



**Brighton & Hove
City Council**

**ENVIRONMENT, TRANSPORT &
SUSTAINABILITY COMMITTEE
ADDENDUM TWO**

4.00PM, TUESDAY, 24 NOVEMBER 2015

THE RONUK HALL, PORTSLADE TOWN HALL

ADDENDUM

ITEM

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48 BRIGHTON BIKESHARE

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Subject:	Brighton & Hove BikeShare		
Date of Meeting:	24 November 2015		
Report of:	Acting Executive Director, Environment, Development & Housing		
Contact Officer:	Name:	Abby Hone	Tel: 29-0390
	Email:	abby.hone@brighton-hove.gov.uk	
Ward(s) affected:	Rottingdean Coastal, East Brighton, Queen's Park, Hanover and Elm Grove, Moulsecoomb and Bevendean, St. Peter's and North Laine, Preston Park, Hollingdean and Stanmer, Regency, Goldsmid, Brunswick and Adelaide, Central Hove		

FOR GENERAL RELEASE

LATE REPORT PARAGRAPH

Issue of the report has been delayed in order to establish the council's position with respect to final, draft reports and recommendations that were made available on 16th November 2015, prior to meetings of the Coast to Capital Local Transport Body (C2C LTB) to be held on 26th November 2015. The final agenda and associated papers were published for the LTB on 20th November.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks approval for the tendering of a concession agreement for the provision of a Bike Share scheme for the city.
- 1.2 This report also seeks approval to consult externally with key partners, stakeholders and the public on potential locations where bicycles associated with the BikeShare scheme will be located, subsequently referred to as 'hubs' in this report.
- 1.3 In addition this report also provides information regarding the voting position of Councillor Gill Mitchell as Chair of Environment, Transport and Sustainability Committee when representing BHCC on the C2C LTB. The C2C LTB is meeting in public on 26th November 2015 to consider and make a number of decisions. In order for the council's representative to be able to agree and, if necessary, vote on recommendations, it is necessary to establish the council's position through a

Committee-decision making process as referred to in a report to the ETS Urgency Sub Committee on 20th March 2015.

2. RECOMMENDATIONS:

That the Environment, Transport and Sustainability Committee:

- 2.1 Approves the tendering of a concession agreement for a BikeShare scheme for a term of three years with the option to extend for a period of two by two years (with a maximum potential extension period of four years), within which the operator, not the council, will take on the liability for any revenue losses during the first 3 years of the concession agreement.
- 2.2 Grants delegated authority to the Executive Director Environment, Development and Housing –
 - (i) to carry out the procurement of the concession agreement referred to in paragraph 2.1 above including the award and letting of the concession agreement; and
 - (ii) to grant up to two extensions to the concession agreement referred to in paragraph 2.1 above of two years each should he/she consider it appropriate at the relevant time.
- 2.3 Welcomes and fully supports the positive recommendations being made by the Coast to Capital Local Enterprise Partnership [LEP] to its Local Transport Body [LTB], as set out in paragraph 3.4 of this report, to fully approve the council's bid for Sustainability funding for a BikeShare scheme.
- 2.4 Agrees that consultation should be carried out with councillors, residents, businesses and relevant partners and stakeholders in the proposed scheme area as set out at section 5 of this report.
- 2.5 Notes that all of the recommendations above are subject to a successful outcome of the C2C LTB decision on providing full approval for funding from the Local Growth Fund (LGF) budget for the BikeShare scheme at the meeting due to be held on 26th November 2015.
- 2.6 Supports the recommendations being made by the LEP to the LTB, as summarised in Appendix 2 of this report, with respect to:-
 - a) LTB policy on Value for Money;
 - b) Crawley Area Sustainable Transport Package;
 - c) Sustainability schemes; and;
 - d) Resilience schemes.
- 2.7 Agrees the recommendations referred to in paragraphs 2.3 and 2.6 above may be subject to minor variations tabled at the Local Transport Body, which do not alter the substance of the decision.
- 2.8 Agrees that if an alternative (or new) recommendation is tabled during the Local Transport Body meeting which alters the substance of the original

recommendation, a further decision will be sought from the Committee prior to proceeding.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 This report seeks the council's further support for an allocation of £1.16 million worth of Local Growth Fund (LGF) grant from the Coast to Capital (C2C) Local Enterprise Partnership's (LEP's) Local Transport Body (LTB) to enable the delivery of a strategic BikeShare scheme for the city; and approval to begin the tendering process for a scheme operator and associated stakeholder consultation.

