy cabinet member) will be influenced by the cabinet members
- I do not see them as being the same thing. Scrutiny is an independent body from CACs as they will be more in the decision making side which scrutiny would not be.
- The CACs will largely replace the need for a currently ineffective scrutiny system
- I'm not sure it is entirely clear how scrutiny and CMACs will work together
- No difference at all
- Other than scrutinising cross-cutting themes, there should be little of purpose left for scrutiny.
- I hope for collaboration to avoid duplication and getting in each other's way.
- Better forward planning, and insight to decisions as they are being made, and not seeing the end results just before implementation.
- More effective and publicly interesting scrutiny and analysis. Greater freedom to investigate and properly question.

Q7. Do you think that Scrutiny focuses its time and attention on the right priorities?

Always	17.39%
Sometimes	56.52%
Not sure	17.39%
Rarely	8.7%
Never	0.0%

Q8. How does Scrutiny spend its time regarding future strategy and policy and past detail and performance?

Mainly forward looking at strategy and policy	18.18%
Mainly past focus on performance and delivery	54.55%
An equal mix	27.27%

Q9. Overall, do you consider the Scrutiny function an important part of the democratic process in LB Croydon?

Yes	73.91%
Not sure	17.39%
No	8.7%

Q10. Do the Scrutiny arrangements enable members to be in control of the work programme(s)?

Yes, members decide and control what is scrutinised	30.43%
It's decided by members with officer advice	39.13%
No, it is predominantly led by officers	0.0%

It's unclear how and who decides	26.09%
Not sure	4.35%

Q11. Any further comments or suggestions to improve Scrutiny?

- It very much feels as if the Council Leadership pays lip service to the Scrutiny function. Cabinet members often attend unprepared, and when asked detailed policy questions they often defer to senior officers. Scrutiny is therefore less of an active assessment of policy priorities and more a reflection of service delivery by officers. This is disappointing, and makes the whole Scrutiny function much less effective. The meetings tend to roam across a broad portfolio, and lack structure. This means no one area is scrutinised properly, wandering across any area of the portfolio currently being looked at. This is a weakness that should be addressed. This ambling format also means the meetings often last close to four hours, meaning committee members cannot function at optimum capacity. Recommendations tend to be bland rather than impactful, and so those majority members of the committee are perceived to not really be interested in genuine scrutiny - for fear of alienating their party leadership and their own chances of promotion. You therefore have a perfect storm of ineffectiveness: Cabinet members not on top of the detail of their portfolios; committee members not empowered to properly scrutinise; chairing that means the structure isn't effective and a Council Leadership that doesn't allow/welcome frank and friendly criticism.
- I would like to see scrutiny have the power to identify unseen issues and work with members and officers to get the answers
- Scrutiny is politically biased and insufficiency objective.
- Members need more opportunity to question cabinet member and officers . 1 or 2 questions per session is altered is time for due to too much waffling answers rather than straight up the point
- We need to move away from the notion that we can't criticise officers. Many are highly paid and their performance should be up for discussion and scrutiny.
- Level of transparency over finances poor - lack of detail given at all levels leading to questioning of what is going on
- Need to be followed the recommendation to ensure that it is implemented
- More people could do independent scrutiny reviews.
- A total rethink of the entire system to ensure that scrutiny becomes relevant, meaningful and positively contributes to the work of the council. It is currently (and always has been) incredibly shallow and superficial, despite being well intended
- Key themes need to be identified in advance of meetings and clear and well-focused lines of questioning formulated to obtain the required information.
- More open in the approach, and no hidden agendas.
- Officer involvement is heavy, with few Cabinet members feeling on top of the detail of their briefs. This means that ascertaining straight answers from Cabinet members is almost impossible. This defeats the objective of Scrutiny. The meetings last for several hours, longer than most other meetings, so the committee members are tired and not firing on all cylinders by the end. The recommendations are generally not impactful on the strategic direction of any given policy. The Council Leadership sees Scrutiny as a necessary hurdle, that it regularly ignores or refuses to properly engage in. It makes the right warm noises, but it rarely properly works with councillors to test and improve policies. This is its biggest weakness. The current Administration just doesn't voluntarily care for scrutiny.

Q12. Which political group are you a member of?

Conservative	47.83%
Labour	52.17%