

HFEA Executive Licensing Panel Meeting

24 September 2012

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

Minutes – Item 1

Centre 0157 – (Assisted Reproduction and Gynaecology Centre) –Short-term Licence Request

Members of the Panel: Mark Bennett, Director of Finance & Facilities (Chair) Hannah Darby, Senior Policy Manager Ian Peacock, Programme Analyst	Committee Secretary: Joanne McAlpine
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Declarations of Interest: Members of the Panel declared that they had no conflicts of interest. There was discussion as to how involvement with an HFEA policy, namely Multiple Births Minimisation, might give rise to a perception of conflict in this case. It was noted the Panel was not being asked to determine matters of policy or enforcement, only to consider arrangements for short term licensing of this centre. So, the Chair determined that risks of a perception were small and were outweighed by an urgent need to ensure licensing arrangements were in place when the existing Special Directions expire on 1 October 2012 and no other suitable Panel members being available.

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

Background

1. The Panel noted the submitted papers setting out the background to this decision, which is focussed on the most appropriate means to maintain the licensed status of Centre 0157 in the short-term. This is a large active centre, which has operated since 1995, with a four-year offer licence undergoing representations, following the Executive Licensing Panel (ELP) decision on the most recent renewal application on 18 May 2012.
2. The recent licence history of this centre shows that the last accepted licence was prior to the Authority's re-licensing project in 2011. The offer of a new type of licence, which continued the existing activities but changed the licence conditions, was made in August 2011. The Panel noted that the PR did not accept this offer licence and made representations that, to date, have not been completed.
3. The offer licence following the ELP decision in May 2012 was of the new type, was also not accepted by the PR and is also undergoing representations, as noted above. To enable the centre to keep operating, ELP issued Special Directions from the expiry of the last accepted licence to 1 October 2012.
4. The Panel noted that, as both the PR and the Inspectorate had confirmed they wanted the centre to remain licensed, the issue before it was the form that should take from 1 October 2012.

Consideration of the Application

5. The Panel noted that the HFEA has indicated to the PR, through his legal advisors, that it is willing to invite the Executive Licensing Panel to consider granting a licence of a short-term nature. The Panel noted that confirmation had been received from the PR that he would like this to occur.
6. The Panel noted that the Inspectorate recommends that the Panel exercises the power given under schedule (2) of the HFEA Act (1990) (as amended) to issue a licence of a short-term nature to enable centre 0157 to continue to operate on the same terms as the last accepted licence, after the current Special Directions expire.
7. The recommended duration for this short-term licence is until 31 March 2013 (unless superseded before then by a new accepted licence by way of resolved representations).
8. The Panel noted that the minutes of the ELP meeting on 18 May 2012 considered the recommendations and progress on the non-compliances within the inspection report. The Panel noted that the papers before it did not report on progress although some due dates had passed or were imminent. The Panel recognised that reporting such progress was not germane to the consideration before it. Nevertheless, the Panel urged the Inspectorate and PR to make progress where feasible and appropriate on the recommendations.

Decision

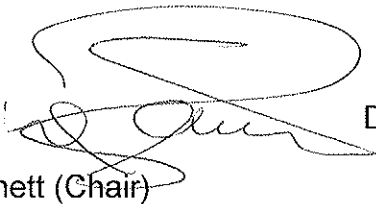
9. The Panel agreed to the Inspectorate's recommendation and to offer a short-term licence, based on the conditions applying to the last accepted licence. This short-term licence, if accepted, would apply from the expiry of the current Special Directions on 1 October 2012 to no later than 31 March 2013. The Panel noted that this short-term licence could be revoked before then should the matter of representations be resolved and a new licence issued.
10. The Panel noted the confirmation of the PR willingness to accept the offer of a short-term licence. As the usual 28 days to consider an offer licence do not exist before 1 October 2012, the Panel decided that the offer of the short-term licence should be:

Either, the PR confirms his agreement to the offer or, in the absence of communication from the PR by 5pm on Thursday 27 September 2012, the Executive deems the confirmation of willingness received to date to be sufficient for acceptance. The offer licence is then finalised and comes into force on 1 October 2012.

Or, by 5pm on Thursday 27 September 2012, the PR requests the usual 28 days to accept an offer licence. The Executive then necessarily provides Special Directions to apply from 1 October 2012 until the offer licence is accepted, for up to 28 days.

11. If the offer licence is not accepted, the Panel agreed to the issue of Special Directions to apply from 1 October 2012 to 31 March 2013, on the same basis as the last accepted licence and the current Special Directions. The Panel noted that this seemed not to be what either the PR or the Inspectorate wanted. Therefore, this would only be used if needed and would serve to keep the centre licensed should the offer licence not be accepted.

Signed:



Date:

25 Sept 2012

Mark Bennett (Chair)

