



PHARMACY PRACTICES COMMITTEE
ELIXIR HEALTHCARE LTD, 11 KENILWORTH AVENUE, BURNFOOT, HAWICK, TD9 8EG

1. Background

- 1.1 Elixir Healthcare Limited in an application dated 23rd October 2013 made an application for inclusion in the Pharmaceutical List to provide pharmaceutical services from premises at 11 Kenilworth Avenue, Burnfoot, Hawick, TD9 8EG.
- 1.2 The Pharmacy Practices Committee (PPC) acting under delegated powers of the Board heard evidence on the application at a meeting held on 2nd May 2014. The Committee granted the application and the decision (Appendix 1) was issued to the Applicant and other Interested Parties on 20th May 2014.
- 1.3 One of the Interested Parties, Lindsay & Gilmour Pharmacy appealed the decision in a letter dated 6th June 2014 stating that there had been a failure to properly narrate the facts behind the Board's assertions that the application was valid and within the timescales outlined in the Regulations per their original representations communicated by letter to NHS Borders dated 4th December 2014.
- 1.4 The National Appeal Panel (NAP) convened and a decision was issued on the 18th July 2014 from the Interim Chairman of the National Appeal Panel.

2. Decision of the Chairman of the National Appeal Panel

- 2.1 The NAP remitted the decision back to the Board for the purposes of requiring the PPC to set out their reasons as to why they considered the application to be valid in terms of Regulation 5(2A)(b).
- 2.2 The full NAP decision is attached at Appendix 2.

3. Validity of the Application

- 3.1 The Pharmacy Practices Committee have consulted and have summarised their reasons as to why they considered the application to be valid in terms of Regulation 5(2A)(b).
- 3.2 The Committee considered the validity of the application as put forward by Lindsay & Gilmour Pharmacy in their written representation and as discussed during the hearing and agreed that it had been confirmed by the Board that the application was within the timescale as set out in the Regulations.

- 3.3 The Health Board confirmed that the application was received on 25th October 2013. The applicant's consultation was advertised in the Hawick News which ran from 30th August 2013 to 1st October 2013. The application was therefore received within 20 working days of the consultation end date which meets with the requirements of Regulation 5 (2A) (b).
- 3.4 The Health Board requested further information from the applicant in terms of Regulation 5(2E) on 8th November 2013. The requested information was returned by the applicant on 15th November 2013 within 5 working days of receipt. The Health Board started the consultation on 29th November 2013.

Signed: Doreen Steele

Date: 14.08.14

Doreen Steele, Chair
Pharmacy Practices Committee