

25 October 2024

REF: SHA/26231

**APPEAL AGAINST COVENTRY AND WARWICKSHIRE
ICB DECISION TO REFUSE AN APPLICATION BY
BLUECROSS HEALTH LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING UNFORESEEN
BENEFITS UNDER REGULATION 18 AT DAVENTRY
ROAD PARADE OF SHOPS, CHEYLESMORE,
COVENTRY, WEST MIDLANDS, CV3 5HD (AND
NEIGHBOURING POSTCODES ON PARADE)**

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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 granted.

A copy of this decision is being sent to:

Healthcare Plus Consulting Ltd on behalf of Bluecross Health Ltd
Boots UK Ltd
PCSE on behalf of Coventry and Warwickshire ICB
Community Pharmacy Arden
Coventry LMC

Advise / Resolve / Learn

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

- 2 **Site Visit**

A site visit was undertaken on Tuesday 8th October 2024 at 12:30pm.

- 2.1 The Pharmacy Appeals Committee ("the Committee") appointed by NHS Resolution (which comprised of Mrs L Reid, Mr P Bratley and Mrs K Limm) met on Daventry Road, Coventry at the shopping parade where the Applicant is seeking to open premises. There were a number of retail premises on the parade including grocery shops, cafes, hairdressers, florists and two banks. Parking spaces were arranged along the parade on a one way system with time limits of 2 hours. Members observed the area was very busy but the turnover of spaces were frequent and the visit was during a weekday lunch period.
- 2.2 Members crossed the road towards the park and walked along Quinton Park Road towards the Boots pharmacy located within the Cheylesmore GP Surgery. The area was residential with mainly sheltered housing and the pavements were in good repair. The journey on foot took approximately 8 minutes at a leisurely pace. Oasis Health Care is a standalone building opposite a church and has parking outside. The pharmacy is located inside the building with the green pharmacy cross showing at the entrance to the building. It was not well sign posted. The pharmacy was relatively small in size with a modest selection of toiletries and other over the counter products. There is no separate entrance.
- 2.3 Members then walked back to the parade on Daventry Road and drove towards Leamington Road where Chemycare Pharmacy was located. The road was busy and buses were seen regularly along the route. Chemycare Pharmacy is co-located with the Phoenix Family Care GP Surgery. Situated in a large residential area, there is a car park at the rear of the building off Knoll Drive with an accessible entrance. The pharmacy itself is inside the practice with a small dispensary and no over the counter products were observed. It was closed at the time of the visit. The sign for the pharmacy is at the front of the building located on Leamington Road, however this was only visible in one direction.
- 2.4 Members then travelled further along Leamington Road turning onto Baginton Road where Styvechale Pharmacy is located. The pharmacy was situated in another large residential estate on a small parade of shops including a butchers, hairdressers and a small local store. There was limited parking outside, however there were parking spaces available and other streets to park on in the immediate vicinity. There is a bus stop outside the pharmacy. Styvechale Pharmacy has a large dispensing area, a clinic

providing vaccinations and blood tests as well as other services. It was well staffed, busy with clear signage about the services provided and appeared to be well used. However, members did not see any opening hours advertised. The pharmacy has an automated 24/7 dispensing collection facility.

2.5 Members then drove along the Chesils, onto Quinton Park before returning to Daventry Road. From here, members travelled along Queen Isabels Avenue and Mile Lane towards Central 6 retail park. The area was largely residential with some steep inclines, leading onto the university campus and student accommodation. The route towards the retail park leads onto the ring road with busy cross roads and junctions and took approximately 10 minutes by car.

2.6 There is a large car park at Central 6 with a variety of retail premises including high street shops and a large Boots store. There are bus stops on the park. Inside the store there is a pharmacy with a dispensing area. There were only 2 members of staff there during the visit with customers looking for assistance. Members observed a modest number of prescription items waiting to be collected by customers but otherwise it did not appear to be busy.

3 A summary of the above observations was provided to those in attendance. They were invited to comment upon them or indicate if any of the observations appeared to be inaccurate. No comments or observations were made.

4 Oral Hearing Submissions

Mr Porbanderwalla was unable to attend the hearing and was represented by Mr Korias, Healthcare Plus Consulting.

