

12 September 2024

REF: SHA/26228

APPEAL AGAINST WEST YORKSHIRE ICB DECISION TO REFUSE AN APPLICATION BY WWM PHARMA LTD FOR INCLUSION IN THE PHARMACEUTICAL LIST OFFERING UNFORESEEN BENEFITS UNDER REGULATION 18 WITHIN 100M RADIUS OF THE CLOSING BOOTS STORE LOCATED AT 64A WINDHILL ROAD, WAKEFIELD WF1 4SD (BEST ESTIMATE)

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1 Outcome

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

A copy of this decision is being sent to:

PSC, on behalf of WWM Pharma Ltd
PSCE, on behalf of West Yorkshire ICB
Community Pharmacy West Yorkshire
Wakefield Health and Wellbeing Board

Advise / Resolve / Learn

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CLOSING BOOTS STORE LOCATED AT 64A WINDHILL
ROAD, WAKEFIELD WF1 4SD (BEST ESTIMATE)**

1 The Application

By an undated application, WWM Pharma Ltd (“the Applicant”), through its representative Pharmacy Sales and Consultancy (“PSC”), applied to West Yorkshire ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 within 100m radius of the closing Boots store located at 64a Windhill Road, Wakefield WF1 4SD (best estimate). In support of the application it was stated:

In response to section 5 ‘Applications that are in close proximity to other listed chemist premises’, the Applicant stated:

- 1.1 “The Boots store currently located at 64a Windhill Road is due to close in October 2023 and once it does there will be no pharmaceutical services within the immediate vicinity of the best estimate location.”

Information in support of the application

- 1.2 “In accordance with the NHS (Pharmaceutical Services) Regulations 2013 we would ask NHS England to take into account the following information when considering this application for inclusion on the pharmaceutical list.

- 1.3 Our clients, WMM Pharma Ltd, believe that should NHS England (“NHSE”) grant this application [sic], as it will secure improvements in terms of both the access to pharmaceutical services for the local population and the range of services provided in the wider area.

1.4 **Background**

- 1.5 Our clients have become aware that the Boots Pharmacy located at 64a Windhill Road, Wakefield West Yorkshire WF1 4SD will be closing in early October 2023. We believe Boots have submitted a closure notice to NHSE and at the time of preparing this document are waiting for confirmation of the final closing date.

- 1.6 We are unaware of the reasons for Boots deciding to close the pharmacy but there is a large resident population living in the immediate area of the proposed location who are heavily reliant on a pharmacy in the area to cater for their health needs and medication. Within the specified area for this application there is also a long-established GP surgery, namely Eastmoor Health Centre.

1.7 **General Information**

- 1.8 The proposed location for this pharmacy is within the vicinity of the closing Boots store on Windhill Road (please see map 1 highlighting the best estimate area) which is in the centre of the Eastmoor housing estate.

- 1.9 In addition to the Boots store and Eastmoor Health Centre the parade has a convenience store, pizza take away, fish and chip shop plus a few metres down a larger convenience store with a post office.
- 1.10 Slightly further afield but still within the same housing estate there are the following facilities:
- 1.10.1 Salvation Army branch
 - 1.10.2 St Swithens Community Centre
 - 1.10.3 Outwood Academy Secondary School
 - 1.10.4 Ivy Lane Special Education School
 - 1.10.5 Oakwood Primary Academy School
 - 1.10.6 Earls Lodge Care Home
 - 1.10.7 Outwood Primary Academy Greenhill School
 - 1.10.8 Rugby Club
 - 1.10.9 Open Spaces
 - 1.10.10 Places of Worship
- 1.11 There is plenty of free and available parking in the area and these facilities cater for residents every day requirements without the need to travel out of the area.
- 1.12 The housing is densely populated and consists primarily of local authority/ex local authority and private semi-detached/terraced properties built mainly during 1950's and 1960's.
- 1.13 **Existing Pharmacy Provision**
- 1.14 The only pharmacy within the immediate area of the application is the Boots store which is due to close in October. We believe Boots have submitted a formal closure notice to NHSE.
- 1.15 This pharmacy has been established in the area for many years and local residents have become accustomed to accessing pharmaceutical services as part of their everyday lives. That comment particularly applies to residents who visit Eastmoor Health Centre which is located with 50m of the Boots store. They are used to visiting their GP and walking to the Boots store to pick up their medication.
- 1.16 The pharmacy is consistently dispensing in the region of 4,500-5,000 items/month (according to Pharmdata website) showing that it is well used by the local community.
- 1.17 Whilst we fully accept Neighbourhoods no longer form part of the regulations it is clear from the map that the Eastmoor Estate is virtually self-contained by the following boundaries (see map 2)
- 1.17.1 A642/A61 to the west
 - 1.17.2 Railway line to the south
 - 1.17.3 A6194/River Calder to the east

1.17.4 A6194 to the north

- 1.18 There is only one other pharmacy within the above area which is another branch of Boots located at 82 Upper Warrengate Wakefield WF1 4JZ. The distance between the proposed site and this Boots branch is 1km as the crow flies but the journey between the two is in fact nearer 1,500m by the most practical route on foot. This is approx. 20 minute walk.
- 1.19 **Of great significance is the fact we understand that this Boots store is also earmarked for closure in October.** [Applicant's emphasis]
- 1.20 Should that be the case the entire area outlined above will be left with no pharmaceutical services at all.
- 1.21 The next nearest pharmacies are some distance away (in excess 1 mile by the most practical route in all cases) serving different communities as follows:
- 1.21.1 Boots 26/28 Upper Kirkgate WF1 1UP. Approx 1.2 miles distant (24-minute walk) by the most practical route. The pharmacy is located within the town centre and serves a different population.
- 1.21.2 Pharmacy Plus Health, Union Square Wakefield WF1 1TT. Approx 1.3miles (26-minute walk) by the most practical route. Again, close to the town centre and serving a different population.
- 1.21.3 Kingfisher Chemist 192 Kirkgate WF1 1UE. This pharmacy is approx. 1.3 mile distant (26-minute walk) and is located on the southern fringe of the town centre.
- 1.21.4 Trinity Pharmacy, Trinity Health Centre, Thornhill Street WF1 1TT. This pharmacy is located within a health centre and within 50m of Pharmacy Plus Health.
- 1.22 Map 3 showing these pharmacies is attached to this document.
- 1.23 The above pharmacies are located to the south west of the proposed site. The existing pharmacies to the West, North and East of the proposed site are much further afield so it can be seen that the closure of one or both these Boots branches will leave a large residential area with a distinct lack of pharmaceutical services.
- 1.24 There are of course other pharmacies further afield, but we don't believe any of those (or in fact the four mentioned above) are relevant to this application due to the distance from the proposed site. In addition, they clearly serve different populations in established settings.
- 1.25 Existing Medical Provision
- 1.26 Eastmoor Health Centre is located within 50m from the closing Boots store. The surgery is a purpose built complex and has its own car parking facilities.
- 1.27 The surgery writes approx. 4,500/5,000 items/month and the Boots pharmacy adjacent is dispensing approx. 70% of the items dispensed by the surgery (information from Pharmdata).
- 1.28 The next closest GP surgeries are as follows:
- 1.29 Warrengate Medical Centre, 78 Upper Warrengate WF1 4PR which is very close to the Boots store which our client believes is due to close shortly.

- 1.30 Trinity Medical Centre, Thornhill Street WF1 1PG. Trinity pharmacy is co-located with these GPs.
- 1.31 **Unforeseen Benefits**
- 1.32 Within the Wakefield Pharmaceutical Needs Assessment (PNA), published in 2022, there is no specific mention of a gap in pharmaceutical services within the proposed area as of course the Boots store was trading at the time it was published.
- 1.33 In many ways that means that the conclusions reached within the PNA document are not relevant to this application as if the Boots branch on Windhill Road (and indeed the other one on Upper Warrengate) close, the level of pharmaceutical provision within this specific location will have changed significantly.
- 1.34 We are required by NHS England to address two specific questions in this supporting information:
- (i) *“Please describe the unforeseen benefit(s) that you are offering to secure and how it will secure improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB area”.*
- (ii) *Please explain how you intend to secure the unforeseen benefit(s).*
- 1.35 When considering these questions, it is worth noting the provisions of Regulation 18(2)(b) as highlighted below: [quotes Regulation 18(2)(b)]
- 1.36 The implication is NHS England does not have to find evidence in respect of all three of these matters. These are simply matters it is required to take into account when deciding the application.
- 1.37 In fact, even if it does not find that any of the three matters discussed in (18)(2)(b) apply, the overarching test is whether *granting the application would secure improvements, or better access, to pharmaceutical services in the area of the HWB*. In our opinion there is clear evidence that it would.
- 1.38 We have addressed both of the questions above by setting out in further details below:
- 1.39 **1. Securing better access**
- 1.40 The matters of access and choice are inextricably linked. Whilst it may be the case that there is a choice of pharmacy provider within the Health & Wellbeing Board (HWB) area, this does not mean that the choice for residents is *reasonable* if they are not able to access these pharmacies when they need to.
- 1.41 Obviously whilst the Boots store on Windhill Road is trading, the residents have easy access to services. However, following the closure of the branch within the next few weeks (and we are informed it will close) residents will of course be denied those services.
- 1.42 In addition, if our client has been informed correctly and the Boots on Upper Warrengate (which is the closest existing pharmacy to the proposed site) also closes, there is an even stronger argument to say there is a significant gap in services within the area.
- 1.43 Whilst there are existing contractors as described earlier in the surrounding areas, they are some distance away, and it is our view that those residents living in the Eastmoor Estate will not have reasonable choice of contractor once the Boots store closes. This is particularly true for those who do not have access to a motor vehicle.

- 1.44 The nearest pharmacies are all in the town centre itself and basically are serving a different population to those living in the Eastmoor community. All those pharmacies are more than 20 minutes' walk from the proposed site and for those residents living further to the east or north the journey times would be considerably longer than that.
- 1.45 Accessing other established contractors would add significant distance to that journey further restricting choice for many patients.
- 1.46 Residents have for many years had the benefit of the Boots on Windmill Road and utilised its services. The closure of this pharmacy will without doubt leave a significant gap in services within the area and this application, if approved, will address that gap.
- 1.47 **2. Choice of pharmaceutical service provider**
- 1.48 The relevant consideration in the case of this application is whether residents of, and visitors to, the area identified in our application have *reasonable* access to existing pharmacies. If they do not, then it follows that they do not have reasonable choice.
- 1.49 Clearly the residents of the area where the applicant proposes to open the pharmacy currently have provision provided by the Boots store. Once the store has closed, they will not have any choice of provider as there will be no pharmaceutical services within the vicinity. Patients will be forced to travel out of the area to access existing services.
- 1.50 By approving this application, it is clear that residents will benefit by having their choice of contractor restored.
- 1.51 If this application is approved, our clients intend to offer the local residents a full and comprehensive pharmaceutical service to replace those that have been offered by Boots for many years, ensuring that local residents can, once more, access pharmaceutical services when they need them.
- 1.52 **Patient groups sharing protected characteristics**
- 1.53 For those people who are elderly, less abled or families with very young children (all of which can be classified as having protected characteristics) access to the existing pharmacies is likely to be more difficult than for those who are more mobile. This would particularly apply if these people are unable to drive or don't have access to a motor vehicle.
- 1.54 Following the closure of the Boots store the closest existing pharmacy to the site for this application is not easy to access for those who do not have a motor vehicle. If they are elderly, in poor health or have mobility issues, for example, the journey they face to access pharmaceutical services would be much more difficult than first appears.
- 1.55 We firmly believe if this application is approved it will ensure that residents retain their choice and access to pharmaceutical services which they have enjoyed and become accustomed to for many years in the local area."

