

16 July 2024

REF: SHA/26154

**APPEAL AGAINST NORTH WEST LONDON ICB
DECISION TO REFUSE AN APPLICATION BY
ATRUPHARMA LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING UNFORESEEN
BENEFITS UNDER REGULATION 18 AT 12 LONG
DRIVE, RUISLIP, HA4 0HG**

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1 Outcome

- 1.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, confirms the decision of the Commissioner.
- 1.2 The Committee determined that the application should be refused.

A copy of this decision is being sent to:

Rushport Advisory LLP on behalf of Atrupharma Ltd
PCSE on behalf of North West London ICB
Chimsons Chemist
Dana Pharmacy
NU Ways Pharmacy
Ruislip Manor Pharmacy

Advise / Resolve / Learn

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1 A summary of the application, decision, appeal, representations and observations are attached at Annex A.

2 Site Visit

The Committee, which comprised of Mrs S Hewitt, Mr M Smith and Mr P Chapman, made site visits separately on three different dates;

2.1 30 May 2024

2.2 Wednesday afternoon during school half-term.

2.3 I started from the application site [AS] and turned right at the busy crossroads on to Victoria Road. The right hand side of this road is lined by large retail units commencing with Sainsbury's and continuing with the Brook Retail Park, Lidl, Curry's, Wickes and several others. There is a pavement but this is crossed at frequent intervals by vehicular accesses to the retail units. The left side of the road passes school playing fields and then some housing accessed by two side roads; there were dropped curbs. At the roundabout I turned into Field End Road and immediately, on the left was a parade of shops including Boots pharmacy. Ancillary shops included Tesco Express, newsagents, Greggs, A1convenience store, pizza shop and betting shop. There is plenty of parking, 30+ spaces; maximum stay 2 hours, £1.10 for 30 minutes [30mins free to Hillingdon Residents].

2.4 The distance from the AS was just less than 1 mile.

2.5 Adjacent to the shops is a small surgery, Acrefield, which is a branch surgery of the Acre practice, some 3 miles to the north east.

2.6 I continued along Field End Road and turned left along Long Drive, lined with dense housing and many randomly parked cars. This took us back to the AS. Distance 1.1 miles. Turning left into Victoria Road again I drove about 300 yards and turned right into Sainsbury's Car Park and petrol station. I parked close to the store entrance and walked around Sainsbury's building anticlockwise to Long Drive, **opposite** the AS. Long Drive was extremely busy and could only be crossed safely at the pedestrian lights at the road junction.

2.7 I noted 5 parking bays outside the row of shops housing the AS. All were full, as they were on four subsequent journeys along the road. Other shops in the parade are a Betting Shop, Café, 'News & Booze', Beauty Parlour, AS No.12, Estate Agent, Builders, Costa coffee, Barbers and Carpet shop. There was little pedestrian activity.

2.8 Further along Long Drive, towards the station, there is an inconspicuous alleyway leading to a door into a lobby area at the extreme end of Sainsbury's. This leads to a further door out into their car park. It could provide a shortcut from car park to site, reliant on Sainsbury's good will to permit this.

- 2.9 There is also a long stay car park between Sainsbury's and South Ruislip station.
- 2.10 I returned to Victoria Road and drove north across the traffic lights into the other northern part of Victoria Road. There is some new housing, then in 300 yards a turn left into "The Old Dairy" development. This includes a huge Asda, a Cinema and Fast Food complex, an Aldi store, a B&M home store and a vast area of parking, both surface and under Asda.
- 2.11 Continuing north along Victoria Road there is considerable residential development and after 1 mile Dana pharmacy No.100 is on the left adjacent to a Superdrug. A little further on the right, almost adjacent to Ruislip Manor station is Ruislip Manor pharmacy at No. 53 and Chimsons Chemists at No 29. Overall the distances from the AS are:
- 2.11.1 Dana 1 mile
- 2.11.2 Ruislip Manor Pharmacy 1.2 miles
- 2.11.3 Chimsons Chemist 1.3 miles
- 2.12 Ruislip Manor has a somewhat different ambience to South Ruislip with a wide variety of smaller independent businesses and a more 'village like' atmosphere. Parking along Victoria Road is somewhat challenging but off-street parking in Linden Avenue Car Park is nearby.
- 2.13 I noted a 114 bus travelling up Victoria Road.
- 2.14 Returning south along Victoria Road I turned right at the first roundabout and followed Cornwall Road until turning left at the T-junction with West End Road.
- 2.15 Just before Ruislip Gardens station there is a slip-road on the left with meter parking and immediately opposite is Nu-Way pharmacy. Crossing the busy road is facilitated by a lights controlled pedestrian crossing directly opposite the pharmacy.
- 2.16 The return to the AS is to continue south along West End Road and turn left into Station Approach – a distance of 1.1miles, a slightly shorter walking route is a path across to Victoria Road.
- 2.17 In this particular case it appeared not to be necessary to locate and visit doctors' surgery premises since co-location with, or proximity to, surgeries is not a particular issue in this application, nevertheless their location was noted.
- 2.18 Overall, my impression was that the areas of Ruislip visited comprised vast numbers of, largely, 1930's semi-detached houses differing only in that in Ruislip Manor and Ruislip Gardens the houses benefit from substantially more spacious plots, some detached houses and off-road parking. There are local shopping facilities and more comprehensive facilities are located to the north where West End Road becomes Ruislip High Street.
- 2.19 South Ruislip, on the other hand has become home to many large supermarkets and other substantial retail outlets, possibly built on previously industrial sites. The principal roads are very busy indeed and the smaller roads cluttered with parked cars.
- 2.20 **Friday 31st May 10:50 – 14:00**
- 2.21 The site visit was carried out on foot starting from the proposed location/application site.
- 2.22 **Proposed Location (South Ruislip)**

- 2.23 10:55 – 11:20:
- 2.24 Exiting South Ruislip station I turned left to the proposed location a distance of approximately 500 metres.
- 2.25 The proposed location is situated in a small parade of shops over the road from a Sainsbury's supermarket with a large car park and a separate council run car park where the charges were given as being free for the first 30 minutes with a "Hillingdon Card" otherwise 90p for 30 minutes.
- 2.26 The road was very busy however there were pedestrian controlled crossing points.
- 2.27 Starting from the proposed location I then turned left onto and walked up Victoria Road to Ruislip Manor, the location of Dana, Chimsons and Ruislip Manor pharmacies.
- 2.28 The journey on foot took approximately 25 minutes walking at a steady pace. The route was along a very busy road lined with mainly semi-detached and linked properties.
- 2.29 The footpath was fairly level and well maintained. At various points it was necessary to cross roads, however there were dropped kerbs and crossing points.
- 2.30 There were a number of bus stops along the route serving the number 114 bus which, according to the schedule on the bus shelter, ran every 7-11 minutes between 08:00 and 20:00 Monday to Friday.
- 2.31 **Ruislip Manor**
- 2.32 Ruislip Manor is a well-established shopping area with a wide range of shops.
- 2.33 At the time of the visit, during a school holiday period, there was a steady stream of people in the area.
- 2.34 A bus stop for the number 114 was located immediately outside Dana pharmacy with a further bus stop along the road at the end of the parade of shops. There was a bus stop on the other side of the road near Ruislip Manor Pharmacy for the 114 travelling in the opposite direction.
- 2.35 There were several car parking spaces on the side of the road where Dana and Chimsons pharmacy were located. While it was busy, cars were leaving and arriving on a regular basis.
- 2.36 The parking meter indicated that parking was free for the first 30 minutes with a "Hillingdon Card" otherwise it was £1.10 for 30 minutes.
- 2.37 In the car park behind Budgens (opposite the Library) parking was free for the first 30 minutes with a "Hillingdon Card" and 90p without.
- 2.38 There was a variety of shops which would make the area a destination point for general shopping.
- 2.39 Leaving Ruislip Manor I walked down Cornwall Road to the site of Nu-Ways pharmacy. This route was through a similar residential area but with much less traffic. Again, the footpaths were reasonably level.
- 2.40 **Nu-Ways Pharmacy 229 West End Road**
- 2.41 12:40 Arrived at Nu-Ways pharmacy.

- 2.42 Nu-Ways pharmacy is located in a shopping parade albeit smaller than that at Ruislip Gardens.
- 2.43 There was limited parking which was free for the first 30 minutes with a "Hillingdon Card" otherwise it was £1.10 for 30 minutes.
- 2.44 I noted the E7 bus stop which indicated the service ran every 6-12 minutes Monday to Friday between 10:00 and 20:00.
- 2.45 I then walked down the length of West End Road to Dr Siddiqui's surgery on Walnut Way the journey taking approximately 25 minutes at a steady pace.
- 2.46 The footpath was uneven and very narrow and obstructed in many places by overgrown hedges. The footpath, in my opinion, was unsuitable for anyone pushing a buggy/wheelchair with limited mobility or using a mobility scooter. I did notice that the footpath on the opposite side of the road (next to RAF Northolt) appeared to be better maintained.
- 2.47 **Dr Siddiqui Practice Walnut Way (13:05)**
- 2.48 Dr Siddiqui's practice is located in a converted house in the middle of a quiet residential area.
- 2.49 I walked from the surgery to the site of the proposed pharmacy via the recreation ground and a number of well-kept streets (following a route on google maps). The journey took approximately 10 minutes walking at a steady pace.
- 2.50 **Proposed Location (13:15)**
- 2.51 I then left the proposed location, crossed the road using the pedestrian crossing and turned right on to Victoria Road walking in the direction of the Boots pharmacy at Field End Road.
- 2.52 This part of Victoria Road was predominantly retail units on one side of the road and a school/leisure facility on the other unlike the stretch leading up to Ruislip Gardens which was residential.
- 2.53 The footpaths were level and well maintained; however this was a busy road.
- 2.54 I noted the bus stops for the number 114. While it stopped on Victoria Road it was some distance away from the Boots pharmacy on Field End Road.
- 2.55 There were a number of car parking spaces outside the pharmacy and, at the time of the visit, a number of spaces were vacant including one designated as a disabled space.
- 2.56 Car parking was free for 30 minutes with a "Hillingdon Card" otherwise £1.10 for 30 minutes.
- 2.57 The walk from the proposed location to Boots Pharmacy took approximately 17 minutes at a steady pace.
- 2.58 **Boots Pharmacy (Field End Road) 13:30**
- 2.59 Boots pharmacy was in a small parade of shops close to Acrefield surgery in a predominantly residential area.
- 2.60 I then left the Boots pharmacy, walked up Field End Road in the direction of Long Drive. I turned left on to Long Drive and headed back to the proposed location.

- 2.61 Long Drive was a very populated residential area consisting mainly semi-detached and linked properties.
- 2.62 There were lots of cars parked at the roadside.
- 2.63 The footpaths were level and reasonably maintained.
- 2.64 The journey back to the proposed location took approximately 25 minutes at a steady pace.
- 2.65 **Proposed location 13:55**
- 2.66 Friday 7 June 2024
- 2.67 I started my visit around 1.30pm, having reached the proposed site [PS] via the M25 and subsequent connecting roads, through extremely heavy traffic.
- 2.68 Ruislip is a busy place, first impressions being of 1960/70s building stock, with shopping parades located beneath two or three story blocks of flats, brick with Crittal windows and clay roof tiles. Pavements are wide with dropped kerbs, and the terrain is flat. The area is well connected with buses; at the time of my visit, at most bus stops I saw a few adults and more school children returning home.
- 2.69 On the outskirts are superstores, including Aldi, B&Q, large furniture and carpet warehouse outlets, and a self storage building. Northolt Airport is near Ruislip Gardens Station.
- 2.70 I parked on the road, having turned right at the traffic junction with Victoria Road [north] into Long Drive.
- 2.71 I walked to the PS, and found it shuttered closed with a banner draped across the front "Under New Management PHARMACY OPENING SOON". In answer to my question at the fish and chip shop [at No.2 Long Drive] I was told that the "pharmacy" was closed for refurbishment.
- 2.72 Starting from South Ruislip station, under the railway bridge, I passed the pedestrian access to the Old Dairy complex on my left, within which is located Asda and Aldi supermarkets, Cineworld, Nandos, McDonald's, and a gym.
- 2.73 The shopping parade starts after this and has the following: Savera Hotel, Middlesex Arms pub, Fish and Chip, Coral betting shop, kebab house, beautician, No.12 [PS], estate agent, a lighting shop, Costa Coffee, a nail bar, and Ruislip Carpets on the corner near the busy traffic junction of Long Drive/Victoria Road which has light controlled pedestrian crossings. Following Ruislip Carpet, turning round to the left, and now on Victoria Road, are the following: estate agent, restaurant "Rara Dining", Ruislip Nursery, a plumbing shop and a grocery shop.
- 2.74 Opposite the PS, is a large Sainsbury's which previously housed Lloyds Pharmacy. Sainsbury's has its own car park. Adjacent to this is Long Drive Car Park, which probably serves commuters using South Ruislip station. In addition to this, there are 5 spaces directly outside the PS, including one disabled space. Pay and display buys a maximum of 2 hours: at the time of my visit, only one space was taken.
- 2.75 My impression of South Ruislip is that it is a thriving commercial hub, serving the housing community that stretches both sides of Long Drive and Victoria Road. Access to large superstores and Cineworld would either be by bus, tube or a short car journey, with ample on-site parking.
- 2.76 I then drove to Nu-Ways, about 1 mile from the PS. West End Road is very busy. However the two shopping parades, stretched under blocks of flats, either side of the

road and connected by a pelican crossing, were quiet. Pay and display parking is on one side, with the first 30 minutes free of charge, and had one disabled bay.

2.77 With Nu-Ways to my left, the parade starts with The Arth pub, a post office, Indian restaurant, Nu-Ways, kebab shop, printer, grocery shop, barber, car parts shop, pie/mash and an off licence. Opposite is a funeral parlour, cafe, antique shop, drycleaner, Indian restaurant, West End Glass, bakery, funeral florist, fish and chips, off licence/grocery, yoga/dance studio, newsagents, Chinese takeaway, and a hair salon.

2.78 I saw one woman entering Nu-Ways. The shop front says "Your Local NHS Pharmacy". We collect prescriptions from local doctors. Opening times were displayed as Mon-Fri 9am-7pm, Saturday 9am-2pm, and a large poster in the window said "Open Until 7pm All Weekdays".

2.79 I then drove about 1.3miles from Nu-Ways to Field End Road, leaving Ruislip Garden Station on the left and Northholt air base on the right. Field End Road is very busy and the parade outside Boots 716 Field End Road, was heavily parked. The shops include the following: Tesco express, news agent, boiler shop, kebab shop, Greggs, off licence, betting shop, fish/chips, and an electronics/white goods retailer. Opposite this parade are detached and semi-detached houses. After a gap in the parade which led to a car wash at the back of the parade, Acrefield Surgery is located in a detached house No.700 Field End Road.

2.80 From here the distance to the PS is about 0.9miles.

3 The site visit notes were read out to those in attendance. They were invited to comment upon them **OR** indicate if any of the observations appeared to be inaccurate.

3.1 No such comments or observations were made.

4 **Oral Hearing Submissions**

4.1 Mr Conor Daly on behalf of the Applicant, Altrpharma Ltd asked for his letter of 11 January 2024 to form the basis of his representations, together with a comprehensive 37 page "report" including maps and information tables. By way of background, he stated that the premises at 12 Long Drive is now registered with the General Pharmaceutical Council as a private pharmacy, with a view to opening during week starting 17 June 2024, after refurbishment. The Applicant wishes to provide NHS pharmaceutical services and also plans to provide Urgent Care at 12 Long Drive.