4.1 Mr Korias told the Committee that he lived in the area and was very familiar with the community. He said the application is about reasonable choice and access, particularly for people living to the north of the Daventry Road parade of shops. The closure of Boots following their rejected consolidation application removed a local service offering core hours on a Saturday. The consolidation application was refused in 2020. He referred the Committee to Regulation 26(A) which states:

(5) NHS England must refuse a consolidation application

(a) if it is satisfied that granting the application would create a gap in pharmaceutical services provision that could be met by a routine application

(i) to meet a current or future need for pharmaceutical services, or

(ii) to secure improvements, or better access, to pharmaceutical services;

4.2 He submitted that by refusing the consolidation application, under the Regulations, NHS England must have concluded that granting it would have created a gap in services. He noted that Boots did not contest the refusal at the time. He stated that there are a number of vulnerable groups who live in the community who find accessing pharmaceutical services difficult. A UK housing group provides supported living for vulnerable people and there are a high number of elderly who live in the area. The Health and Wellbeing Board (HWPB) had provided comments on the consolidation application, raising concerns in 2020 where 12.8% of the local population were over 70. This has since increased to 15% of the local population who are over 70.

4.3 He submitted that there are groups in the local population who rarely travel other than to the shopping parade and Asda for their local needs. He said that to access Oasis Health Care would require a special trip.

4.4 Mr Korias suggested that walking through the park was an uncomfortable and “unnerving” walk that means that people need to walk around the park which is exposed

to the elements. He gave an example of an elderly couple who are dependent upon each other may need to visit a pharmacy for medications or services. Any additional distance to their journey can result in leaving one alone without support of the other, leaving them vulnerable for longer.

- 4.5 Mr Koria informed the Committee that the Boots on Daventry Road was dispensing on average 4,500 items per month when it was closed in 2023. Since its closure, the nearest Saturday all day pharmacy is located at Central 6 retail park. He explained that there is no direct bus to Central 6 from the shopping parade. He said distance selling pharmacies are not a viable option for those who are not comfortable using the internet and whilst some pharmacies provide a delivery service, the impact on profits is making this unsustainable. He also reminded the Committee that the delivery of medication is not a core NHS service and therefore cannot be relied upon.
- 4.6 In terms of Styvechale Pharmacy, Mr Koria said it is a difficult journey on foot from the parade as it is up a steep hill. For those driving there parking is limited and he has found from personal experience that it is difficult to find spaces. He referred to the automated dispensing facility stating that this is not an NHS commissioned service and some of the providers are rumoured to be in financial difficulty.
- 4.7 Mr Koria concluded by saying that granting the application would significantly benefit the elderly and vulnerable as well as addressing a gap in provision particularly on Saturdays.

Questions of the Applicant

- 4.8 Committee Members asked Mr Koria for further information about the difficulty in walking through the park from the parade to the Oasis Health Care. He explained that there is an alleyway at the end of the park that leads to the health centre which is narrow with little lighting.
- 4.9 He advised that the items dispensed previously by the Boots Pharmacy on Daventry Road have been distributed to local services with the majority 60% going to Boots at Oasis Health Care, 20% to Styvechale Pharmacy and the remaining to distance selling pharmacies.

Representations from Claire Brittain, Boots Pharmacy

- 4.10 Ms Brittain firstly explained that the consolidation application was in 2020 and was not contested by Boots because it was a pharmacy that they had struggled to make work for a number of years. She said the consolidation application was the last resort. She said that the pharmacy was dispensing on average 1000 items per week and 60% of the items dispensed have now gone to the branch at Oasis Health Care. She submitted that this shows that people are able to access pharmacies in the area. She suggested that many suburban estates are open to the elements and did not accept Mr Koria's description of the footpath through the park being uncomfortable. She said that there is plenty of parking available at Oasis Health Care.
- 4.11 She reminded the Committee that the consolidation application was in 2020 and pharmacy provision has been reviewed since then in the Pharmaceutical Needs Assessment ("the PNA"), which did not identify a gap in services. No supplementary statement had been issued. She advised that Boots provide a medicine delivery service at both of their branches. She then went on to address the Google Reviews that had been included in the application suggesting that such reviews are always quite contentious as people only tend to submit them when they have had a bad experience. She explained that when the Daventry Road branch was first closed, the branch in Oasis Health Care was not as organised as it should have been but that there had been significant improvements since including the employment of additional staff. She said that the Google Reviews no longer reflect the level of service provided by the branch.

Questions of the Parties

- 4.12 Mr Koria asked Ms Brittain if the closure of the Daventry Road branch was undertaken as part of the nationwide Boots closure programme adding that a number of branches appeared to have been closed without a clear reason. Ms Brittain confirmed that this was part of the nationwide programme however all branches were assessed. She was unable to provide any further explanations for the closures. She confirmed that the branch in Oasis Health Care is open on Saturday mornings but that this was not part of their core hours contract.
- 4.13 In response to questions from Committee Members, Ms Brittain confirmed that dispensing numbers at the Central 6 branch were low and this is not unusual for retail park pharmacies. She was unable to answer any other questions from the Committee about the use of services other than dispensing.

