

# National Appeal Panel

Constituted under

THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL SERVICES)

(SCOTLAND) REGULATIONS 2009 (AS AMENDED)

("THE REGULATIONS")

NOTE

of the

CHAIR

of

THE NATIONAL APPEAL PANEL

In the application relating to

89 Main Street, Winchburgh. EH52 6RA

**Applicant & Appellant:** Logan Gray Ltd ("the Appellant")

**Health Board:** NHS Lothian ("the Board")

**PPC Decision Issued:** 1 June 2023

**Panel case number:** NAP 117 (2023)

**Chair Decision Issued:** 28 May 2024

## **Note of the Chair of The National Appeal Panel**

### **1. Background**

- 1.1. This was an appeal against the decision of the Pharmacy Practices Committee (“the PPC”) of the Board which was issued on 1 June 2023 in relation to the application of Logan Gray Ltd. The application had been refused and the applicant had appealed that decision. I issued my decision in this case on 28 May 2024.
- 1.2. In that decision I remitted the application back to the PPC for reconsideration. This was on the basis that Ground of Appeal 4, and only that ground, had been upheld.
- 1.3. Ground of Appeal 4 related to whether the Board’s decision was procedurally unfair and breached ordinary principles of natural justice, and separately, the Appellant’s right to a fair hearing due to one of the Committee members leaving the room during deliberations without the meeting being adjourned.
- 1.4. I had taken this Ground of Appeal at face value.
- 1.5. In remitting the application I encouraged the PPC to clarify which member left the meeting, why the member left, when the member returned, why this was not mentioned in the minutes and what information had been presented in their absence.
- 1.6. The Board have, helpfully, responded in writing to that decision. They confirm, with reference to the minutes, the recollection of an interested party who was present and the MS Teams log, which evidenced that no one left the meeting apart from an official who was attending as an observer.
- 1.7. Based on this evidence, the Board believes there has been no procedural defect in terms of paragraph 5(2B)(a) of Schedule 3 of the regulations and there was no reason for the PPC to have reached a different decision.
- 1.8. I am prepared to accept the evidence put to me by the Board and I understand that this evidence will be shared with the parties.

## 2. Disposal

- 2.1. For the reasons set out above I consider that the appeal is at an end and without the need for any further procedure, in particular any further reconsideration by the PPC.

(sgd)

C W Nicholson WS

Chair

National Appeal Panel

6 June 2024