



## **EXECUTIVE**

MINUTES of the OPEN section of the meeting of the EXECUTIVE held on TUESDAY 4<sup>TH</sup> NOVEMBER 2003 at 7.00pm at the Town Hall, Peckham Road, London SE5 8UB

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**PRESENT:** Councillor Nick Stanton, Leader (In the Chair)  
Councillor Caroline Pidgeon, Deputy Leader  
Councillor Denise Capstick, Health and Social Care  
Councillor James Gurling, Communication and Performance Improvement  
Councillor Bob Skelly, Education and Culture  
Councillor Richard Thomas, Environment and Transport  
Councillor Lorraine Zuleta, Resources

### 1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Beverley Bassom, Catherine Bowman and Richard Porter.

### 2 **NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS AS URGENT**

The Chair agreed to accept the following late items as urgent, the reasons for urgency to be specified in the relevant minute:-

#### **Open Agenda**

Item 28 – Procurement Strategy

Item 29 – Secondary Strategy – Comments of Scrutiny

Item 30 – Appropriation of Land for Planning Purposes at the Island Site, Long Walk, Bermondsey SE1

Item 31 – Implementing Electronic Government (IEG) 3 Submission

3 **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Councillor Caroline Pidgeon declared a personal non-prejudicial interest in item 11, Future of Guys Evelina Hospital School as she worked at the hospital on a part time basis.

Councillor Nick Stanton declared a personal prejudicial interest in item 24, Bermondsey Spa Site A – Changes to Disposal Arrangements as he owned a property which was in close proximity to the scheme.

Councillor James Gurling declared a personal prejudicial interest in item 27, Motions Referred from Council Assembly on 17<sup>th</sup> September 2003 (Planning Policy on Mobile Telecommunications Masts) as he worked for a mobile phone company.

The Executive considered the items set out on the open agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

4 **MINUTES**

**RESOLVED:** That the open Minutes of the meeting held on 7<sup>th</sup> October 2003 be approved as a correct record and signed by the Chair.

5 **PUBLIC QUESTION TIME**

There were no public questions.

6 **DEPUTATION REQUEST – SOUTHWARK GROUP OF TENANTS ORGANISATIONS (SGTO), HARRIS STREET AND WEST CAMBERWELL FORUMS**

This item was considered in conjunction with item 7.

The deputation indicated that they no longer wished to address the Executive on the number of forums in each area.

The deputation spokesperson, Kim Jones addressed the meeting in relation to recent events concerning SGTO and requested the release of further monies.

**RESOLVED:** That the deputation be received.

7 **CALL-IN: FUNDING FOR SOUTHWARK GROUP OF TENANTS ORGANISATIONS (SGTO)** (see pages 1 – 3)

- RESOLVED:**
1. That SGTO's commitment to progressing the draft vision of the Best Value Review of Tenant and Resident Involvement and the Tenant Fund be noted.
  2. That it be noted that the Executive Member for Housing's commitment that section 2 of the original decision of 7<sup>th</sup> October 2003 did not imply any criticism of SGTO.

3. That all parties involved with the Best Value Reviews are urged to work on agreeing a draft vision for the Best Value Review of Tenant and Resident Involvement and the Tenant Fund.
4. That the Strategic Director of Housing be instructed to expedite the clearing of invoices submitted by SGTO.

8 **RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE – RECOMMENDATIONS ON THE CHARTER SCHOOL REVIEW** (see pages 4 – 16)

Consideration of this item was deferred as the Chair of Overview & Scrutiny Committee was unable to be present for the item.

9 **REPORT OF OVERVIEW AND SCRUTINY COMMITTEE'S REVIEW OF THE CAPITAL PROGRAMME OVERSPEND AT CHARTER SCHOOL** (see pages 17 – 23)

Consideration of this item was deferred as the Chair of Overview & Scrutiny Committee was unable to be present for the item.