Final submissions

- 4.14 Mr Koria summarised the access difficulties currently experienced by vulnerable people, particularly those living to the North of the shopping parade. He reminded the Committee that community pharmacy is about access to other services and not just dispensing and that unless the application is granted, those in the community do not have reasonable choice.

5 Consideration

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

Regulation 31

- 5.4 The Committee first considered Regulation 31 of the Regulations which states:
- (1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.*
- (2) This paragraph applies where -*
- (a) a person on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services ("the existing services") from -*
- (i) the premises to which the application relates, or*
- (ii) adjacent premises; and*
- (b) NHS England is satisfied that it is reasonable to treat the services that the applicant proposes to provide as part of the same service as the existing services (and so the premises to which the application relates and the existing listed chemist premises should be treated as the same site).*
- 5.5 The Commissioner, in its PSRC decision minutes, concluded that "*Regulation 31 is not applicable in that the proposed location of the pharmacy is not adjacent to or in close proximity to another pharmacy*". Given this had not been disputed by any party, the

Committee determined that it was not required to refuse the application under the provisions of Regulation 31.

- 5.6 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

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

“(1) If—

- (a) NHS England receives a routine application and is required to determine whether it is satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB; and*
- (b) the improvements or better access that would be secured were or was not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1,*

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

(2) Those matters are—

- (a) whether it is satisfied that granting the application would cause significant detriment to—*
 - (i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB, or*
 - (ii) the arrangements NHS England has in place for the provision of pharmaceutical services in that area;*
- (b) whether, notwithstanding that the improvements or better access were not included in the relevant pharmaceutical needs assessment, it is satisfied that, having regard in particular to the desirability of—*
 - (i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England’s duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),*
 - (ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England’s duties under*

*section 13G of the 2006 Act (duty as to reducing inequalities)),
or*

- (iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),*

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

- (c) whether it is satisfied that it would be desirable to consider, at the same time as the applicant's application, applications from other persons offering to secure the improvements or better access that the applicant is offering to secure;*
 - (d) whether it is satisfied that another application offering to secure the improvements or better access has been submitted to it, and it would be desirable to consider, at the same time as the applicant's application, that other application;*
 - (e) whether it is satisfied that an appeal relating to another application offering to secure the improvements or better access is pending, and it would be desirable to await the outcome of that appeal before considering the applicant's application;*
 - (f) whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7.*
 - (g) whether it is satisfied that the application presupposes that a gap in pharmaceutical services provision has been or is to be created—*
 - (i) by the removal of chemist premises from a pharmaceutical list as a consequence of the grant of a consolidation application, and*
 - (ii) since the last revision of the relevant HWB's pharmaceutical needs assessment other than by way of a supplementary statement.*
- (3) NHS England need only consider whether it is satisfied in accordance with paragraphs (2)(c) to (e) if it has reached at least a preliminary view (although this may change) that it is satisfied in accordance with paragraph (2)(b)."*

- 5.8 The Committee considered that Regulation 18(1)(a) was satisfied in that it was required to determine whether it was satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB.
- 5.9 The Committee went on to consider whether Regulation 18(1)(b) was satisfied, i.e. whether the improvements or better access that would be secured if the application was granted were or was included in the Pharmaceutical Needs Assessment ("the PNA") in accordance with paragraph 4 of Schedule 1 of the Regulations.
- 5.10 Paragraph 4 of Schedule 1 requires the PNA to include: "a statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a) **would** if they were provided....secure improvements or better access, to pharmaceutical services... (b)

would if in specified future circumstances they were provided...secure future improvements or better access to pharmaceutical services..." (emphasis added).

- 5.11 The Committee considered the PNA prepared by Coventry City Council & Warwickshire County Council Health and Wellbeing Boards, 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 2022 - 2025.
- 5.12 Whilst mindful of the recent closure of the Boots pharmacy within the proposed best estimate address, the Committee noted page 118 of the PNA concludes that *"There is good access for community pharmacies in Coventry, with 51 of the 97 pharmacies in Coventry being open on a Saturday and the majority of pharmacies being within a 5 minute drive, and all pharmacies within a 15 minute drive."* And further *"The public engagement process revealed a high level of satisfaction on the part of respondents."*
- 5.13 The Committee noted that the Applicant seeks to provide unforeseen benefits to the residents of the 031A LSOA and 037C LSOA, in Cheylesmore, Coventry. The Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant PNA in accordance with paragraph 4 of Schedule 1.
- 5.14 In order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at 18(2). The Committee's consideration of the issues is set out below.

