

By: Paul Wickenden, Overview, Scrutiny and Localism Manager  
To: Scrutiny Board - 24 February 2010  
Subject: **Building capacity for Overview and Scrutiny**

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Summary: This report looks at ways of building capacity for overview and scrutiny based on the decision taken at County Council on 15 October 2009.

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## **Introduction**

1. (1) At its meeting on 15 October 2009 the County Council agreed:-

“To ask the Scrutiny Board (formerly the Policy Overview Co-ordinating Committee) in consultation with the Cabinet to identify and pilot new ways of working to build capacity including a rapporteur scheme, engagement with the press and media, the information and period of time the Forward Plan of Key decisions covers”

(2) It should be noted that the consequential amendments to the constitution necessary to establish the Scrutiny Board were not approved by County Council until 10 December 2009.

## **New ways of working**

*Regeneration and Development Policy Overview and Scrutiny Committee (POSC)*

2. (1) The Regeneration and Economic Development POSC and Learning and Development POSC are part-way through a programme of joint, monthly, half-day visits to District Councils around Kent, with the aim to visit all districts in a year. The purpose of the visits is to give each District Council a chance to showcase the regeneration priorities in its area by touring key sites and projects. Learning and Development POSC Members are joining these visits to look at the learning and skills issues and how these relate to the economic health and regeneration agenda.

(2) The Overview and Scrutiny team involvement has been in negotiating and setting dates with District Councils, liaising with them over the outline of each visit, circulating to POSCs and KCC Local Members the briefing material supplied by each host Council in advance of their visit, and issuing to POSCs and Local Members the Members' written report back of each visit.

(3) An oral report back on the latest visit/s is made by Members to each meeting of Regeneration and Economic Development POSC, so that the process is inclusive for the POSC.

(4) The cost of the minibus tour for each visit is funded from the KCC Member Budget, and host Councils have been asked to select the most

economical local contractor in each case. The cost of mini bus travel for the visits so far has averaged £148 per visit. Most visits so far have included or will include a sandwich lunch, provided by the host Council.

(5) Communities POSC agreed that they would like to visit the site of Turner Contemporary, Margate. It was agreed that the most effective way to do this was as part of the Regeneration and Economic Development POSC visit to the area. The POSC's are therefore starting to work effectively and collaboratively together which is welcomed and encouraging.

*CFE Learning and Development POSC - Visits to 3 schools held on 2 February 2010 looking at 14-16 years learning and skills prospects leading to future employment.*

(6) On 2 February 2010 eleven Members of the POSC, accompanied by Officers visited the Skills Centre, Thamesview School, Gravesend, Leigh Academy, Dartford, North West Kent College, Gravesend. The visits were organised by officers in the CFE Directorate, and the Manager of Kent Employment and Skills Board, who gave presentations and a briefing.

(7) The cost of the Minibus hired for the day was £250, a light lunch provided by Skills Centre and the other 2 venues provided tea and coffee. Filming of the comments of the students, with their consent, at the Skills Centre and the Leigh Academy were secured free of charge which would otherwise have cost of £125 for the filming and editing.

(8) The information gained from the visit will inform the meeting of the POSC on 23 February 2010 which will focus on this issue.

*CFE Resources and Infrastructure POSC – IMG on Special Educational Needs Transport*

(9) This IMG set up to undertake a Strategic Review of SEN Transport. The IMG held its first meeting in November 2009. It is supported by Democratic Services with the reports and background research provided by Directorate colleagues. Two meetings have been held to date and a further meeting is due to be held on 25 February 2010. When this IMG was established it was estimated that its work would be completed in approximately five meetings.

*IMG on the Medium Term Financial Plan*

(10) All POSC's were given the opportunity to set up an IMG to look at their part of the Medium Term Financial Plan in November 2009. All POSC's took up this option but carried out this task in different ways. Some ranked options put forward by the Directorate and others, such as the Corporate POSC's IMG, gave Members the opportunity to put forward their suggestion on the impact of possible savings on different areas of the budget (it is interesting to note that 3 of the 12 suggestions made by the Corporate POSC IMG were incorporated into the draft budget in some form).

