

HFEA Executive Licence Panel Meeting

27 June 2012

Finsbury Tower, 103-105 Bunhill Row, London, EC1Y 8HF

Minutes – Item 7

Centre 0157 – (Assisted Reproduction & Gynaecology Centre) – Application for the issue of Special Directions

Members of the Panel: Mark Bennett, Director of Finance & Facilities (Chair) Rachel Fowler, Policy & Information Manager Dave Moysen, Head of Information & Technology	Committee Secretary: Joanne McAlpine
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Declarations of Interest: members of the Panel declared that they had no conflicts of interest in relation to this item.

The Panel also had before it:

- HFEA Protocol for the Conduct of Meetings of Executive Licensing Panel
- 8th edition of the HFEA Code of Practice
- Human Fertilisation and Embryology Act 1990 (as amended)
- Decision trees for granting and renewing licences and considering requests to vary a licence (including the PGD decision tree)
- Guidance for members of Authority and Committees on the handling of conflicts of interest approved by the Authority on 21 January 2009.
- Guidance on periods for which new or renewed licences should be granted
- Standing Orders and Instrument of Delegation
- Indicative Sanctions Guidance
- HFEA Direction 0008 (where relevant), and any other relevant Directions issued by the Authority
- Guide to Licensing
- Compliance and Enforcement Policy
- Policy on Publication of Authority and Committee Papers

Consideration of Application

1. The Panel noted that this centre has a licence for treatment and storage (including embryo testing) which expired in June 2012.
2. The Panel noted that on 19 May 2011 the Executive Licensing Panel agreed to vary all treatment and storage licences (which carry out embryo testing) following the Authority's original decision to approve to vary all treatment and storage licences at its 23 March 2011 meeting.
3. The Panel noted that on 30 August 2011 an offer of licence (L0157/23/d) for centre 0157 was sent to the Person Responsible with an enclosed acknowledgement form and the ELP minutes (and annex) of 19 May 2011.
4. The Panel noted on 26 September 2011 the Person Responsible of centre 0157 requested to make oral representations to be considered at a hearing to explain why he believed the proposed new licence condition T123 was inappropriate.
5. The Panel noted that a representations hearing took place on 24 November 2011 and the Licence Committee agreed not to uphold the representations.
6. The Panel noted that on 12 December 2011 notification was received by the HFEA that the Person Responsible of centre 0157 was challenging the decision of the Licence Committee which considered the representations. The Panel noted that the HFEA had agreed to offer the Person Responsible a fresh representations hearing before a reconstituted Committee. This hearing had not yet been convened and the reconstituted Committee will sit in due course to make a decision on the representations.
7. The Panel noted that the centre had applied to renew the licence for treatment and storage (including embryo testing) and the centre had been inspected and a four year licence recommended by the Inspectorate.
8. The Panel noted that on 18 May 2012, it agreed to renew the licence for four years and an offer licence had been issued to the centre that included licence condition T123. The 28 day time period for accepting the offer licence expires on 4 July 2012.
9. The Panel noted that if the Person Responsible responds to the offer licence at the end of the 28 day period, then there would be a delay between the expiry of the current licence and acceptance of the new licence.
10. The Panel noted that the Person Responsible had made representations against standard licence condition T123, which is on the previous offer licence and is also included in the new offer licence,

and the representations are still extant. The issue has not been resolved. The Person Responsible may decide not to accept the latest licence which has been offered.

11. The Panel noted that the Inspectorate recommends that the Executive Licensing Panel exercises the power given under section 24(5A) to (5E) and (13) of the HFE Act (1990) (as amended) to issue Special Directions to enable centre 0157 to continue to operate on the same terms as the current licence after it expires. It was recommended these Special Directions should expire either on the date the Person Responsible accepts the offer licence, or 28 days after the decision is made in relation to the representations, whichever is the sooner.

Decision

12. The Panel was satisfied that it had sufficient information on which to make a decision based on the evidence before it.
13. The Panel endorsed the Inspectorate's recommendation to the issue of Special Directions to enable centre 0157 to continue to operate on the same terms as the current licence after it expires. The Panel agreed to express the duration of the Special Directions to add a set date, to ensure they would last no longer than other Special Directions.
14. The Panel agreed that the Special Directions would come into force upon expiry of the current licence and remain in force until the date the Person Responsible accepts the offer licence, or until 1 October 2012 or until a decision is made in relation to the representations, whichever is sooner.

Signed:

Mark Bennett (Chair)

Date:

28 June 2012