Regulation 18(2)(a)(i)

- 5.15 The Committee had regard to
- "(a) whether it is satisfied that granting the application would cause significant detriment to—
- (i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB"
- 5.16 The Committee noted that the Commissioner in its decision report had simply stated *"18(2) a (i) ... not satisfied"*. The Committee noted that no party sought to argue that the application should be refused pursuant to Regulation 18(2)(a)(i).
- 5.17 Based on the information available, the Committee was not satisfied that, if the application were to be granted and the pharmacy to open, the ability of the Commissioner thereafter to plan for the provision of services would be affected in a significant way.
- 5.18 The Committee was therefore not satisfied that significant detriment to the proper planning of pharmaceutical services would result from a grant of the application.

Regulation 18(2)(a)(ii)

- 5.19 The Committee had regard to
- "(a) whether it is satisfied that granting the application would cause significant detriment to— ...

(ii) *the arrangements NHS England has in place for the provision of pharmaceutical services in that area"*

5.20 Again, the Commissioner in its decision report had simply stated "18(2) a ... (ii) *not satisfied*". The Committee noted that no party sought to argue that the application should be refused pursuant to Regulation 18(2)(a)(ii).

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

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

Regulation 18(2)(b)

5.23 The Committee had regard to

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

(i) *there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),*

(ii) *people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or*

(iii) *there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),*

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

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

5.24 The Committee noted the Applicant's reference to an application by Boots, which was submitted in 2020 prior to its closure, to consolidate its Daventry Road site (closing site) with its Quinton Park site (remaining site) but that this was refused by the Commissioner.

5.25 The Applicant contends that "Our understanding is that the reason a consolidation would be rejected is if it left a gap in pharmaceutical provision. Thus, we can derive that the rejection of this consolidation means that the committee felt that there is a need for a pharmacy at Cheylesmore Surgery AND on Daventry Road parade of shops (the proposed site).

Hence, the closure of the Boots on Daventry Road shops has created a gap in pharmaceutical provision, that this application proposes to fill."

- 5.26 The Committee noted the Applicant's reference at the hearing to the regulatory test contained within Regulation 26(A). The Committee also noted, the Commissioner in its consideration of the consolidation application stated that *"There would be a reduction of provision on a Saturday and access for patients with disabilities may affected."*
- 5.27 The consolidation application was objected to by the HWB and Healthwatch. The HWB stated *"The Daventry Road site is part of a row of shops offering a visible community pharmacy presence on the high street. The Quinton Park site is incorporated within a Health Care Centre. While this will be visible and accessible to patients using the Health Care Centre GP Practices, this site may not be as visible, accessible or familiar to residents not registered at practices within the Health Care Centre. Although the distance between sites is approximately 600 metres this could be a long way for access impaired users. 12.8% of Cheylesmore Ward residents are over 70 years of age with a significant proportion of the ward's population living north of Daventry Road. For some residents, consolidation of these sites will add 600 metres to their current journey to a community pharmacy."*
- 5.28 Healthwatch stated *"of the two sites, Site Two [CV3 5HD, the proposed site] is the more accessible site to the public as it is located in the centre of a very busy local shopping parade which contains a range of shops including the banks. There is significant foot fall. There is parking available all along the shop frontages. Site Two is also very close to bus stops on the number 21 and number 3/3A bus routes which stop on Quinton Road by the bottom of Queen Isabel's Avenue near to the junction with Daventry Road. The location of Site One does not have a busy on street foot fall. The pharmacy is located in a building branded as the Oasis Centre which is set back from the road and neighbours a social club and a church. It is located between two bus stops on the number 3/3A route. Parking neighbouring the building is more limited and is shared with GP surgeries and the church. This means it can be very difficult to park and may disadvantage access for people with disabilities."*
- 5.29 The Applicant also referred to the reason given by the Commissioner for the refusal of the consolidation application which stated: *"The granting of the consolidation application will result in the reduction of pharmacy provision in the area on a Saturday and access for people with disabilities may be more difficult from site 1."* The Committee noted reference made by the Boots representative that the PNA had been published after the consolidation application and had not identified a gap in services. However the Committee also noted that the PNA was prepared before the closure of the Daventry Road Boots.
- 5.30 Whilst mindful of the decision regarding the consolidation application, the Committee proceeded to consider the instant application in accordance with Regulation 18(2)(b).
- 5.31 The Committee noted that the Commissioner in its decision report had simply stated *"18(2) a (i) ... not satisfied."*
- 5.32 The Committee noted that the Applicant made specific reference to those living in the area of 037C and 031A LSOA, which is to the north of the proposed location on Daventry Road. In order to consider access for this particular patient group, which was estimated to be around 2,000, the Committee used Furlong Road as a starting point as this was utilised by the Applicant.