(11) It is suggested that a detailed report is submitted to the next meeting of the Scrutiny Board, and officers from Corporate finance invited to attend, to

discuss the most effective way for POSC to contribute to the MTP and draft budget in 2010.

#### *Health Overview and Scrutiny Committee*

(12) The recent Task and Finish group of elected Members which recently reviewed the Women's and Children's services, within the Maidstone and Tunbridge Wells Trust have published a report which they wrote following gathering evidence in writing and in person.

#### *Regeneration and Economic Development POSC*

(13) When the Regeneration and Economic Development POSC visits to Districts were first established an intended added benefit of the process was a chance to trial a rapporteur-style arrangement, wherein Members prepare their own written report of the visit and its outcomes.

(14) However, each of the visits so far (and those currently in the planning stage) have been accompanied by the officer from the Regeneration and Economy team who is most able to brief Members on the area concerned, and Members have not yet taken up the opportunity to be note taker and report writer. The reports from the two visits completed so far have been written up by the Regeneration and Economic Development officer in each case.

(15) Following the second visit, one Member, did produce a report on the aspects of the visit which related to his subject area (ie Learning and Development), and his contribution was built into the main report by the Regeneration and Economic Development officer.

(16) Members who were present at the District visits have been giving an oral update to the next meeting of Regeneration and Economic Development POSC.

#### **Rapporteurs**

3. (1) The County Council in approving the new arrangements for the Overview and Scrutiny function approved the concept of a 'rapporteur scheme' to be developed. The general concept of this is that an elected Member, or group of Members, with a specific interest can volunteer to take ownership of a piece of work, undertake the research themselves and prepare a report.

(2) It falls to this Board, in consultation with the Cabinet to identify and pilot a rapporteur scheme. As part of this it is important that clear guidelines are developed in collaboration with the Cabinet and Chief Officers on how this would operate and, the responsibility of a rapporteur, what they could reasonably do and not do and what level of support which might be available to them.

(3) Members will recall that there was an informal meeting of the Scrutiny Board held on 18 November 2009 where there was some initial discussion of this issue. A copy of the paper from that meeting is attached as **Appendix A**. This paper raises a number of issues on which Members views are sought these are:-

- Options for selecting topics (Appendix A paragraph (9))
- Number of Rapporteurs (Appendix A paragraph (12) & (13))
- Support for Rapporteurs (Appendix A paragraphs (16) – (19))
- Rapporteur Reference Group (Appendix A paragraphs (20) – (25))

Set out above in sub paragraphs (12) to (16) are some examples of what has already started to develop which will help inform the ongoing discussion on the development of this framework.

(4) Comments from Members of the Scrutiny Board on what should be included in draft guidelines for the operation of the rapporteur scheme would be appreciated to help officers prepare a framework/heads of agreement for discussion with Cabinet and the Chief Officers Group.

### **Engagement with the press and media**

4 (1) Engagement with the press and media is another area where the Board have been tasked by the County Council to look at ways they can work more effectively to support Overview and Scrutiny. Members are reminded that the County Council has an agreed public relations protocol for Select Committee reviews (**APPENDIX B**) and reports, but there is no protocol for the rest of the Overview and Scrutiny process to engage with the press and media.

(2) Members views on this are sought on whether there should be a County Council approved protocol to set out how overview and scrutiny should engage with the press and media, and if so guidance from Members on what this should include would be welcomed. If it is decided to pursue this then an initial draft, based on Member input, can be produced, in consultation with the Head of Communications & Media Centre, for further discussion at a future meeting of the Board.

(3) Another suggestion which might warrant consideration is to arrange a summit meeting with the media, the Board and the Cabinet Portfolio Holder facilitated by the Head of Communications and Media Centre.

### **Forward Plan of Key Decisions**

5. (1) The Forward Plan of Key Decisions is an important document for all Members of the County Council. Communication and the flow of information between the Executive and non-Executive Members is key to the future development of the Overview and Scrutiny function.