2 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 10 May 2024 states:

[Any reference to 'Committee' in this section is not to be confused with the Pharmacy Appeals Committee of NHS Resolution]

- 2.1 "West Yorkshire 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 Pharmaceutical Services Regulations Committee Decision Report:

- 2.2 **“WY - AAA Healthcare Ltd, ANR Locums Ltd, Exel (Chemists) Ltd and WMM Pharma Ltd**
- 2.3 SR presented a joint paper for four Unforeseen Benefits (UB) applications for the above-mentioned applicants. The applications have been submitted in response to the recent Boots closures within Eastmoor. Following receipt of several types of applications within the same area of Wakefield, agreement was sought from PSRC to consider all the unforeseen benefit applications together, as the same Regulations would apply. PSRC confirmed at the meeting held on the 6th of September 2023 that all five (reduced to four following the applicant's withdrawal) Unforeseen Benefits applications should be determined together.
- 2.4 The other applications within this same area would be processed and determined accordingly. PSRC determined and granted the NSCR application at the January 2024 meeting. It was noted that there had been a delay with the Future Need application due to Fitness to Practise and so that is still to be determined and the Identified Current Need application is likely to be determined in May 2024's PSRC meeting.
- 2.5 As part of the papers submitted to PSRC, WY ICB have provided a comparison of the four applications against the regulations to be applied, provided information about the area and details of other pharmacies within the locality. West Yorkshire ICB noted that all four applicants are proposing to provide services in the same way as the previous Boots stores operated and have not proposed any innovative ways of delivering services over and above what was previously provided. In addition to this, none of the four applicants offered extended/better access. All four applicants also stated that the closure of the two Boots stores have denied the residents of Eastmoor access to pharmaceutical services - reducing the choice of services within the area and making patients travel outside the locality. It was noted that, this is in an area where the latest census data shows that 36.7% of households do not own a car and therefore travel by public transport or on foot.
- 2.6 The 2022-2025 Wakefield PNA was published on the 30th of September 2022 and did not identify any gaps or needs that could be met by a routine application. There have been four Supplementary Statements since publication, two statements refer to pharmacy consolidations in Airedale and Castleford, and two refer to pharmacy closures of Boots in Wakefield.
- 2.7 With regards [sic] to Regulation 18(2)(a) (i), there are no identified plans or needs in respect of the provision of pharmaceutical services in the area. It must be noted that whilst there are no identified plans, PSRC did approve a NSCR application in January 2024 for the site at 82 Upper Warrengate, WF1 4JZ.
- 2.8 Following consideration of Regulation 18(2)(a) (ii), West Yorkshire ICB notes that none of the applications offered to secure improvements or better access over and above those already provided within the area.
- 2.9 In considering Regulation 18(2)(b) (i)-(iii), West Yorkshire ICB noted the following:
- 2.10 The application for **AAA Healthcare Ltd** has proposed to be situated within the new development of City Fields, which is currently under construction with an end date of 2040, with an estimated 2500 homes to be built. The applicant states that they will provide 40 core hours Monday to Friday 09:00-17:00 and 46.5 total opening hours during the hours of Monday to Friday 09:00-17:30 and Saturday 09:00-13:00. This is four hours less than the Boots store at 84 Warrengate and 1.5 hours more than the Boots store at 64 Windhill. The application does provide information on the nearest GP surgeries and access to existing pharmaceutical services but provides limited information on how they will secure unforeseen benefits. There is no mention in the application of people who share a protected characteristic having access to services

that meet specific needs for pharmaceutical services that, in the area, are difficult for them to access. To note that the population demographics of a new housing estate would be significantly different to the population of Eastmoor. In the application there is also no mention of any innovative approaches taken regarding the delivery of pharmaceutical services.

- 2.11 The application for **ANR Locums Ltd** has proposed to be situated at 82 Warrengate, WF1 4JZ, one of the previous Boots premises and the site where the recent NSCR was granted by the PSRC in January 2024. The applicant states that they will provide 40 core hours from Monday to Friday 09:00-17:00. The contractor will also open for additional core hours Monday to Friday 17:00-18:30 and Saturday 09:00-13:00 which totals to 51.5 hours. This is the same opening hours as the previous Boots store at this location. The application does not provide information on the nearest GP surgeries and briefly mentions access to existing pharmaceutical services in the city centre but provides limited information on how they will secure unforeseen benefits. There is some mention in the application of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area, are difficult for them to access i.e. crossing the dual carriage way. There is no mention of any innovative approaches taken regarding the delivery of pharmaceutical services, the applicant states that they are looking to 'restore the current level of service provision'.
- 2.12 **Exel (Chemists) Ltd** proposes to be situated at 108 Stanley Road, Eastmoor, which is 0.3 mile from the 82 Warrengate Boots site and 0.7 mile from the 64 Windhill Boots site. The applicant states that they will provide 51.5 core hours Monday to Friday 09:00-18:30 and Saturday 09:00-13:00. This is the same opening hours as the Boots store at 82 Warrengate and 6.5 more hours than the Boots store at 64 Windhill. The application does not provide information on the nearest GP surgeries or access to existing pharmaceutical services. There is no mention in the application of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area, are difficult for them to access and there is no mention of any innovative approaches taken regarding the delivery of pharmaceutical services.
- 2.13 **WMM Pharma Ltd** proposes to be based at 64A Windhill Road, Wakefield, WF1 4SD one of the previous Boots premises. The applicant states that they will provide 40 core hours Monday to Thursday 08:00-12:00 & 14:30-18:00, Friday 08:00-12:00 & 14:00-18:00 and 48 opening hours, Monday to Friday 08:00-13:00 & 14:00-18:00, Saturday 09:00-12:00 which is three hours more than the Boots store at the same site and 3.5hrs less than the site at 84 Warrengate. The applicant's supporting information provides insight into the locality, providing information on existing pharmacy and medical provision within the area. The applicant identifies the challenges patients sharing protected characteristics experience in accessing pharmaceutical services without a pharmacy sited within Eastmoor. It notes that, all existing pharmaceutical providers are at least 1.2 miles away, a twenty-seven-minute walk for a fit person with no mobility issues, and therefore, the applicant's view is that residents living in the Eastmoor Estate will not have reasonable choice of pharmacy contractor - particularly for those who do not have access to a motor vehicle. The applicant reports that the now closed pharmacy at 64A Windhill Road (the applicant's proposed site), was consistently dispensing in the region of 4,500-5,000 items per month according to PharmData website showing that it was well used by the local community, particularly by patients registered at Eastmoor Health Centre fifty metres from the proposed site. The applicant addresses how they will secure better access and how patients sharing protected characteristics can access services but makes no mention of any innovative approaches it would implement regarding the delivery of pharmaceutical services.
- 2.14 Several representations received regarding the four applications include: Wakefield HWB, CPWY and Boots UK Ltd. The HWB provided information regarding the population of Eastmoor and stated that *"it is important for at least one pharmacy to be opening within the community of Eastmoor, to ensure future provision of*

pharmaceutical services for residents living in the area". CPWY submitted generic comments and supported the ICB's decision to consider the applications together. Boots UK Ltd commented that the closure of a pharmacy within an area did not automatically create a gap, and that none of the applications have identified any specific groups. The remaining representations were all individual to each application.

- 2.15 All regulations were considered as detailed in the paper prior to PSRC determining each application. The Committee was asked to review all the information provided i.e. the attached papers; the four applications; supporting information and associated representations.
- 2.16 The Committee considered each of the four applications and noted that Regulation 31 did not apply. The Committee reflected on the reasons for these applications and concluded that they had been submitted as a response to the two Boots' closures within Eastmoor. When reviewing the information, it was noted that, the sole contractor to provide substantial detail was WMM Pharma Ltd. The two applications proposed by Excel (Chemists) Ltd and AAA Healthcare Ltd were situated in an area where the new pharmacies would serve a different population. Also noted that the sites proposed by AAA Healthcare, ANR Locums Ltd and Excel (Chemists) Ltd are situated close to existing pharmacies. Both ANR Locums Ltd and WMM Pharma Ltd applications were to be located within the premises relinquished by the two Boots branches that closed in October 2023.
- 2.17 There are three existing pharmacies within a 0.5-mile radius of 82-84 Upper Warrengate, Peterson Road, Eastmoor, Wakefield, WF1 4JZ and three existing pharmacies that are just over a 1.0-mile distance from 64a Windhill Rd, Eastmoor, Wakefield, WF1 4SD. Therefore, PSRC members concluded it was not an unreasonable distance to travel to obtain a choice of existing pharmacy service provision.
- 2.18 It was noted that, in Upper Warrengate there are two nearby pharmaceutical providers open Saturday and there are considerable hours provided on a Sunday. In terms of pharmacies near Windhill Road, they are situated on a bus route with buses every fifteen minutes or a journey of 1.2 miles approximately half an hour walking distance. It was highlighted by the committee that patients could also get their dispensed items delivered.
- 2.19 The Committee recognised that the PNA supplementary statement was a statement of fact. It could be interpreted as that, as no revision to the PNA was required thus no gap had been created by the Boots closures. If a future PNA identifies a gap in service provision, then contractors could apply through the current or future need applications.
- 2.20 PSRC concluded that, although these UB applications would certainly improve access to pharmaceutical services within Eastmoor, the applications are based upon it would be desirable (rather than a need) for patient groups to have choice within the area. As the PSRC had granted a Non-Significant Change Relocation (NSCR) in January 2024 in this area, when this opens it will provide additional capacity within the area. The Committee members noted that none of the applications offered any new and innovative types of service delivery, or service redesign that would be create [sic] additional benefit to patient groups.
- 2.21 **PSRC Decision:** Having considered all the information provided by the applicants and determined against the required Regulations, the PSRC refused all four applications."