3.2 The council is a member of the democratically accountable Coast to Capital (C2C) Local Transport Body (LTB) which is based on the geography of the C2C Local Enterprise Partnership (LEP). The C2C LEP area includes the whole of West Sussex County Council and Brighton & Hove City Council, part of Surrey Council and Lewes District Council and the London Borough of Croydon. The primary functions of the Coast to Capital Transport Body are exercised through its Board. The Board includes the five local highway authorities (East Sussex County Council represents the Lewes District area) and the LEP as its core members. The established links between local authorities and their shared interest in the South Downs National Park increases potential for Bike Sharing schemes throughout the region. BHCC officers were recently consulted on the preparation of a strategy for public Bike Share across the whole of the South Downs National Park. The possibility of a regional approach to Bike Sharing will help maximise use of the system in Brighton & Hove.

3.3 The LTB will meet in public in 26th November 2015 to consider and make a final decision on funding for the council's proposed BikeShare scheme, and in order for the council's representative to be able to agree and vote on recommendations, it is necessary to establish the council's position through a recognised democratic process

3.4 The summary of recommendations from the LEP to the C2C LTB regarding BikeShare are as follows:

a)The LTB is recommended to agree that the scheme be funded in full and that LEP officers should work closely with the promoters both in the letting of the contract and in the early implementation of the scheme.

b)The LTB request that Brighton & Hove City Council, share their experiences of the scheme with other local transport authorities in the Coast to Capital area and more widely, as this scheme has potential to be replicated elsewhere in the Coast to Capital area.

c)That the assets connected with this scheme will remain the property of the council, and that if those assets are re-used at a future date, they should be used within the Coast to Capital area;

d)That if the assets are subsequently sold, the proceeds from such a sale be either used for sustainable transport project(s) within Brighton & Hove which are

considered to be consistent with the objectives/criteria associated with decisions made on the allocation of LGF funding, or be returned to Coast to Capital LEP.

Policy Context

- 3.4 Cycling is one of the two main forms of zero-carbon, active and healthy forms of travel in the city where nearly 40% of households does not have access to a car or van and where continued investment in cycling promotion and infrastructure and facilities over many years has contributed towards greater choice, therefore making it a popular alternative to private motor transport for some people for certain journeys. Opportunities to increase the possibility for people who live and work in, or visit, the city to cycle are continually sought to enable the wider, strategic objectives of the council and city to be met.
- 3.5 In 2014, the council, in partnership with Brighton & Hove's Clinical Commissioning Group, commissioned a business case and plan for introducing a public BikeShare system to Brighton & Hove. The work enabled the council to develop and submit a bid for significant, external funding to the Coast to Capital Local Enterprise Partnership (LEP) for a scheme to start in 2015/16. The submission of the funding bid for the scheme was endorsed by the council's Environment, Transport & Sustainability Urgency Sub-Committee on 16th February 2015. The bid has been independently assessed for the LEP and in March 2015, the council was awarded a conditional offer of funding of £1.16 million for 2015/16 by the LTB, which would be supported by a commitment by the council to a local contribution of £290,000.
- 3.6 The scheme was supported by the LTB as it is expected to contribute towards a key element of the C2C's LEP's Strategic Economic Plan (SEP) ambition to deliver 'public transport infrastructure, walking and cycling improvements across the city to improve connectivity between developments, the city centre and more local / district centres. The BikeShare scheme is also fully complementary to the LEP-funded scheme to support the regeneration of Valley Gardens, which includes investment in public realm and making the areas more pedestrian and cycle friendly.
- 3.7 The proposed BikeShare scheme includes a minimum of 430 bikes and 50 docking stations, covering the area shown in Appendix 1 of this report. The Bike Share system will function similarly to the scheme in London. The scheme will be focussed within the mapped area shown in Appendix XX with potential for extensions to be added to the system over time.
- 3.8 Initial objectives for BikeShare in Brighton & Hove include a scheme:
- That appeals to residents, commuters, employees and tourists different ages, income, and ability;
 - That operates sustainably on a 24/7/365 basis, using carefully sourced materials and presents opportunities for employment (minimum 6 Full Time Employees) and local businesses;