4.2 The parent company is Altramed and owns four Urgent Care sites and runs two community hospitals. It became clear during the hearing that Urgent Care sites have a separate regulatory framework and there are no NHS pharmaceutical services delivered by or within them. An offer to purchase Lloyds by Altramed, when it was located within Sainsbury's was rejected and the Lloyds group was subsequently liquidated. The patients who used Lloyds became dispersed mainly to Nu-Ways and Boots, 212 Whitby Road. In January 2024, this branch of Boots also closed. This has left Boots Field End Road serving Acrefield Surgery, Dr Siddiqui's Practice and Oxford Drive Medical Centre. To serve over 16,000 residents in South Ruislip, this application will replace half of the previous provision. Patients have been forced to find the next nearest alternatives, and have "struggled and suffered" as reflected in the 30 email responses from local residents. A local resident, [KM] provided a statement of support for the application, citing her own health needs and the needs of vulnerable groups in South Ruislip who have to rely on online services, which they feel diminishes their independence. She said that the whilst the proposed site is now a [private] pharmacy, she cannot afford to pay privately, and the elderly cannot either.

- 4.3 Mr Daly highlighted some of the 30 letters of support included in his report, including from those who travel to work in South Ruislip shops and services, this being a focus and hub in the area. The letters came as a result of a residents' petition to the local MP, David Simmonds, and in response to leaflets delivered to local homes and shops.
- 4.4 Mr Daly commented on Mr Harrall's data circulated to all parties on 24 May 2024. The census figures include Northholt base residents, who although in better than average health, still need pharmacy services e.g. 50-60 year olds with blood pressure problems, may describe themselves as being in good health, but would still need a pharmacy for their medication, as do parents with young children. He accepted that car ownership is high as is typical of the trend of being lower in cities, and rising outside.
- 4.5 The options for patients are Boots, Field End Road, one mile away, which had a 72% increase in items dispensed during Jan 23-Jan 24. This area has a different feel to South Ruislip, with a small parade of shops with no reason to go there unless they were patients of Acrefield Surgery which has 2,500 on its list. To the west, Nu-Ways had a 45% increase in items dispensed during Jan 23-Jan 24, which has open fields on either side, no GP surgery, and is not a destination of choice, patients only being forced to go there for the pharmacy. Mr Daly accepted that there is car parking around Nu-Ways, but the nearest bus stop is 1/2 mile away and the E5 bus does not link up with South Ruislip. Chimsons 1.4 miles away had a 20% increase in dispensing during the same period. He pointed out that South Ruislip, Ruislip Gardens and Ruislip Manor all do not have step free access.
- 4.6 Granting the application would not be detrimental to the proper planning or existing arrangements in place for pharmaceutical services. Those with protected characteristics would benefit as is apparent from the letters of support from the elderly and disabled. These people require reasonable access. Mr Daly made no reference to innovative approaches.
- 4.7 In answer to Mr Harrall's questions, Mr Daly clarified that the support letters were the result of a petition by community groups to the local MP, to support the applicant. Mr Al-Atroshi, the applicant said he has a printing shop in the Long Drive parade, that he had not encouraged the letters, and that this was done by the Residents Association. "They came naturally and organically from patients".
- 4.8 In answer to Committee questions, Mr Daly accepted that Boots and Nu-Ways as the next nearest pharmacies had mopped up Lloyds patients without difficulty, but patients have expressed discontent, one said "it has made my life hell".
- 4.9 Mr Daly accepted that the large supermarkets in the vicinity show a focus on accessibility by car. Customers would pass the proposed site, and cross over the road to access the pharmacy. He quoted a figure of 30,000 per week footfall at Sainsbury's alone.
- 4.10 Mr Kevin Harrall on behalf of Chimsons, Nu-Ways and Ruislip Manor Pharmacy started by saying that the application was submitted in response to the closure of the Lloyds Pharmacy in Sainsbury's and subsequently it has been argued by the Applicant that their case has been strengthened by the closure of Boots in Whitby Road.
- 4.11 Whilst the closure of one or more pharmacies may have some relevance, when considering an application for a new pharmacy (in that it gives us an idea of the historic demand for pharmaceutical services in an area), it does not

diminish the need for the applicant to prove that the tests set out in Regulation 18 are met. It is his clients' position that they are not.

- 4.12 Lloyds Pharmacy branch dispensed fewer than 5,000 items per month prior to closure. Those items were spread across extended hours, 7 days a week, and many of the patients were customers of a supermarket whose catchment reaches beyond South Ruislip. Lloyds was a pharmacy with far lower than average levels of demand for dispensing so the evidence that its closure left a significant gap based on historical demand is scant.
- 4.13 With Boots Pharmacy on Whitby Road, the picture is not dissimilar. This was dispensing around 5,000 items per month. This Boots was equidistant between the applicant's location and the three pharmacies on Victoria Road in Ruislip Manor or Boots on Field End Road. This pharmacy had limited demand, and patients who were accustomed to accessing it would find that the proposed location is no closer than several other pharmacies that already exist. Therefore the proposed pharmacy would not provide a better alternative for these patients. It is not sufficient to rely on the fact that two pharmacies have closed as evidence that a new pharmacy is needed.
- 4.14 Mr Harrall pointed out that the Applicant offers 7 day opening, which include 40 core hours of 9-5 Monday to Friday. These are the only hours on which the Committee should place any weight as pointed out by the Commissioner in their decision letter, as supplementary hours can be changed with notice.
- 4.15 In 2.77 (p 12) the Applicant refers to the Pharmacy First service stating that "patients need accessible pharmacies to use this service". However 6 out of the 7 clinical pathways of the service can be delivered by phone or video call (acute otitis media is excluded), so even housebound patients are able to access Pharmacy First. There is no need for many patients to visit a pharmacy in person if they wish to use Pharmacy First.
- 4.16 **Mr Harrall referring to the Applicant's report, raised further points:**
- 4.17 In 2.3 the Applicant discusses the public car parks next to Sainsbury's and states that Atrupharma visitors could use them, as Lloyds customers would have done. Lloyds customers were able to park in the Sainsbury's car park but the applicant's customers cannot. He provided a photograph that shows the Sainsbury's car park is limited to their customers only. The public car park (Long Drive Car Park) is long stay and likely to be used by people commuting from the South Ruislip tube station. There are only 62 spaces, so spaces for shoppers may be limited. For people who do park here it is a 200 metre walk to the applicant's premises using the light- controlled crossing at the junction of Victoria Road and Long Drive.
- 4.18 2.4 refers to a row of on street parking directly outside providing 4 spaces + 1 disabled space. With the parade having 17 retail units and two nurseries, very few people would be able to park on that side of the road.
- 4.19 3.5 the Applicant refers to Sainsbury's being a destination for 'car borne shopping'. He agreed, but if they are shopping by car they have plenty of choice in terms of which pharmacy they use. A patient arriving at Sainsbury's by car would enter via the rear of the store and would have no reason to come out onto Long Drive and notice the proposed pharmacy.
- 4.20 3.14 the Applicant refers to 289 new residential properties, but 33 of these were built in 2019 (Acol Crescent) which is prior to the publication of the current PNA, and 44 are not yet built, so the 'recent' development is just over 200 properties, many of which would be single occupancy or couples. The assumption of 700 new residents may be closer to 300. The increased

population is not significant when looking at South Ruislip overall. He also noted that every one of these developments provides at least one parking space per apartment, reflecting the local reliance on cars.

- 4.21 Para 5 the Applicant sets out the statutory tests. Whilst his clients are not specifically making a case for detriment, if another pharmacy opens within an area where pharmacies have previously been proven to be unviable, other pharmacies in the area are likely to suffer financial harm to the point that they cannot remain open. Therefore any assumed patient benefit of opening a new pharmacy can quickly be lost.
- 4.22 Para 6 refers to the PNA. The report makes reference to both the Ruislip and Northwood locality (which includes many pharmacies) and the South Ruislip ward, which currently includes one (Boots at Field End Road). These areas are constructed for administrative purposes only. The boundaries of these administrative areas have no relevance to how people go about their lives, so we should exercise caution not to conflate this with the concept of neighbourhoods as referred to in previous regulations.
- 4.23 Para 6.4 refers to the proposed location being at the intersection of a tube line and bus route. The Applicant's case is that people use this network to travel into South Ruislip (where they may wish to access pharmaceutical services) but given that this is a largely residential area, residents are at least as likely to travel **out** of South Ruislip to work and to access other amenities.
- 4.24 Para 6.6 the Applicant states that Walnut Way area is not on a bus route and that people "have to walk to the proposal site to access public transport". Mr Harrall emphasised that in fact residents of the area around Walnut Way would find it a significantly shorter walk to the bus stop on West End Road to catch a bus to Nu-Ways. He has provided a route map in A8 and timetable in A12 which shows buses running along this route every 12 minutes.
- 4.25 6.7 of the report refers to Ruislip and Northwood having higher numbers of older people than other Hillingdon localities. Mr Harrall has provided data (A5) to show that the number of over 65s is well below the national average (12.1% vs 18.1%), so South Ruislip has a relatively young population.
- 4.26 6.10 discusses RAF Northolt. Whilst the base does not have an on-site pharmacy, the medical centre there can provide service personnel with medication. His client [Mr M] (Nu-Ways – the closest pharmacy) works directly with RAF Northolt to support when there are medication shortages. [Mr M] has also made submissions about the parking arrangements near Nu-Ways; parking is available on both sides of road as well as in the service road (accessible via light controlled crossing) and, as with all parts of Hillingdon parking is free for 30 minutes for local residents who have a Hillingdon First Card.
- 4.27 7.5 the Applicant states that Dr Siddiqui's is a small surgery with low levels of dispensing. There are no other amenities around the surgery so people who live in that area travel regularly by car or excellent public transport, to access their daily needs. This explains the shift of patients towards Nu-Ways when Lloyds was closing because patients can walk, drive or catch the bus to Nu-Ways.
- 4.28 The Applicant also discusses Queens Walk Medical Centre. Patients attending here have to travel from the surgery to access pharmaceutical services because there is no co-located pharmacy, and that situation has not changed, bearing in mind that people don't start their journey at the medical centre, they will have travelled to get there. Without information on where the patients

registered with this health centre live, we would not know whether or not their journey home will take them past other pharmacies.

- 4.29 In terms of the Boots closure, the proposed new pharmacy would be no closer to Whitby Road, where Boots were located, than several existing pharmacies. This pharmacy was dispensing c. 5,000 items per month and was dispensing fewer than 30% of the items prescribed by Queens Walk medical centre. Patients who previously attended this Boots branch have either transferred to Boots on Field End Road or to the Ruislip Manor pharmacies.
- 4.30 In 7.25 the Applicant discusses the route to Boots on Field End Road by bus from the proposed site. There is reference to patients having to 'double back' but no explanation of why this would be a problem. The bus stop referred to is only 300 metres from Boots, a walk of less than 4 minutes. The road can be crossed using a zebra crossing outside the Esso petrol station. Whilst the map in A7 specifically highlights the Ruislip Manor pharmacies, the Boots Field End Road branch is on the same bus route.
- 4.31 Paragraph 8.5 onwards discusses the Local Centre which is limited to the Sainsbury's store, the parade, the library and community centre. Other amenities are away from the proposed location and for example people shopping at Asda, Lidl or Aldi will have no reason to go to the proposed premises. These shops are destinations they have travelled to and from elsewhere, most likely from across a wide area where there are existing pharmacies. Parking at the Old Dairy, where Asda is located, is limited to people using the site.
- 4.32 8.7 states that the "Local Centre is naturally the hub for all community attraction and the provision of pharmacy would be expected to form part of that function". However there is no link between these amenities and a community pharmacy in the same way there would be with a GP surgery. Going to a young peoples' centre, a library or an adult learning centre would not naturally lead to a journey to a community pharmacy.
- 4.33 8.11 shows that 2,500 people use South Ruislip tube station every day. This is clearly a busy station for commuters who will have access to other pharmacies wherever they are travelling from on the tube network. Furthermore, many commuters will travel outside the core hours proposed by the applicant (i.e. before 9 or after 5) so there is no certainty that they would be able to use this pharmacy anyway.
- 4.34 8.12 suggests that there may be 70,000 people per week coming to the Sainsbury's, Asda and Aldi stores per week (no mention is made of Lidl). Yet in 8.20 the applicant shows that the population of South Ruislip is 16,800 indicating that either every single resident in South Ruislip visits one of these three supermarkets more than 4 times per week or more likely, people travel from all over Ruislip and beyond to access these supermarkets. i.e. these amenities do not just serve residents of South Ruislip. That would also have applied to the closed Lloyds Pharmacy i.e. patients used it because it was in the supermarket they happened to access but that is not evidence that they lived nearby and were therefore reliant on this pharmacy.
- 4.35 8.23 Car ownership. Census data in A2 which shows that the number of households in South Ruislip without a car is far lower than the national average. Not only is there plentiful parking at Nu-Ways and Boots in Field End Road but there is also plentiful parking on Victoria Road in Ruislip Manor, close to the three pharmacies there and in the car park behind Budgens in Ruislip Manor, all of which are free for 30 minutes for local residents. All of these pharmacies are very easily accessible to drivers within a very short drive.

- 4.36 8.24 onwards. Deprivation: the Applicant states that the area around the proposed site has moderate levels of deprivation. Mr Harrall has supplied more detailed deprivation data in A4 which shows that, not only is the area only in the 6th decile on the index of multiple deprivation but it's in the 8th decile for *health and disability* deprivation i.e. it's in the 20% least deprived areas of the whole country on that measure.
- 4.37 With regard to the emails and letters of support totalling 30, Mr Harrall submitted that this is a low response from a local population 16,800 and provide limited evidence. They do not indicate how many patients walk vs use public transport or car, where they travel from and whether they have unmet health needs. He highlighted some of these and commented on them. P 88 - appears to be on behalf of office workers. There is no information on whether these staff live locally and/or how they travel to work. P 89 – says “it would be great to get a new pharmacy”. Not relevant to the legal tests. P 90 – refers to a ‘welcome addition’ and the fact other pharmacies are less convenient, which is not the test. P 94 also refers to convenience. P 95 patient lives on Shaldon Drive almost equidistant to proposed location and Ruislip Manor pharmacies. If they can walk to one they can walk to the others. P 96 says both adults in the household work in the city. This would give them access to pharmacies in the City, and it is possible that the proposed pharmacy may not be open when they are travelling to or from work.
- 4.38 Mr Harrall stated "I'm not saying that for some people, having a pharmacy at the proposed location would not be helpful. However, I would suggest that this evidence falls some way short of what will be required to convince you that the legal tests have been met."
- 4.39 Whilst the Applicant has not discussed providing cover over bank holidays, the core hours it offers being limited, his client Mr Khatri, of Chimsons is contracted to provide bank holiday opening hours, evidence that there is already coherent provision of services across the Ruislip area, not just from 9 to 5 Monday to Friday but at other times when patients may require pharmaceutical services. Out of hours medical services are also provided from the Eastcote Health Centre out of hours hub, which is much closer to the Ruislip Manor pharmacies. Apparently patients who require same-day GP appointments, including those registered with Dr Siddiqui, are also being offered these at Eastcote Health Centre.
- 4.40 Regarding parking, the Hillingdon First card is available free of charge to anybody in the borough over the age of 18 or 17 year olds with a full driving licence. These residents can park in council car parks and on street parking for up to 30 minutes free of charge, and at reduced rates for longer than 30 minutes. This applies to spaces close to the Ruislip Manor pharmacies, Nu-Ways and Boots at Field End Road.
- 4.41 Mr Harrall in reference to the relevant tests in Regulation 18 stated the following:
- 4.42 **18(1)(a):** *Will the application secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB.*
- 4.43 In order to **secure** improvements or better access, an applicant must be contractually obliged to provide the services it proposes to deliver. The Applicant has proposed core hours of 9 to 5 Monday to Friday so regardless of what services it says it will provide, the provision of pharmaceutical services at its location would not be secured outside these times.