Access on foot or by public transport

- 5.33 The public census data identified 33% of households in Coventry do not have access to a vehicle. The Committee first considered access by foot or public transport.
- 5.34 The distance on foot from Furlong Road to the Boots on Quinton Park Road is 0.8 miles and takes approximately 17 minutes via Mile Lane. It is a well-lit area and the pavements were relatively well maintained. There are 2 bus routes that can be taken to the Oasis Health Centre taking between 11 and 15 minutes, both of which require

travel by foot to get to the nearest bus stop. However, the pharmacy is located within the Oasis Health Centre which is sat back away from the road and not well sign posted. Based upon their own site visit, the Committee agreed with the observations of the HWB and were of the view that this may present a psychological barrier to those wishing to access pharmaceutical services in the area. Patients would need to be aware that the pharmacy was there and, unless they are registered with the GP surgery, may not find those pharmaceutical services were accessible to them.

- 5.35 For patients travelling on foot to Chemycare, the distance from Furlong Road is 1.2 miles and takes approximately 25 minutes. The Applicant referred to a steep hill for a stretch of around 120 metres which would add to access difficulties, particularly for those with mobility issues. Alternatively, patients could take public transport, however the only direct route available by bus requires walking 0.6 miles between Lichfield Road and Leamington Road to get to the pharmacy. The pharmacy itself is located within the Phoenix Family Care GP Surgery building and only contains a dispensary. The Committee noted that the signage was only visible on the road from one direction and were of the view that due to the location of the pharmacy and the lack of a consulting room or over the counter products, it is likely to be seen as providing medication for patients of that surgery only.
- 5.36 Patients travelling on foot to Styvechale Pharmacy from Furlong Road would require a walk of 1.4 miles via the Chesils taking approximately 31 minutes. The route is through a number of different residential areas. By public transport, patients could take the No 17A bus by walking 0.3 miles to Park Road and then travelling 12 minutes on the bus. There are other services available but they are not as direct. The Styvechale Pharmacy is on a small parade of shops surrounded by housing estates. It provides a wide range of services, which are clearly advertised, including non-core services such as phlebotomy and an automated 24/7 dispensing collection service. However, the other shops on the parade do not represent the wide retail offer that those on Daventry Road do, making it more likely that patients would be making this journey only to access pharmaceutical services.
- 5.37 The Boots pharmacy located on the Central 6 retail park is 0.9 miles from Furlong Road and takes approximately 20 minutes on foot. The route is through the university campus and involves crossing busy junctions to get onto the retail park. Once at the retail park, patients would be crossing a busy car park to get to the store. The Applicant highlighted that the journey by public transport is not particularly accessible for those living in the area around Furlong Road as it involves walking a further half mile in between stops to get to the retail park.
- 5.38 Walking from Furlong Road to the proposed site on Daventry Road is 0.5 miles and takes approximately 11 minutes. The route is on an incline, through residential streets with wide pavements and good lighting. By public transport, it is a direct route via the No 21 bus providing a 5 minute journey with a 3 minute walk at the beginning.

Access by car

- 5.39 The Committee then went onto consider access to current pharmaceutical services by car. All of the pharmacies previously referred to have parking available on site. Again, starting at Furlong Road, the Oasis Health Centre is 1.3 miles away and takes approximately 5 minutes by car. It shares a car park with the social club and church. There were spaces available when the Committee visited, however this was a weekday lunchtime so it is reasonable to suggest that this may not be representative of when patients may be visiting their GP. However, there was also on street parking in the immediate vicinity.
- 5.40 Driving from Furlong Road to Chemycare Pharmacy via Daventry Road is 1.2 miles with a journey time of approximately 5 minutes. There is a small car park at the back of the surgery. The Committee visited outside of surgery hours and when the pharmacy was closed so whilst there were spaces available, they may be limited at other times.

- 5.41 The journey to Styvechale Pharmacy is 1.6 miles and takes approximately 6 minutes. There was parking available outside the parade of shops and the Committee noticed that the turnover of spaces was quite high. There was no difficulty parking during the site visit, although it was noted that the Applicant's representative referred to difficulty parking at the site.
- 5.42 The journey by car from Furlong Road to Central 6 retail park is 1.1 miles via Mile Lane and takes approximately 8 minutes. The retail park is located off the ring road and the journey from Furlong Road includes busy junctions and navigating 3 lanes of traffic. There is a large car park on the retail site. The Committee were of the view that drivers who were not confident in heavy traffic may find the journey challenging.

