

**NATIONAL APPEAL PANEL**  
**constituted under**  
**THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL SERVICES)**  
**(SCOTLAND) REGULATIONS 2009 (AS AMENDED)**  
**("the Regulations")**

**DECISION**  
**of the**  
**CHAIR**  
**of**  
**THE NATIONAL APPEAL PANEL**  
**in the application relating to**  
**261-263 BILSLAND DRIVE, RUCHILL, GLASGOW, G20 9RE**

<b>Applicants and Appellants:</b>	<b>CD Chem Limited</b>
<b>Health Board:</b>	<b>NHS Greater Glasgow and Clyde</b>
<b>PPC Decision Issued:</b>	<b>3<sup>rd</sup> June 2016</b>
<b>Panel Case Number:</b>	<b>NAP65 (2017)</b>

## Decision of the Chairman of the National Appeal Panel

### 1. Background

- 1.1 I issued a decision dated 28<sup>th</sup> September 2016 relating to the appeal against the decision of the Pharmacy Practices Committee of NHS Greater Glasgow and Clyde (the “PPC”) indicating that there had been a failure by the PPC to sufficiently explain the application of the provisions of the Regulations to the facts adduced at the Hearing held on 12<sup>th</sup> May 2016 in that it had failed to explain the definition of neighbourhood and advising the PPC to reconsider the issue with a view to remedying that defect and, further, I requested the PPC to reconsider and justify and clarify their reasoning for accepting the denials of complaints by the interested parties whilst making no reference to complaints to the Board. The Board was accordingly advised to reconvene the PPC as originally constituted in order that these matters may be considered and a fresh decision issued to the Applicants and/or interested parties.
- 1.2 The PPC reconvened as requested on 28<sup>th</sup> November 2016 to address the issues highlighted in paragraphs 4.1 and 4.2 of my decision referred to.
- 1.3 Messrs C Johnstone and D.Nugent of the original applicants (C D Chem Ltd.) ( “the Appellants”) intimated an appeal against the revised Decision of the PPC on 2<sup>nd</sup> January 2017 on the grounds that the PPC did not fully explain whether it had taken into account the FOI figures received by the appellants
- 1.4 It is not possible for me to look beyond the Minutes of the original hearing during which the PPC heard limited evidence of complaints from the then applicants and not as detailed as the information contained in the letter of appeal of 2<sup>nd</sup> January . The appellants are not at liberty to introduce more detailed and specific evidence at this stage .
- 1.5 I have reconsidered the terms of the original minutes with the PPC’s revisals contained in their amended decision dated 28<sup>th</sup> November and am of the opinion that standing the evidence adduced at the hearing of 12<sup>th</sup> May 2016 the PPC has adequately defined the neighbourhood and sufficiently addressed the issue referred to in 4.2 of my previous decision.

(Sgd. J M D Graham)

**J Michael D Graham**  
**Interim Chairman**  
**National Appeal Panel**  
**30 April 2017**