(2) The statutory provisions for the Forward Plan require that decisions which fall within the criteria for a Key Decision (decisions which are significant in terms of their effect on communities living or working within one or more electoral divisions, and expenditure/savings over £1m) for the forthcoming four months do not provide Members with sufficient information. It was suggested in the refocusing and restructuring of overview and scrutiny report to the County Council that the period of time covered by the Forward Plan be extended from four to six months (recognising that the last period is tentative and subject to change.)

(3) Attached as **APPENDIX C** is an example of the current Forward Plan of Key Decisions. The Boards views are sought on how this document can be improved for a discussion with Cabinet and the Chief Officers Group.

### **Live question from members of the Public via email**

6. (1) The Democratic Services and Local Leadership unit have received a request to trial the receipt of live questions from members of the public via email to meetings across the Overview and Scrutiny suite. Discussions to date have indicated that this service should allow questions to be submitted to meetings rather than comments.

(2) This is a positive step in terms of the use of information technology to promote wider access to democracy. The County Councils Information Services Group have informed us that it is fairly simple to set up but there is a clear need to agree a protocol to safeguard openness and transparency and to prevent the overburdening of Committee meetings. It is important that our approach to this service is consistent across the whole of the Overview and Scrutiny suite and the Scrutiny Board is asked to discuss this approach in the first instance.

(3) The Board are invited to :-

- discuss this new approach of receiving live questions from members of the public via email to Committee meetings within the Overview and Scrutiny suite;
- agree that a protocol be developed, in consultation with the Scrutiny Board, and be brought back to a future meeting of the Board;
- discuss the best way of publicising the availability of this service to the public;
- discuss the important and potentially difficult role of the moderator of the live questions, and consider whether s/he needs to be given any formal guidance in their role by the Scrutiny Board.

### **6. Recommendations**

(a) The Boards comments are sought on the new ways of working trialled by some of the POSCs

(b) A report be submitted to the next meeting of the Scrutiny Board on the ways in which POSCs can effectively contribute to the MTP and draft budget in 2011.;

(c) A discussion paper on the framework for a rapporteurs scheme be submitted to a future meeting of the Board following a discussion with Cabinet and Chief Officers Group

(d) The Boards preferred option(s) are sought for Overview and Scrutiny developing a more effective collaboration with the press and media.

(e) The Boards views are sought on how the statutory Forward Plan of Key

Decisions can be improved for further discussion with the Cabinet and Chief Officer Group.

(e) the comments made by Members on the proposed new approach of receiving live questions from members of the public via email to Committee meetings within the Overview and Scrutiny suite be incorporated into a draft protocol be to circulated to Cabinet and Chief Officers prior to it being submitted to a future meeting of this Board for endorsement.

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By: Alex King, Deputy Leader

To: Informal Meeting of the Scrutiny Board – 18 November 2009

Subject: Options for a Rapporteur Scheme

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Summary: This report is for discussion on the options for the development of a rapporteur scheme

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## **Introduction**

1. Following the County Councils approval to the refocusing and restructuring of the Overview and Scrutiny Function this report sets out a variety of ideas for a rapporteur scheme

## **Options for a Rapporteur Scheme**

### *What is a Rapporteur*

2 (1) A rapporteur is a person appointed to undertake a scrutiny or investigation (or part of one) on behalf of a deliberative body and report back. The rapporteur model is used by the United Nations, European Parliament and numerous national and sub-national bodies. In the United Kingdom the London Assembly has often used this approach.

### *Rapporteur Scheme for Kent*

(2) At the Kent County Council level, any rapporteur model introduced would be a supplement to other, well-established, forms of scrutiny and not a replacement or alternative. Rapporteurs would be an additionally available tool rather than a diversion of resources from where they are currently deployed.

(3) Among the benefits from the adoption of a rapporteur model are:

- a) Added value to a wider range of topics
- b) Improved engagement with stakeholders
- c) Enhanced Member development
- d) Increased skills base amongst the Members
- e) A strengthening and expansion of the scrutiny function
- f) Development of a constructive dialogue with the media and press
- g) Empowerment of individual Members through ownership of specified topics

### *Selection of Topics*

(4) The selection of a topic for possible investigation by a rapporteur can be Member-led or issue-led.