- Promotes a healthy, active, viable transport alternative for the city resonating with wider public health and transport objectives;
- Is effectively marketed and promoted for a Brighton & Hove and visitor audience in order to reach existing and new markets, thereby generating maximum usage and income;
- Is easy for the front end user to operate in terms of access and payment and has a responsive (multi-lingual) website and associated technological peripherals with BHCC approved skins and interface;
- Is well operated and maintained against appropriate Key Performance Indicators reflected by maintenance, appropriate and incentivised redistribution, and excellent customer support;
- Adopts a pricing structure that takes account of a diverse range of users while also maximising income generation to benefit the operator, city council and expansion of the Bike Share system and is explicit in terms of advertising and sponsorship revenue generated;
- Minimises the need for equipment and hardware while ensuring that any equipment necessary aligns with council specification in terms of planning requirements, city wayfinding systems, bicycle specifications (taking account of saline conditions), includes an e-bike element enabling GPS tracking;
- Will function effectively alongside possible South Downs National Park Bike Share Schemes (and any other bike schemes in the region) to create a regional bike scheme and encourage 'interoperability'; and
- Produces a Bike Share system for the city that is flexible, future proofed for any possible change of operator and able to change easily alongside new developments in Bike Sharing system operations and technology.

3.9 The operator of the scheme will be required to supply, manage and maintain all aspects of operation.

3.10 As an absolute minimum the agreement will last for 3 years with the plan being that the scheme will be self-sustaining well before the 3-year anniversary. It is hoped that the scheme will run for the full 7 years available under the contract. There is a desire to future-proof the scheme and this will be achieved through the final procurement specification.

3.11 Through the procurement process BHCC will be specifying that all operating systems and technology associated with the Bike Sharing system will as far as possible be 'future-proofed' with regards to marketing and technology based aspects of the scheme. This will enable a smooth transition to subsequent contracts and an ongoing sustainable provision of service.

- 3.12 As a minimum, the operator, not the council, will take on the liability for any revenue losses during the first 3 years of the concession agreement. As a result of the initial capital outlay all equipment (including the cycles) and associated assets will remain under the ownership of the council.
- 3.13 The procurement specification will also consider a balance of any likely income share for both the concessionaire and the council which can contribute to the future expansion of the Bike Sharing system in Brighton & Hove and across the Coast to Capital area.
- 3.14 The council can specify criteria to which potential sponsors have to adhere, but it should be noted that the more stringent the criteria the less sponsorship is likely to be received for the sites. It is therefore proposed that the criteria used would be based on those for the billboard advertising contract which are attached as Appendix 1 'Advertising Restrictions in Poster Advertising Contract'.

Procurement process

- 3.15 The concession agreement will be tendered via an open tender procedure advertised in the Official Journal of the European Union (OJEU).
- 3.16 The tender process will follow a transparent methodology which gives fair and equal access to all suppliers in the market, and will evaluate suppliers' bids on a combination of price and quality criteria (most economically advantageous bid) in accordance with EU Procurement Rules.
- 3.17 Part of the quality scoring criteria will involve scoring on local community engagement. It is envisaged that the new agreement may involve collaboration with local businesses, particularly around maintenance and management of the scheme and potential corporate sponsorship opportunities. Collaboration with other BHCC contractors is likely and anticipated. For example, Professional Services Consultants to the city council could be commissioned to work on the designs of the hubs and other council approved contractors on infrastructure work on public highway. Further positive impacts within the local community could include the employment of apprentices.
- 3.18 However, it should be noted that the content of the tender has yet to be finalised. Further soft market testing is currently being undertaken that will influence the final details of the tender.
- 3.19 The details of the bid that was originally submitted to the LEP to explain the scheme and secure the funding is attached to Appendix 2 of this report. A copy of the associated Business Case has also been placed in Members' Rooms, for reference.

Other LTB matters

- 3.20 In accordance with its Assurance Framework, the LTB is required to meet in public when decisions are to be made on the recommended prioritisation of individual schemes, a scheme programme and funding allocations.

