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Pharmacy Show

Thank you to everyone who came to visit Noel Wardle, Tim Jenkins and the rest of the pharmacy team at our stand at the Pharmacy Show on 7 and 8 October 2018, at the NEC. It was good to catch up with old friends and to make new contacts.

Remuneration Judicial Review Appeals Dismissed

The Court of Appeal has dismissed the PSNC's and NPA's appeals against the refusal of their applications for judicial review against the remuneration cuts imposed by the DHSC.

The Court accepted the Department's evidence that closures were not the objective of the cuts, even though they would be a by-product. The PSNC criticised the DHSC's information about profit margins, but the Court held that the Department had recognised the limitations of such information and had not relied on it.

The NPA raised an additional argument based on the Secretary of State's duty to have regard to the need to reduce inequalities. However, the Court said the "Secretary of State has a substantial degree of flexibility as to how he goes about his task and his officials had presented him with a briefing paper on what his statutory duties required".

Cannabis

After press coverage of Alfie Dingley and Sophie Dixon being deprived of medicinal cannabis, the government bowed to the inevitable in July, and dropped its resistance to cannabis prescribing. The Home Secretary announced in September that cannabis would become a Schedule 2 CD by the autumn, and clinical guidance is to be produced.

Market Entry

Our recent market entry cases include:

- Successfully opposing an application to grant a combined change of ownership and no significant change relocation by Boots Pharmacy in Birmingham
- Successful application offering unforeseen benefits for a new pharmacy in Oxfordshire, granted after the closure of a Lloyds Pharmacy branch
- Successfully opposing an application by Rushport Advisory LLP offering unforeseen benefits in Chesterfield
- Successful application for a no significant change relocation following an oral appeal hearing for premises in East London

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Articles

- [Publication of GPhC Inspection Reports \(Chemist & Druggist\)](#)
 - [What the latest Bawa-Garba case means to pharmacy \(Chemist & Druggist\)](#)
 - [Funding Cuts Appeal Judgment \(Chemist & Druggist\)](#)
 - [Smoothing over a Pharmacy Sale \(Pharmacy Business\)](#)
 - [Good Housekeeping for Pharmacies \(Pharmacy Business\)](#)
 - [Disposing of your Pharmacy Lease - Options and Tips \(Pharmacy Business\)](#)
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GPhC Fitness to Practise Report

The GPhC has published its annual Fitness to Practise report for 2017-18. The report reveals:

- 2333 concerns were raised with the GPhC – up 23.5%
- Nearly 60% of complaints were made by the public
- Only 200 referrals were made by the GPhC's own inspectors – fewer than 10% of the total
- Referrals by inspectors were scarcely more than the aggregate of referrals by employers and pharmacists and technicians referring themselves
- Over 85% of concerns raised within the GPhC's remit were concluded with either no further action being taken or with the pharmacist receiving a letter of advice after the investigation stage
- Of the cases referred to a full Fitness to Practise hearing 41 pharmacists were suspended and 26 were struck off

We have updated our guide to GPhC Fitness to Practise proceedings. It answers with the most common questions we are asked. Download a free copy [click here](#).

Locums and HMRC

Many of our clients have received letters from HMRC, encouraging them to check that they are getting the employment status of their self-employed locums right.

Many pharmacy businesses engage locum pharmacists on a self-employed basis. Contrary to popular belief, if a locum provides their services via their own personal service company, it does not prevent HMRC challenging the individual's employment status. Determining employment status involves more than checking what has been agreed between the parties in any contract; HMRC will analyse how the working relationship is conducted on a day-to-day basis.

If you receive a letter from HMRC advising you to check the employment status of your workforce, start by using the 'Check Employment Status for Tax' (CEST) tool available on the government website. Keep a copy of the results for your records. If in doubt, contact us for advice: getting it wrong can result in demands for interest and penalties.

A Summer of Consultations

This summer has seen a flurry of consultations including:

- The Rebalancing Board consulting on:
 - extending to hospital pharmacists defences to prosecutions for dispensing errors



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- requiring superintendent pharmacists to be a senior manager of the business
 - enabling superintendents to be the superintendent pharmacist of more than one company
 - re-allocating legal responsibilities as between superintendent pharmacists and responsible pharmacists
 - changing the law regarding when a responsible pharmacist must be on duty
 - deregulating pharmacies when GSL medicines are sold so they are no different to other retail outlets like petrol stations or grocery stores
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- The GPhC consulting on how long to keep on its website details of fitness to practise cases
 - The MHRA consulting on whether, when the Falsified Medicines Directive becomes law next February, breach should involve only criminal sanctions, or whether the first line of enforcement should be civil sanctions such as written warnings, stop notices and financial penalties.
 - The GPhC consulting on whether to extend its role in relation to online pharmacy services, especially when prescribers are based overseas.
 - The GPhC consulting on the regulation of pharmacy premises, including:
 - publication of inspection reports
 - making unannounced inspections the norm

It's a Deal

Our Pharmacy Transaction team has continued to see high levels of market activity over the last 3 months. Transactions recently concluded include:

- Purchase for Juno Health Limited of Sunderland based pharmacy group Dhesi Healthcare Ltd
- Relocation purchase for Trimak Limited of Surrey based pharmacy from Superdrug (brokered by Christie & co)
- Purchase for AOAM Pharma Ltd of 4 branch London based pharmacy operator Prince Pharmacy Limited ((brokered by Christie & co)
- Purchase for Juno Health Limited of 6 branch Newcastle Upon Tyne based pharmacy group Davison (Chemist) Limited (brokered by Alliance Valuers)

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