#### *Member Led Topic*

(5) A Member-led topic will come from the initiative of an individual Member, perhaps arising from personal or professional interest, constituency relevance, or willingness to develop and deepen knowledge of a certain subject. If this approach is selected, mechanisms by which a Member can pursue this interest will need to be established.

#### *Issue led Topic*

(6) In the other case, topics to which scrutiny can add value will be selected in the usual manner, through agenda planning meetings, referrals and so on. If one of these is deemed appropriate for a rapporteurship, mechanisms by which a suitable rapporteur is allocated the topic will need to be established.

(7) These two approaches need not be mutually exclusive alternatives. In practice, there may be little difference between the two.

(8) The division outlined above is analogous to that between rapporteurs originating with the Scrutiny Board and what this paper will refer to as the Host Committee. A detailed discussion of rapporteurs assigned directly by the Scrutiny Board and those conducted under the auspices of a Host Committee is set out below ('Defining the function of the rapporteur').

#### *(9) Options for Selecting a Topic*

- a) An individual Member raises a topic that he or she believes would be a viable choice for a rapporteur with a potential Host Committee. If approved, a proposal from the Host Committee, naming a rapporteur, will proceed to the Scrutiny Board for comment, amendment, and approval;
  - b) An individual Member raises a topic that he or she believes would be a viable choice for a rapporteur with the Scrutiny Board. If approved, a proposal will proceed to a selected Host Committee for discussion and selection of a rapporteur;
  - c) When discussing a future work programme, any topics which a Host Committee feels would benefit from a rapporteurship, or for which an individual Member expresses an interest in taking on a rapporteurship, will proceed in the form of an outline proposal to the Scrutiny Board for comment, amendment, and approval; and
  - d) If there are any topics which the Scrutiny Board feels would benefit from a rapporteurship, an approved proposal will proceed to a selected Host Committee for discussion and selection of a rapporteur.
- (10) Any or all of these could be permitted, and could be combined.

(11) It is possible that a rapporteur need not be a Member of the Host Committee where there is one. A Member may be co-opted for the purposes of producing the rapporteur, perhaps because of specialist knowledge or interest.

#### *Number of Rapporteurs*

(12) The method of topic selection will in part be determined, and may be affected by, any mechanism used to limit the number of rapporteurs in a particular period of time. The existence of the Scrutiny Board will ensure that there is no duplication and that no one Committee has a disproportionate number of rapporteurs.

(13) Possible options:

- a) Case by case. The Scrutiny Board would be responsible for monitoring the number of rapporteurs active at any point in time and making a judgment accordingly.
- b) Per Committee. Each Committee shall be allocated a number of potential rapporteurs, and could differ for each Committee. Topics could be selected by the Committee or Scrutiny Board as above. There need not be any compulsion for a Committee to carry out this number, as it will be an upper limit rather than a mandatory amount.
- c) Per political group. Out of the total number of rapporteurs permissible for a certain amount of time, the number will be allocated to each party group on the basis of proportionality. It shall be for the separate groups to decide which topics they take to the Scrutiny Board or relevant Host Committee, and by which Members.
- d) By ballot. Once a year (or any other time frame decided upon), those Members interested in carrying out a rapporteur will enter their names in a ballot. Members will be randomly chosen to the number of rapporteurs allowable, perhaps with a couple of alternates. These Members will then be responsible for taking a proposal to a Host Committee and/or Scrutiny Board.
- e) By bidding. In a similar manner to Select Committees, potential host Committees and/or individual members shall present proposals to the Scrutiny Board once per year (or any other period of time decided upon).

#### *Defining the function of a rapporteur*

(14) Scoping activity for the Scrutiny Board - Given unlimited resources, there is no upper limit to the number of scrutiny activities which could be undertaken, nor an upper limit on the topics which Members, individually and collectively, will wish be examined. One of the ways in which rapporteurs can add value to the whole authority is through assisting in the prioritising of issues. Possessing a list of possible topics for scrutiny, there will be some topics which immediately lend themselves to a decision as to its suitability for scrutiny. Others will be assigned to Scrutiny Board Rapporteurs to investigate and make recommendations for some or all of the following purposes:

- a) Whether there is a need for a formal scrutiny
- b) The most appropriate forum for the scrutiny
- c) The potential scope and focus of the scrutiny

(14) Extension activity of a Host Committee – Even within the areas covered by an individual Committee's Terms of Reference, there is a potentially inexhaustible number of subjects that could be usefully looked at and a rapporteur could be one mechanism whereby the capacity and skills base of the Committee is improved.