Reasonable Choice

- 5.43 The Committee went on to consider the question of reasonable choice. Reasonable choice is not defined in the Regulations and the Committee was of the view that it is not restricted to the number of pharmacies that an individual has access to. The fact that a pharmacy has closed does not in itself result in a conclusion that there is no longer reasonable choice. Furthermore, although the Applicant has argued that the consolidation application was refused on the basis that granting it would demonstrate a gap in services, this does not necessarily lead onto the automatic conclusion that there is no longer reasonable choice or access under the Regulations.
- 5.44 The Committee was also mindful that pharmaceutical services are not limited to dispensing medications and the NHS are encouraging people to use Pharmacy First in order to support other areas of healthcare.
- 5.45 The shopping parade on Daventry Road provides a wide range of retail opportunities for the local population including banks, cafes, grocery stores, hairdressers and ethnic food produce. There is a medium sized Asda supermarket directly opposite the parade. The Applicant argued that those living in the area, in particular to the north of Daventry Road choose to do their local weekly shop there whereas accessing other pharmaceutical services in the area would require a journey specifically for that purpose.
- 5.46 The Applicant had provided evidence of difficulties currently being experienced by patients accessing pharmaceutical services since the closure of the pharmacy on Daventry Road. These included Google Reviews complaining about the service provided and correspondence from patients who had experienced problems accessing pharmaceutical advice from existing providers, describing long queues. There was also a letter from the UK Housing Group expressing their concern about the challenges faced by residents in accessing pharmaceutical services, particularly on Saturday afternoons. The representative from Boots invited the Committee to disregard the Google Reviews as no longer being representative of the service provided. However, the Committee did not have anything before it to confirm whether service levels had improved and the representative was unable to provide any up to date information about the use of services in either of its branches. The Committee did not accept the proposition that the fact that 60% of items dispensed from the Boots on Daventry Road now being dispensed at Oasis Health Centre as being representative of patients having reasonable choice. It considered this to be indicative of patients having to use the services available.
- 5.47 Based on its site visit observations as outlined above, comments from the HWB and Healthwatch and noting in particular the co-location of the nearest 2 pharmacies in the GP surgeries from the area under consideration, the Committee was satisfied that, having regard to there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits by way of physical access on persons.

- 5.48 The Committee was of the view that there is not already reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB, such that it was satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits on persons.
- 5.49 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. The Applicant had provided evidence of people with protected characteristics having difficulty accessing services. In particular, the Committee were asked to consider people who were elderly and those with mobility issues. The evidence referred to the additional travelling time incurred and distance. The Committee noted from the information presented that there was a reasonably high elderly population in the area who may have additional health needs. Difficulties accessing services for those with protected characteristics were apparent from the evidence and the Committee had regard to these. However, it noted that there was no reference to services that may meet their specific needs. The access difficulties were important but the Committee were of the view that these might apply to any persons experiencing access difficulties as described. It therefore considered that there was not a robust body of evidence that enabled it to be satisfied that a pharmacy at the proposed site would convey significant benefits pursuant to Regulation 18(2)(b)(ii).
- 5.50 The Committee was therefore not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.
- 5.51 In considering Regulation 18(2)(b)(iii) the Committee had regard to the desirability of innovative approaches to the delivery of pharmaceutical services. In doing so, the Committee would consider whether there was something more over and above the usual delivery of pharmaceutical services that might be expected from all pharmacies, some 'added value' on offer at the location.
- 5.52 The Applicant is not seeking to argue innovation and there was no information within the application that would support the definition of innovation in terms of the delivery of pharmaceutical services.
- 5.53 The Committee was not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons.

Regulation 18(2)(b) generally

- 5.54 The Boots pharmacy that was located on Daventry Road closed in November 2023 and was dispensing at that point around 4,500 items per month. Its core opening hours were 9am to 4pm on Saturday. The Boots pharmacy co-located in Cheylesmore Surgery on Quinton Park Road is open on Saturday mornings but the Committee was informed these were not as part of their core hours. The Applicant intends to provide services 6 days per week to include core hours of 9am – 5pm on a Saturday. The Committee noted comments from patients referring to difficulties accessing services on a Saturday particularly for those who work full time. It also noted representations that had been made by parties and the Commissioner on the need for Saturday services following the consolidation application.
- 5.55 The Committee was of the view that there was information provided to support a finding that pharmaceutical services are not currently provided at such times as needed and therefore it was satisfied that, having regard to the desirability of there being a

reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.