- 4.44 Every pharmacy we have discussed today already opens for at least 9 to 5 Monday to Friday and provides the same services that have been offered by the Applicant.
- 4.45 **18(2)(a)**, the matter of detriment is not the core of my clients' argument, but we ask the committee to be mindful of the potential destabilisation of the existing pharmacy network in the area if a new application is granted in the midst of a uniquely financially challenging time for the sector.
- 4.46 **18(2)(b)(i)**: Whether there is a **reasonable choice** with regard to obtaining pharmaceutical services in the area of the relevant HWB
- 4.47 South Ruislip is an area with unusually high car ownership in London and significantly higher than the national average. The vast majority of people can therefore drive to a pharmacy.
- 4.48 They have a good choice of pharmacies they can access by car within a matter of minutes and each with parking available nearby, with free 30 minute parking for borough residents.
- 4.49 The area is exceptionally well connected by public transport with route 114 connecting the Applicant's proposed location with the three pharmacies in Ruislip Manor and with Boots at Field End Road. Residents living to the south-west of the railway line could use the E7 bus route to take them to Nu-Ways Pharmacy.
- 4.50 South Ruislip tube station, which is very close to the appellant's proposed site, is just one stop away from Ruislip Gardens, where patients can access Nu-Ways. For any patient unable to make the short journey from that station to Nu-Ways on foot, they could travel to Greenford station where there is a pharmacy directly opposite the tube station. This is a relatively affluent area, so there is no reason to believe residents have any difficulties paying for public transport. And older patients have free travel anyway.
- 4.51 South Ruislip is also an area where patients have significantly lower than average levels of disability or ill health, so many will have no problems at all walking to one of the existing pharmacies should they wish to do that.
- 4.52 There has been no information provided to suggest that any of the existing pharmacies have problems with their service levels or capacity. Most pharmacies in the area dispense fewer than the national average number of prescriptions (reflecting the relatively healthy nature of the area) so the closure of the Lloyds and Boots pharmacies has not resulted in these services being under any extra pressure.
- 4.53 The PNA (p 286 of the bundle) showed that Ruislip and Northwood had 23.8 pharmacies per 100,000 people. Even with two closures this locality still has the highest number of pharmacies per head of all the Hillingdon localities.
- 4.54 For these reasons patients already have reasonable choice.
- 4.55 **18(2)(b)(ii)**
- 4.56 *Whether people who share a protected characteristic have access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access*
- 4.57 There are a few comments within the emails of support provided by the Applicant from people who share protected characteristics, but this evidence

is very limited and represent such a small proportion of the local population that it is difficult to draw any meaningful conclusions from it.

- 4.58 **18(2)(b)(iii)**, the Applicant is not making a case for providing innovative approaches to providing services.
- 4.59 In conclusion, Mr Harrall submitted that the Applicant has not provided evidence that will lead the Committee to conclude that the tests in Regulation 18 have been met. "That being the case we respectfully request that you refuse this application".

5 Consideration

- 5.1 The Committee had before it the papers considered by the Commissioner, together with a plan of the area showing existing pharmacies and doctors' surgeries and the location of the proposed pharmacy.
- 5.2 It also had before it the responses to NHS Resolution's own statutory consultations.
- 5.3 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations").

Regulation 31

- 5.4 The Committee first considered Regulation 31 of the regulations which states:

(1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.

(2) This paragraph applies where -

(a) a person on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services ("the existing services") from -

(i) the premises to which the application relates, or

(ii) adjacent premises; and

(b) NHS England is satisfied that it is reasonable to treat the services that the applicant proposes to provide as part of the same service as the existing services (and so the premises to which the application relates and the existing listed chemist premises should be treated as the same site).

- 5.5 The Committee was of the view that Reg 31 does not apply as there are no same or adjacent premises in this case. The parties agreed.
- 5.6 The Committee was not required to refuse the application under the provisions of Regulation 31.

Regulation 18

- 5.7 The Committee noted that this was an application for "unforeseen benefits" and fell to be considered under the provisions of Regulation 18 which states:

"(1) If—

(a) NHS England receives a routine application and is required to determine whether it is satisfied that granting the application, or

granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB; and

- (b) the improvements or better access that would be secured were or was not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1,*

in determining whether it is satisfied as mentioned in section 129(2A) of the 2006 Act (regulations as to pharmaceutical services), NHS England must have regard to the matters set out in paragraph (2).

(2) Those matters are—

- (a) whether it is satisfied that granting the application would cause significant detriment to—*

- (i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB, or*
- (ii) the arrangements NHS England has in place for the provision of pharmaceutical services in that area;*

- (b) whether, notwithstanding that the improvements or better access were not included in the relevant pharmaceutical needs assessment, it is satisfied that, having regard in particular to the desirability of—*

- (i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),*
- (ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or*
- (iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),*

granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published;

- (c) whether it is satisfied that it would be desirable to consider, at the same time as the applicant's application, applications from other persons offering to secure the improvements or better access that the applicant is offering to secure;*
- (d) whether it is satisfied that another application offering to secure the improvements or better access has been submitted to it, and it would be desirable to consider, at the same time as the applicant's application, that other application;*

- (e) *whether it is satisfied that an appeal relating to another application offering to secure the improvements or better access is pending, and it would be desirable to await the outcome of that appeal before considering the applicant's application;*
 - (f) *whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7.*
 - (g) *whether it is satisfied that the application presupposes that a gap in pharmaceutical services provision has been or is to be created—*
 - (i) *by the removal of chemist premises from a pharmaceutical list as a consequence of the grant of a consolidation application, and*
 - (ii) *since the last revision of the relevant HWB's pharmaceutical needs assessment other than by way of a supplementary statement.*
- (3) *NHS England need only consider whether it is satisfied in accordance with paragraphs (2)(c) to (e) if it has reached at least a preliminary view (although this may change) that it is satisfied in accordance with paragraph (2)(b)."*
- 5.8 The Committee considered that Regulation 18(1)(a) was satisfied in that it was required to determine whether it was satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB
- 5.9 The Committee went on to consider whether Regulation 18(1)(b) was satisfied, i.e. whether the improvements or better access that would be secured if the application was granted were or was included in the Pharmaceutical Needs Assessment ("the PNA") in accordance with paragraph 4 of Schedule 1 of the Regulations.
- 5.10 Paragraph 4 of Schedule 1 requires the PNA to include: "*a statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a) **would** if they were provided....secure improvements or better access, to pharmaceutical services... (b) **would** if in specified future circumstances they were provided...secure future improvements or better access to pharmaceutical services...*" (emphasis added).
- 5.11 The Committee considered the PNA prepared by Hillingdon Health and Wellbeing Board conscious that the document provides an analysis of the situation as it was assessed at the date of publication. The Committee bears in mind that, under regulation 6(2), the body responsible for the PNA must make a revised assessment as soon as reasonably practicable (after identifying changes that have occurred that are relevant to the granting of applications) unless to do so appears to be a disproportionate response to those changes. Where it appears disproportionate, the responsible body may, but is not obliged to, issue a Supplementary Statement under regulation 6(3). Such a statement then forms part of the PNA. The Committee noted that the PNA was dated October 2022 and that no supplementary statements had been issued on.
- 5.12 The PNA in its conclusion states:
 - 5.12.1 *The number of current providers of pharmaceutical services, the location where the services are provided, and the range of hours of availability combined meet the need for the provision of the necessary essential services of the community pharmacy contractual framework.*

- 5.12.2 *These providers and services are considered as able to meet the current and likely future needs for pharmaceutical services in all localities of Hillingdon HWB area.*
- 5.12.3 *The number of pharmacies is sufficient to manage the need of the population over the next 3-5 years....The range of pharmaceutical services provided and access to them is good. There are pharmacies close to where people live, work or shop. Travel times have been mapped, finding that 97% of the population is within a 20-minute walk or a 5-minute car journey of their nearest pharmacy. There are some differences between localities that reflect the nature of their populations and environment. Public transport across the borough is good, and there are good travel links over the boundary into neighboring local authorities.*
- 5.12.4 *There is sufficient choice of both pharmacy provider and pharmacy services available to residents and visiting population of all localities of Hillingdon including the days on which, and times at which, these services are provided.*
- 5.13 The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of South Ruislip
- 5.14 The Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1.
- 5.15 In order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at 18(2). The Committee's consideration of the issues is set out below.

Regulation 18(2)(a)(i)

- 5.16 The Committee had regard to
- “(a) whether it is satisfied that granting the application would cause significant detriment to—*
- (i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB”*
- 5.17 Mr Daly at the hearing stated that granting the application would not be detrimental to the proper planning or existing arrangements in place for pharmaceutical services.
- 5.18 Mr Harrall submitted that whilst his clients were not specifically making a case for detriment, if another pharmacy opens within an area where pharmacies have been proven to be unviable, other pharmacies in the area are likely to suffer financial harm and may not be able to remain open.
- 5.19 The Committee noted that the ICB in its decision stated: *“There are 8 pharmacies within 2 kms of the application site, as the crow flies as per NHS UK website. Granting a new pharmacy application could cause detriment to proper planning or the arrangement in place for pharmaceutical services.....The PSRC have determined that the granting of this application may result in the over provision of essential services in the area. This may cause detriment to proper planning of pharmaceutical services or the arrangements in place for the provision of pharmaceutical services in this area. At present there is no evidence that this will be significant.”*
- 5.20 On the basis of the information available, the Committee was not satisfied that, if the application were to be granted and the pharmacy to open, the ability of the Commissioner thereafter to plan for the provision of services would be affected in a significant way.

- 5.21 The Committee was therefore not satisfied that significant detriment to the proper planning of pharmaceutical services would result from a grant of the application.

Regulation 18(2)(a)(ii)

- 5.22 The Committee had regard to

- "(a) whether it is satisfied that granting the application would cause significant detriment to— ...*
- (ii) the arrangements NHS England has in place for the provision of pharmaceutical services in that area"*

- 5.23 The Committee noted that the ICB in its decision stated *"The conclusions above relating to 18(2)(a)(i) apply equally to Regulation 18(2)(a)(ii). The PSRC have determined that the ICB was not satisfied that significant detriment to the arrangements currently in place for the provision of pharmaceutical services would result from a grant of the application."*

- 5.24 On the basis of the information available, the Committee was therefore not satisfied that significant detriment to the arrangements currently in place for the provision of pharmaceutical services would result from a grant of the application.

- 5.25 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

Regulation 18(2)(b)

- 5.26 The Committee had regard to

- "(b) whether, notwithstanding that the improvements or better access were not included in the relevant pharmaceutical needs assessment, it is satisfied that, having regard in particular to the desirability of—*
- (i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),*
- (ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or*
- (iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),*

granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published"

Regulation 18(2)(b)(i) to (iii)

- 5.27 This application seeks to replace the Lloyds Pharmacy which was located in Sainsbury's Long Drive so that patients who had used that pharmacy until it closed in

April 2023, experience reasonable choice in how they access pharmaceutical services. Subsequently Boots closed in January 2024, this being on Whitby Road and was one of the closest pharmacies to the Lloyds.

- 5.28 The Committee noted that the ICB in its decision report of 20 December 2023 states the following: *"Looking atthis site and the pharmacies in the area, most are a distance of at least a mile away and would take 30 minutes or more to walk to, not all have public transport nearby or parking facilities. However, there is one that is approximately 21 minutes walk away, that is Boots at Field End Road, although this is just short of a mile away, there is public transport that covers this distance with buses that run every 9 minutes, with a short walk from the bus stop to the pharmacy. There are 8 pharmacies within a 2km distance, all are owned by different entities and are open at a variety of hours. The applicant's core hours are 9am to 5pm on weekdays, any additional hours are supplementary and may be changed with 35 days notice, so whilst the applicant [states they] would open 8am to 6pm weekdays and Saturdays and 8am to 4pm on Sundays, this could change, the ICB can only be assured of the 9am to 5pm weekdays.....The ICB is satisfied that residents of this part of Hillingdon have a reasonable choice of pharmacies. Therefore, if the application were granted this would not secure improvements and better access to pharmaceutical services."*
- 5.29 Based on three separate site visit reports from each Committee member, on physical access alone, the Committee agrees with this conclusion. Whilst the distances to alternative pharmacies are 20-30 minutes on foot, distance alone does not mean there is not a reasonable choice. For those unable or unwilling to walk, the Committee took into account the availability and cost of parking and bus services to these pharmacies.
- 5.30 The Committee considered that exercise of choice requires that choice to be a reasonable one. The Committee heard cogent evidence from interested parties indicating that whilst earlier there may have been a gap created by the two closures, during the following 12-14 months, it can reasonably infer from dispensing data, that patients have nominated alternative, nearby pharmacies, and are having their needs met satisfactorily. There has been no concern raised about service levels or about their capacity to absorb the additional demand.
- 5.31 Regarding the 30 letters of support from residents and workers in the area, the Committee noted that they date back to July-November 2023. Therefore, the Committee would expect, with the passage of time, that demand is being met by alternative pharmacies in the vicinity. The Committee accepted an NHS pharmacy on the proposed site, if allowed is likely to be of some benefit to patients in the area but it is not of a magnitude to reach the high threshold of "significant benefit".
- 5.32 Therefore the Committee was not satisfied that, having regard to there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits by way of physical access on persons.
- 5.33 The Committee was of the view that there is already reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB, such that it was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits on persons.
- 5.34 In considering Regulation 18(2)(b)(ii) the Committee reminded itself that it was required to address itself to people who share a protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) having access to services that meet specific needs for pharmaceutical services that, in the relevant area, are difficult for them to access.
- 5.35 The Committee considered the 30 emails of support, dated between July to November 2023, the letter of 7 November 2023 from the local MP, David Simmonds, and

representations from [KM]. The Committee acknowledges that these express genuine support for the application, and several state that as residents, or incoming workers, with mobility problems, they would find a pharmacy in this location convenient. However in the absence of detail about the residential catchment area of their authors and the low number of responses from a total population of about 16,800, they carry insufficient weight in our deliberations.

- 5.36 The Committee was therefore not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.
- 5.37 In considering Regulation 18(2)(b)(iii) the Committee had regard to the desirability of innovative approaches to the delivery of pharmaceutical services. In doing so, the Committee would consider whether there was something more over and above the usual delivery of pharmaceutical services that might be expected from all pharmacies, some 'added value' on offer at the location.
- 5.38 There have been no submissions from parties on innovative approaches.
- 5.39 The Committee was not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons

Regulation 18(2)(b) generally

- 5.40 The Applicant's core hours are 9am-5pm Monday to Friday. The Committee was of the view that there was no information provided to support a finding that pharmaceutical services are not currently provided at such times as needed and therefore it was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.
- 5.41 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would not confer significant benefits on persons in the area of the HWB which were not foreseen when the PNA was published.