10 **STRATEGY FOR SOUTHWARK SECONDARY SCHOOLS** (see pages 24 – 52)

- RESOLVED:**
1. That the Secondary Strategy as outlined in the appendix to the report be agreed and that it be submitted to the Department for Education & Science (DfES).
  2. That the comments of the Education, Youth & Leisure Scrutiny Sub-Committee in relation to the Strategy be noted.
  3. That the potential impact on the Local Education Authority (LEA) of a secondary sector where a large number of schools are independent of the direct control and influence of the LEA be noted and officers be instructed to negotiate with the London Challenge protocol for admissions to all schools in Southwark to ensure that Community Schools are not disadvantaged.
  4. That Southwark LEA raises with London Challenge the issue of coordination and collaboration across boroughs, particularly with Lambeth.

5. That it be noted that the Executive is disappointed that the London Challenge has yet to get to grips with the challenge faced by primary schools in Southwark and further believes that sustainable improvement in educational attainment in Southwark is inextricably linked with factors identified in the introduction to the strategy such as levels of unemployment and standards of adult literacy. The Executive believes that the London Challenge will succeed only if the government supports the efforts of Southwark Council to ameliorate the levels of poverty and social exclusion in the borough and instructs the Leader and Executive Member for Education and Culture to raise these concerns with the London Schools Minister on his forthcoming visits to Southwark.

11 **FUTURE OF GUYS EVELINA HOSPITAL SCHOOL (GEHS)** (see pages 53 – 67)

**RESOLVED:** That formal consultation proceed in relation to the proposal to relocate Guys Hospital School to the new Evelina Children's Hospital in Lambeth, with Southwark continuing to maintain the school (option 1 as set out in the report).

12 **EARLY YEARS BEST VALUE REVIEW, IMPLEMENTATION PROGRESS REPORT**  
(see pages 68 – 107)

A deputation request had been received from the Southwark Community Care Forum on this issue. The deputation however withdrew their request at the meeting.

**RESOLVED:** That the report be noted.

13 **CHILDREN'S CENTRE STRATEGIC PLAN 2004-2006**  
(see pages 108 – 118 and 385 – 410)

**RESOLVED:** That the Southwark Children's Centre Strategy 2004-2006 be approved on the understanding that it will be monitored and reviewed over the period. Choices will have to be made over the period and some options on new builds may have to be changed, or delayed, as feasibility studies and the business planning proposals for individual centres reveal the true cost and support needed to achieve results in the timeframe.

14 **PROPOSAL TO ESTABLISH A BLOCK CONTRACT FOR THE PROVISION OF REGISTERED NURSING CARE FOR THE MENTAL HEALTH OF OLDER ADULTS – WITH EXCELCARE HOLDINGS** (see page 119 – 123)

**RESOLVED:** That the establishment of a block contract, commencing in November 2003 for three years, for the provision of twenty residential care beds with nursing for mentally frail older people at St. Andrew's Nursing Home, Choumert Road, Peckham (run by Excelcare Holdings) be approved in accordance with Contract Standing Orders.

15 **RE-TENDERING OF COST AND VOLUME HOME CARE SERVICES**  
(see pages 124 – 135)

- RESOLVED:**
1. That contracts be awarded to the organisations (see paragraphs 31 and 32 of report) that have successfully completed the re-tendering of cost and volume Home Care Services.
  2. That the Strategic Director of Social Services be authorised to finalise the detail of the contracts with the successful tenderers and that an exemption from Contract Standing Order requirements be granted to allow the existing upper limit on the value of individual orders placed under Schedule of Rates contracts to be increased.

16 **CORPORATE EQUALITIES ACTION PLAN: ADOPTION OF PLAN**  
(see pages 136 – 183)

The Executive thanked the Equalities and Diversity Panel for their work on the Plan.

- RESOLVED:**
1. That the Corporate Equalities Action Plan (CEAP) (the Plan) attached as Appendix 1 of the report be adopted prior to the Plan being published and distributed to the wider community.
  2. That officers work with the Human Resources department to look into the possibility of formulating a monitoring process to ensure that the Council is fulfilling its statutory obligations in relation to the European Union (EU) directives on faith and sexual orientation and that officers consult with the Multi-Faith Forum and Anti-Homophobic Forum/Lesbian, Gay, Bisexual, Transgender (LGBT) Network to ensure such a process is implemented in a sensitive and workable way.
  3. That officers arrange a conference within the next six months, with all key stakeholders (including members of the Local Strategic Partnership (LSP)) to further raise the profile of the CEAP and to highlight the leadership role of the council in its successful implementation.