3.21 The meeting of the LTB that will be held on 26 November 2015 will consider reports and decisions on the following significant items, in addition to the funding decision on the council's BikeShare project:-

- a) LTB policy on Value for Money;
- b) Crawley Area Sustainable transport package;
- c) Sustainability schemes; and;
- d) Resilience schemes.

3.22 A brief commentary on each of the above, additional items is set out in Appendix 2, based on the published LTB reports which should also be available on the Coast to Capital's LEP website (coast2capital.org.uk).

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 As part of the business case development a number of business models were assessed. The business model used for Brighton & Hove is contained in the Brighton & Hove Bike Share Business Case and Plan. The council's representation on the C2C LTB is essential in order to ensure that the council is fully engaged and actively participating in the work of this formal partnership.

5 COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Initial consultation on 'public cycle hire' was conducted in 2010 when producing a feasibility study for bike sharing in Brighton & Hove. Consultation was held with key organisations including Sustrans, Bricycles, CTC, Healthwalks, Brighton University, Clarion, Albion in the Community, Active for Life, Brighton & Hove Local Access Forum, NHS Brighton & Hove, School Sports Partnership, Bike for Life and CVSF representatives.

5.2 Consultation on Brighton & Hove BikeShare will take place with Councillors in wards affected by the first phase of BikeShare implementation and residents, businesses and other stakeholders will be able to participate in consultation for specific locations of Bike Share hubs through the TRO process.

5.3 The first phase of hub sites will involve consultation with partners and stakeholders where key trip attractors and destinations suited to maximising the use of Bike Share have been identified. The second phase of consultation for Bike Share hubs and locations will take place once the successful bidder for the Bike Share operation is appointed and can work alongside the council to determine the most effective positions for hubs to maximise usage of the bikes. It is also anticipated that local businesses may wish to be involved in this process. The successful bidder will be expected to work with the council and such local businesses to agree the location of the hubs.

6. CONCLUSION

6.1 The scheme will provide healthy sustainable transport choices for local residents and its visitors to the city, thereby assisting in achieving wider public health objectives.

- 6.2 The opportunity to establish the council’s formal position with regard to proposed key decisions to be made by the LTB, prior to it meeting in public, is considered essential. If agreed, the recommendations proposed in this report will therefore fulfil this requirement and enable the council’s representative to put forward its views on the items to be discussed and agreed by the LTB.
- 6.3 The proposed recommendations within this report are considered to be consistent with the council’s own policies and objectives, and the projects that are referred to within the city will also support the priority proposals for the city that are included in the C2C LEP’s Strategic Economic Plan (SEP).

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The proposed procurement process is subject to compliance with the councils Contract Standing Orders and Financial Regulations. It is essential that all Chief Officers follow Contract Standing Orders as well as Financial Regulations in the procurement and control of contracts. The achievement of value for money when procuring goods and services is a key task to ensure that public money is well spent. The council’s Contract Standing Orders state that contracts above the value of £0.500m require approval from the relevant committee or executive decision-making body.
- 7.2 The contract specification for the concession agreement will be prepared so that the supplier will be responsible for the operating and maintenance cost of the scheme. It will also specify that the council will receive a share of income from the scheme and that the provider will take on liability for any financial revenue loss. Any income share receivable to the council will be used to contribute to expansion of the bike share and other public transport schemes. The potential revenue stream is not assumed within the councils approved budget at present but could be incorporated in later years when information on the value becomes more robust and can be accurately forecast.
- 7.3 It is anticipated that the capital cost to the council to implement the infrastructure assets and equipment required for the bike share scheme will be £1.450m, to be funded from Local Growth Fund grant (£1.160m) and other contributions (£0.290m). This capital expenditure will require Policy and Resources Committee approval to be included within the capital programme once all funding sources have been confirmed. Due to the initial capital expenditure, all equipment and associated assets will remain under the ownership of the council.