Other considerations

- 5.42 Having determined that Regulation 18(2)(b) had not been satisfied, the Committee did not need to have regard to Regulation 18(2)(c) to (e).
- 5.43 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 5.44 The Committee had regard to Regulation 18(2)(g) and found that it did not apply.
- 5.45 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 5.46 The Committee was not satisfied that the information provided demonstrates that there is difficulty in accessing current pharmaceutical services such that a pharmacy at the proposed site would provide better access to pharmaceutical services.
- 5.47 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
 - 5.47.1 confirm the Commissioner's decision;
 - 5.47.2 quash the Commissioner's decision and redetermine the application;

- 5.47.3 quash the Commissioner's decision and, if it considers that there should be a further notification to the parties to make representations, remit the matter to the Commissioner.

6 DECISION

- 6.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, confirms the decision of the Commissioner.
- 6.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 6.3 The Committee has considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and is not satisfied that it would;
- 6.4 The Committee determined that the application should be refused on the following basis:
- 6.4.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 6.4.1.1 there is already a reasonable choice with regard to obtaining pharmaceutical services;
- 6.4.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
- 6.4.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
- 6.5 Having taken these matters into account, the Committee is not satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.

Committee Chair

REF: SHA/26154

**APPEAL AGAINST NORTH WEST LONDON ICB
DECISION TO REFUSE AN APPLICATION BY
ATRUPHARMA LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING UNFORESEEN
BENEFITS UNDER REGULATION 18 AT 12 LONG
DRIVE, RUISLIP, HA4 0HG**

8th Floor
10 South Colonnade
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Tel: 0203 928 2000
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1 The Application

By application dated 27 April 2023, Atrupharma Ltd ("the Applicant") applied to North West London Integrated Care Board ("the ICB") for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at 12 Long Drive, Ruislip, HA4 0HG. In support of the application it was stated:

In response to "*In my/our view this application should not be refused pursuant to Regulation 31 for the following reasons*" the Applicant stated:

1.1 "No other pharmacy in same or adjacent premises so not applicable."

Information in support of the application

- 1.2 "Atrupharma is proposing to open a pharmacy at our existing health store at 12 Long Drive, Ruislip.
- 1.3 We have wanted to offer pharmacy services for some time now and are often asked if we can provide these services. However until recently there was a nearby Lloyds Pharmacy in Sainsburys and we considered that it would be difficult to meet the legal test.
- 1.4 As the Committee will be aware, the Lloyds Pharmacy in Sainsburys is closing. This closure is not due to low demand or to not being able to identify a buyer for the pharmacy. Indeed, we tried to save the pharmacy from closing by offering to purchase it from Lloyds and relocate it to our store, but this offer was not taken forward by Lloyds.
- 1.5 This leaves a significant area of South Ruislip without reasonable access to NHS pharmacy services and we wish to re-provide these services in the area.
- 1.6 It is unfortunate that Lloyds has effectively been winding down staff and service provision from this pharmacy for some time. Prior to this it was dispensing approximately 8,000 items per month, i.e. more than the national average. The most recent data shown it dispensing approximately half that number of prescription items, but there is clearly still a demand for pharmaceutical services as CPCS in particular has steadily increased.
- 1.7 We wish to ensure that our pharmacy will match the local demand for services, and we are offering 7 days per week opening with hours that will ensure do meet local need.
- 1.8 The next nearest pharmacy to our location is Boots at Field End Road. The Boots is located beside Acrefield Surgery and serves those people who live around it and visit the surgery. It is not a viable alternative for those who used Lloyds and this is clear from the fact that Boots dispensing has stayed static as Lloyds dispensing has halved. It is similar case with other pharmacies that serve their own areas but not this area.

- 1.9 By allowing this application we can maintain provision of services and this be a significant benefit to patients who will have difficulty accessing alternate pharmacies.”

2 The Decision

The ICB considered and decided to refuse the application. The decision letter dated 4 January 2024 states:

- 2.1 “North West London ICB has considered the above application and I am writing to confirm that it has been refused. Please see the enclosed report for the full reasoning.”

Extract from decision report dated 20 December 2023

“Regulation 31

- 2.2 There are no pharmacies in the immediate vicinity of this application so regulation 31 is not engaged.

Regulation 32

- 2.3 There are currently no LPS designations in this area therefore regulation 32 is not engaged.

General comments from the application

- 2.4 [See paragraphs 1.2 to 1.9 above]

Boots comments

- 2.5 Whilst we accept that the application is based on benefits not foreseen when drafting the Pharmaceutical Needs Assessment (PNA), it is clear that this application is simply based on the closure of the Lloyds pharmacy within Sainsbury’s.

- 2.6 As the ICB will be aware, the closure of a pharmacy within an area does not automatically create a gap and should a gap have arisen as a consequence of such a closure, then the PNA should be updated to reflect this. We are not aware of an updated PNA or that a Supplementary has been produced. The Sainsburys closed a few months ago now, so there has been plenty of time for this to have taken place if there was a requirement to do so.

- 2.7 Lloyds have closed many pharmacies, standard 40-hour contracts as well as the 100-hour ones and we have seen PNAs updated since if gaps in pharmaceutical provision have been created. We must also note that many 100-hour contracts, like the one in Sainsburys in Ruslip, were granted in localities where applicants knew that standard 40 hour contracts would not be approved, i.e there were no gaps. We challenge as to why the applicant believes there is one now. The applicant has not applied to offer extended opening hours should this be approved, even though they make reference to the loss of such and are not even proposing to open on a Saturday.

- 2.8 We believe that there are still 3 pharmacies within 1 mile of the proposed offering patients’ choice of Pharmacy provision.

- 2.9 The applicant has not identified any specific patient groups that may wish to access a pharmacy at the proposed location that currently have expressed difficulty in accessing services in the area. In their own admission, the applicant has been wanting to be able to provide pharmacy services for some time and are hoping that the closure of Lloyds has become an opportunity to do so. We are unaware of any patients submitting a complaint since the closure of Lloyds to NHS England with regards to accessibility or any concerns regarding services or opening hours.

- 2.10 We believe that patients have already access to providers and choice in the area and do not believe that the applicant is offering to secure any innovation by way of services or delivery.
- 2.11 For these reasons we respectfully urge the ICB to refuse this application.
- 2.12 Please be aware that we may wish to make further representations at a later stage and attend any oral hearing that may be held in relation to the application.
- 2.13 We would be most grateful if you could keep us informed of the progress of this application and the decision in due course.

Ruislip Manor Pharmacy

- 2.14 There are sufficient pharmaceutical service provisions as defined in the regulations in the area this is despite the closing of Lloyds pharmacy in Sainsbury's Long Drive. The prescription numbers had been in decline over the past year in any case and much lower than suggested in the application.
- 2.15 If a customer visits the Sainsbury shopping store, they would not necessarily walk across a busy road just to attend a pharmacy, they have very specific in store shopping habits.
- 2.16 There are many pharmacies in the local area, and they are typically dispensing below the national average of prescriptions, so they have the capacity to take on any prescriptions from the old Lloyds pharmacy and provide all necessary patient care and advice as required. Many patients have successfully transferred their prescriptions to the other pharmacies throughout the area. Patients also have the choice of online pharmacies and can use them if it suits their circumstances.
- 2.17 The many doctors surgeries that served Sainsburys' patients are scattered all over the Ruislip, Harrow and Eastcote areas and there are many pharmacies close by to the primary health centres to offer patients sufficient choice and access.
- 2.18 The existing pharmacies offer comprehensive pharmaceutical care as evidenced in the PNA and the local plan. Lloyds at Sainsbury had declined its prescription numbers for some time before it finally closed so patients have already made relationships with other pharmacies for both their prescriptions and other pharmacy and self care.
- 2.19 In addition to the essential and advanced services available to residents many pharmacies offer a very comprehensive level of pharmaceutical care that already benefits the wider population of all of Ruislip, Eastcote and Harrow. Many of the existing pharmacies including ourselves provide for other services e.g. delivery of medication to the homes of vulnerable, elderly and housebound patients. We offer general telephone advice and the enhanced CPCS service where the patient requires advice and a GP appointment is unavailable or inappropriate; often this may be done over the telephone or F2F at a patient's convenience.
- 2.20 The local pharmacies are distributed within 0.7miles and 1.2miles including Boots Chemist at Field End Road, Nuways pharmacy West End Road, Kings Pharmacy (Harrow) Eastcote Lane, Dana pharmacy and Ruislip Manor Pharmacy on Victoria Road and others too.
- 2.21 This is shown as a 2-4 minute drive and less than 9 minutes using public transport to their nearest pharmacy.
- 2.22 People can travel to us in just 4 minutes drive from South Ruislip and there is plenty of parking on the road and a large public car park a minute's walk away behind Budgens supermarket. We are on a vibrant parade supported by other services people use such as Dentist, Optician and post office along with a super Library. There are cafes and

food shops where the public can get a full range of personal care in their normal day just a few minutes away.

- 2.23 There is a good bus service and a number of train lines connecting all areas of Ruislip.
- 2.24 The 114 bus runs every 10 minutes during the daytime.
- 2.25 The opening of another pharmacy contract at the South Ruislip site would have an impact and could affect the viability of existing pharmacy contractors and may reduce the services we are able to offer patients as a consequence.
- 2.26 The applicant has suggested core opening hours that are similar to existing contractors and could easily reduce any potential opening hours in line with limited demand and high cost of running a pharmacy.
- 2.27 I would request that the application is rejected as there are extensive pharmaceutical services in the area already.

NU Ways Pharmacy

- 2.28 I would like to respectfully object to this application for the reasons outlined below.
 - 2.29 I believe there to be sufficient pharmaceutical care provision in the Ruislip area already. There are plenty of pharmacies, many of which are dispensing below the national average. Nu-Ways Pharmacy, Boots, Ruislip Manor Pharmacy, Dana Pharmacy, Chimsons Pharmacy and Kings Pharmacy are all already located more or less within 1 mile – this is within a 5-minute drive or 10-minute public transport journey of each other. There are already excellent links to and around the local area via the Central, Piccadilly and Metropolitan tube lines, 114 and E7 buses, as well as ample parking. The proposed pharmacy is located merely 1 Central line stop away from Nu-Ways Pharmacy – a 1- minute journey. There is also plenty of parade and street parking available outside Nu- Ways, including disabled spaces. Please also see attached maps of the accessibility of Nu-Ways from its nearest GP surgery. Therefore, there is no difficulty in accessing nearby pharmacies, all of which still have capacity to take on prescriptions and provide essential NHS services throughout the local area, not necessitating the provision of Nu-Ways Pharmacy, like the majority of the other pharmacies mentioned prior, have already been providing additional care services to support the local population for many years, including medication delivery to vulnerable, elderly and housebound patients, flu vaccination, general telephone advice and enhanced CPCS services which provides advice to patients unable to get a GP appointment. The applicant has proposed core opening hours until 5pm, no different if not less than other local pharmacies. Nu-Ways and Boots already open until 7pm on weekdays, covering until the last GP appointments for patients to receive their prescribed medication same day.
 - 2.30 The services previously provided by Lloyds Pharmacy in Sainsbury's have been well distributed across the local area and a number of patients have been supported by Lloyds Direct online pharmacy as well.
 - 2.31 In conclusion, considering the fact that Ruislip has sufficiently catered for pharmaceutical services, I do not see the need in granting additional contracts in the area. The location of Nu-Ways Pharmacy has been established and appreciated by the local population since 1937.
 - 2.32 [Images provided within OH papers]
- Dana Pharmacy
- 2.33 There is sufficient pharmaceutical care provision in the area. The many existing pharmacies offer all aspects of comprehensive pharmaceutical care that already

benefits the wider population. There are many pharmacies in the local area and they are dispensing below the national average so they have the capacity to take on any prescriptions and provide necessary patient care and advice. In addition many pharmacies including ourselves already provide other services e.g. delivery of medication to the homes of vulnerable, elderly and housebound patients. The local pharmacies are distributed within 0.7 miles to 1.2 miles including Boots the Chemist, Nuways Pharmacy, Kings Pharmacy (Harrow), Dana Pharmacy and Ruislip Manor Pharmacy and others too. This is shown as a 2 to 4 minute drive on Google Maps with plenty of parking on the street and a large public car park a minute walk away in Ruislip Manor. Or less than 9 minutes on public transport. 114 bus runs every 10 minutes during the day.

- 2.34 The prescription business that Lloyds pharmacy in Sainsbury's was doing was easily distributed between these local pharmacies and there are also online pharmacy services that are available to patients. If they choose.
- 2.35 Our pharmacy and two others are on a vibrant shopping parade supported by many retailers and other healthcare and core services such as dentist, optician, and post office. There are food shops, cafes etc where the public would normally shop and get
- 2.36 The application should be rejected. The full range of personal care in their normal day just minutes away. There are good bus services and a number of train lines connecting all areas of Ruislip. The opening of another pharmacy site at the South Ruislip site would have an impact on and could affect the viability of existing pharmacy contractors and may reduce or limit the services we are able to offer patients as a consequence. The applicant has suggested core opening hours that are the same as existing contractors and could easily reduce any opening hours in line with limited demand and high cost of running pharmacy services.

Chimsons Chemist

- 2.37 We appreciate the opportunity to present our written representation regarding this application.
- 2.38 I have several comments to make, and I wish to voice my opposition to the application for the following reasons:
- 2.39 **1. Inaccurate Data on Prescription Volume:** The application suggests that Lloyds Pharmacy inside Sainsbury's has been handling an unusually high volume of prescriptions, roughly 8000 items, which is claimed to be above the national average. However, when examining the data from 2014 to 2021, the average number of items dispensed was 4020. The recent drop to an average of 3021 items over the last 18 months that may be primarily due to their business winding down.
- 2.40 **2. Dispensing Across Multiple Surgeries:** Contrary to the implication in the application, Lloyds Pharmacy's items were not solely dependent on one surgery. Their two primary surgeries, DR MLR SIDDIQUI'S PRACTICE (E86629) and QUEENS WALK MEDICAL CENTRE (E86626), are located 0.8 and 0.5 miles away from Sainsbury's, respectively. Both of these surgeries also have access to 10 pharmacies within a 2-mile radius, as confirmed by Pharmadata. This distribution ensures that no gaps are left in service provision.
- 2.41 **3. Proximity of Nearby Pharmacies:** There are several pharmacies located within a 2-mile radius of the proposed site, including Boots, Dana Pharmacy, Ruislip Manor Pharmacy, Nuways Pharmacy, Chimsons Chemist, Kings Pharmacy, 111 Chemist, and Welcare Pharmacy.
- 2.42 **4. Accessibility via Public Transport:** Access to public transport is readily available, with nearby bus stops and train stations facilitating easy travel to the nearest pharmacies.

- 2.43 **5. Pharmaceutical Services:** The pharmaceutical services proposed by the applicant are already adequately provided by existing pharmacies, including our own. Moreover, our pharmacy will remain open during bank holidays, Christmas, and Easter holidays to ensure continuous service provision.
- 2.44 **6. Expanded Delivery Service:** In response to the needs of housebound individuals and those facing difficulties in visiting the pharmacy in person, we have expanded our delivery services. We are committed to ensuring that patients do not miss taking their medications. Additionally, there is room for further expansion of this service.
- 2.45 **7. Electronic Prescription Services:** It's worth noting that all pharmacies in the area currently provide electronic prescription services, ensuring the convenience of patients.
- 2.46 **8.Location:** Our Pharmacy along with two other pharmacy located on shopping parade near Ruislip manor station supported by many retailers and other services like optician, post office and dentist. There are food shops, restaurants, cafe etc where the public would come more often and get the full range of service within the parade. This is just minutes away from the proposed location via public transport.
- 2.47 In light of these observations, I firmly oppose the establishment of the proposed pharmacy, as I believe it would not only be redundant but also potentially disruptive to the existing healthcare infrastructure in the area.
- 2.48 Thank you for considering our written representation.