- 5.56 The Committee has considered whether there are any other factors that would confer significant benefits on including 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.
- 5.57 The Committee was not satisfied that granting the application would confer significant benefits for patients who share protected characteristics on the basis that those benefits would be secured for all patients, regardless of their status.
- 5.58 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would confer significant benefits on persons in the area of the HWB which were not foreseen when the PNA was published.

Other considerations

- 5.59 Having determined that Regulation 18(2)(b) had not been satisfied, the Committee did not need to have regard to Regulation 18(2)(c) to (e).
- 5.60 Having determined that Regulation 18(2)(b) had been satisfied, the Committee needed to have regard to Regulation 18(2)(c) to (e) and found that there were no other applications from other persons to consider, nor were there any appeals against applications pending.
- 5.61 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 5.62 The Committee had regard to Regulation 18(2)(g) and found that it did not apply in this case.
- 5.63 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 5.64 The Committee was satisfied that the information provided demonstrates that there is difficulty in accessing current pharmaceutical services such that a pharmacy at the proposed site would provide better access to pharmaceutical services.
- 5.65 The Committee had regard to Regulation 19(6) which states:

(6) If NHS England is satisfied as mentioned in regulation 18(2)(b), it may grant the application notwithstanding that the improvements or better access were or was not included in the relevant pharmaceutical needs assessment.
- 5.66 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
 - 5.66.1 confirm the Commissioner's decision;
 - 5.66.2 quash the Commissioner's decision and redetermine the application;
 - 5.66.3 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.
- 5.67 Given the Committee has reached a different decision, it determined that the decision of the Commissioner must be quashed.

- 5.68 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.
- 5.69 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.
- 5.70 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

6 DECISION

- 6.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner, for the reasons given above, and redetermines the application.
- 6.2 The Committee has considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and is not satisfied that it would;
- 6.3 The Committee determined that the application should be granted on the following basis:
- 6.3.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 6.3.1.1 there is not already a reasonable choice with regard to obtaining pharmaceutical services;
- 6.3.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
- 6.3.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
- 6.3.2 Having taken these matters into account, the Committee is satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.

Committee Chair

REF: SHA/26231

APPEAL AGAINST COVENTRY AND WARWICKSHIRE ICB DECISION TO REFUSE AN APPLICATION BY BLUECROSS HEALTH LTD FOR INCLUSION IN THE PHARMACEUTICAL LIST OFFERING UNFORESEEN BENEFITS UNDER REGULATION 18 AT DAVENTRY ROAD PARADE OF SHOPS, CHEYLESMORE, COVENTRY, WEST MIDLANDS, CV3 5HD (AND NEIGHBOURING POSTCODES ON PARADE)

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Canary Wharf
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1 The Application

By application dated 6 December 2023, Bluecross Health Ltd (“the Applicant”) applied to Coventry and Warwickshire ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at Daventry Road parade of shops, Cheylesmore, Coventry, West Midlands, CV3 5HD (and neighbouring postcodes on parade). In support of the application it was stated:

- 1.1 In the Applicant’s view the application should not be refused pursuant to Regulation 31 for the following reasons:

- 1.1.1 “n/a – there are no other pharmacies located on Daventry Road parade of shops.”

Information in support of the application

- 1.2 In response to “Please explain how you intend to secure the unforeseen benefit(s)” the Applicant stated:
- 1.3 “The Boots Pharmacy on Daventry Road, CV3 5HD was open with no plans for closure at the time of the PNA being written. This application is therefore submitted under Regulation 18 as an unforeseen benefits application.
- 1.4 An increase in local pharmacy capacity and improved choice to meet the needs of the local population.
- 1.5 Better access to pharmaceutical services given the closure of Boots Pharmacy.
- 1.6 See enclosed Supporting information for further detail.”

Unforeseen benefits supporting information

Background

- 1.7 “This application is in respect of opening up a new pharmacy in order to provide better access for patients requiring access to pharmaceutical services in the Coventry 037C Lower-Layer SOA (LSOA/Lower-Layer Super Output Area), Coventry 031A LSOA; the surrounding areas; and the Coventry HWB.
- 1.8 We understand that there was only one pharmacy within the 037C and 031A LSOAs, located at: Boots Pharmacy, 163 Daventry Road, Cheylesmore, Coventry, CV3 5HD and this pharmacy closed on 18th November 2023 leaving a significant gap in pharmaceutical services for this area and hence this application is offering unforeseen

benefits not captured within the PNA. For clarity the pharmacy is located in the 037C LSOA, but also serves the 031A LSOA as the latter LSOA does not have a pharmacy.