3 The Appeal

In a letter dated 3 June 2024 addressed to NHS Resolution, the Applicant, through its representative Pharmacy Sales and Consultancy, appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 “We act on behalf of WWM Pharma Ltd and have been instructed by our client to appeal against the decision of the Yorkshire & the Humber Pharmaceutical Services Regulations Committee (PSRC) to refuse this application.
- 3.2 A copy of their refusal letter dated 10th May 2024 is attached to this document. **(Appendix 1).**
- 3.3 Also attached is a signed letter of authorisation from our client.
- 3.4 PSRC refused the application on the basis of the following conclusions: [quotes paragraphs 2.17-2.21]
- 3.5 We address these points a little later in this document.
- 3.6 For ease we have attached a copy of the original supporting document and associated maps (Appendix 2) which was submitted with the application which gives some background/history as to why this application was submitted.
- 3.7 Also attached is a copy of our e-mail dated 4th January 2024 (Appendix 3), which was submitted in response to comments made by the four interested parties, namely Boots, ANR Locums Ltd, the HWB and the LPC. No other local contractors responded to the application as far as we are aware. See later for further information in relation to that point.
- 3.8 We discuss these documents in more detail later in this submission.
- 3.9 May we please request that these two documents along with all other attached appendices are taken into account and used in conjunction with this document by the committee as part of our evidence for this case.
- 3.10 **Competing Applications**
- 3.11 Three additional applications to open a pharmacy in the vicinity of our client's application under Regulation 18 were also submitted, and PSRC decided that they would consider all three applications together and in relation to each other.
- 3.12 The other three applications along with case reference numbers are as follows:
- 3.12.1 **AAA Healthcare Ltd - CAS-244956-R3Y8W4**
- 3.12.2 **ANR Locums Ltd- CAS-241463-K8L7R5**
- 3.12.3 **Excel (Chemists) Ltd - CAS-251311-L8Z5Q1**
- 3.13 ANR Locums Ltd also submitted an UB application for the same area as our clients, but subsequently withdrew that application.
- 3.14 All three of these applications were refused by PSRC at the same time as the one from our client.
- 3.15 We have briefly commented on these applications later in this document.
- 3.16 **Background / General Information**
- 3.17 As the committee will see from the supporting document, the main reason for our client instructing us to submit this application is that he was made aware that Boots, who owned and operated a pharmacy at 64a Windhill Road, Wakefield West Yorkshire WF1 4SD were closing their pharmacy in early October 2023.

- 3.18 That closure took place as anticipated so there is no longer a choice of pharmaceutical provision in the Eastmoor housing estate. We are fully aware that just because one pharmacy closes there is no automatic reason why permission should be granted to open one to replace it. However, in this instance our client feels the closure has led to a gap in pharmaceutical services in the immediate area, which is a deprived residential housing estate.
- 3.19 In addition to the closure of this branch there have been some further pharmacy closures in the Wakefield area over the last 12 months or so as follows:
- 3.19.1 Lloyds Pharmacy, Sainsburys, Lower Trinity Walk, Marsh Way, Wakefield WF1 1QQ
- 3.19.2 Boots Pharmacy, New Lupset Medical Centre, George-A-Green Court, WF2 8FE
- 3.19.3 Superdrug, 12 All Saint's Walk, The Ridings, Wakefield, WF1 1US
- 3.19.4 Boots Pharmacy, 82-84 Upper Warrengate, Peterson Road, Wakefield, WF1 4JZ.
- 3.20 Whilst we appreciate that these closures are all a little distance from the proposed site the fact that 5 pharmacies have closed within the Wakefield area must lead to additional pressure on the remaining contractors.
- 3.21 The Eastmoor residential area is one of the most deprived areas in Wakefield, a fact recognised by West Yorkshire HWB in their response to the application at the 14-day stage. It is well known that residents living in deprived areas tend to require pharmaceutical services more frequently than those living in affluent areas and the Eastmoor estate is no exception. We respond further to the letter from the HWB later in this report.
- 3.22 Below are some demographic statistics taken from the 2021 census:
- 3.23 Car Ownership
- 3.24 Below is a table showing car ownership for the Eastmoor area (Wakefield East Ward) and national statistics:

Number of cars or vans	ward2022: Wakefield East		country: England	
	number	%	number	%
Total: All households	7,084	100.0	23,436,085	100.0
No. cars or vans in households	2,636	37.2	5,516,098	23.5
1 car or van in household	3,004	42.4	9,674,645	41.3

2 cars or vans in household	1,166	16.5	6,106,970	26.1
3 or more cars or vans in household	278	3.9	2,138,372	9.1

3.25 The table above clearly shows that households with no cars/vans in both the proposed location is 37.2% compared to a national average figure of 23.5%.

3.26 That clearly means that to access a choice of services many people will be reliant on public transport or having to access them on foot. We describe the issues these people face later in this document.

Disability	ward2022: Wakefield East		country: England	
	number	%	number	%
Total: All usual residents	17,137	100.0	56,490,048	100.0
Disabled under the Equality Act: Day-to-day activities limited a lot	1,645	9.6	4,140,357	7.3
Disabled under the Equality Act: Day-to-day activities limited a little	1,732	10.1	5,634,153	10.0
Not disabled under the Equality Act: Has long term physical or mental health condition but day-to-day [sic]	883	5.2	3,856,029	6.8
Not disabled under the Equality Act: No long term physical or mental health conditions	12,877	75.1	42,859,509	75.9

3.27 In terms of disability, again the above table paints a picture of an area where more people live with day-to-day activities limited a lot (9.6%) than the national average (7.3%).

3.28 It is also noteworthy, that in the index of multiple deprivation, produced by the ministry of housing, communities, and local government in 2019, the post code area to which our client's application applies was ranked 2,549 out of 32,844 areas where 1 is the most deprived i.e. it is within the **top 7.8% most deprived parts of the country.** [Applicant's emphasis]

3.29 In summary these statistics very much reflect the conclusions reached by the West Yorkshire HWB in the letter dated December 2023 submitted in relation to the application at the 14-day stage. We comment further on their letter later in this document.

3.30 General Area

3.31 The Eastmoor residential estate is one of the most deprived in the country and contains approximately 11,800 residents. It is an area that desperately requires easy access to pharmaceutical services for reasons outlined during this document. Our client's

application has been submitted to meet this need, and he has identified an area within the estate that he believes would meet the resident's needs.

- 3.32 In addition to the Boots store and Eastmoor Health Centre the parade has a convenience store (currently vacant), pizza take away, fish and chip shop plus, a few metres down, a larger convenience store with a post office.
- 3.33 Slightly further afield but still within the same housing estate there are the following facilities:
 - 3.33.1 Salvation Army branch
 - 3.33.2 St Swithens community centre
 - 3.33.3 Outwood Academy secondary school
 - 3.33.4 Ivy Lane special education school
 - 3.33.5 Oakwood Primary Academy school
 - 3.33.6 Earls Lodge care home
 - 3.33.7 Outwood Primary Academy Greenhill school
 - 3.33.8 Rugby club
 - 3.33.9 Open spaces
 - 3.33.10 Places of worship
- 3.34 St Swithens community centre which is close to the application site has a Nursery, sessions by Citizens Advice, community pantry, various courses etc.
- 3.35 The proposed best estimate location for this application is within "100m radius of the closing Boots store located at 64a Windhill Road, Wakefield West Yorkshire WF1 4SD".
- 3.36 For ease of reference, we attach an e-mail dated 8th March (Appendix 4) from ourselves to PCSE explaining the position with a potential property should our client's application be approved. Since that e-mail was submitted our client has been in regular contact with the landlord of the old Boots premises and we can confirm that both parties continue to be in agreement that our client will enter into a lease for the premises if his application is approved.
- 3.37 We are not aware of the reasons why Boots chose to close their store but based on historical information the branch was dispensing around 5,000 items/month before the numbers began to decline prior to closure.
- 3.38 The above photo shows the closed Boots store (Blue fascia) and the other shops in the parade.
- 3.39 The above convenience store is located 50m along the road from the parade housing the old Boots store.
- 3.40 The Boots pharmacy was situated virtually adjacent to the Eastmoor Health Centre which prescribes in the region of 5000-5,500 items/month. Understandably prior to its close Boots were receiving a high percentage of their total items from the surgery with somewhere around 65% of their total items originating from Eastmoor Medical Practice (source Pharmdata).

- 3.41 Eastmoor Health centre itself is an established practice, housed in extended premises with a patient car park to the right hand side of the building. The practice has approx. 2,600 patients.
- 3.42 The above photo is Eastmoor Health centre. The parade of shops is a few metres to the right hand side.
- 3.43 It is the most centrally located GP surgery for the Eastmoor residential estate and opening times for the surgery are 8.00am- 6.30pm Monday-Friday.
- 3.44 Should the application be approved our client is proposing to open 8.00-1.00 and 2.00-6.00 Monday-Friday and 9.00-12.00 Saturday, a total of 48 hours/week. These hours are longer than the closed Boots store (they only opened 9.00-6.00 Monday-Friday) and importantly our client is committed to opening on Saturday morning as core hours are 9.00-11.00.
- 3.45 Should this application be approved, our client will offer a comprehensive service to residents of Eastmoor, including supervised consumption and needle exchange, as that service is currently not available in the local area. On discussion with our client, he has confirmed that if his application is approved, he is committed to providing *any* service that is commissioned locally by *any* commissioner.
- 3.46 Our has [sic] been in touch with the local Drug Action Team for Wakefield who have confirmed to him that they are currently *“really struggling placing clients and always looking to find different pharmacies”*.
- 3.47 Our client has confirmed that he is prepared to offer a comprehensive service to residents of Lupset, including supervised consumption and needle exchange, as that service is currently not available in the immediate local area following the closure of the Boots pharmacy.
- 3.48 In terms of other competing pharmacies, they are all some distance away (in excess of 1 mile by the most practical route in all cases) serving different communities as follows:
- 3.48.1 Boots 26-28 Upper Kirkgate WF1 1UP. Approx 1.2miles to the south west of the proposed premises and approx. 26 minutes' walk.
- By public transport the journey takes approx. 12 minutes plus an additional 3 minutes' walk from the nearest bus stop to Boots pharmacy.
- By car the journey time is 6 minutes in normal driving conditions.
- 3.48.2 Kingfisher Pharmacy 192 Kirkgate, WF1 1UE. Approx 1.2miles to the south west of the Boots store and approx. 25 minutes' walk.
- By public transport the journey takes approx. 14 minutes plus an additional 5 minutes' walk from the nearest bus stop to Kingfisher Pharmacy.
- By car the journey time is 6/7 minutes in normal driving conditions.
- 3.48.3 Pharmacy Plus Health, Trinity Medical Centre WF1 1PG. Approx. 1.3 miles to the south west of the proposed site and located within the town centre. Walking time is approx. 28 minutes.
- By public transport the journey takes about 16 minutes plus an additional 6 minutes' walk from the nearest bus stop to Trinity Medical Centre.
- By car the journey time is 6 minutes in normal driving conditions.

3.48.4 Pharmacy Plus Health, Union Square, WF1 1TT. Approx 1.2 miles to the south west of the proposed site and located within the town centre. Walking time is approx. 26 minutes.

By public transport the journey takes about 14 minutes plus an additional 4 minutes' walk from the nearest bus stop to the pharmacy.

By car the journey time is 6 minutes in normal driving conditions.