Hillingdon LPC

- 2.49 The area of South Ruislip to which this application relates has not been identified in the 2022 Hillingdon PNA as an area of pharmaceutical need. At that time, the Lloyds pharmacy located in the Sainsbury store in South Ruislip was providing services. It closed down on April 23rd, 2023, the closure having previously been notified by NHS England on January 27th, 2023. The closure of Lloyds pharmacies within Sainsbury stores in England was widely publicised in the press.
- 2.50 The applicant's contention that prescription numbers at nearby pharmacies have remained static since Lloyds "has effectively been winding down" appears to be incorrect, as the table below shows:

Pharmacy name, address & postcode	Distance from HA4 0HG	Rx items dispensed in January 2023	Rx items dispensed in May 2023	Number increased (+) or decreased (-)	% increase (+) or decrease (-)
Boots, 716 Field End Road, South Ruislip HA4 0QP	0.7 mile	4,523	5,695	+1,172	+26%
Nu-Ways Pharmacy, 292 West End Road, Ruislip HA4 6LS	0.8 miles	4,279	5,733	+1,454	+34%
Kings Pharmacy, 336 Eastcote Lane, South Harrow HA2 9AJ	1.0 miles	13,321	14,336	+1,015	+8%

Dana Pharmacy, 100 Victoria Road, Ruislip Manor HA4 0AL	1.1 miles	4,510	4,765	+255	+6%
Chimsons, 29 Victoria Road, Ruislip Manor HA4 9AB	1.2 miles	5,636	6,074	+438	+8%
Ruislip Manor Pharmacy, 53 Victoria Road, Ruislip Manor HA4 9BH	1.2 miles	6,601	7,683	+1,082	+16%

- 2.51 This period was chosen as it runs from the month in which the closure announcement was made, when patients would have started to nominate an alternative pharmacy to receive and dispense their prescriptions sent by the Electronic Prescriptions Service (EPS), until the month following the closure. May is the latest month Pharmdata shows dispensing data for all the pharmacies listed.
- 2.52 Whilst it is difficult for both the LPC and the applicant to draw a definite correlation between the closure of Lloyds and the recent dispensing data of nearby pharmacies, it is reasonable to assume that patients would have nominated the most convenient local pharmacy to use instead of Lloyds.
- 2.53 In the period since Lloyds announced their closure and following the pharmacy's actual closure in April 2023, patients have clearly found other pharmacies to use nearby. The regulations state that NHS England must be satisfied that granting the application would confer significant benefits on persons in the area of the relevant HWB. The LPC believes that opening another pharmacy at this time will not result in significant benefits, since large numbers of people are already having their pharmaceutical needs met by other nearby pharmacies. Apart from one, all the local pharmacies dispense below the national monthly average and have the capacity to handle more prescriptions.
- 2.54 People may now be more accustomed to travelling within the vicinity, following the opening of two discount supermarkets in Victoria Road. Bus route 114 runs at regular intervals from Ruislip Manor, along Victoria Road, past Aldi, Lidl and Sainsbury Supermarkets, continuing along Eastcote Lane, South Harrow. For those less able to travel, e.g., the housebound, most pharmacies have arrangements in place for free home deliveries.
- 2.55 With regard to regulation 18(2)(b)(i), the LPC believes there is a reasonable choice of provider in the vicinity, with at least 6 pharmacies within 1.2 miles, all owned by different legal entities. Meads Pharmacy, 1.5 miles distant at 399 Alexandra Avenue, Harrow, HA2 9SG opens Sundays from 11.00 am to 5.00 pm. In total, there are 28 pharmacies within a 2-mile radius of the site of application, one of which, Boots, 67 High St., Ruislip, also opens on Sundays from 11.00 am to 5, pm. The total does not include a branch of Boots at 212 Whitby Road, South Ruislip, the closure of which has been notified by NHS England. Presumably, it was uneconomic for the pharmacy to continue. That gives rise to a further concern that despite the closure of two pharmacies in the vicinity, there is still the possibility of an overprovision of Essential Services in the vicinity, should this application be granted. In turn, there is the possibility that granting the application could cause significant detriment to the arrangements currently in place for the provision of pharmaceutical services, but consideration of the implication of this risk may need to take into account further evidence.

- 2.56 The Hillingdon PNA states on page 6 that " ... pharmacies are open early, late and at weekends, all with good accessibility. During certain days and times of the week, community pharmacies are often the only healthcare facility available."
- 2.57 The 2022 PNA also points out on page 5 that Hillingdon's rate of community pharmacy provision per 100,000 population is higher than both London and England, with the Ruislip & Northwood locality (in which this application is based) having the highest number. It is worth noting that pharmacies have also closed in the other two Hillingdon localities. Ruislip & Northwood locality is not predicted to have a significant rise in population over the next 3 - 5 years (page 6). Between them, the pharmacies in this vicinity offer a range of Advanced Services including the Community Pharmacy Consultation Service, the Hypertension Case-Finding Service, (including Ambulatory Blood Pressure Measurement), New Medicine Service consultations, together with Influenza and Covid vaccinations.
- 2.58 There is also the provision of Local Enhanced Services including emergency hormonal contraception and smoking cessation.
- 2.59 In the pharmacy survey conducted as part of the production of the latest PNA, pharmacies expressed their willingness to offer a greater range of services should these be commissioned.
- 2.60 With regard to regulation 18(2)(b)(ii), the applicant makes no claim that people with a protected characteristic are having difficulty accessing services that meet a particular need.
- 2.61 In respect of regulation 18(2)(b)(iii) the applicant is not offering innovative approaches in regard to the delivery of pharmaceutical services.
- 2.62 To conclude, the LPC believes the application does not meet the regulatory requirements for an application offering unforeseen benefits and should be refused.

Comments from the Applicant

- 2.63 Thank you for your letter of 30 October 2023. I act for Atrupharma Limited in the above application and have been instructed by my client to submit the following reply to the comments received from interested parties.
- 2.64 **Boots**
- 2.65 Boots quite rightly state that the closure of a pharmacy does not automatically create a gap in service provision. However, in this case the closure of Lloyds has created a clear gap in provision. Boots then states that;
- 2.66 *We must also note that many 100-hour contracts, like the one in Sainsburys in Ruislip, were granted in localities where applicants knew that standard 40 hour contracts would not be approved, i.e there were no gaps. We challenge as to why the applicant believes there is one now. The applicant has not applied to offer extended opening hours should this be approved, even though they make reference to the loss of such and are not even proposing to open on a Saturday.*
- 2.67 It is possible that Boots has simply copied this from a different letter of objection as it does not correctly reflect the position in South Ruislip. Firstly, the Lloyds pharmacy was a standard 40 hours contract that opened longer than the required 40 hours. It was not a 100 hour exempt contract and was therefore approved due to a requirement for its services.
- 2.68 Secondly, my client has offered extended opening hours and would be open 7 days per week from 8am to 6pm Monday to Saturday and also Sunday from 8am to 4pm – ie 68 hours in total. My client already operates a health care business in South Ruislip

and has heard from many patients about how important the Lloyds pharmacy at Sainsburys was for them.

2.69 As the Committee will see from the extensive report provided with this reply and the patients comments also attached, the remainder of Boots letter is similarly incorrect in its assumptions and the evidence shows why the application should be approved.

2.70 **Chimsons Chemist**

2.71 Chimsons claim that the data provided in relation to Lloyds pharmacy is incorrect. In fact the data we provided is correct.

2.72 As can be seen from the graph below (from NHSBSA data) the Lloyds pharmacy was dispensing between 7,000 and 8,000 items per month but this had fallen to approximately 5,000 as the closure plans were advanced. Dispensing activity also reduced markedly during COVID but was recovering prior to the decision to close the pharmacy.

2.73 [Graph provided within OH papers]

2.74 Chimsons then states;

2.75 *Contrary to the implication in the application, Lloyds Pharmacy's items were not solely dependent on one surgery.*

2.76 No such implication was made in the application and it is difficult to understand how this could have been inferred. South Ruislip attracts people and patients from the immediate residential areas and also those using the extensive facilities available in the area and this is detailed further in the attached report.

2.77 The remainder of Chimsons comments are dealt with in the report attached to this letter. We do note that Chimsons has felt the need to expand their delivery service "In response to the needs of housebound individuals **and those facing difficulties in visiting the pharmacy in person**". This is a clear admission that some patients are now facing difficulties accessing pharmaceutical services. Further, patients cannot access advanced and enhanced services via a delivery driver and these are important services that pharmacy now delivers and which are being expanded by the DoH. For example, the new Pharmacy First Scheme details are about to be announced covering 7 conditions. Patients need accessible pharmacies to use this service as well as other services.

2.78 **Dana Pharmacy, Nu-Ways, Ruislip Manor Pharmacy**

2.79 These objection letters are all similar and the points made are rebutted in both the attached report and the comments above. In all cases these objectors simply claim that their pharmacies can cope with any increase in demand instead of considering the legal test and the needs of patients.

2.80 **LPC**

2.81 The LPC has been able to look at dispensing data that was not available to us at the time of the application being prepared. However, this data is also now out of date as Boots on Whitby Road has also now closed.

2.82 **What is notable about the comments from all interested parties, is that none of them mentions the closure of Boots on Whitby Road despite its obvious impact on both choice and accessibility for patients. The LPC even removes Boots from its data even though it was still open in May 2023 (the date used for their data) and was one of the closest pharmacies to the Lloyds / Sainsburys.**

- 2.83 We deal with the closure of Boots in the attached report.
- 2.84 The Committee should also be aware that neither Lloyds nor Boots were prepared to sell their pharmacies that have closed. My client enquired about purchasing the Lloyds pharmacy and relocating it but Lloyds refused to enter into any process. Boots were also unwilling to sell their Whitby Road branch and preferred to close it, no doubt hoping that the business would largely transfer to their Field End Road branch. In Boots case this appears to be happening as the Field End Road Boots branch has seen an increase of approximately 50% in its dispensing volume from January to July 2023 (latest figures available) and this will no doubt increase further in coming months.
- 2.85 For the reasons given here and in the attached report we submit that this application does meet the test set out in Regulation 18 and the application should be approved.
- 2.86 We look forward to hearing from you in due course.
- 2.87 [Regulation 18(1)(a) quoted]
- 2.88 The officer considers that Regulation 18(1)(a) was satisfied in that NHSCB was required to determine whether it was satisfied that granting the application or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB.
- 2.89 [Regulation 18(1)(b) quoted]
- 2.90 The relevant PNA for this Application is the PNA published by Hillingdon HWBB on October 2022. This is the latest published PNA.
- 2.91 The officer considered the Hillingdon Pharmaceutical Needs Assessment 2022 ("the PNA") prepared by Hillingdon Health and Wellbeing Board, conscious that the document provides an analysis of the situation as it was assessed at the date of publication. The ICB bears in mind that, under regulation 6(2), the body responsible for the PNA must make a revised assessment as soon as reasonably practicable (after identifying changes that have occurred that are relevant to the granting of applications) unless to do so appears to be a disproportionate response to those changes. Where it appears disproportionate, the responsible body may, but is not obliged to, issue a Supplementary Statement under regulation 6(3). Such a statement then forms part of the PNA. It is noted that the PNA was dated October 2022 and that there had been no supplementary statements issued.
- 2.92 The applicant seeks to provide unforeseen benefits to Hillingdon HWBB area. The improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule1. As the application refers to premises that have been closed.
- 2.93 Therefore, the application would need to be assessed in accordance with the regulations under 18(2)
- 2.94 [Regulation 18(2)(a)(i) quoted]
- 2.95 There are 8 pharmacies within 2 kms of the application site, as the crow flies as per NHS UK website. Granting a new pharmacy application could cause detriment to proper planning or the arrangement in place for pharmaceutical services.
- 2.96 **The PSRC have determined that the granting of this application may result in the over provision of essential services in the area. This may cause detriment to proper planning of pharmaceutical services or the arrangements in place for the**

provision of pharmaceutical services in this area. At present there is no evidence that this will be significant.

- 2.97 [Regulation 18(2)(a)(ii) quoted]
- 2.98 The conclusions above relating to 18(2)(a)(i) applied equally to Regulation 18(2)(a)(ii).
- 2.99 **The PSRC have determined that the ICB was not satisfied that significant detriment to the arrangements currently in place for the provision of pharmaceutical services would result from a grant of the application.**
- 2.100 **In the absence of any significant detriment as described in Regulation 18(2)(a), the ICB was not obliged to refuse the application and went on to consider Regulation 18(2)(b).**
- 2.101 [Regulation 18(2)(b)(i) quoted]
- 2.102 The PSRC have reviewed all the above information provided by parties and the additional report from the applicant.
- 2.103 There have been a lot of comments from parties with this application. The current PNA states that residents have access to a pharmacy in the most within a 20 minute walk. There were no gaps and the provision of services were deemed to be sufficient for the population. The PNA could not foresee that two pharmacies would close in this area. What the ICB has to now determine is if these two pharmacies closing mean that residents now do not have a reasonable choice of pharmacies.
- 2.104 Looking at the distance of this site and the pharmacies in the area, most are a distance of at least a mile away and would take 30 minutes or more to walk to, not all have public transport nearby or parking facilities. However, there is one that is approx 21 minute walk away, that is Boots at Field End Road, although this is just short of a mile away, there is public transport that covers this distance with buses that run every 9 minutes, with a short walk from the bus stop to the pharmacy.
- 2.105 There are 8 pharmacies with a 2km distance all are owned by different entities and are open a variety of hours. The applicant's core hours are 9am to 5pm on weekdays any additional hours are supplementary and may be changed with 35 days notice, so whilst the applicant currently would open 8am to 6pm Weekdays and Saturdays and 8am to 4pm on Sundays, this could change, the ICB can only be assured of the 9am to 5pm weekdays.
- 2.106 **The PSRC have determined that the ICB is satisfied that residents of this part of Hillingdon have a reasonable choice of pharmacies. Therefore, if the application were granted this would not secure improvements and better access to pharmaceutical services.**
- 2.107 [Regulation 18(2)(b)(ii) quoted]
- 2.108 There is nothing specific in the application referring to patients who share a protected characteristic and any difficulties that they may have.
- 2.109 **Therefore, the PSRC have determined that the ICB is not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.**
- 2.110 [Regulation 18(2)(b)(iii) quoted]

2.111 Within the application there was nothing in regards to innovative approaches to delivery of pharmaceutical services.

2.112 **The PSRC have determined that the ICB is not satisfied that there are innovative approaches with regard to pharmaceutical services within this application.**

Determination

2.113 The PSTC have determined that there is enough information within the papers to decide the application without an oral hearing.

2.114 There are no pharmacies within the immediate vicinity of the application, so regulation 31 is not engaged.

2.115 With regard to 18(1)(a) the ICB is satisfied that they were required to determine the application.

2.116 With regard to 18(1)(b) the ICB is satisfied that the application would need to be assessed in accordance with the regulations under 18(2)

2.117 With regard to 18(2)(a)(i) & (ii) In the absence of any significant detriment as described in Regulation 18(2)(a), the ICB was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

2.118 With regard to 18(2)(b)(i) the ICB is satisfied that residents of this part of Hillingdon have a reasonable choice of pharmacies.