(15) Flowcharts illustrating how each of these two functions could work in practice can be found in Appendices 1 and 2.

### *Support*

(16) The presumption will be that the rapporteur will take responsibility for conducting the investigation and producing the draft report.

(17) The level and manner of support from staff in Democratic Services and other Directorates will need to be considered carefully by the Scrutiny Board prior to any rapporteur gaining approval.

(18) It might be appropriate for there to be a named person or persons whom the rapporteur can call on for technical assistance in Democratic Services, for example, how reports should be structured and written.

(19) It will normally be the case that information will be provided to the rapporteur directly from the relevant directorate or external partner without the services of a scrutiny researcher officers, unless resources allow this or a rapporteur is connected to the work of a Select committee.

### *Rapporteur Reference Group (RRG)*

(20) One possible support mechanism for a rapporteur will be a Rapporteur Reference Group (which could alternatively be referred to as the Rapporteur Working Group or Shadow Rapporteurs). This will be a small group of named Members or senior officers who will assist the rapporteur in drafting the terms of reference and scoping the report as well as providing practical advice and assistance during the rapporteurship. The RRG will be kept informed of how the investigation is going and at times it might be appropriate for one or more members of the RRG to accompany the rapporteur to meetings, visits and interviews.

(21) The RRG could consist of some or all of the following – Chairman/Vice-Chairman of the Host Committee, Member of the Host Committee from a different political group, Member of the Scrutiny Board, Cabinet Member/Lead Member, Senior Officer from an appropriate directorate. It may also be appropriate for the RRG to include a representative from an external organisation. The make-up of the RRG will depend on both the topic and the Host committee. One additional function of the RRG could be to agree on the text of the draft report before it returns to the Host Committee (see Appendix 2).

(22) The named person(s) in staff supporting roles should also be kept informed of the progress of the rapporteurship.

(23) In the event that a rapporteur report does not conclude his or her enquiry by a specified date, one or all of the RRG, Scrutiny Board or Host Committee should be able to request that a different person take over the rapporteur or that the rapporteur be given a further time to complete the work before the rapporteur is annulled. The Scrutiny Board will be the arbiter for this.

(24) Use of an RRG may not be appropriate for all rapporteurs established, and could be used as a tool to manage the business of a rapporteur in circumstances where, for example, several external organisations or KCC directorates are involved.

(25) Subsequent to a framework for rapporteurs being agreed, detailed procedural guidance will be drawn up and agreed. This will assist all those involved in understanding the appropriate process and their responsibilities. No rapporteur shall be undertaken before these have been produced. If pilot rapporteurs (see below) were to be undertaken in the first instance, draft guidance would be produced and amended in the light of experience gained from these.