- 3.49 A map showing these four pharmacies in relation to the proposed premises was attached to our original supporting document (Appendix 2). As can be seen they are pretty much clustered together and are outside of the Eastmoor housing estate. They are all in the town centre the other side of the A1 which is a very busy dual carriageway.
- 3.50 One of the maps attached to our original supporting document (Appendix 2) shows the extent of the Eastmoor housing estate. The map confirms that all existing contractors are located outside the boundaries of the housing estate.
- 3.51 As can be seen from the above, none of these pharmacies are particularly accessible without a motor vehicle. The demographics shown earlier in this report confirm that car ownership is well below the national average so many residents will be relying on public transport or accessing these pharmacies on foot.
- 3.52 These four contractors above are pretty much located within the town centre so there is the added complication of parking/congestion to take into account for those fortunate enough to own a motor vehicle. Parking is free and plentiful at our client's proposed premises.
- 3.53 We are unable to comment on which pharmacies the patients who previously used Boots for services are now visiting as that information is not in the public domain. The closure of the Boots branch has led to a large densely populated and not particularly affluent area being left without a community pharmacy. As a result, residents are now forced to travel some distance to access alternative services and choice of provider. Low car ownership and higher levels of disability make these journeys potentially more difficult.
- 3.54 In the decision letter from PSRC there is mention of a recently approved relocation as follows:
- 3.55 ***"PSRC did approve a NSCR application in January 2024 for the site at 82 Upper Warrengate, WF1 4JZ."***
- 3.56 Neither we nor our client have seen a copy of this application/decision, so we are not aware who the applicant is, but we assume it is one of the pharmacies identified above.
- 3.57 82 Upper Warrengate was previously occupied by a Boots Pharmacy which closed in recent months. That location is approx. 1 mile from the proposed premises and again located to the south west of the proposed premises close to the pharmacy contractors identified above.
- 3.58 A map (Appendix 5) is attached to this document showing the location of this potential relocation in relation to our client's application site
- 3.59 At the time of preparing this appeal document the relocation has not taken place, and of course there is no guarantee that it will ever do so. For example, the incoming party may not be able to agree terms for the property with the landlord or they may simply decide to stay in their current premises.
- 3.60 Therefore, it is our strongest view that this proposed relocation should be discounted from the decision process in relation to our client's application.

- 3.61 Local GP Surgeries
- 3.62 We have already explained that Eastmoor Medical Centre is located adjacent to our client's proposed premises.
- 3.63 In terms of local GP surgeries, the one closest to the Eastmoor Residential estate is Warrengate Medical Centre 78 Upper Warrengate WF1 4JZ. This practice is on the extreme south west of the estate and about a mile from the proposed location of the pharmacy application. It is also on the verge of the town centre (only separated by a dual carriageway) and until recently there was a Boots Pharmacy in a retail unit adjacent to the surgery. It is this unit that is the subject of the above relocation application.
- 3.64 Trinity Medical Centre, Thornhill Street, WF1 1PG is the next closest surgery being approx. 1.2 miles from the application site, but that practice is in the town centre and serving a different population.
- 3.65 There are of course other practices in the vicinity, but they are not thought to be particularly relevant to this application.
- 3.66 Competing Applications
- 3.67 In addition to our client's application the PSRC considered three additional ones in conjunction and in relation to each other. After consideration all four applications were refused.
- 3.68 The three competing applications were submitted by:
- 3.68.1 **AAA Healthcare Ltd - CAS-244956-R3Y8W4**
- 3.68.2 **ANR Locums Ltd- CAS-241463-K8L7R5**
- 3.68.3 **Excel (Chemists) Ltd - CAS-251311-L8Z5Q1**
- 3.69 Attached to this document is a copy of our e-mail dated 23rd November (Appendix 6) where we commented on these applications. ANR Locums subsequently withdrew their application for the same address as our client's and Excel (chemists) Ltd submitted a second identical application to replace their initial submission.
- 3.70 Our comments in relation to these applications still stand so we will not repeat them here except to say that we believe our clients application is in the best location to meet the needs of the Eastmoor residents. That view seemed to be shared by the West Yorkshire HWB in their response of December 2023 (see below).
- 3.71 Wakefield 2022 PNA
- 3.72 As with almost every PNA the Wakefield council publication concluded there were no gaps in pharmaceutical services in the area. At the time the PNA was published the Boots Windhill Road was included in the list of contractors.
- 3.73 Following the closure of other pharmacies mentioned earlier in this report, two supplementary statements have since been published as follows:
- 3.73.1 2nd August 2023-Statement issued following the closure of the Lloyds branch FET05 J Sainsburys Lower Trinity Walk, Marsh Way, Wakefield WF1 1QQ.
- 3.73.2 6th September 2023 - Statement issued following the closure of the FJX61 Boots Pharmacy, 64a Windhill Road, Eastmoor, Wakefield WF1 4SD.

- 3.74 Neither of these statements identified a current need based on the recent closures. It is our belief that the PNA is largely irrelevant to this application because a total of 5 pharmacies have closed in the Wakefield area since it was published. Despite the issue of the above supplementary statements, it is both our client's and our view that the 2022 PNA no longer reflects a true and accurate picture of pharmaceutical services in the Wakefield area.
- 3.75 **Interested Parties**
- 3.76 Comments in relation to the application were made by the four interested parties, namely Boots, Temple Bright on behalf of ANR Locums Ltd, HWB and the LPC. No other local contractors responded to the application as far as we are aware.
- 3.77 In our experience it is very unusual for only one local contractor to object to an application under Regulation 18 so there is a school of thought that competing pharmacies felt the application should/would be granted.
- 3.78 We have attached a copy of our response dated 4th January (Appendix 3) in relation to the comments made by these four parties to this document. We will not repeat our thoughts on the Boots and LPC comments and ANR Locums Ltd have subsequently withdrawn their application so are no longer an interested party.
- 3.79 We do wish to expand further on the letter from the HWB as they have produced a thorough response that merits further consideration. A copy (Appendix 7) of their comments is attached to this document.
- 3.80 The West Yorkshire HWB commented on the application in December 2023, and we have the following points from their report:
- 3.81 ***The Health and Wellbeing Board considers that at least one pharmacy is required in the community of Eastmoor.***
- 3.82 The closure of the Boots stores on Windmill Road and Upper Warrengate means there is no longer any pharmacy provision within the Eastmoor housing estate. Clearly the 11,800 residents currently have no choice of pharmacy contractor and are forced to travel over a mile to exercise choice. We strongly believe the closure of these two Boots stores has left a significant gap in services within the area. The HWB seem to very much support that view.
- 3.83 ***Due to the distinct nature and demographic make-up of the Eastmoor community, pharmaceutical services would be best provisioned by one or more of the applications that sit within the Eastmoor Estate.***
- 3.84 It is clear from the demographic statistics stated above that the Eastmoor estate is a deprived area (within the top 7.8% most deprived parts of the country) with low car ownership and higher than average levels of disability.
- 3.85 The HWB then quote various other statistics (which we will not repeat) which simply provide further evidence of how deprived the area is.
- 3.86 ***The Health and Wellbeing Board is particularly supportive of any application that expresses an interest in providing the additional services that Eastmoor would benefit from / utilise. These include Supervised Consumption, Emergency Hormonal Contraception, Smoking Cessation and Community Pharmacy Consultation Service***
- 3.87 Our client has already included some of these services within the application form. As stated earlier in this document our client has confirmed that should his application be approved, he would be very happy to engage with the HWB & ICB with a view to promoting the provision of any additional services they would wish him to offer. Our

client already owns and operates a pharmacy on the Wakefield pharmaceutical list and from that pharmacy offers supervised consumption, NHS flu service, NHS Covid clinics, Pharmacy First, private travel clinic, private ear syringe clinic and is a community pharmacy lead for West Wakefield PCN. In addition, our client already has an established working relationship with the GP's from Eastmoor Health Centre.

- 3.88 ***Opening Hours -The Health and Wellbeing Board would be particularly supportive of applications that propose additional opening times above the core 40 hours particularly those opening outside weekday working hours (9am-5pm) including on a weekend***
- 3.89 Our client has stated within the application form that he is prepared to offer hours beyond the standard 40 hours by opening before 9.00am and beyond 5.00pm. Importantly he is also committed to opening Saturday mornings via core hours.
- 3.90 Although the HWB don't say it, these statements seem to support the need for an additional pharmacy in the Eastmoor area especially in relation to the matter of choice. Clearly one pharmacy serving a residential area housing around 11,800 people who are not in the best of health and have limited access to motor vehicles is inadequate.
- 3.91 The demographic statistics provided earlier in this report further highlight the health issues in the area and low car ownership clearly restricts the distance people can travel to access the existing pharmacy contractors. On the basis of the comments from the HWB and lack of other objections from local contractors we were surprised to learn that PSRC refused the application.
- 3.92 **PSRC Decision**
- 3.93 As stated previously PSRC stated several reasons for refusing the application. We believe these reasonings are flawed and have responded to each of their statements below:
- 3.94 ***There are three existing pharmacies within a 0.5-mile radius of 82-84 Upper Warrengate, Peterson Road, Eastmoor, Wakefield, WF1 4JZ and three existing pharmacies that are just over a 1.0-mile distance from 64a Windhill Rd, Eastmoor, Wakefield, WF1 4SD. Therefore, PSRC members concluded it was not an unreasonable distance to travel to obtain a choice of existing pharmacy service provision.***
- 3.95 We think this statement is based on the fact that PSRC have approved a relocation of an existing contractor to the retail unit at 82 Upper Warrengate which previously housed a branch of Boots.
- 3.96 As previously stated, that relocation has not taken place at the time of preparing this document and may never do so. Therefore, we don't believe it should be taken into consideration in relation to our client's application.
- 3.97 Even if it is considered, Upper Warrengate is on the extreme south west edge of the Eastmoor estate and a mile from Windhill Road which is a far more central location. Bearing in mind the difficulties people have getting around the area due to low car ownership, we still don't believe it meets the gap in services created by the closure of the Boots on Windhill Road.
- 3.98 ***It was noted that, in Upper Warrengate there are two nearby pharmaceutical providers open Saturday and there are considerable hours provided on a Sunday. In terms of pharmacies near Windhill Road, they are situated on a bus route with buses every fifteen minutes or a journey of 1.2 miles approximately half an hour walking distance. It was highlighted by the committee that patients could also get their dispensed items delivered.***

- 3.99 Whilst we accept our client's proposed application is close to bus stops and residents are able to use public transport there is of course a cost involved and this is a very deprived area. In addition, there is a walk from bus stops to the pharmacies in question, so the journey is far from straightforward.
- 3.100 In addition, there is of course a cost associated with public transport and our client informs us that a single adult fare is £2 and a day ticket is £7.60 which may be a stretch for people in a deprived area.
- 3.101 In terms of prescription deliveries, we all know that service can be withdrawn at any time or indeed many contractors now charge for deliveries. In addition, that is not the same a face to face service and it must be remembered that prescriptions are only one of many services offered by community pharmacy.
- 3.102 ***The Committee recognised that the PNA supplementary statement was a statement of fact. It could be interpreted as that, as no revision to the PNA was required thus no gap had been created by the Boots closures. If a future PNA identifies a gap in service provision, then contractors could apply through the current or future need applications.***
- 3.103 We have addressed the two supplementary statements that have been submitted as a result of pharmacy closures in Wakefield. The fact that 5 pharmacies have closed in a period of less than 12 months must have an effect on pharmacy provision within the area and our client strongly believes a gap in services has been created in/around Eastmoor by the closure of two Boots stores.
- 3.104 ***PSRC concluded that, although these UB applications would certainly improve access to pharmaceutical services within Eastmoor, the applications are based upon it would be desirable (rather than a need) for patient groups to have choice within the area. As the PSRC had granted a Non-Significant Change Relocation (NSCR) in January 2024 in this area, when this opens it will provide additional capacity within the area. The Committee members noted that none of the applications offered any new and innovative types of service delivery, or service redesign that would be create additional benefit to patient groups.***
- 3.105 As per earlier comments we believe PSRC's decision to refuse an application under Regulation 18 because of a relocation that may/may not happen is flawed. The PSRC admit an application would "certainly improve access to services within Eastmoor" but we believe there is a **need** not a desire for patient group choice in the area.
- 3.106 Our client's application is intended to regain the status quo in the area by offering a choice of provider, with longer hours and more services which we strongly believe offers improvements and better access for patients.
- 3.107 As far as innovation is concerned the PCA committee has previously found that the 'innovation test' within the regulations is very difficult to meet and we believe only one application has ever been approved on that basis, so we believe that is a non-point.
- 3.108 In summary there has been a dramatic loss of pharmaceutical services in the Wakefield area over the last 12 months or so with a total of 5 pharmacies closing. At the time of writing this document there has been no new contract application approved to replace this loss of services.
- 3.109 Probably the most significant loss is the closure of the Boots store in Eastmoor, which was a busy branch located adjacent to a health centre in a central location to serve residents. The closure of Boots in Eastmoor has left a clear gap in pharmaceutical services in the area which this application is designed to meet.
- 3.110 In addition, Eastmoor is one of the most deprived areas in the country. The closure of the Boots store has meant there are no existing contractors serving a community of

around 11,800 residents so there is clearly a lack of choice in the area. Car ownership is very low which heavily restricts the ability of residents to access pharmacies in the surrounding neighbourhoods.