2.119 With regard to 18(2)(b)(ii) that the ICB is not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.

2.120 With regard to 18(2)(b)(iii) the ICB is not satisfied that there are innovative approaches with regard to pharmaceutical services within this application.

2.121 The PSRC have determined that the applicant not fulfilled the criteria as required in regulation 18(1) & 18 (2) and therefore the Pharmaceutical Services Regulations Committee have refused the application

2.122 **Determination made by NHS North East London ICB on behalf of NHS North West London ICB."**

3 The Appeal

In a letter dated 11 January 2024 (received 31 January 2024) addressed to NHS Resolution, Rushport Advisory on behalf of the Applicant appealed against the ICB's decision. The grounds of appeal are:

3.1 "The grounds for the appeal are set out in this letter with more detail provided in the attached report that forms part of this appeal.

3.2 The ICB Decision

3.3 Whilst the appeal is a *de novo* consideration of the application we note the following points from the ICB decision.

3.4 At page 18 of the Decision Report it states;

- 3.5 *The current PNA states that residents have access to a pharmacy in the most within a 20 minute walk. There were no gaps and the provision of services were deemed to be sufficient for the population. The PNA could not foresee that two pharmacies would close in this area. What the ICB has to now determine is if these two pharmacies closing mean that residents now do not have a reasonable choice of pharmacies.*
- 3.6 And
- 3.7 *Looking at the distance of this site and the pharmacies in the area, most are a distance of at least a mile away and would take 30 minutes or more to walk to, not all have public transport nearby or parking facilities. However, there is one that is approx 21 minute walk away, that is Boots at Field End Road, although this is just short of a mile away, there is public transport that covers this distance with buses that run every 9 minutes, with a short walk from the bus stop to the pharmacy.*
- 3.8 It is notable that by the standard used in the PNA residents or visitors to South Ruislip no longer have a pharmacy within a 20 minute walk. However, such analysis is a very blunt tool and does not consider the nature of an area. A 20 minute walk may be of little consequence in some more rural areas where patients do not typically walk, whereas in a dense urban area (such as South Ruislip) such a walk would take patients through several distinct areas that they would have no reason to visit if it were not for the lack of pharmaceutical services within their own areas. Patients should not have to “get used to” poor service provision.
- 3.9 Further, it is important to consider how patients view the closure of pharmacies within the areas that they live. In this case there is a significant amount of evidence that clearly demonstrates the difficulties being faced by patients who try to access pharmaceutical services. In this regard the ICB received a 32 page document with letters / emails from patients that clearly set out the difficulties that patients were having in accessing existing pharmacies. Along with this appeal we provide the same document updated with additional letters / emails that my client continues to receive from local residents and workers.
- 3.10 This evidence is representative of the views of local people and shows that there is a significant number of patients who share protected characteristics that affect access and that these patients have significant difficulty accessing existing pharmacies. Letters have been received from pensioners, disabled patients, parents of young children and local workers. Similarly, the patient comments demonstrate that granting this application would secure significant benefits in relation to both access and choice for the local resident and visiting population. The ICB simply does not comment or reference the evidence and instead relies on the blunt tools of the PNA.
- 3.11 It must be noted that two pharmacies have now closed in this area. Patients have gone as far as contacting their MP to complain about the lack of service provision and the Committee will note that David Simmonds MP has written in support of this application. This is not simply a matter of an MP writing a letter, but instead has been prompted by the complaints from local people.
- 3.12 The same rationale applies when considering the issue of “reasonable choice”. It is perfectly clear that the people who matter, ie those who rely on local services, do not consider that they have a reasonable choice of pharmacy given that choice is inextricably linked to access.
- 3.13 We ask that the Committee notes the content of the attached report and also the significant level of support for this application and allows the appeal.”

Report dated June 2023

“Introduction

3.14 Atrupharma Ltd have submitted an application for inclusion in the pharmaceutical list for the area of Hillingdon Health and Well Being Board. The location of the proposed premises is at 12 Long Drive, Ruislip, London HA4 0HG.

3.15 This report has been prepared for the applicant, Atrupharma Ltd.

Structure of Report

3.16 This report sets out the case for this application. It is structured as follows:

3.16.1 Section 2 discusses a preliminary matter;

3.16.2 Section 3 sets out the background to the application site and its surroundings;

3.16.3 Section 4 sets out the application;

3.16.4 Section 5 comments on the statutory tests;

3.16.5 Section 6 reviews the Hillingdon PNA;

3.16.6 Section 7 sets out the details of health care provision in Ruislip;

3.16.7 Section 8 provides an assessment against the key regulation 18 tests; and

3.16.8 Section 9 sets out the conclusion.

Appendices

3.17 The following appendices are included:

3.17.1 Appendix 1 Map of Premises and Lloyds

3.17.2 Appendix 2 Map of Long Drive Local Centre

3.17.3 Appendix 3 Map of South Ruislip

3.17.4 Appendix 4 Bus Route 114

Preliminary Matters

3.18 The background to this application is that the Lloyds Pharmacy located inside Sainsbury's South Ruislip Superstore at Long Drive has closed as part of a wider business rationalisation programme. As such the proposal seeks to replace this pharmacy in the same area that Lloyds was located in, so that patients that had used the Lloyds pharmacy experience minimal disruption in how they access pharmaceutical services.

3.19 Since the application was submitted, Boots has announced that is its pharmacy on Whitby Road in South Ruislip which was one of the closest pharmacies to the Sainsburys / Lloyds is also closing.

3.20 The Map below (also at Appendix 1) illustrates that the proposal site is located 100m (180m via pedestrian crossing) from the Sainsbury's Supertstore and Lloyds pharmacy and is located on the same bus route. Indeed the proposal site shares the same bus stops as the Lloyds premises. Also, beside Sainsbury's there is a public car park which customers to Lloyds could have used. These spaces would be equally available to visitors to the Atrupharma premises. The Atrupharma premises are ideally placed to easily accommodate the demands from the patients that are displaced following the closure of Lloyds.

- 3.21 [Map provided]
- 3.22 The photographs below show the intervisibility between the previous Lloyds location and the proposed pharmacy location at Atrupharma. There is only a road separating the two premises and that there is a row of on street parking in front of the proposal site including a disabled parking space.
- 3.23 [Photo provided]
- 3.24 Lloyds dispensed about 5,000 items per month before the decision to run the business down before closure in February 2023. It served its customers using the Dr MLR Siddiqui's Practice, 21 Walnut Way and Queens Walk Medical Centre, 69 Queens Walk. Lloyds was located in between these two surgeries and patients will have gravitated to them for their dispensing needs. It is a walk of between 750 m and 900m from each surgery to the Long Drive Local Centre as shown below.
- 3.25 [Map provided]
- 3.26 While it is not determining, it is a material consideration that the applicant is seeking to replace a successfully trading pharmacy within the same area, with minimal disruption to patients that used it.
- The Site and Surrounding Area
- 3.27 General Location
- 3.28 South Ruislip is in west London located within the Borough of Hillingdon. It is located about 12miles northwest of central London. It is located on the Central Line of the tube. The tube line and the north bound railway line run through South Ruislip. South Ruislip is located just north of the A40 Western Avenue (at the Polish Air Force Memorial Roundabout).
- 3.29 South Ruislip is located east of RAF Northolt, which is also surrounded by large areas of open space bounding the area to the west. To the south and south east where there are large areas of open space beyond the new Gaelic Association Grounds at McGovern Park.
- 3.30 South Ruislip Local Centre is located 150m from the South Ruislip tube station. The bus stops closest to the Local Centre are located at Victoria Road where the London bus 114 stops.
- 3.31 South Ruislip is a mixed borough area with a diverse range of communities living in a densely populated area. The population of South Ruislip (ward) is 16,800. The Hillingdon Council has produced a Local Plan, an extract is below which shows the area along Long Drive as a Local Centre and there are three large housing sites around it (two of which have been developed).
- 3.32 [Map provided]
- 3.33 Long Drive Local Centre (Appendix 2)
- 3.34 South Ruislip is a community centred on the Long Drive Local Centre. The Local Centre is designated by the Council and is a location which provides for day to day needs. The main anchor attraction of Long Drive Local Centre was the Sainsbury's superstore. This store extends to about 5,200 sq m (56,000 sq ft) gross with over 300 surface level car parking spaces. These stores provide an opportunity for people to carryout their weekly car borne one stop bulk food shopping trip but also provide for top up shopping and non food shopping selling household materials, clothing, and electrical goods. The premises also has an internal Argos store and a petrol filling station and a Timpson's Shoe repair service.

- 3.35 This offer has been further enhanced with the opening of a new Old Dairy Centre which is anchored by a large Asda store and provides Cineworld, a Gym, and a variety of restaurants and large areas of car parking. Asda has an opticians, but does not have a pharmacy at this location. It also sells clothing and electrical items and has a petrol filling station. Beside this site is a large Aldi store and a B&M Homestore. This development opened in 2016/17. Just north of Aldi is Braintree Road Industrial Estate which is classed as a Locally Significant Industrial Location.
- 3.36 The Local Centre includes the train station and offices and a hotel and shops on both sides of the railway line. A number of office buildings are located along The Runway which extends north from Station Approach. Just north of the Local Centre is the large Odyssey Business Park which is classed as a Locally Significant Employment Location.
- 3.37 The Long Drive Local Centre includes a vets, hair salons, kitchen fitting studios, plumbing and heating businesses, hot food shops, electronic shops, Chinese medical centres, grocery shops, dry cleaners, newsagents and off licence, public house, bookmakers, cafes, estate agents, beauty salons, carpet and flooring retailers, florists, restaurants, Ruislip nursery (about 30-50 children), health care businesses, South Ruislip Library and Adult Learning Centre and South Ruislip Young Peoples Centre and the sports pitches.
- 3.38 Also in the area is a BP filling station and Halford store.
- 3.39 A short distance to the southwest along Victoria Road is Strategic Industrial Location and a major area of employment, retailing and industrial lands. It includes a number of retail warehouse parks with more shops including Oak Land Furniture, Pets at Home, Homebase, Tapi Carpets and Flooring, DFS and Currys and Benson for Beds. Also in the area is a Lidl, Travis Perkins, Screwfix, Wickes, TK Maxx, Topps Tiles, Carpet Right, Furniture Village, and a wide variety of car showrooms and businesses.
- 3.40 Opposite these shops and businesses is Queensmead School (1435 children between 11 to 18) and Queensmead Sports Centre. Also in the area is Deansfield Primary School (about 600 children), Bourne Primary School (210 children). To the northwest is Ruislip Gardens Primary School (460 children), Ruislip High School (750 children), Field End Junior School (380 children) and St. Swithun Wells Primary (230).
- 3.41 RAF Northolt provides accommodation to service men and women. Within the complex is Bright Horizons providing childcare services for 81 children.
- 3.42 New housing has been developed in the area with:
- 3.42.1 the Old Dairy just north of Long Drive being developed for about 132 apartments;
 - 3.42.2 Bourne Court/ Lancaster Square (north of Station Approach) has been developed for circa 49 units;
 - 3.42.3 Acrol Crescent was built in 2019 with 19 affordable and 14 shared ownership apartments;
 - 3.42.4 Victoria Place (Burnet Court and Kipling House) is a development of 31 apartments; and
 - 3.42.5 the Jewsons site at the junction of West End Road and Station Approach would cater for about 44 units. This has not started yet.
- 3.43 As such there has been in the region of 289 new homes built or approved to be built in recent years. This would boost the population of the area by over 700 people.
- 3.44 The Community Centre services in the area are extensive with:

- 3.44.1 a Library;
 - 3.44.2 Adult Learning Centre;
 - 3.44.3 Young Peoples Centre;
 - 3.44.4 Children's Playground at Arla Place; and
 - 3.44.5 South Ruislip Community Centre.
- 3.45 The Local Centre is the hub for local services for all forms of groups of the community and is the hub for transport with the area being easily accessible by train, tube, bus, car and walking.
- 3.46 In general it can be summarised that this is a heavily populated area which has grown in recent years and seen a significant decline in pharmaceutical services, which is a trend that is inconsistent and incongruous with the growth and demands in the area.

The Application

- 3.47 The application is for a new pharmacy located within the Long Drive Local Centre at Long Drive, South Ruislip. This is an application which is submitted to meet the needs of the large numbers of people that live in the South Ruislip area and who are unable to benefit from a reasonable range and choice of pharmaceutical services.
- 3.48 Atrupharma operate a health supermarket at the premises at 12 Long Drive and this proposal will complement that business. It already attracts people seeking to manage and improve their health AND USED TO BE A PHARMACY BEFORE BEING PURCHASED BY LLOYDS. It is a retail premises and is already very well suited to provide a pharmacy. The access to the premises is level and DDA compliant. In front of the premises is on street parking including a disabled parking space.
- 3.49 The pharmacy will open a total of 68 hours per week from 8am until 6pm Monday to Saturday and from 8am to 4pm on Sunday.
- 3.50 The proposal will provide appliances listed in Part IX of the Drug Tariff.
- 3.51 The proposal will provide all commissioned services and the applicant will ensure that all pharmacists employed are accredited to provide the services. The premises will also be accredited.
- 3.52 The premises will be registered with the GPhC and will comply with all relevant legal and ethical requirements for the operation of a retail pharmacy business.
- 3.53 The premises will have a consultation area to provide services including NMS, Hypertension Case Findings, CPCS and GPCPCS, EHC, Smoking Cessation, Chlamydia Screening and Flu Vaccinations.
- 3.54 The proposal seeks to secure provision of continued pharmaceutical services to the local community of South Ruislip, a community that is facing a reduced pharmaceutical choice because Lloyds have closed their pharmacy at Sainsbury's. As noted above this pharmacy would have been dispensing over 5,000 items a month. The loss of the business and its important geographical location in the hub of this community is a significant change that the proposal seeks to redress. The closure of the nearest Boots pharmacy has further compounded the issues being faced by patients.
- 3.55 As mentioned above, this premises used to be a pharmacy before being purchased and closed by Lloyds. The Applicant, Atrupharma, provides blood tests from the premises currently and the premises already has a consultation area. Atrupharma also

runs urgent care centres and currently employs pharmacists. They are well placed to assess the local needs of this area.

The Statutory Tests

- 3.56 The statutory tests are set out under “The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013” (the “Regulations”). In particular the application should be assessed under Regulation 18.
- 3.57 The first test is whether an application for the improvements for people living in the South Ruislip area has been considered under the Pharmaceutical Needs Assessment for Hillingdon 2022 (the “PNA”).
- 3.58 As shown below the PNA does not foresee the benefits of this proposal. As such this application is an ‘unforeseen’ application and Regulation 18 applies to its assessment.
- 3.59 Other aspects of the Regulations are Regulation 18 (2)(a)(i) whether significant detriment to proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB would occur and Regulation 18(2)(a)(ii) whether significant detriment to the arrangements the NHSCB has in place for the provision of pharmaceutical services in that area would occur.
- 3.60 There is no evidence that granting the application would cause significant detriment to proper planning for provision of pharmaceutical services or the existing provision of pharmaceutical services in the area. It will not cause significant detriment to the closest pharmacy which following closure of Lloyds is some distance away at Boots at Field End Road. Indeed, the application proposal is in part a reaction to the closure and of Lloyds, and as such the proposal will assist with the proper planning of pharmaceutical services.
- 3.61 The other aspects that an applicant can ground their application on includes Regulation 18 (2)(b) (ii) and (iii) being that a proposal will support the needs of people who share a protected characteristic and innovative approaches are being taken.
- 3.62 In terms of protected characteristics as shown below there are a variety of groups that live in this area that would be groups that share protected characteristics, which will be disadvantaged with the closure of Lloyds. Evidence of this and patient support is also provided with this application.
- 3.63 The Regulations have been in place for 10 years and are well understood. They have been distilled into the central issue of whether a proposal will provide better access to pharmaceutical services (Regulation 18(1)(a)) and whether there is reasonable choice of pharmaceutical services (Regulation 18(2)(b)(i)). The Regulations provide no guidance as to what is “better access” or “reasonable choice”, such matters are determined by the facts of the case.
- 3.64 Better access and reasonable choice are clearly evident in this case where there is an evidential context that shows that the Local Centre pharmacy has closed despite the significant level of population in South Ruislip and increasing demands for pharmaceutical services of the local community.