#### *Pilots*

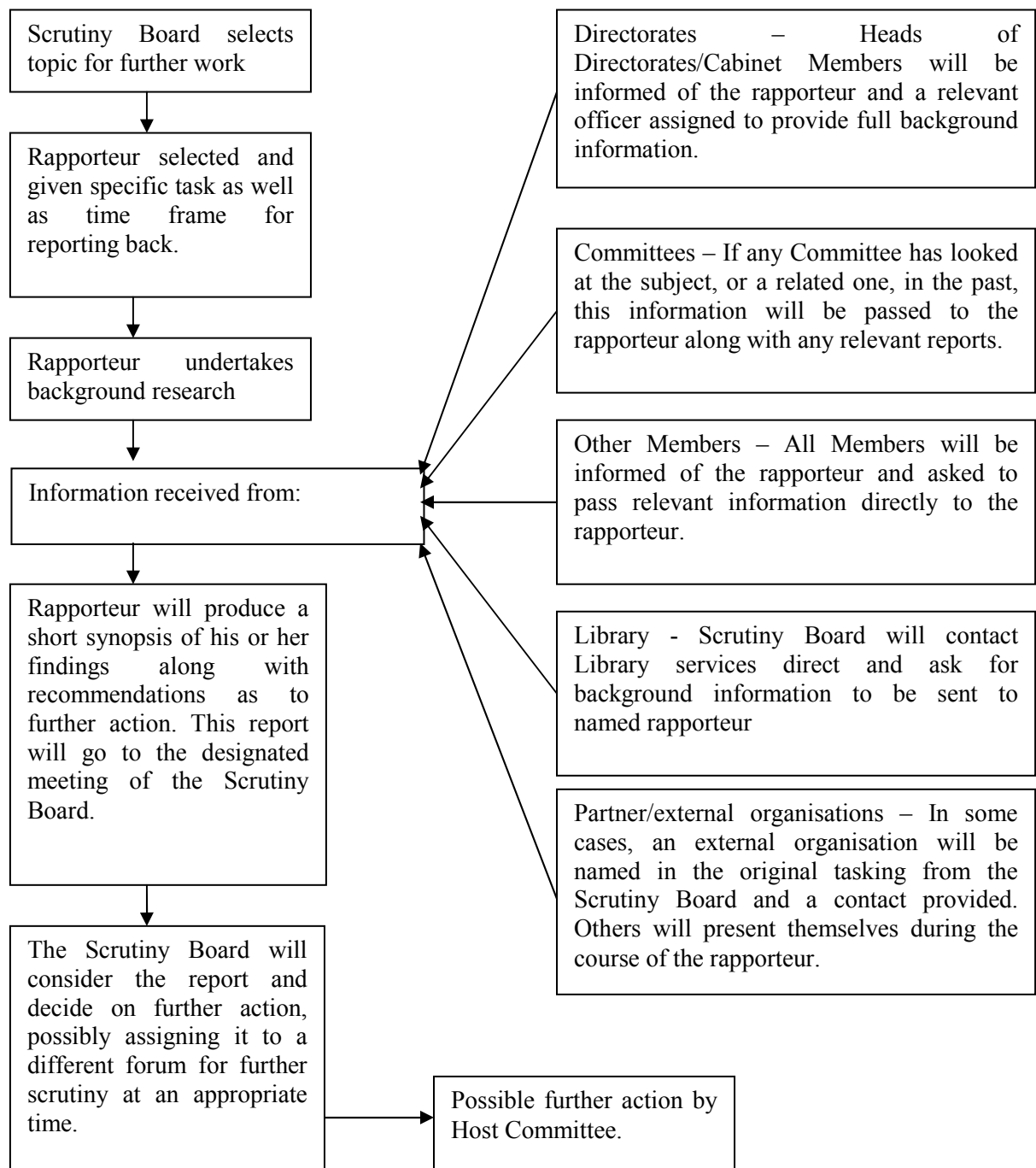
(26). Rapporteurs could be piloted in the first instance by a number of selected Members on Host Committees with appropriate topics ready to hand. This would enable the practical implementation of the rapporteur models to be evaluated and improved before full adoption across the Overview and Scrutiny function.