17 **BUILDING BETTER COMMUNICATIONS – A COMMUNICATIONS STRATEGY FOR SOUTHWARK** (see pages 184 – 211)

- RESOLVED:**
1. That the external communications strategy and action plan be welcomed and agreed as a means of fulfilling the recommendations of the Executive meeting in January 2003 as set out in (2) below.

2. The Executive notes the implementation measures already underway (as set out in paragraphs 7 – 12 of the report) and welcomes the appointment of the new communications managers who will set in process further budgetary, communication and implementation detailed in the strategy document.
3. That the Assistant Chief Executive (Performance & Strategy) be instructed to review the delivery and progress of the communications strategy annually and report the findings to the Executive for information.

18 **THE IMPACT OF CCTV PARKING ENFORCEMENT IN RYE LANE**

(see pages 212 – 214)

- RESOLVED:**
1. That the current parking enforcement regime in Rye Lane be continued, as it has shown to be effective in reducing traffic congestion.
  2. That the scheme be amended to include enforcement between 10pm – 2am to cover the operation of the night bus service, which is currently experiencing issues with obstruction.

19 **ENFORCEMENT POLICY: ENVIRONMENTAL HEALTH AND TRADING STANDARDS (EH & TS)** (see pages 215 – 297)

- RESOLVED:**
1. That the Enforcement Policy for Environmental Health and Trading Standards (EH & TS) be approved.
  2. That the enforcement and regulatory stance to be taken by the EH & TS be as set out in paragraph 23B of the report i.e. 'an intermediate approach using service of notices as the prime method of securing compliance with enforcement action taken as a last resort'.
  3. That the priorities for enforcement and regulatory activity be agreed.
  4. That the Statutory Plan for Food Safety and Health & Safety be approved.
  5. That the Service Delivery Plan for Trading Standards be approved and the proposed action for dealing with underage tobacco sales [Children and Young Persons (Protection from Tobacco) Act 1991] be noted.
  6. That officers be instructed to submit a further report next year (following appropriate research and consultation) providing a set of options for the future direction of the Service.

20 **VOLUNTARY SECTOR AND COMMUNITY GROUPS – RENT & LETTING POLICY**  
(see pages 298 – 303)

- RESOLVED:** 1. That the following policy be reaffirmed:
- a) The amount of support given to a large number of Voluntary Sector and Community Groups (VSCGs) occupying Council owned property on favourable or non-defined terms should be quantified and transparently agreed.
  - b) All occupation by VSCGs must be formalised by an appropriate written lease or tenancy agreement, reserving the appropriate open market rental value for the property, negotiated by the Property Team.
2. That officers be instructed to devise a more effective administrative process to achieve that as set out in the report by:
- a) Ensuring that decisions on financial support to VCSGs whether through grants or any implied off set to rent are clearly the responsibility of the service or function for which that group's work is relevant.
  - b) Ensuring that decisions on grant support to VCSGs which impact on the capacity of VCSGs to occupy Council property are taken in a consistent way that takes full account of both the needs of the body and the implications for the use of property.
  - c) Implementing a phased transition to the new arrangements which avoids undue impact on individual bodies particularly those currently subject to rent reviews.
3. That officers be instructed to report back on those proposals in time for property issues to be taken into account in the next round of grant making decisions:
- a) Having consulted representatives of VCSGs as provided in the Compact.
  - b) Providing as full information about the current range of occupation as can be secured.
  - c) With costed proposals for providing effective advice to VCSGs about their property matters.

21 **QUARTER REPORT REGENERATION (QUARTER TWO 2003/2004)**  
(see pages 304 – 330)

- RESOLVED:** That the progress be noted.