Review of the PNA

- 3.65 The proposal site sits within the boundary of the Hillingdon PNA (2022). The borough is split into three localities. The proposal sits within the locality of Ruislip & Northwood.
- 3.66 The PNA does not foresee the closure of Lloyds, and still includes it as a centrally located pharmacy in the ward of South Ruislip. The PNA does not foresee the potential changes in patterns of movement and the accessibility concerns arising following the closure of Lloyds.

- 3.67 It is also notable that there are no 100 hour pharmacies in the northern area of Hillingdon and granting this application will mean providing access to a pharmacy 7 days per week in this area.
- 3.68 The PNA (page 16) notes the location of pharmacies in respect of public transport. It shows Lloyds at the intersection of a tube line and a bus route. The closure of Lloyds will mean that there is no pharmacy at this transport intersection.
- 3.69 The PNA (page 8) states that Hillingdon's pharmacy provision is within the recognised guidelines. However, it is acknowledged that there are some areas of the borough where the pharmacy is more than 15 minutes walking distance. It states that where this is the case, the pharmacies are readily accessible by public transport and for those driving, have parking close to the premises. The PNA (page 19) illustrates the overlapping nature of pharmacies and a 15 minute walk to these. With the closure of Lloyds the area of South Ruislip around Dr Siddiqui's Practice at Walnut Way is beyond this walk.
- 3.70 [Image provided]
- 3.71 The area around Walnut Way is not on a bus route and people have to walk to the proposal site to access a public transport. The PNA is incorrect in its statement in respect of South Ruislip's accessibility since the Lloyds closure.
- 3.72 The PNA notes that Hillingdon has a population of about 312,670 and 30% of these people live in the locality of Ruislip and Northwood. It notes that the locality of Ruislip and Northwood has higher numbers of older people (+65) compared to the other two localities.
- 3.73 The PNA predicts that the Ruislip and Northwood locality will increase in population over the next 5 years by 1.4% (+1,277 residents).
- 3.74 The PNA implies that Hillingdon is above the England average for number of pharmacies per population. However, the ward of South Ruislip has a population of 16,800 which would support 3.5 pharmacies, and only has one pharmacy. This is an illustration that the broad brush approach of the PNA and analysis by localities can mask potential lack of services. Even with Lloyds, the provision of only 2 pharmacies would have been below average. The closure of Lloyds makes the need for a new pharmacy imperative.
- 3.75 Appendix 1 of the PNA (page 8) notes that at RAF Northolt 2,000 service personnel (from all three Armed Forces), civil servants, and contractors work at RAF Northolt, which has an on site medical centre and dentist. It is notable that RAF Northolt does not have an on site pharmacy and these service personnel have to use pharmacies in the local area. Lloyds was one of the closest pharmacies to for [sic] these personnel, and since its closure these personnel need to travel further if travelling around South Ruislip. It would have been the preferred pharmacy given its abundance of car parking, when compared to the other alternative of Nu Ways Pharmacy which has no car parking.
- 3.76 Appendix 3 of the PNA sets out the pharmacy locations within their wards. Below it can be seen that Lloyds was centrally located within the South Ruislip ward. Loss of this pharmacy leaves a considerable large gap in the coverage. The closest alternative pharmacies are located to the outer edges of the ward.
- 3.77 [Image provided]
- 3.78 The pharmacies outside the borough are shown below. To the south, beyond the Hillingdon boundary, there are no close pharmacies as the area is separated by the large areas of open space, railway lines and the A40. The nearest pharmacies to the south are some distance away.

- 3.79 [Image provided]
- 3.80 PNA predates the closure of Lloyds and cannot have foreseen this. Closure of Lloyds given its car parking, and geographical location in the heart of South Ruislip is an important change which will significantly reduce the choice and accessibility of pharmaceutical services to large populations in South Ruislip. This is all the more significant as demand is actually increasing in the area immediately surrounding the Long Drive Local Centre with a number of large housing developments completed. Consequently the gap in services will widen.
- 3.81 The proposal is clearly unforeseen in Hillingdon PNA 2022.
- Health care in South Ruislip
- 3.82 A Map of South Ruislip is at Appendix 3. As set out above, this application is made by Atrupharma who already operate a health supermarket at Long Drive Local Centre. They are already very familiar with the level of healthcare provision in South Ruislip.
- 3.83 As explained above, the former Lloyds was the principal pharmacy for South Ruislip. The other closest pharmacies are located at the edge of the ward area of South Ruislip. Lloyds was a key service in a large and popular Local Centre, which as set out above includes two large superstores, two mid range supermarkets, a number of smaller grocery shops and a plethora of shops, services and businesses which are meeting the day to day needs of a wide population.
- 3.84 Lloyd's was dispensing 5,000 items per week and it was an important pharmacy for patients using Dr Siddiqui's Practice and the Queens Walk Medical Centre. It will have catered for patients in cars, on foot and accessing the area by public transport. As such, its location was of significance in ensuring that a broad spectrum of patients were catered for.
- 3.85 Other than Lloyds there is no other pharmacy in the Long Drive Local Centre. Beyond Long Drive Local Centre the next health care facilities are the two surgeries.
- 3.86 Dr Siddiqui's Practice is located south west of the proposal site about 900m walk from the proposal site. It has about 4,500 patients and prescribes about 3,700 items per month.
- 3.87 There is no public transport to this area and as such people in the area have to walk to the Local Centre or drive. Obviously, for those that walk, a pharmacy in the Local Centre would be a significant benefit.
- 3.88 Lloyds was often the most popular pharmacy for patients from the practice to have their prescription dispensed. It was closely followed by Nu Way Pharmacy with the level of dispensing sometimes evenly split between the two pharmacies. This illustrates that patients chose between two pharmacies.
- 3.89 Latest data for February 2023 shows the shift from the February 2022 average where Lloyds had 34% share of this practice's dispensing. With the upcoming closure in February 2023, there was a clear shift towards Nu Ways Pharmacy.
- 3.90 [Data provided]
- 3.91 The closure of Lloyds is now forcing these people to make a further trip to access another pharmacy. Given many people around Walnut Drive surgery will live in this area, it is an unreasonable trek to seek out a pharmacy in shopping areas that are significantly detached from their home area and the Local Centre they typically use and patient choice has reduced.

- 3.92 Queens Walk Medical Centre is located about 750m north east of the proposal site. This Medical Centre is located in a densely populated predominantly suburban housing area. It has no shops around it. This Medical centre has a patient list of about 6,500 and prescribes about 6,300 items per month. The walk from this Medical Centre to the nearest pharmacy used to be about 700m north out of South Ruislip to access Boots at 212 Whitby Road. As described in this report this Boots pharmacy has also now closed.
- 3.93 This is a small neighbourhood shopping area where there is some on street car parking. It does not have the same level of surrounding services or available car parking that is provided at Long Drive Local Centre.
- 3.94 [Photo provided]
- 3.95 Similar to Dr Siddiqui's Practice, this Medical Centre's prescriptions were dispensed evenly between Lloyds and Boots, Whitby Road.
- 3.96 Lloyds was consistently the second most important pharmacy for this Medical Centre's patients with the Boots and Lloyds having between 22% and 24% of the share of prescription items per month. This illustrates that patients chose between two pharmacies.
- 3.97 Latest data for February 2023 shows the shift from the February 2022 average where Lloyds had 21% share of this practice's dispensing. With the upcoming closure in February 2023, there was a clear shift towards more reliance on the Boots Pharmacy.
- 3.98 [Data provided]
- 3.99 The closure of Lloyds and the closure of Boots has clearly impacted on patient choice in a dramatic way.
- 3.100 IMPORTANT UPDATE FROM JULY 2023
- 3.101 Since this report was initially prepared, there has been an announcement that Boots has closed their pharmacy on Whitby Road. It is difficult to overstate the impact that this closure will have on the local community, coupled with the loss of Lloyds Pharmacy in Sainsburys.
- 3.102 Queens Walk Medical Centre patients largely relied on the Lloyds and Boots pharmacies that are now closed. The two pharmacies that patients used the most will simply cease to exist.
- 3.103 We respectfully submit that the ICB should carefully consider whether it can be claimed that patients have proper and sufficient access to pharmaceutical services after both of these pharmacies have closed in the community.
- 3.104 Other Pharmacies
- 3.105 For completeness there are two other pharmacies worth noting.
- 3.106 Nu-Ways Pharmacy, 292 West End Road is located 1.1miles walk northwest of the proposal site. This pharmacy opens 9 am to 7pm Monday to Friday and from 9 am to 2pm on Saturday. It is closed on Sunday.
- 3.107 [Photo provided]
- 3.108 The walking route to Nu-Ways Pharmacy is below.
- 3.109 [Map provided]

- 3.110 The pharmacy dispenses on average 4,200 items per month. It does not have any car parking at the premises and is not on a bus route.
- 3.111 Boots, 716 Field End Road, is located about 0.9 miles walk east of the proposal site. It opens 9:30am to 7pm Monday to Friday, 9am to 5pm on Saturday and is closed Sunday.
- 3.112 [Photo provided]
- 3.113 Boots dispenses about 4,800 items on average per month. More than half of its dispensing items are prescribed at Acrefield Surgery which is located beside the shopping parade only about 50m from the Boots premises. This Boots premises is not located to cater for the patients resorting to the Long Drive Local Centre.
- 3.114 [Map provided]
- 3.115 The public transport between Long Drive Local Centre and Field End Road is shown below. Whilst there is a bus route, this stops on Holyrood Avenue and requires patients to double back and walk up Field End Road to access a pharmacy.
- 3.116 There would be no other pharmacies that would be a consideration in this case.

Assessment against the Regulation 18 tests

- 3.117 Regulation 18 (20)(b) (i-iii) [sic] is well known and sets out the following:
- 3.118 [Quoted]
- 3.119 Reasonable Choice
- 3.120 The first consideration is whether there is a reasonable choice with regard to obtaining pharmaceutical services in this area.
- 3.121 Clearly where a long established pharmacy that operated strongly and contributed to the local needs of a large urban population closes, it creates a case that reasonable choice has been reduced and that there is no longer reasonable choice. The pharmacy was located between two Surgeries which has a combined patient list of over 10,000 and are prescribing 10,000 items per month. For one of the surgeries, (Dr Siddiqui's) Lloyds was comfortably the closest and indeed for many people the only realistic pharmacy location for patients to collect their prescription.
- 3.122 That consideration of reasonable choice is informed further by the location and role in the community that the former pharmacy played. In this case, Lloyds was located midway between two suburban GP surgeries and was the only pharmacy located between these two surgeries. The natural gravitation for people in the South Ruislip area is to travel to the Local Centre, whether that is for shopping, services, food and meals out or to catch the tube train into work in central London.
- 3.123 The location of a pharmacy within this significant Centre was a core offer that facilitated people on their daily travels. The role and function of the Long Drive Local Centre has been enhanced in recent years with the developments of additional large shops and the delivery of new housing.
- 3.124 Increased people are using the Local Centre. Patients from around South Ruislip are still having to make this trip for the services and shopping and indeed work commutes, except now they have to travel out of their area to the north and east to seek out and access a pharmacy. This is wholly inadequate.

- 3.125 This is a significant degradation in services for the large numbers of patients that live and move around the area. The Local Centre attracts children to the local Young Peoples Centre, schools and playgrounds in the area. It attracts people to the local library and the adult learning centre. The Local Centre is naturally the hub for all community attraction and the provision of pharmacy would be expected to form part of that function.
- 3.126 At present the South Ruislip area has a population of 16,800 and is only served by pharmacies located on its periphery and has lost its principal centrally located pharmacy. The loss of the Lloyds Pharmacy has caused a significant displacement of patients and forces them to alter their daily patterns of movement away from their main shopping and service Local Centre at Long Drive.
- 3.127 The next nearest pharmacy that patients could access was Boots on Whitby Road. As of July 2023 Boots has confirmed that this pharmacy will also close. To the extent that there may have been reasonable choice for patients, this has been dramatically eroded with the Lloyds closure and the Boots closure.
- 3.128 As shown in Section 3 about 289 new homes are provided (or will be) in South Ruislip which will increase the population for the area by a further 700 people. This increases further the demand for pharmacy services in close proximity to the proposal site.
- 3.129 In addition, while it is difficult to estimate the number of people in the Local Centre, Transport for London figures indicate that during the week there would be about 2,500 people entering the tube station daily. This illustrates the commuter activity in the area.
- 3.130 [Graph provided]
- 3.131 A large superstore such as Sainsbury's would achieve a footfall of about 30,000 customers per week. Asda would have similar and Aldi would have a third of that. As such from those three shops there would be 70,000 people coming into Long Drive Local Centre for their grocery shopping alone.
- 3.132 On its own this is clear evidence that South Ruislip does not have a reasonable choice of pharmaceutical services.
- 3.133 Car Parking Inadequacies
- 3.134 With the closure of Lloyds, patients have lost the main pharmacy with the largest car park. The next nearest pharmacy at Nu-Ways Pharmacy has no parking in front of it and patients have to use parking shared with other business and residents in the wider area. There are small numbers of parking spaces at Boots but this would not be capable of accommodating the volumes of patients that would naturally come into Long Drive Local Centre.
- 3.135 The Atrupharma shop has on street parking and a public car park beside it. There is also parking available at both Sainsbury's and Asda and as such there is abundant opportunity for people in cars to get parked to access the proposal site.
- 3.136 Opening hours
- 3.137 The proposal site will open until 5pm on Saturday and between 8am and 4pm on Sunday. This is reflective of the shopping patterns in the Long Drive Local Centre. There will be patients and shoppers attracted to this area during Saturday evenings and on Sunday. These are improved opening hours compared to the other pharmacies in the area which all close earlier on a Saturday and are closed all day Sunday.
- 3.138 Complements Existing Business

- 3.139 The Atrupharma business already attracts health-conscious people that seek to purchase over the counter health care treatments. Including pharmaceutical services as part of this business will allow additional advice and treatments to be provided to customers that are also potential patients as well as enabling them to have nd [sic] that require prescriptions dispensed.
- 3.140 Bus Routes
- 3.141 At present the only bus route 114 (Appendix 4) through the South Ruislip area passes through the Local Centre and allows travellers to make linked trips to the tube station and their local shops. Providing a pharmacy close to this bus route is already an expectation given the close proximity that Lloyds was to the bus stops. The proposal will meet the long established needs of patients that visited the Local Centre for their dispensing needs without cause any material disruption to their journey.
- 3.142 The loss of the Lloyds pharmacy, means that the Nu-Way is not a reasonable option for patients, and given the Boots at Field End Road is not well used by the 10,000 or so patients in the South Ruislip area, means that these patients have limited public transport access to their pharmaceutical services. The proposal will of course remedy this inadequacy.
- 3.143 Population of South Ruislip
- 3.144 The Infograph below shows the population in 2021 of South Ruislip to be 16,800.
- 3.145 [Graph provided]
- 3.146 It shows that this area has above the England average of children between the ages of 0-10 and above average people in their mid 30s which would correspond with families.
- 3.147 Similarly, the household sizes also indicate large families in the area with above average household in terms of household with 3 and 4 people within them. The area is below average for single and couple households.
- 3.148 In terms of car ownership, the area has above average single car ownership, and slightly below average in terms of no cars and three car ownership. This indicates the importance of high levels of car parking at pharmacies and would support the case for the pharmacy in the Long Drive Local Centre where car parking is plentiful.
- 3.149 Evidence of Deprivation
- 3.150 The diagram below shows that the South Ruislip area has moderate levels of deprivation spread around the Local Centre area itself where it is among the 6th decile level of multiple deprivation.
- 3.151 [Diagram provided]
- 3.152 The evidence demonstrates that the area around the proposal site has a reasonably significant population, with moderate levels of deprivation and with clear health needs to cater for young families. The area around the proposal site is an area where improved health care can support local people. This is an area where a new (indeed a replacement) pharmacy that provides the full panoply of pharmaceutical services will provide improvements to health care outcomes.
- 3.153 Travel Matters
- 3.154 It has been set out above that the distance of the walk from the proposal site to former Lloyds is insignificant and only across the road. The proposal is therefore ideally placed to replace the former Lloyds. It is also ideally placed to meet the ongoing needs of the population resorting to the Local Centre.