#### **Recommendations**

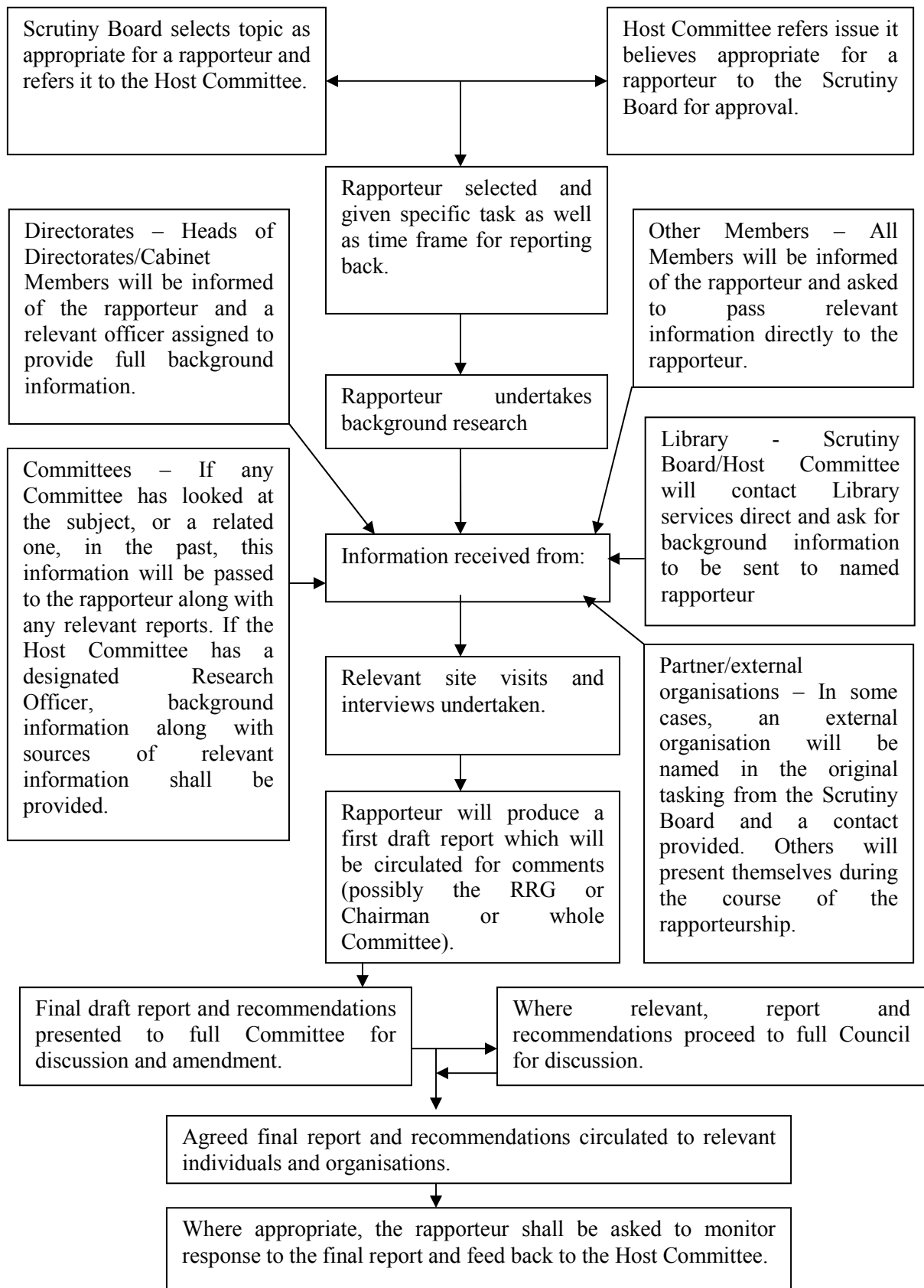
Members and officer views are sought.

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## Appendix 1 – Illustration of how a rapporteur could carry out scoping work for the Scrutiny Board



**Appendix 2 – Illustration of how a rapporteur could carry out extension work for a Host Committee**



**Kent County Council**

**PUBLIC RELATIONS PROTOCOL FOR SELECT COMMITTEE REVIEWS  
AND REPORTS**

This protocol has been written as a basis for all communications between Select Committee Members and the media. It will ensure that the corporate communications team is able to maximise opportunities for scrutiny to publicise its work and promote the transparency of the Council's decision-making process.