- 3.111 In terms of disability, Eastmoor is an area where more people live with day-to-day activities limited a lot and a little, than the national average so those with protected characteristics struggle to access services.
- 3.112 Our client, who is an experienced pharmacy owner and already operates another pharmacy in Wakefield, is committed to offer the community a fully functional modern pharmacy 5.5 days/week with opening hours beyond those offered by the previous Boots store, should this application be approved.
- 3.113 May we request that all of this evidence, along with our initial application and supporting document is taken into account by the committee in making their decision in relation to this application.”
- 3.114 All supporting information provided at Appendix A for Committee.

4 Summary of Representations

This is a summary of representations received on the appeal.

4.1 COMMUNITY PHARMACY WEST YORKSHIRE (“CPWY”)

- 4.1.1 “Community Pharmacy West Yorkshire members still feel that their comments made in their letter to [the Commissioner] on 19th December 2024 are valid. These were as follows.
- 4.1.2 *Members noted that this was an application for “unforeseen benefits” and fell to be considered under the provisions of Regulation 18 of the National Health Service (Pharmaceutical Services) Regulation 2013.*
- 4.1.3 *CPWY members made the following observations:*
 - 4.1.3.1 *Wakefield PNA (2022-2025) was published in September 2022. Since then, the population of Wakefield has grown significantly and is predicted to continue doing so with local housing projects such as City Fields development.*
 - 4.1.3.2 *Two supplementary statements have been issued by Wakefield HWB recently within the WF1 postcode as a result of the two recent closures. SS01 issue date*
 - 4.1.3.3 *2nd August 2023 as a result of the closure of FET05 Lloyds Pharmacy, Sainsburys Lower Trinity Walk, Marsh Way, Wakefield WF1 1QQ a 100hrs Pharmacy. The second being SS03 issue date 6th October 2023 and relates to the closure of FJX61 Boots Pharmacy, 64a Windhill Road, Eastmoor, Wakefield WF1 4SD.*
 - 4.1.3.4 *Two other Pharmacy closures have also taken affect in the city centre WF1 postcode within the last 12 months. Superdrug, 12 All Saint’s Walk, The Ridings, Wakefield, WF1 1US and Boots Pharmacy, 82-84 Upper Warrengate, Peterson Road, Wakefield, WF1 4JZ.*
 - 4.1.3.5 *The committee note and support that West Yorkshire ICB intends to consider this application together and in relation to the following applications:*

4.1.3.5.1ANR Locums Ltd – WF1 4JZ – Unforeseen Benefits

4.1.3.5.2ANR Locums Ltd – WF1 4SD – Unforeseen Benefits

4.1.3.5.3Exel (Chemists) Ltd – WF1 4LR - Unforeseen Benefits

4.1.3.5.4WMM Pharma Ltd – WF1 1TT - Unforeseen Benefits

4.1.3.5.5AAA Healthcare Ltd – WF3 4FU - Unforeseen Benefits

4.1.3.6 *The application does not have a floor plan, as they are yet to secure a premises, however they have stated it will contain a consultation room to meet the terms of service.*

4.1.3.7 *The committee have no further comments on this application.*

4.1.3.8 Members wish these comments to be taken into consideration by the Authority and wish to be notified of the decision.”

4.2 WAKEFIELD HEALTH AND WELLBEING BOARD

4.2.1 “The decision by the West Yorkshire Pharmaceutical Services Regulation Committee to refuse the above application has been appealed to NHS resolution. Wakefield Health and Wellbeing Board would like to submit the below representations, in addition to those submitted as part of the original consultation on the application.

4.2.2 **Initial Representations**

4.2.3 We have also attached our initial representations. We won’t repeat them here but would like to re-iterate the point that the community of Eastmoor is one of the more deprived parts of the district, with many residents having limited mobility or access to private transport. A community such as Eastmoor would be best serviced by a community pharmacy within the estate itself. Not only would this provide easy access to pharmaceutical services, but a community pharmacy could provide the role of a community asset that residents so often rely on. There has been a recent approval of a distance selling pharmacy relocation into Eastmoor – we do not consider this as relevant to the granting of applications for community pharmacies in the same area.

4.2.4 **Clarification around Supplementary Statements**

4.2.5 The Health and Wellbeing Board wishes to clarify its position in relation to the conclusion reached by the PSRC when making a decision on the multiple Eastmoor applications. As part of its conclusions PSRC stated:

4.2.5.1 *“The Committee recognised that the PNA supplementary statement was a statement of fact. It could be interpreted as that, as no revision to the PNA was required thus no gap had been created by the Boots closures. If a future PNA identifies a gap in service provision, then contractors could apply through the current or future need applications.”*

4.2.6 Whilst it is true that a supplementary statement is a statement of fact, we do not agree with the interpretation that as no revision to the PNA was required then no gap has been created by the Boots closures. In fact, the Health and Wellbeing Board considers the opposite to be true. As stated in our original representations (also attached), we believe that the closure of the Boots pharmacies has created a gap in provision – one that would be best met by the provision of a pharmacy in the centre of the Eastmoor estate.

- 4.2.7 The guidance issued to Health and Wellbeing Boards around PNAs, which can be found here: [Pharmaceutical needs assessments: Information pack for local authority health and wellbeing boards \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61221/pharmaceutical_needs_assessments_information_pack_for_local_authority_health_and_wellbeing_boards.pdf), outlines how supplementary statements are to be used when identifying a change in the availability of pharmaceutical services. Paragraphs 4 and 5 on pages 64 and 65 give a clear example that matches the situation in Eastmoor:

4.2.7.1 *“4. the only pharmacy in a deprived part of a town closes. The next nearest pharmacy is two miles away. This is a change to the availability of pharmaceutical services so the health and wellbeing board would need to consider whether the change is relevant to the granting of an application for inclusion in the pharmaceutical list. One way of doing that is to consider whether, when the pharmaceutical needs assessment was written, if the pharmacy had not been there would it have been identified as a gap in the provision of pharmaceutical services? In making this decision the health and wellbeing board will need to take into account travel times to the nearest pharmacy, the availability of private and public transport, the fact it is likely to be too far to walk for many people, and the availability of other NHS services such as GPs.*

4.2.7.2 *5. if the health and wellbeing board considers that if the pharmacy mentioned in paragraph 4 had not been open during the writing of the PNA that there would have been a gap in the provision of pharmaceutical services then it would need to publish a supplementary statement. However, if not, then a supplementary statement should not be published as it could lead to applications to meet a current need as the current need would be inferred by the publication of the supplementary statement. Following the closure of the pharmacy the health and wellbeing board must update the map showing the premises at which pharmaceutical services are provided.”*

- 4.2.8 We considered the factors outlined above and determined that had the pharmacy in Eastmoor not been open at the time of writing the PNA then we would have identified a gap in the provision of pharmaceutical services. [HWB's emphasis] Therefore, a supplementary statement was issued and as indicated by the guidance, issuing such a statement could infer a current need.

- 4.2.9 Re-writing the PNA was considered a disproportionate response, as it was our understanding that issuing the statement in itself was sufficient to indicate a gap in provision. At the same time, rewriting a PNA would take a significant amount of time, which would not have been completed in time to be considered as part of the process for assessing the multiple Eastmoor applications.

4.2.10 **Relocation application**

- 4.2.11 As part of the appeal letter, the applicant refers to the PSRC decision letter that explains how PSRC considered the recent approval of a NSCR application to 82 Upper Warrengate, WF1 4JZ as part of its decision-making process. The Health and Wellbeing board agree with the applicant's view that as there is no guarantee that this relocation will happen it should be discounted from the decision process.

4.2.12 **Enhanced Services**

- 4.2.13 As stated in our original representations, the Health and Wellbeing Board are supportive of any application that expresses an interest in providing additional services. Due to the demographic profile of Eastmoor, there would be a good level of demand for many of these services, such as Supervised Consumption, Needle Exchange, Emergency Hormonal Contraception, Smoking Cessation,

Pharmacy First and Community Pharmacy Consultation Service. The appeal letter explains that the applicant would be very happy to engage with local commissioners of these services, which we think there is a clear need for.

- 4.2.14 Eastmoor Medical Centre has recently appointed a new Practice Manager who has previously worked at another Practice within Wakefield which has a strong track record in high levels of Pharmacy First referrals. Both the Medical Centre and the local community would benefit greatly from a local pharmacy providing this service.”

- 4.3 The following representations were submitted by the Health and Wellbeing Board to the Commissioner on 21 December 2023:

- 4.3.1 “The West Yorkshire Integrated Care Board (ICB) has received the following applications to provide pharmaceutical services within (and close to) the Eastmoor area of Wakefield District:

Applicant	Reference	Application Type	Proposed Address
AAA Healthcare	CAS-244956-R3Y8W4	Unforeseen Benefits	City Fields District Centre, WF3 4FU
ANR Locums Ltd	CAS-241460-D6Z4N7	Unforeseen Benefits	64A Windhill Road, WF1 4SD
ANR Locums Ltd	CAS-241463-K8L7R5	Unforeseen Benefits	82 Upper Warrengate, WF1 4JZ
Excel Chemists Ltd	CAS-251311-L8Z5Q1	Unforeseen Benefits	108 Stanley Road, WF1 4LR
WMM Pharma Ltd	CAS-245146-Q7W8D2	Unforeseen Benefits	Within 100m of 64A Windhill Road, WF1 4SD
May & Thomson Ltd	CAS-253263-V4D0W5	Future Needs	64A Windhill Road, WF1 4SD
Living Care Pharmacy	CAS-255641-N0Q6X9	Relocation	82 Upper Warrengate, WF1 4JZ

- 4.3.2 West Yorkshire ICB has indicated its intention to consider the five unforeseen benefits applications (highlighted in table above) together. The representations within this document relate to these five applications, but also the future needs application (ref: CAS-253263-V4D0W5) and the relocation application (ref: CAS-255641-N0Q6X9). The Health and Wellbeing Board considers that all these seven applications relate to the provision of pharmaceutical services in the same part of the district and are therefore related, hence submitting one consolidated representation.