- 3.155 There are limited alternatives for this population to access a pharmacy other than a long walk to Boots (due to close) and Nu-Ways Pharmacy. The only public transport accessible Boots still includes a walk and is not well used by residents from the area around the Long Drive Long Centre.
- 3.156 There is no guidance provided dealing specifically for access distances to pharmacies for any population. However, having to increase the walking distance to a pharmacy, because of the closure of Lloyds has been a clear reduction and deterioration in services for the local population.
- 3.157 Other needs in the area
- 3.158 It is noted that there are also a large number of schools in area around the proposal site. These schools are listed earlier. There is in the region of 4,000 children per day moving around the South Ruislip area. These children will have demands for health care and pharmaceutical services, which the proposal site is well placed to meet.
- 3.159 Service families
- 3.160 Service families have their own facilities within RAF Northolt, however they do not have access to a pharmacy [sic]. It would be typical of these families to look to the Long Drive Local Centre for the daily off site needs. A local pharmacy within Long Drive Local Centre will support these families.
- 3.161 Secure Improvements
- 3.162 It is shown above that South Ruislip has a limited range of pharmacies. The population of South Ruislip have seen a reduction in pharmacies in recent months. The opening of a new pharmacy will support the existing community and help to sustain the level of service provided when Lloyds were open. It will clearly secure improvements for the local population, given its close proximity to a variety of large numbers of shops and services, public transport, community facilities and schools in this area.
- 3.163 For many patients locating a new pharmacy within the Long Drive Local Centre will remove the need to make a bus journey elsewhere to access a pharmacy. For others it will allow them to return directly home to commence their recovery from illness without having to make multiple bus trips.
- 3.164 Better Access
- 3.165 The access issues for the people in South Ruislip area are set out above. With the closure of Lloyds there will be no pharmacies within walking distance of the proposal site. Even for those that use public transport, and the private car, having a pharmacy within a Local Centre which is located central within the South Ruislip area and on a main bus route will mean that patients can benefit from a more accessible and useable pharmacy and will not incur the expense and timing consuming trips to visit other pharmacies where parking availability is severely limited.
- 3.166 Protected Characteristics
- 3.167 The proposal will cater for people of protected characteristics. Children and elderly people living in the South Ruislip area would be groups with shared protected characteristics. These protected groups are having to make long journeys into their [sic] nearest pharmacist following the closure of Lloyds. The proposal will address this matter and will ensure that a full pharmacy service is provided to these protected groups.
- 3.168 Summary

- 3.169 Overall, having considered the requirements of Regulation 18 the proposal should be granted as there is not reasonable choice of pharmacy services in the South Ruislip area specifically bearing in mind the localised issues of residential growth, the reduction in pharmacies in the immediate area and distances to the existing pharmacy network. The proposal will confer significant benefits to the South Ruislip population, and these benefits are wholly unforeseen.

Conclusion

- 3.170 South Ruislip is an area of Hillingdon that does not have a reasonable choice of pharmacy services and is clearly in need of better access to pharmacy services. Following assessment of the circumstances of South Ruislip the applicant contends that the application is an unforeseen proposal that will satisfy the requirements of Regulation 18.”
- 3.171 [Supporting information, Appendices, Letters of support and map provided at Appendix A]

4 Summary of Representations

This is a summary of representations received on the appeal.

4.1 THE ICB

- 4.1.1 “This is an unforeseen benefit application as such it is for the applicant to prove that their application has an unforeseen benefit to the HWBB area.
- 4.1.2 The Applicants reasoning for the application is that two pharmacies have closed in the area, one before the application was submitted and one after. The suggestion is that the closures leave a significant area of South Ruislip without reasonable access to NHS services. These pharmacies have been closed for some time now, so patients have had to find alternative arrangements to access NHS Pharmacy services. The closure of a pharmacy does not automatically mean that someone has to take their place. The Hillingdon PNA has not been updated or any supplementary statement issued since these closures.
- 4.1.3 The applicant does not offer to provide any additional hours that others do not provide as their core hours are 9am to 5pm on weekdays, the additional hours are supplementary and may be changed with 35 days notice.
- 4.1.4 The application does not offer any innovative approach with the delivery of Pharmaceutical services.
- 4.1.5 We note that the report that the applicant has submitted, has a number of letters from patients, who would appear to have been having prescriptions dispensed at Lloyds Pharmacy. Obviously the closure of this pharmacy means that patients have to travel further for access to NHS pharmacy services or use a distance selling pharmacy. We would therefore expect these patients to want a pharmacy near to the original site as it is easier for them to access. However, this does not mean that it should be granted. We have to take a holistic view of the services offered and if there is reasonable access for patients.
- 4.1.6 Taking on board the information from the PNA, the PSRC determined that it was satisfied that patients in this part of Hillingdon had a reasonable choice of pharmacies and therefore this application would not secure improvements or better access to pharmaceutical services.”

4.2 CHIMSONS CHEMIST

- 4.2.1 “In response to Atrupharma Limited's appeal concerning their application under Regulation 18, I am compelled to address the salient points raised after a thorough review of their assertions.
- 4.2.2 Here are the key points articulated in their appeal and our responses, aligned with pertinent regulatory guidelines:
- 4.2.3 1. Our initial opposition to the application underscores that the proposed expansion of delivery services does not indicate that there is a gap in service provision within the area.
- 4.2.4 2. I would like to reiterate that the pharmaceutical services proposed by the applicant are already adequately provided by existing pharmacies, including our own. Furthermore, our pharmacy will remain open during bank holidays, Christmas, and Easter holidays to ensure continuous service provision.
- 4.2.5 3. The applicant fails to substantiate claims regarding the innovative nature of their service delivery model and its purported enhanced accessibility.
- 4.2.6 4. Claims regarding the novelty of the pharmacy first service offered are refuted, as similar services are readily accessible to other pharmacies in the area as well as distance selling pharmacies are allowed to provide this new service.
- 4.2.7 5. The proximity of the proposed site to medical facilities such as Queens Walk Medical Centre and Dr. MLR Siddqui's Practice does not justify the establishment of additional pharmacies, given the abundance of existing service providers in the vicinity.
- 4.2.8 6. There is a mention of bus route 114. I'd like to point out that this same route, 114, covers Ruislip Manor Station, situated on Victoria Road, which hosts three pharmacies along the same parade of shops.
- 4.2.9 7. Assertions regarding the population density within South Ruislip fail to account for the proposed site's peripheral location, limiting its reach to the area's primary demographic.
- 4.2.10 8. Assertions regarding car ownership and access to parking facilities are addressed by the availability of free parking in proximity to existing pharmacies, facilitating ease of access for residents.
- 4.2.11 9. Claims of proximity to RAF Northolt are invalidated by the presence of closer pharmacy facilities, such as Nu Ways Pharmacy (have parking including disabled parking), catering to the needs of RAF personnel.
- 4.2.12 10. There is mention ... in the appeal that Lloyds was dispensing 5000 items per week which does not match with the Pharmdata.
- 4.2.13 In conclusion, we urge NHS Resolution to conduct a thorough evaluation of the appeal within the confines of the established regulatory framework. Maintaining the status quo in pharmaceutical service provision aligns with the best interests of the community and the overarching healthcare system.”

4.3 DANA PHARMACY

- 4.3.1 “We're writing to say we disagree with approving a new NHS pharmacy contract and ask the commissioners to listen to our concerns.
- 4.3.2 Our worry is that we already have enough pharmacies around, even with Lloyds in Sainsbury's closing down. Also, the Boots store on Whitby Road

closing is a different problem. Many people who used Boots have moved to other pharmacies like the Boots in Field End Road and other local pharmacies.

- 4.3.3 Sometimes, patients have to travel to see a doctor, so having pharmacies nearby is important.
- 4.3.4 People in Hillingdon can get around easily, and we also offer delivery for patients who can't leave their homes. Plus, we provide phone consultations through Pharmacy First and other services.
- 4.3.5 Bringing in a new contract might disrupt the service already in place for the patients. We've got everything covered, and our patients have plenty of options and we do not think it is required."

4.4 NU-WAYS PHARMACY

- 4.4.1 "We would request that our objection to a new NHS pharmacy contract application and the decision of the commissioners of refusal be upheld. There have not been any significant amendments for the appeal to be granted and there are many factual inaccuracies in the appeal lodged by Rushport Advisory on the letter dated 11th January 2024 which we would like to clarify.
- 4.4.2 As mentioned by the LPC, there are no gaps in the pharmaceutical services provided to the community, which is already served by more than the average pharmacy per head in England and all 5 pharmacies in the area still dispense less items than the national average. There is no lack of choice and the proximity to all pharmacies remains as good.
- 4.4.3 Section 4.3 states 'that the pharmacy will be open 68 hours per week' but on the original proposal the total proposed core opening hours are Monday to Friday 9am to 5pm.
- 4.4.4 Section 6.6 states 'the area around Walnut Way is not on a bus route' however this is incorrect. Walnut Way is served by the bus route E7 and is only 4 stops away from Nu-Ways Pharmacy, a journey of 9 minutes. We regularly have patients who travel to and from Dr MLR Siddiqui's Practice (21 Walnut Way).
- 4.4.5 [Photo provided at Appendix B]
- 4.4.6 Section 6.10 states 'RAF Northolt does not have an on site pharmacy' – this is incorrect. There is an on-site pharmacy at RAF Northolt - pharmacists at Nu-Ways regularly communicate with the dispensers and doctors there and whenever certain medicines are not available at their site, we dispense prescriptions for them as well.
- 4.4.7 Section 6.10 states 'Nu-Ways Pharmacy has no car parking', which is also incorrect. Please see the street view maps below which show the abundance of parking available in four different areas, all available within very close proximity of the pharmacy. All of these provide 30 minutes free parking. In addition to this, there are no parking restrictions on West End Road and surrounding streets, accessible within a 3 minute walk.
- 4.4.8 [Photos provided at Appendix B]
- 4.4.9 Section 6.10 also states 'Lloyds was one of the closest pharmacies [to RAF Northolt]' – this is incorrect. Nu-Ways is the closest pharmacy and has been supporting RAF service personnel since the last 12 years. It is accessible via a 7 minute walk, 4 minute bus journey via the E7 route (with a stop outside Nu-Ways Pharmacy) or a 1 minute drive.

- 4.4.10 [Image provided at Appendix B]
- 4.4.11 Section 7.3 states 'Lloyd's was dispensing 5,000 items **per week**' which is highly inaccurate. Dispensing Data from December 2022 shows they dispensed 4299 items **in the whole month**.
- 4.4.12 Section 7.6 states 'there is no public transport to the area' – this is incorrect as there is the E7 bus route as previously mentioned (refer to Figure 1) and the Central line to Ruislip Gardens which is only 1 stop away, a 1 minute journey.
- 4.4.13 [Image provided at Appendix B]
- 4.4.14 Section 7.22 states '[Nu-Ways] does not have car parking at the premises and is not on a bus route'. This is false as there is abundant parking outside Nu-Ways, as shown in Figures 2, 3, 4 and 5, and is served by E7 bus route, the bus stops of which are located a 1 minute walk away. Nu-Ways is also served by tube by Ruislip Gardens station (refer to Figure 7), a mere 5 minute walk away.
- 4.4.15 [Photo provided at Appendix B]
- 4.4.16 With reference to section 8.1 regarding people with protected characteristics, Nu-Ways has disabled parking spaces immediately outside (shown below) and we also deliver to vulnerable and housebound patients.
- 4.4.17 [Photos provided at Appendix B]
- 4.4.18 In conclusion, considering the fact that Ruislip has sufficiently catered for pharmaceutical services, I believe the decision of the commissioners of refusal should be upheld. There are many factual inaccuracies within the appeal which I have aimed to clarify as these have skewed the data and do not reflect the reality of the matter."

4.5 RUISLIP MANOR PHARMACY

- 4.5.1 "We would request that our objection to a new NHS pharmacy contract application and the decision of the commissioners be upheld.
- 4.5.2 We would reiterate that there are sufficient and comprehensive pharmaceutical services in the locality despite the closure of Lloyds in Sainsbury's that the original application was for. The closure of an uneconomic Boots branch in Whitby road being an entirely new matter. Many of the existing Boots patients being consolidated in Field End Road branch and other pharmacies of their choice.
- 4.5.3 There are occasions where a patient would need to travel to access F2F care but they need to do this to access their GP, or other care in any case and many existing pharmacy contractors are nearby most GP practices. The new "on the day appointment hubs" being planned are not being put on people's immediate doorstep but in a location that can support the level of activity and viability of the service Eastcote Health centre being one such location.
- 4.5.4 This is a new reality and patients already travel and do travel to obtain health service and care and advice in addition to teleconsultations.
- 4.5.5 There are good transport links and car ownership for most Hillingdon residents. People who are housebound or vulnerable have access to many delivery to door service and telephone advice is increasing with launch of Pharmacy First.

- 4.5.6 A new contract could reduce the possible provision of service from existing contractors to an established patient base.
- 4.5.7 There are no gaps in provision of pharmaceutical care there are good access and a variety of choice for patients including online."

5 Observations

5.1 RUSHPORT ADVISORY ON BEHALF OF THE APPLICANT

- 5.1.1 "As the Committee will be aware, my client already operates a Healthy Living Shop from their premises at 12 Long Drive and is owned by medical professionals. My client has seen a very clear gap in health services in South Ruislip and has their GPhC inspection within the next 2 weeks and expects to open as a private pharmacy in the near future. Adding NHS services will be a very significant benefit for patients, especially given the closure of the nearest local pharmacies.
- 5.1.2 My client's current premises already open 7 days per week and will also provide pharmacy services 7 days per week should the application be approved.
- 5.1.3 We ask that the Committee notes the content of the attached report and also the significant level of support for this application and allows the appeal."