- All actions should be in accordance with the letter and spirit of the DCLG Code of recommended practice on local authority publicity.
- Media activity should be co-ordinated through the corporate communications team who will make arrangements and ensure that the appropriate Members are put forward, rather than Select Committee Members approaching the media direct to discuss the topic review.
- The Select Committee Chairman should be the official spokesperson for the review report, unless another more suitable spokesperson has been identified by the Chairman.
- Chairmen of Select Committees will be expected to attend or have attended media training.
- There is potential, on rare occasions, for conflict between scrutiny and cabinet on issues. Maintaining the professional reputation of the council in the eyes of the public is paramount and conflicting statements may make the council appear inept or divided. Care should be taken, on all sides, to avoid this situation from arising. But in such circumstances Corporate Communications would present factual information to the media fairly representing both the Scrutiny and Cabinet viewpoints.
- The corporate communications team should be advised of any media enquiries received by Select Committee Members to offer guidance and help if required and to monitor responses.
- Press releases for Select Committees will be drafted by a member of the corporate communications team, in consultation with the Research Officer for the review and approved by Select Committee Chairman, in consultation with the Overview, Scrutiny and Localism Manager.
- Press releases will be fair and representative of the views of the Select Committee. They may include the views expressed in minority reports if those views differ from the main report.
- The media are invited to attend all formal meetings of Select Committee unless matters of an exempt nature are to be discussed.

- When the report of the Select Committee is ready to go into the public domain a member of the corporate communications team, in consultation with the Research Officer to the Select Committee drafts a press release. Where possible the press release should include input from a third party who has been involved with the review. The Press release should be approved by the Select Committee Chairman (with the nominated official spokesman, where appropriate) in consultation with the Overview, Scrutiny and Localism Manager. An embargoed copy of the press release should be sent out with an electronic copy of the report, to the media a day before the public domain with an embargo on it. There may or may not be a press conference but the Chairman, relevant members make sure they are available for interviews.
- Corporate Communications officers are permitted to refuse to prepare press releases, deal with media enquiries or arrange media interviews in the following cases:
  - (i) If the press release or enquiry is political in any way.
  - (ii) If the information in the press release is deemed libellous or malicious
- Corporate Communications officers will not organise interviews between media and individual members of the Select Committee unless there is explicit agreement by the Select Committee Chairman.
- Press releases will not be issued as a matter of course after Select Committee meetings simply to record the proceedings. Post-meeting publicity will, however, be given where there is good reasons for doing so e.g. to promote opportunities for public consultation.

**(approved by County Council on 11 December 2008)**



**FORWARD PLAN OF KEY DECISIONS**

Each month the Council publishes a forward plan of key decisions expected to be taken during the following four months.

**A “key decision” means an executive decision which is likely to:-**

- (a) result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authorities budget for the service or function to which the decision relates;**
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.**

Preparation of the Forward Plan helps the Council to programme its work and ensures compliance with the Local Government Act 2000. Every month, the period covered by the Plan will be rolled forward by one month and the plan will be republished.

The Plan outlines the consultation that is proposed in respect of future decisions and who members of the public should contact to make comments on any particular item (column 6). Members of the public are entitled to obtain copies of the documents that will be relied upon when a decision is taken (column 7), unless they are Exempt within the meaning of the Local Governments Act. These documents will be published on the Council’s web site at [www.kent.gov.uk](http://www.kent.gov.uk) at least five days before the decision is due to take place. Paper copies will be made available by contacting Andrew Ballard – by telephone 01622 694297 or via [andrew.ballard@kent.gov.uk](mailto:andrew.ballard@kent.gov.uk)

The matter to be decided	Who will take the decision (see notes)	When the decision will be taken	The groups that will be consulted	How the consultation will be done	Who people should contact to make comments (see notes)	Documents that will be relied on when the decision is taken
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**CHIEF EXECUTIVES DIRECTORATE – NONE FOR THIS MONTH**

**CHILDREN, FAMILIES & EDUCATION DIRECTORATE**

The Proposed Re-designation of Foxwood School as a School for Profound and Severe Learning Needs and Highview School as a School for Severe and Complex Learning Needs; the Relocation of Both Schools onto the Brockhill Park School Site and the Cessatio	Cabinet Member for Children, Families and Education	Between March 2010 and April 2010	School Governing Bodies; School Accommodation Managers; Local Area Children's Services managers; LCSPs & Managers; Estates; Advisory Service Kent. A report was presented to SOAB at its meeting on 4 November 2009 to seek its views on going out to public consultation. A report will be presented to SOAB at its meeting on 17 March 2010 on the outcome of the public consultation	Public meeting and consultation document sent out to parents and others in accordance with the agreed policy	David Adams Area Children's Services Officer Ashford & Shepway	None.
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