	2015/16 £m	2016/17 £m	2017/18 £m
Local Growth Fund grant	0.000	1.140	0.020
LTP Capital Programme & other potential funding sources	0.060	0.200	0.030
Total Funding Required	0.060	1.340	0.050

- 7.4 The Local Transport Body has made a conditional offer of £1.160m of Local Growth Fund grant to the council for implementation of a bikeshare system in Brighton and Hove. The grant is currently subject to full approval and therefore the procurement process will be carried out so not to commit the council to contractual obligations should the funding not be secured.
- 7.5 It is anticipated that the other required contributions of £0.290m will be funded from the Local Transport Plan (LTP) capital programme and other external sources. Officers will seek to identify opportunities to maximise external funding sources to develop and expand the scheme, for example through Section 106 or Community Infrastructure Levy if introduced. External funding is potentially an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the council. The 2015/16 LTP capital programme has an approved allocation of £0.060m for the scheme.
- 7.6 Any future capital expenditure for possible expansion, replacement or upgrade of the assets associated to the scheme will be subject to available funding and a robust business case.

Finance Officer Consulted: Steven Bedford

Date: 20/11/15

Legal Implications:

- 7.7 Public service concession agreements are not formally regulated where the value is under €5,000,000, but are subject to the principles set out in the EC Treaty. As the tender for this concession agreement is to be advertised in OJEU, this is likely to satisfy those principles.
- 7.8 The Environment, Transport and Sustainability Committee is the appropriate decision-making body in respect of the recommendations at paragraph 2 above.
- 7.9 The specification will need to be clear as to what the council wishes to procure for the scheme, and the invitation to tender will need to set out clearly how the tender will be evaluated. The tender will be scored on the criteria of quality and price as part of the evaluation process.
- 7.10 Any income sharing mechanism will also need to be transparent and with clear accounting obligations.

Lawyer Consulted: Jo Wyllly

Date: 29/10/15

Equalities Implications:

- 7.11 The scheme will make bicycles available for people who do not already have access to a bicycle.

Sustainability Implications:

- 7.12 The scheme will help deliver wider sustainable council objectives by providing residents and visitors to the city with a sustainable travel choice.

Any Other Significant Implications:

- 7.13 None

SUPPORTING DOCUMENTATION

Appendices:

1. Advertising Restrictions in Poster Advertising Contract
2. Commentary and officer recommendations on 26/11/15 LTB reports

Documents in Members' Rooms

None

Background Documents

1. Brighton & Hove City Council's Local Transport Plan 2015
2. Coast to Capital Local Enterprise Partnership Strategic Economic Plan
3. ETS Urgency Sub Committee Report – 20/3/15
4. Bid submission to C2C LTB
5. Brighton & Hove Bike Share Business Case and Business Plan

APPENDIX 1

1. Advertising Restrictions in Poster Advertising Contract

Part C Advertising Restrictions

(1) The Contractor shall comply with the restrictions on Advertising set out in this Part C of Schedule B.

(2) No Advertisement may be of a type which is on the 'Excluded' list below. If in doubt, the Contractor must always contact the Council BEFORE agreeing any contractual booking with a client or agency. If a booking for an excluded type of advertisement is taken in any way, without Council approval, then liability and all risks fall on the Contractor and the Council reserves the right to require immediate suspension/halt of the advertisement at no cost or liability to the Council.

(3) Advertising must comply with codes of practice as set out by the:

- ASA [see <http://www.asa.org.uk/asa/codes/>]
- Committee for Advertising Practice [see www.cap.org.uk]

Excluded advertisements:

Advertisements must not promote or condone violence, hatred or advocate against any organisation, person or group of people, or a protected group.

A protected group is distinguished by its:

- Race or ethnic origin.
- Colour.
- Cultural background.
- Status as an asylum seeker.
- National origin.
- Religion.
- Disability.
- Medical condition.
- Sex.
- Age.
- Veteran status.
- Sexual orientation/Gender identity.
- Financial status

Advertisements must not promote or endorse:

- Politics or politicians – unless as agreed in advance by the Council under specific circumstances (for example in relation to general elections)
- Counterfeit goods or services.
- Illegal Drugs and Drug Paraphernalia.
- Pornography.
- Fake documents or ID.
- Lap dancing or pole dancing or similar.
- 128
- Prostitution.
- Sexual and adult content.
- Solicitation of funds
- Weapons of any sort, including knives and imitation firearms; and toys which imitate weapons or knives.