- RESOLVED:** 1. That progress in delivering Southwark's Anti-Poverty Programme be noted, in particular through the development of the employment and enterprise strategies and in order to carry forward action on the additional elements of the programme, the following be agreed in respect of;
- **Breakfast Clubs** - (i) that the project is referred to the Health Improvement and Modernisation Board and also to the Neighbourhood Renewal Teams for consideration as part of their strategic plans for 2004-2006 to be submitted to the Southwark Alliance (ii) that further development work is carried out, with a view to introducing the project as a mainstream service in 2005/06.
  - **Affordable Childcare** - that the project is referred to the Southwark Alliance Employment Task Group for consideration as part of their strategic plan for 2004-2006 to be submitted to the Southwark Alliance.
  - **Income Maximisation** - that work on the project which is focused on increasing the level of take up among low income groups (i) forms a central part of the improvement plan for the Revenues and Benefits service and (ii) includes a specific work stream around under claiming of benefits by Older People in the borough in the light of the introduction of new Pensioner Tax Credits.
  - **Improving Access to Financial Support Services** – agrees to the next steps in developing the project, which includes partnership work with the Credit Union and banking sector aimed at widening access to low cost credit services [with a possible source of funding being a bid for growth under the Councils annual budget planning process].
  - **Fair Pay** – (i) acknowledge that the Council is now a fair pay employer in terms of staff directly employed by the Council [ii] that the fair pay principle will apply to any services contracted out under TUPE regulations [iii] but that any extension of the policy is subject to results of detailed research into the financial and legal implications for the Council.



- **Tackling Pensioner Poverty** - that the approach with regards older people is focused towards developing an overall framework for looking at pensioner poverty in Southwark including reviewing the implications of the approach now being considered by Kent County Council on the impact of Council Tax on pensioners and that this is developed with the full involvement of organisations promoting the interests of older people in Southwark such as the Pensioners Forum.

2. That a joint member/officer review be undertaken to identify the broader policy issues and possible corporate responses to the nature of poverty in Southwark that are outside the scope of the programme as set out in paragraph 6 of the report.
3. That the arrangements made to set out the Council's framework for Anti-Poverty at the annual Revenues and Benefits Stakeholder Conference on the 6<sup>th</sup> November 2003 which will look specifically at how the service can deliver anti-poverty objectives more effectively be noted.

23 **SOUTHWARK BRIDGE ROAD TRAINING CENTRE: CONTRACT AWARD**  
(see pages 338 – 344)

**RESOLVED:** That the appointment of Architype as the Architect Led Design Team for the extension, alteration and refurbishment of 56 Southwark Bridge Road be approved.

24 **BERMONDSEY SPA SITE A – CHANGES TO DISPOSAL ARRANGEMENTS**  
(see pages 345 – 353)

At this juncture, having declared a personal prejudicial interest, Councillor Nick Stanton left the room. Councillor Caroline Pidgeon took the Chair for this item.

The Strategic Director of Regeneration's representative advised the meeting that the figure set out in paragraph 1c of the report should be 25 not 125.

- RESOLVED:**
1. That the following proposals be supported:
    - a) The change of lead developer from Roof to Hyde Housing Association as the lead developer for the site.
    - b) A change in the commercial terms of the transaction from a capital receipt to a capital receipt and a 125 year leasehold interest of the ground floor of the new development.
    - c) The grant of a commercial leasehold interest of the ground floor of 25 years to the Primary Care Trust for use as a Health Centre for a consideration equal to or greater than the cash receipt foregone.

2. That the Strategic Director of Regeneration be authorised under the powers delegated to him, to negotiate and agree detailed heads of terms with Hyde Housing and the Primary Care Trust and the Borough Solicitor & Secretary be authorised to enter into a contractual agreement to develop the land and transfer the Councils freehold in exchange for both a cash receipt and the ground floor investment let to the Primary Care Trust.
3. That the Council continue to allocate funds (as detailed in the closed report) from the anticipated capital receipt for funding improvements to Bermondsey Spa Park Community facilities as agreed in the first report to Committee in November 2001 and to further allocate funds to pay for the site clearance and preparation works of Spa Park.

25 **DISPOSAL OF PECKHAM PARTNERSHIP PHASE 7C, NEWENT CLOSE, SE15**  
(see pages 354 – 364)

**RESOLVED:** That the disposal of the site known as Peckham Partnership Phase 7c, Newent Close, London SE15 to Hexagon Housing Association Ltd for a consideration of £607,500 plus the Council's reasonable legal and surveyors fees in the sum of £6,075 be agreed. The site is shown edged black on the plan contained at Appendix B of the report.