- 4.3.3 In these representations we will attempt to outline the basic demographics of the Eastmoor community, assess the type of pharmacy that the community would most benefit from (including which services this might include), outline the current gap in provision and detail the level of access to the proposed sites.

- 4.3.4 **Key Points**

- 4.3.5 The Health and Wellbeing Board considers that at least one pharmacy is required in the community of Eastmoor.
- 4.3.6 Due to the distinct nature and demographic make-up of the Eastmoor community, pharmaceutical services would be best provisioned by one or more of the applications that sit within the Eastmoor Estate.
- 4.3.7 The travel time maps show that site 3 provides the best coverage for those who need to walk to a pharmacy, with sites 1, 2 and 3 providing the greatest access via public transport.
- 4.3.8 The Health and Wellbeing Board is particularly supportive of any application that expresses an interest in providing the additional services that Eastmoor would benefit from / utilise. These include Supervised Consumption, Emergency Hormonal Contraception, Smoking Cessation and Community Pharmacy Consultation Service.
- 4.3.9 **The Eastmoor Community**
- 4.3.10 Eastmoor is the most deprived neighbourhood in Wakefield, in which 42.6% of the children live in poverty (compared to 21.7% across Wakefield district) according to the Department of Revenue and Customs 2020-2021.
- 4.3.11 According to ONS 2020 mid-year population estimates, there are around 11,800 people living in the Eastmoor area. Eastmoor has a larger population of 0-44 year olds compared to Wakefield District average, suggesting that there are a large number of families with young children living in the area. [Graph provided]
- 4.3.12 Approximately 55% of residents are recorded on GP systems as an ethnic minority, making the area very diverse with lots of different health and language needs.
- 4.3.13 In the 2023 Adult Population Health Survey, 60.5% of respondents from the Eastmoor neighbourhood stated that they had health conditions or illnesses lasting, or expected to last, 12 months or more. It is likely that these people will be on regular medication and will therefore visit a pharmacy often.
- 4.3.14 Furthermore, 16.5% of those with a long term health condition stated that they were in full-time employment. Scaling up the survey sample to population estimates, there are approximately 1,170 people with long-term health conditions who work full-time. Longer opening hours will provide flexibility for these people to visit the pharmacy outside of their full-time working hours.
- 4.3.15 Two thirds of Eastmoor respondents stated that they walked for travel purposes at least once a week, with 18.6% of respondents walking for travel every day. A pharmacy within reasonable walking distance would be of benefit to these residents.
- 4.3.16 **Current Provision in Eastmoor**
- 4.3.17 On 7 October 2023 there were two pharmacy closures within the Eastmoor Area. These were:
- 4.3.17.1 FJX61 Boots, 64A Windhill Road, WF1 4SD
- 4.3.17.2 FAD97 Boots, 82-84 Upper Warrengate WF1 4JZ
- 4.3.18 These pharmacies were providing vital services, including essential, advanced, and enhanced services, as well as being a community asset to the

local area. Both the closed pharmacies were signed up to provide Supervised Consumption, which is an important provision for this part of the district. The Health and Wellbeing Board considered that the closure of these pharmacies **created a gap in provision for the community of Eastmoor**. As a result, a supplementary statement was issued to support the Wakefield Pharmaceutical Needs Assessment (PNA). **It is the Health and Wellbeing Board's view that it is important for at least one pharmacy to be opened within the community of Eastmoor, to ensure future provision of pharmaceutical services for residents living in this area.**

4.3.19 Proposed Additional Services

4.3.20 There are several advanced and enhanced services that would be important and beneficial for the community of Eastmoor. These include, but are not limited to, supervised consumption provision, emergency hormonal contraception (EHC) provision, community pharmacist consultation service (CPCS) and smoking cessation support. The Health and Wellbeing Board is particularly supportive of any applications that propose delivery of any of these services and will be looking to engage any successful applicants in arrangements to deliver these services for the residents of Eastmoor. Regardless of the expressions within the applications, the HWB board would be looking to local commissioners to engage with any new pharmacy to promote the provision of these services through contractual arrangements.

4.3.21 Supervised consumption, needle exchange and naloxone provision

4.3.22 Supervised consumption has an important role in supporting individuals who are on opioid substitute treatments. It can enhance patient safety for those on substitute treatments, promote adherence to the treatment and reduce risk of diversion of medication. The two pharmacies that closed in the Eastmoor area were both providing supervised consumption services. There were 41 individuals using this service across the two pharmacies that have now closed. This is a high number compared to other pharmacies in Wakefield and highlights the high level of need, and importance of this enhanced service for Eastmoor. Needle exchange and naloxone provision are additional enhanced services that are important for the area the Eastmoor area. This is in alignment with the supervised consumption provision and is important due to the need for drug related support services being higher in Eastmoor than other areas in Wakefield.

4.3.23 Emergency Hormonal Contraception (EHC)

4.3.24 Access to emergency hormonal contraception service from pharmacies can enable timely and convenient access to emergency contraception without the need for a doctor's appointment. This can help reduce barriers to accessing emergency contraception by providing a relatively accessible and discrete option and helps prevent unintended pregnancies and aiding reproductive health and wellbeing. The two pharmacies that closed in Eastmoor did not provide this service, but it is felt that the area could benefit from this service due to the closest pharmacy to the area offering this service having closed in June 2023 (FQ850 Superdrug, The Ridings, WF1 1US). By any potential pharmacies in the area offering this service, access for residents to this important service would be improved.

4.3.25 Pharmacy First service (formerly the Community Pharmacy Consultation Service, CPCS)

4.3.26 The Community Pharmacy Consultation Service provides an opportunity for GPs to refer appropriate patients for a consultation with a local pharmacist.

From January 2024 a new service known as Pharmacy First will be launched, building on the CPCS and offering similar services.

4.3.27 Both services help to reduce health system and primary care strain by addressing minor health concerns as well as providing education and empowerment for individuals and their health in a pharmacy setting. It provides an accessible community-based resource for residents in the community and can help reduce inequalities in healthcare and health information access. Prior to closure, the Boots pharmacy on Warrengate had the highest number of CPCS referrals to any pharmacy in Wakefield. Furthermore, Warrengate Medical Practice has, in the latest two financial quarters, had the second highest referral rate to CPCS in Wakefield suggesting that CPCS is an important and well used enhanced service for the area of Eastmoor.

4.3.28 **Smoking Cessation**

4.3.29 The smoking prevalence in Eastmoor is significantly higher than the district average. GP data from September 2023 estimates a prevalence of smoking at 23.8% in Eastmoor compared to a district average of 18.3%. Smoking contributes to around half the difference in life expectancy between the most deprived and the least deprived in England. Due to this, smoking cessation is of great importance in Eastmoor not just to reduce the high smoking rates but to also reduce health inequalities that arise from smoking. Pharmacies providing the enhanced service of smoking cessation can aid access for residents to this stop smoking support which is more effective in successfully quitting smoking than trying to stop smoking on will power alone.

4.3.30 **Opening Hours**

4.3.31 The Health and Wellbeing Board would be particularly supportive of applications that propose additional opening times above the core 40 hours particularly those opening outside weekday working hours (9am-5pm) including on a weekend. This is important for the residents of Eastmoor as it would provide extended access to essential pharmacy services and pharmacy health advice. It can help improve adherence to medication by making it easier or more convenient for medication collection and is also important for residents who are working and not able to attend in work hours to be able to access prescription collection, advice and any time-sensitive advanced or enhanced services such as emergency hormonal contraception and supervised consumption. As stated above, the need for supervised consumption provision is high in Eastmoor as well as the use of pharmacy advice from the CPCS service.

4.3.32 Around half of residents in Eastmoor are economically active and employed, and two thirds (67%) of those employed work in routine and manual occupations which is much higher than the district average of 53%. Due to the nature of these occupations, to improve accessibility to pharmacy services it is important for hours to allow flexibility and access outside of standard working hours. It can also be important for urgent prescription needs outside of weekday working hours and can play a role in reducing health system strain such as A&E attendances. Eastmoor has a higher proportion of residents who are classed as long-term sick or disabled (7.4%) compared to the Wakefield average and 60.5% of Eastmoor residents who responded to the 2023 adult population survey stated they had a long-term condition including 16.5% who were also working full time. Longer opening times and weekend opening could support residents who fall into these categories by increasing options and convenience for medication collection or other pharmacy support.

4.3.33 **Access to Proposed Sites**

- 4.3.34 The community of Eastmoor is considered to be quite self-contained, with community leaders indicating that some residents of Eastmoor are less likely to often travel outside of the immediate neighbourhood than in some other parts of the district. As a result, it is important that a neighbourhood such as Eastmoor has easy access to important services such as pharmaceutical services, and these need to be reachable by walking or public transport.
- 4.3.35 The latest Census data shows that 36.7% of households in the Eastmoor MSOA do not own a car or van, and therefore likely to travel on foot or by public transport. [Map provided]
- 4.3.36 Using the SHAPE map tool, access to the 4 proposed sites within a 15 minute walk and within 20 minutes on public transport (departure time to arrival time) has been calculated and displayed in the maps below. Site 3 provides the greatest coverage of the Eastmoor estate within 15 minutes walking time. Sites 1, 2 and 3 provide good access via public transport. Site 4 is not reachable within 20 minutes via public transport for some sections of the Eastmoor community.
- 4.3.37 Within a 15 minute walk [Maps provided]
- 4.3.38 Within 20 minutes on public transport (40 minutes return trip) [Maps provided]
- 4.3.39 **Summary**
- 4.3.40 The Health and Wellbeing Board considers that at least one pharmacy is required in the community of Eastmoor. The closure of the two Boots pharmacies that previously operated within the area has created a gap in provision that approval of one or more of these applications could fill.
- 4.3.41 Due to the distinct nature and demographic make-up of the Eastmoor community, pharmaceutical services would be best provisioned by one or more of the applications that sit within the Eastmoor Estate.
- 4.3.42 The travel time maps show that site 3 provides the best coverage for those who need to walk to a pharmacy, with sites 1, 2 and 3 providing the greatest access via public transport.
- 4.3.43 The Health and Wellbeing Board is particularly supportive of any application that expresses an interest in providing the additional services that Eastmoor would benefit from / utilise. These include Supervised Consumption, Emergency Hormonal Contraception, Smoking Cessation and Community Pharmacy Consultation Service. Regardless of the expressions within the applications, the HWB board would be looking to local commissioners to engage with any new pharmacy to promote the provision of these services through contractual arrangements."
- 4.3.44 All supporting information provided at Appendix B for Committee.