- Illegal traffic devices - including radar jammers, license plate covers, traffic signal changers and related products.
- Illegal electronic devices – including mobile phone jammers.
- Gambling or spread-betting
- High interest money lending services

Other legislation which must be complied with by Advertisements

Advertisements must comply with the Consumer Protection from Unfair Trading Regulations 2008.

For more details see

- http://www.offt.gov.uk/shared_offt/business_leaflets/530162/oft931int.pdf

- http://www.opsi.gov.uk/si/si2008/draft/ukdsi_9780110811574_en_1

- http://www.opsi.gov.uk/si/si2008/draft/ukdsi_9780110811475_en_1

Advertisements must comply with all other Acts of Parliament, UK & EU regulation and case law regarding advertisement not expressly mentioned in this contract.

Advertisements for medicines or products/service claiming a health or medical benefit

Advertisements must comply with the Medicines Act 1968 and its regulations, as well as regulations implementing European Community Directive 92/28/EEC, govern the advertising and promotion of medicines and the conditions of ill health that they can be offered to treat. Guidance on the legislation is available from the Medicines Control Agency (MCA).

Advertisement for financial services

Advertisements for any financial service or product (whether UK-based or offshore) must comply with the Financial Services and Markets Act 2000 and the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, both enforced by the Financial Services Authority (FSA), and also to other rules and relevant guidance issued by the FSA.

Advertisements directed towards children

Advertisements for alcoholic drinks should not feature in promotions directed at people under 18. Advertising for alcoholic beverages should not be sited within 100 meters of any school or youth club, or NHS building, or public sector building/premises/facility/park/leisure centre primarily used by those under the age of 18 (or their guardian or carers).

Advertisements must comply with ASA codes for advertising re. children as set out at:

http://www.asa.org.uk/asa/codes/cap_code/ShowCode.htm?clause_id=1731

Charity-linked Advertisement, advertisements for voluntary organisations

Advertising will comply with codes of practice re charity advertising as set out by the ASA [see

http://www.asa.org.uk/asa/codes/cap_code/ShowCode.htm?clause_id=1636]

Advertisements for pharmaceuticals

Advertisements must comply with relevant UK and European law relating to the promotion of medicines, and if relevant, the Association of the British

Pharmaceutical Industry's (ABPI) Code of Practice for the Pharmaceutical Industry.

APPENDIX 2

Commentary and officer recommendations on 26/11/15 LTB reports

LTB policy on Value for Money

This LTB report outline and clarify issues associated with the consistent calculation and assessment of the value for money of smaller, sometimes complex schemes that are submitted for funding. The LTB is recommended to agree to further work being undertaken to provide firmer guidance for scheme promoters when bidding.

It is recommended that the committee supports this approach.

Crawley Area Sustainable transport package

This LTB report updates the progress that has been made on a funding bid for Crawley, which already has 'in principle' support from the government and has been conditionally approved for funding by the LTB, but still needs to demonstrate the level of value for money that it can achieve. The results of an independent review of the Business Case have not yet been received. The LTB is recommended to retain the project's conditionally approved status, with a final decision delegated to LEP officers.

It is recommended that the committee supports this approach.

Sustainability schemes

This report outlines the proposed timetable for the next round of bidding by scheme promoters for the remaining funding in the LEP's Sustainable Transport funding allocation for 2016/17 to 2020/2021. It is proposed that the opportunity to bid should be extended to other organisations and that expressions of interest be submitted by the end of 2015 and full bids should be prepared and submitted by the end of March 2016. The LTB is recommended to agree the principles of the next bidding process.

The committee is recommended to support this approach.

Resilience schemes

This report outlines the proposed timetable for the next round of bidding by scheme promoters for the remaining funding in the LEP's Resilience funding allocation for 2016/17 to 2020/2021, with further bids submitted by the end of March 2016. It also seeks to address a request from Surrey County Council for two more of its schemes (A23 and A217) to be funded in 2015/16 in advance of the new bidding round, if there is slippage on other schemes. The LTB is recommended to agree to the principles of the next bidding process, but it is not recommended to fund the Surrey schemes in 2015/16.

It is recommended that the committee supports these recommendations based on the information set out in the report.