26 **CAPITAL PROGRAMME –RELEASE OF CONTINGENCY** (see pages 365 – 367)

**RESOLVED:** That monies be released from the £64,000 contingency in order to fund additional consultation and feasibility work arising from Community Council decisions on the devolved Cleaner, Greener, Safer programme. The monies to be made available to the Funding & Infrastructure Group (Pat Kingwell) in Environment & Leisure Department.

27 **MOTIONS REFERRED FROM COUNCIL ASSEMBLY ON 17<sup>TH</sup> SEPTEMBER 2003**  
(see pages 368 – 384 and addendum page 7 on supplemental agenda no.3)

**RESOLVED:** **356 Bus Route**

That the comments of the Strategic Director of Regeneration on the issue be noted, in particular that the Council is continuing to lobby London Buses to find an alternative solution to the current re-routing of bus 356 along Crescent Wood Road so the amended route can be more acceptable to residents.

### **Alternative Fuel**

That the comments of the Strategic Director of Environment & Leisure on the issue be noted in particular that a full detailed report will be provided to the Executive outlining the current policy for the Council, an analysis on various fuels available together with a summary of current contractual arrangements with external partners.

### **Post Offices**

That the comments of the Chief Executive on the issue be noted.

### **Buses Along Rye Lane**

This issue was dealt with as part of an earlier agenda item – see item 18 – Impact of CCTV Parking Enforcement in Rye Lane.

### **Planning Policy on Mobile Telecommunication Masts**

**Note:** At this juncture, having declared a personal prejudicial interest, Councillor James Gurling left the room for the consideration of this motion.

That the motion be considered at the next Executive meeting.

### **Light Pollution**

That the comments of the Strategic Directors of Environment & Leisure and Regeneration on the issue be noted.

### **Housing for People with Disabilities**

That the issues raised in the motion be considered by the Allocations Policy Review Board.

### **Unauthorised Advertising**

That Council notes that pollution can come in many guises, including intrusive and unsightly advertising – of which estate agents boards are a prime example.

That Council notes that the Town & Country Planning Act 1990 allows Local Authorities to deal with unauthorised advertising on public highways.

That Council agrees that the above powers should be extended to include private properties where such advertising is visually intrusive and/or a safety hazard and that the Government be lobbied accordingly.

## **Herne Hill Controlled Parking Zone**

That the comments of the Strategic Director of Regeneration be noted, in particular that a meeting is to be held between the Strategic Director of Regeneration and representatives of the Stradella and Springfield Residents Association on 7<sup>th</sup> November to discuss the issues raised by the residents association.

### **28 PROCUREMENT STRATEGY (see pages 411 – 478)**

This item had not been available 5 clear working days in advance of the meeting. The Chair agreed to accept the item as urgent as the development of a procurement strategy was a key priority for the Council and related to the revision of Contract Standing Orders. The timetable for the agreement of the new strategy at this meeting would allow the necessary work on the revision of the Contract Standing Orders to be completed for submission to the Executive meeting in January 2004. Delay in considering the report would put the timetable back by a month and impact on the Council's objectives of achieving best value and meeting local needs.

**RESOLVED:** That the Procurement Strategy appended to the report (Appendix B) be adopted.

### **29 SECONDARY STRATEGY – COMMENTS OF SCRUTINY (see pages 479 – 482)**

This item had not been available 5 clear working days in advance of the meeting. The Chair agreed to accept the item as urgent as the comments of the Education, Youth & Leisure Scrutiny Sub-Committee were to be considered in conjunction with the draft Secondary Strategy which was elsewhere on the agenda (see item 10).

**RESOLVED:** That the comments of the Education, Youth & Leisure Scrutiny Sub-Committee in relation to the strategy be noted.

### **30 APPROPRIATION OF LAND FOR PLANNING PURPOSES AT THE ISLAND SITE, LONG WALK, BERMONDSEY, SE1 (see pages 483 – 488)**

This item had not been available 5 clear working days in advance of the meeting. The Chair agreed to accept the item as urgent as delay in addressing the issue would not leave sufficient time to complete the necessary paperwork for the compulsory purchase order of land on the Bermondsey Square site (the paperwork needed to be completed by December 2003). Delay in completing the compulsory purchase order would in turn delay the Lands Tribunal Public Enquiry into the Compulsory Purchase of certain parcels of land within the overall development site and potentially delay the overall comprehensive regeneration of the area.