4.4 THE COMMISSIONER

The Committee noted that whilst the Commissioner had confirmed that it did not intend to submit representations, it had informed NHS Resolution of the following:

- 4.4.1 "At the PSRC meeting of the 26 June 2024, the committee GRANTED a non significant change relocation (NSCR) to a DSP applying to relocate to 62/64 Windhill Road Wakefield, WF1 4SD. This property is adjacent to the premises proposed by WWM PHARMA LTD as part of their Unforeseen Benefits application currently being considered by NHS Resolution."

5 Observations

5.1 PSC, ON BEHALF OF THE APPLICANT

- 5.1.1 “We continue to act on behalf of WWM Pharma Ltd and refer to your e-mail dated 25th July attaching representations from the interested parties.
- 5.1.2 On behalf of our client, we wish to respond as follows:
- 5.1.3 Community Pharmacy West Yorkshire Letter dated 1st July
- 5.1.4 The LPC have chosen just to reiterate/repeat their original comments. They neither support nor oppose the application and therefore we have no further comment to make except that our client confirms the pharmacy will include a suitable, fit for purpose consultation room should his application be successful.
- 5.1.5 Copy E-Mail dated 9th July from Nick Speight PCSE Team
- 5.1.6 This e-mail confirms that a relocation application by UK Health Focus Ltd from 41 Duke of York Street, Wakefield, WF1 3PD to 62/64 Windhill Road, Wakefield, WF1 4SD has been granted.
- 5.1.7 This is a Distance Selling Pharmacy (DSP) and as the committee will be aware those contractors are not allowed to offer face to face essential pharmaceutical services. Furthermore, they are required to provide services to any patient in England who requires them, so provide a national rather than a local service. This pharmacy will not address the local issues that have been identified by our client.
- 5.1.8 Neither our client or ourselves have seen the application so we are unaware whether the applicant has claimed to have secured premises and in addition there is no guarantee the application will actually take place.
- 5.1.9 On the basis of the above, in our opinion this application should not be taken into account when considering our client’s application.
- 5.1.10 Wakefield Health & Wellbeing Board (HWB) - letter dated July 2024
- 5.1.11 The HWB have attached their initial responses which we have responded to on previous occasions so we will keep our comments to the additional comments they have made on pages 1 and 2 of their submission.
- 5.1.12 Firstly, the HWB reached the same conclusion in relation to the application by UK Health Focus Ltd as ourselves, so we fully agree with them that the application should be ignored for the purposes of our client’s application.
- 5.1.13 The HWB have reiterated that the Eastmoor community is one of the more deprived parts of the district and clearly state they feel the community would be best served by a pharmacy **within** the housing estate itself. Our client’s application firmly meets this criterion.
- 5.1.14 Supplementary Statements
- 5.1.15 The HWB have clarified their stance in relation to the two supplementary statements which were issued following closures of pharmacies in the Wakefield area. They have particularly concentrated on the statement dated 6/10/2023 confirming the closure of the Boots store on Windhill Road.
- 5.1.16 We attach a copy of that statement for ease of reference.

- 5.1.17 They believe that closure has led to a gap in provision in the Eastmoor area which both our client and ourselves fully agree with.
- 5.1.18 However, the supplementary statement does not clearly state that the closure has led to a gap in services. PSRC subsequently concluded that neither of the supplementary statements had identified a gap.
- 5.1.19 For reference and comparison, we attach a supplementary statement from Northumberland HWB following a closure of a Boots store within their area. This statement clearly states a gap has been created and a current need had been created.
- 5.1.20 As no clear gap was identified within the Wakefield supplementary statement, we concluded that it was appropriate to submit an application under Regulation 18 rather than one for a current need. Presumably PSRC agreed this was a suitable approach as they did not cite the application being submitted under Regulation 18 as being a reason to refuse it.
- 5.1.21 So, in summary it is clear that the HWB fully support a pharmacy in the heart of the Eastmoor area (and not adjoining areas) and we fully agree with their conclusions.
- 5.1.22 May we request that these observations are taken into account by the committee when making their decision in relation to this application?"

6 Consideration

- 6.1 The Pharmacy Appeals Committee ("the Committee"), appointed by NHS Resolution, 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.
- 6.2 It also had before it the responses to NHS Resolution's own statutory consultations.
- 6.3 On the basis of this information, the Committee considered it was not necessary to hold an Oral Hearing.
- 6.4 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations").

Regulation 31

- 6.5 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).

- 6.6 The Committee noted that there had previously been a Boots Pharmacy at 64a Windhill Road but that this had now closed. The Committee noted that the Commissioner had “*noted that Regulation 31 did not apply*” and that no dispute on the matter had been raised.
- 6.7 The Committee noted that the Commissioner had granted a no significant change relocation to a distance selling pharmacy (UK Health Focus) applying to relocate from 41 Duke of York Street, WF1 3PD to 62/64 Windhill Road, adjacent to the proposed site.
- 6.8 The Committee had regard to the wording of Regulation 31 as to whether a person on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services.
- 6.9 The Committee was satisfied that Regulation 31(2)(a) applies to this application as UK Health Focus is “a person on the pharmaceutical list” and has undertaken to provide pharmaceutical services from adjacent premises to the site to which this application relates. The Committee noted that if it was also satisfied that Regulation 31(2)(b) applied to the application, then it would have to refuse the application.
- 6.10 The Committee noted that the person who has undertaken to provide pharmaceutical services at 62/64 Windhill Street is a different company to that of the Applicant. The Committee also noted that the Commissioner had not raised any issues relating to Regulation 31.
- 6.11 The Committee therefore considered that Regulation 31(2)(b) did not apply and it was satisfied that it was not required to refuse the application under the provisions of Regulation 31.
- 6.12 The Committee noted that, if the application were granted, the successful applicant would - in due course - have to notify the Commissioner of the precise location of its premises (in accordance with paragraph 31 of Schedule 2). Such a notification would be invalid (and the applicant would not be able to commence provision of services) if the location then provided would (had it been known now) have led to the application being refused under Regulation 31.

Regulation 18

- 6.13 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)."*
- 6.14 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.
- 6.15 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.
- 6.16 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).
- 6.17 The Committee considered the PNA prepared by Wakefield 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 30 September 2022 and that supplementary statements had been issued on 2 August 2023, 6 October 2023 and 15 November 2023.
- 6.18 The Committee noted the PNA states the following at section 9 'Conclusions':
 - 6.18.1 *"Access to pharmaceutical services is excellent in Wakefield, due to the spread of the pharmacies across the entire district. Many of the pharmacies provide extended opening hours into the evening and during weekends. The vast majority of the population are within a 20-minute journey on public transport from a pharmacy and all can access a pharmacy within a 15-minute car journey.*
 - 6.18.2 *There are two large ongoing housing developments in Wakefield District, however the full project plan expands beyond the length of this PNA into 2040. Of the total expected additional housing (5,500) around 800 have been completed to date. Both these sites are within commutable distance from existing pharmaceutical services, as well as within easy reach of a town centre by public transport or car. There are several smaller developments either in progress or going through the planning process that may progress to construction during the next three years. Given the current population demographics, housing projections and the distribution of service providers*

across Wakefield District, this document concludes that the current provision will be sufficient to meet the future needs of the residents during the three-year lifetime of this pharmaceutical needs assessment.

- 6.18.3 *Wakefield District has an estimated population of 360,000. The projected population changes and housing developments identified may consequently impact on the type of services required and the number of people accessing pharmaceutical services within the district. However, given the current population demographics, housing projections, the distribution of pharmacies across Wakefield District and their capacity to meet increases in demand, it is anticipated that the current pharmaceutical services providers will be sufficient to meet both current and future local needs."*
- 6.19 The Committee further noted the following conclusions at section 9.3 'Improvement and Better Access – Gaps in Provision':
- 6.19.1 *"9.3.1 Current and Future Access to Essential Services ...*
- 6.19.2 *Based on the information available at the time of developing this pharmaceutical needs assessment no gaps have been identified in essential services that if provided either now or in the future would secure improvements, or better access, to essential services in any of the localities."*
- 6.19.3 *"9.3.2 Current and Future Access to Advanced Services ...*
- 6.19.4 *Based on the information available at the time of developing this pharmaceutical needs assessment no gaps have been identified in the provision of advanced services that if provided either now or in the future would secure improvements, or better access, to advanced services in any of the localities."*
- 6.19.5 *"9.3.3 Current and Future Access to Enhanced Services ...*
- 6.19.6 *Based on the information available at the time of developing this pharmaceutical needs assessment no gaps in respect of securing improvements, or better access, to the enhanced services in specified future circumstances have been identified in any of the localities."*
- 6.19.7 *"9.3.4 Future Requirements for Advanced and Enhanced Services ...*
- 6.19.8 *Based on the information available at the time of developing this pharmaceutical needs assessment no gaps in respect of securing improvements, or better access, to advanced or enhanced services in specified future circumstances have been identified in any of the localities."*
- 6.20 The Committee noted that a supplementary statement had been issued on 6 October 2023 regarding the closure of Boots Pharmacy at 64a Windhill Road as follows:
- 6.20.1 **"Details of the change**
- 6.20.2 *The following community pharmacy in the Eastmoor area closed as of 07/10/2023.*
- 6.20.3 *FJX61 Boots Pharmacy, 64a Windhill Road, Eastmoor, Wakefield WF1 4SD.*
- 6.20.4 *In addition to essential pharmaceutical services, the pharmacy provided the following locally commissioned service:*
- 6.20.4.1 *Supervised consumption*

6.20.5 *These services were provided during the following opening times.*

6.20.6 *Monday 09:00 – 18:00*

6.20.7 *Tuesday 09:00 – 18:00*

6.20.8 *Wednesday 09:00 – 18:00*

6.20.9 *Thursday 09:00 – 18:00*

6.20.10 *Friday 09:00 – 18:00*

6.20.11 *Saturday CLOSED*

6.20.12 *Sunday CLOSED*

6.20.13 ***The Wakefield Health and Wellbeing Board deemed that a revised PNA would be a disproportionate response to the changes outlined in this Supplementary Statement***

- 6.21 The Committee noted that the HWB refers to the guidance issued to Health and Wellbeing Boards and comments that *"We considered the factors outlined above and determined that had the pharmacy in Eastmoor not been open at the time of writing the PNA then we would have identified a gap in the provision of pharmaceutical services. [HWB's emphasis] Therefore, a supplementary statement was issued and as indicated by the guidance, issuing such a statement could infer a current need."* The Committee noted the HWB's view that re-writing a PNA would be a disproportionate response as it was their understanding that issuing the statement itself was sufficient to indicate a gap in provision.
- 6.22 The Committee noted the Applicant's view that the supplementary statement does not clearly state that the closure has led to a gap in services and therefore it concluded that it was appropriate to submit an application under Regulation 18 rather than one for a current need.
- 6.23 The Committee was of the view that it should have regard to the wording of the PNA as it currently stands. The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of the Eastmoor estate in Wakefield. Whilst the HWB considers that there is a gap in provision which is implied by the issuing of the supplementary statement dated 10 October 2023, the Committee was mindful that the supplementary statement does not actually state that there is a need, which it could have done if the HWB had considered that there is indeed a need. The Committee was of the view that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant PNA in accordance with paragraph 4 of Schedule 1.
- 6.24 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)

- 6.25 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"*

- 6.26 The Committee noted the Commissioner's decision report states "*With regards [sic] to Regulation 18(2)(a) (i), there are no identified plans or needs in respect of the provision of pharmaceutical services in the area. It must be noted that whilst there are no identified plans, PSRC did approve a NSCR application in January 2024 for the site at 82 Upper Warrengate, WF1 4JZ.*" The Committee noted that there was no dispute on the matter from other parties.
- 6.27 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.
- 6.28 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)

- 6.29 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"*
- 6.30 The Committee noted the Commissioner's decision report states "*Following consideration of Regulation 18(2)(a) (ii), West Yorkshire ICB notes that none of the applications offered to secure improvements or better access over and above those already provided within the area.*" The Committee noted that there was no dispute on the matter from other parties.
- 6.31 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.
- 6.32 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)

- 6.33 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)

- 6.34 The Committee noted the location of the proposed premises in Eastmoor, a suburb on the eastern side of Wakefield. The Committee had regard to the map supplied by the Commissioner which indicates the location of the proposed premises together with nearby pharmacies and GP surgeries, which had not been disputed.
- 6.35 The Committee noted that the proposed premises had been given as a best estimate, but that the Applicant had confirmed in its representations that it had been in contact with the landlords of the premises at 64a Windhill Street, with both parties in agreement that the Applicant would enter into a lease for the premises if the application is approved.
- 6.36 The Committee noted that the premises were formerly the site of a Boots Pharmacy which had closed in October 2023. The Committee noted the Applicant's comment that there have been further pharmacy closures around Wakefield "*over the last 12 months or so*", the nearest of which was another Boots Pharmacy at 82-84 Upper Warrengate towards the town centre. The Applicant further comments that this has led to "*additional pressure on the remaining contractors*".
- 6.37 The Committee noted the Applicant's comment that "*We are fully aware that just because one pharmacy closes there is no automatic reason why permission should be granted to open one to replace it. However, in this instance our client feels the closure has led to a gap in pharmaceutical services in the immediate area, which is a deprived residential housing estate.*"
- 6.38 The Committee noted that an application by Living Care Pharmacy for a no significant change relocation from Top Shop, Union Square, WF1 1TT to 82 Upper Warrengate, Peterson Road, WF1 4JZ had been granted in February 2024 and this was awaiting commencement.
- 6.39 The Committee noted the Commissioner's confirmation that it had granted a no significant change relocation to a distance selling pharmacy (UK Health Focus) applying to relocate from 41 Duke of York Street, WF1 3PD to 62/64 Windhill Road, adjacent to the proposed site. The Committee noted the Applicant's comment that distance selling pharmacies "*...are not allowed to offer face to face essential pharmaceutical services. Furthermore, they are required to provide services to any patient in England who requires them, so provide a national rather than a local service. This pharmacy will not address the local issues that have been identified by our client.*"
- 6.40 The Committee considered that a distance selling pharmacy provides a type of access to pharmaceutical services and cannot be discounted when considering access to pharmaceutical services. The Committee felt that, on one hand, it was reasonable to consider that some people are likely to view a distance selling pharmacy as less accessible than a traditional "walk in" pharmacy because patients cannot simply walk in and have a prescription dispensed or obtain advice immediately. The Committee also acknowledged that, on the other hand, it could be considered that distance selling pharmacies are more accessible due to patients being able to access services by post, phone or electronic communication without having to physically make the journey to a "walk in" pharmacy. While the type of access to pharmaceutical services provided by

distance selling pharmacies will benefit some persons, the Committee also felt it was reasonable to consider that some persons do not access pharmaceutical services via distance selling pharmacies because they prefer face to face contact.

- 6.41 The Committee was of the view that a distance selling pharmacy at the proposed location will provide a type of access to pharmaceutical services and consequently will provide some element of choice in obtaining pharmaceutical services to some persons in the HWB area. The Committee was mindful that whilst the UK Health Focus application had been granted, there was no certainty of the relocation going ahead, but considered that it was a factor to be considered alongside physical access to and availability of pharmaceutical services in the HWB area.
- 6.42 The Committee noted the Applicant intends to serve the Eastmoor residential estate, which it states is *"one of the most deprived in the country and contains approximately 11,800 residents"*. The Committee had regard to the amenities on the estate as listed by the Applicant, including conveniences stores, fast food restaurants, schools, a community centre, places of worship, a care home and open spaces. The Committee noted the Applicant had commented that results from the index of multiple deprivation 2019 for the postcode area to which the proposed premises apply is within the top 7.8% most deprived parts of the country.
- 6.43 The Committee next considered access to nearby existing pharmacies and noted the Applicant states that Boots Pharmacy, Kingfisher Pharmacy, and two branches of Pharmacy Plus Health are all in the town centre at a distance of approximately 1.2 to 1.3 miles to the south-west of the proposed site. The Committee noted the Applicant has indicated walking times to these pharmacies of between 25 to 28 minutes. The Committee saw no detail regarding the route to the pharmacies, although it noted the Applicant's comment that they are all *"the other side of the A1 which is a very busy dual carriageway"*. The Committee noted that no information had been provided by which to conclude that there are no crossing points over the A1 and therefore concluded that a reasonably fit and able person would be able to walk to the pharmacies in the town centre. The Committee acknowledged that there would be people unable to do so and therefore went on to consider access to the pharmacies by other means.
- 6.44 For those driving, the Applicant states that the journey time is approximately 6/7 minutes to the pharmacies in the town centre. The Committee noted the Applicant's comment that *"there is the added complication of parking/congestion to take into account for those fortunate enough to own a motor vehicle."* The Committee acknowledged that car parking in a city centre can be problematic, but saw no information to indicate that it is particularly difficult to park nearby the existing pharmacies or that congestion is at such a level as to make the journey difficult. The Committee was not persuaded that those who did have access to their own transport were currently experiencing difficulties in accessing the existing pharmacies. The Applicant had provided statistics in the appeal indicating that according to the 2021 census, 37.2% of households in the Wakefield East ward have no cars/vans, compared to a national average of 23.5%. The Committee therefore went on to consider the availability of public transport.
- 6.45 The Committee noted the Applicant had indicated that bus journeys to the pharmacies in the town centre take between 12 and 16 minutes plus a few minutes to walk from the bus stop to the pharmacy. No information had been provided regarding the route, although the Committee noted the Commissioner had referred to buses every 15 minutes in its decision. The Committee had regard to the Applicant's comment that *"...there is a walk from bus stops to the pharmacies in question, so the journey is far from straightforward."* The Committee was mindful that the majority of those wishing to access the proposed pharmacy would need to walk to and from bus stops and therefore it did not consider that a few additional minutes walking when using the bus would cause particular difficulty. The Committee also noted the Applicant's comment that *"...a single adult fare is £2 and a day ticket is £7.60 which may be a stretch for people in a deprived area"* although it was mindful that not all commuters would purchase the more

expensive day ticket and some public transport users may benefit from reduced fares. The Committee was of the view that for those reliant on public transport there was nothing provided by the Applicant to demonstrate that they were currently having difficulties in accessing the existing pharmaceutical provision in the area of the HWB.

- 6.46 On the basis of the information provided, 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.
- 6.47 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.
- 6.48 The Applicant has provided a table (at 3.26) indicating that 9.6% of residents in the Wakefield East ward live with daily activities limited a lot as compared to the national average of 7.3%.
- 6.49 The Committee also noted the HWB's comments in support that:
- 6.49.1 *"Eastmoor is the most deprived neighbourhood in Wakefield, in which 42.6% of the children live in poverty (compared to 21.7% across Wakefield district)";*
- 6.49.2 *"Eastmoor has a larger population of 0-44 year olds compared to Wakefield District average, suggesting that there are a large number of families with young children living in the area";*
- 6.49.3 *"Approximately 55% of residents are recorded on GP systems as an ethnic minority, making the area very diverse with lots of different health and language needs."; and*
- 6.49.4 *"In the 2023 Adult Population Health Survey, 60.5% of respondents from the Eastmoor neighbourhood stated that they had health conditions or illnesses lasting, or expected to last, 12 months or more. It is likely that these people will be on regular medication and will therefore visit a pharmacy often."*
- 6.50 The Committee therefore identified that pharmaceutical services, especially other essential services apart from the dispensing of prescriptions, which can be delivered, may be difficult to access for people with protected characteristics, based on age and disability.
- 6.51 The Committee was of the view that there are always people in an area who share a protected characteristic and whilst a pharmacy at the proposed site might be a benefit to some people, there was no information provided by the Applicant, beyond those dealt with under access, as to how those with a protected characteristic were currently experiencing any difficulties in accessing pharmaceutical services specific to their needs.
- 6.52 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.
- 6.53 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. The Committee noted that no information

had been provided in this regard and was therefore 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

- 6.54 The Committee noted that the Applicant is proposing to open for 48 hours a week of which 40 would be core hours. The Committee noted that the core hours were arranged so that there would be provision from 8am to 12noon Monday to Friday and 2.30pm to 6pm Monday and Friday 9am to 11am on a Saturday. The total opening hours would be 8am to 1pm and 2pm to 6pm Monday to Friday and 9am to 12noon on a Saturday with the additional hours being supplementary. The Committee noted that the existing pharmacies provide a range of hours between 8.30am and 7pm, plus all day Saturday and Sunday. Whilst the Applicant may be offering the advantage of earlier opening during the week, 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.
- 6.55 The Committee has considered whether there are any other factors that would confer significant benefits including on patients who share protected characteristics. The Committee had regard to the need to eliminate discrimination and advance equality of opportunity and foster good relations between these patients and those who do not share their protected characteristics.
- 6.56 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

- 6.57 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).
- 6.58 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 6.59 The Committee had regard to Regulation 18(2)(g) and found that it was not applicable.
- 6.60 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 6.61 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.
- 6.62 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 6.62.1 confirm the Commissioner's decision;
 - 6.62.2 quash the Commissioner's decision and redetermine the application;
 - 6.62.3 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.
- 6.63 Although the Committee has reached the same overall determination as the Commissioner, the Commissioner had considered the application together with other

applications and provided limited reasoning for its determination. The Committee therefore determined that the decision of the Commissioner must be quashed.

- 6.64 The Committee went on to consider whether there should be a further notification to the parties detailed at paragraph 19 of Schedule 2 of the Regulations to allow them to make representations if they so wished (in which case it would be appropriate to remit the matter to the Commissioner) or whether it was preferable for the Committee to redetermine the application.
- 6.65 The Committee noted that representations on Regulation 18 had been sought from parties by the Commissioner and representations had already been made by parties to the Commissioner in response. These had been circulated and seen by all parties as part of the processing of the application by the Commissioner. The Committee further noted that when the appeal was circulated representations had been sought from parties on Regulation 18.
- 6.66 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

7 DECISION

- 7.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner, for the reasons given above, and redetermines the application.
- 7.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 7.3 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;
- 7.4 The Committee determined that the application should be refused on the following basis:
 - 7.4.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
 - 7.4.1.1 there is already a reasonable choice with regard to obtaining pharmaceutical services;
 - 7.4.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
 - 7.4.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
 - 7.4.2 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.

Primary Care Appeals