**RESOLVED:** That the land known as the Island Site be appropriated for planning purposes.

31 **IMPLEMENTING ELECTRONIC GOVERNMENT (IEG) 3 SUBMISSION**  
(see pages 489 – 514)

This item had not been available 5 clear working days in advance of the meeting. The Chair agreed to accept the item as urgent as the report needed to be approved and submitted to the Office of the Deputy Prime Minister by the 10<sup>th</sup> November 2003. The next scheduled meeting of the Executive would not take place until after that date.

- RESOLVED:**
1. That the Southwark Implementing Electronic Government (IEG)3 statement be agreed for submission to the Office of Deputy Prime Minister (ODPM).
  2. That the Council develops its Modernisation Strategy further in 2004/05 to include the additional elements of IEG3 and the National Strategy for Local e-government, that have not been fully incorporated to-date. Specifically, that the Council fully incorporate e-government into the Social Inclusion strategy for Southwark – supporting the coordination of local initiatives for e-business and e-community support to ensure that all residents of the borough are able to benefit from e-government initiatives.
  3. That the Council puts in place a process that ensures that it is taking full advantage of the ODPM funded National Projects for implementing e-government and is taking a lead role on them.

**EXCLUSION OF PRESS AND PUBLIC**

- RESOLVED:** That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 7, 8 & 9 of the Access to Information Procedure Rules of the Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

**MINUTES**

The closed Minutes of the meeting held on the 7<sup>th</sup> October 2003 were approved as a correct record and signed by the Chair.

1 **CONFIDENTIAL INFORMATION REGARDING SOUTHWARK BRIDGE ROAD TRAINING CENTRE: CONTRACT AWARD**

The Executive noted the closed information relating to the Southwark Bridge Road Training Centre – Contract Award (see item 23).

2 **BERMONDSEY SPA SITE A – PROPOSED CHANGE IN TERMS OF SALE**

The Executive gave approval to an additional top slice of the receipt to be used to cover the expenses already incurred in demolishing the Keys Road buildings, the archaeological dig and site clearance.

3 **DISPOSAL OF PECKHAM PARTNERSHIP PHASE 7C, NEWENT CLOSE, SE15**

The Executive noted the closed information relating to the disposal of Peckham Partnership Phase 7c, Newent Close (see item 25).

4 **PROPOSAL TO ESTABLISH A BLOCK CONTRACT FOR THE PROVISION OF REGISTERED NURSING CARE FOR THE MENTAL HEALTH OF OLDER ADULTS – WITH EXCELCARE HOLDINGS**

The Executive approved the financial value of the proposed block contract and the proposal to make payment in advance.

The Executive noted the outcome of the negotiations on the placement fee under the proposed block contract.

The Executive gave approval to a sole provider exemption for the service under Contract Standing Order 14 for the reasons set out in the closed report.

The Executive gave approval to the Strategic Director of Social Services being the signatory to the contract document with Excelcare for the provision of services at St Andrew's.

The Executive note the position in relation to the sub-contracting of beds at the Queen's Oak Care Centre in Peckham which was currently covered by a block contract between Lambeth Social Services and Excelcare.

5 **SUPPORTING INFORMATION ON THE REPORT FOR THE RE-TENDERING OF COST AND VOLUME HOME CARE SERVICES**

The Executive noted the specific pricing of the hourly rates for contracts that were proposed to be awarded following the re-tendering of cost and volume home care services.

The meeting ended at 10.05p.m.

**CHAIR:**

**DATED:**

**DEADLINE FOR NOTIFICATION OF CALL-IN UNDER SECTION 18 OF THE OVERVIEW AND SCRUTINY PROCEDURE RULES IS MIDNIGHT, WEDNESDAY, 12<sup>TH</sup> NOVEMBER 2003.**

**THE ABOVE DECISIONS WILL NOT BE IMPLEMENTABLE UNTIL AFTER THAT DATE. SHOULD A DECISION OF THE EXECUTIVE BE CALLED-IN FOR SCRUTINY, THEN THE RELEVANT DECISION WILL BE HELD IN ABEYANCE PENDING THE OUTCOME OF SCRUTINY CONSIDERATION**