- 1.9 As of the 2011 Census, the 037C LSOA housed 1,854 residents, the vast majority of whom would have utilised the Boots that recently closed in the LSOA. In the neighbouring 031A LSOA there were 2273 residents, again per census data, whom the vast majority would have utilised the recently closed Boots, CV3 5HD. It could be supposed that members of the West side of 031A would probably utilise the Boots located on Central Six Retail Park, CV3 6TA, however it must be noted that a high proportion of housing on the west side is commercial and also occupies Coventry's primary train station. Thus, it can be deduced that the majority of residents within the 031A LSOA actually live on the Central-East side (further away from the Boots located at Central Six Retail Park and closer to the proposed location) on the densely populated Parkside development (due to high volume of blocks of flats). It can be deduced that the closure of the Boots has left a significant gap in access to pharmaceutical services for a population within neighbouring LSOAs of at least 3500 residents.
- 1.10 Given the current lack of pharmaceutical services available in the surrounding areas, we believe that the gap left by the closure of Boots will not adequately be met by the remaining pharmaceutical network.
- 1.11 The best estimate of the proposed site we wish to open up a new pharmacy is located on the busy parade of shops on Daventry Road, CV3 5HD (& neighbouring postcodes on parade). This is the same location as the recently closed Boots.
- 1.12 The parade is in itself a thriving community. With c.30 shops all served by wide-walkways and c. 50 free parking spaces along the parade, with 4 of these being dedicated disabled bays. Across the road there is an Asda supermarket with its own parking, and a smaller parade of shops, again with its own parking. (see photographs and maps at Appendix A). There is good access by foot, car, and Public Transport. The proposed location is well-served by the 17, 17A, 21, 21A buses. All services operate frequently with the 17, 21 being every 20 minutes and the 17A and 21A being every 30 minutes.

Regulations

- 1.13 We are required by NHS England to address the overarching question in an Unforeseen Benefits application:
- “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”.
- 1.14 When considering the above question, the provisions of Regulation 18(2)(b) should be noted: [quoted in full].
- 1.15 We note that evidence is not required in respect of all three points; but rather that they are taken into consideration when evaluating the application.
- 1.16 Nevertheless, even if sufficient evidence cannot be found in respect of the 3 points in regulation 18(2)(b), an application should still be granted should it provide improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB's area.
- 1.17 We have addressed these arguments overleaf.

Securing Better Access

- 1.18 Distance, especially for those with protected characteristics

- 1.19 It must be noted that distance in itself is a barrier access. Above we identified approximately 2000 residents of the 031A LSOA who have been accustomed to accessing pharmaceutical services at the proposed site and will now find it difficult to access pharmaceutical services. Their new nearest pharmacy being the Boots in Central Six Retail Park, CV3 6TA or the Boots co-located with Cheylesmore Surgery, CV3 5PZ. As per public census data, 33% of households do not have access to a car or van and thus must access pharmaceutical services by foot or public transport. For the dense population living on the Central-East Side of the 031A LSOA (depicted by yellow marker), access to both of the remaining Boots is difficult by foot and by public transport.
- 1.20 By Foot from yellow marker (CV1 2UA) to Boots Central Six
- 1.21 As can be seen from the map (see Appendix A), this journey is 0.8 miles or 19 minutes, equating to a 38-minute round-journey. Quoting from the PNA: "As car ownership is lower in Coventry, it is important to note that almost all pharmacies are within a 15-minute walk...". It is worth reiterating that distance in itself is a barrier to access, and this journey length would not be expected, especially for those who live in a city centre location. Such an extended journey may prove difficult for more elderly, and disabled residents – both of whom are groups with protected characteristics. (see Appendix A)
- 1.22 By Public Transport from yellow marker (CV1 2UA) to Boots Central Six
- 1.23 The journey by bus to the current Boots site in Central Six is not the best served by public transport. Patients would have to obtain the No.21 bus on Mile Lane, but this would only take them close to the heart of the city centre. Patients would still then have to walk a further half mile (10 minutes) to reach the pharmacy. This culminates in a 30-minute round trip journey by public transport. Clearly this is not sustainable and proves difficult for the elderly and the disabled who are likely to use this service. Again, current pharmaceutical services are presenting a barrier access, especially to groups who have protected characteristics. (see Appendix A)
- 1.24 By Foot from yellow marker (CV1 2UA) to Boots Cheylesmore Surgery
- 1.25 As can be seen from the map (see Appendix A), this journey is 1 mile or 20 minutes. Reflecting the comments in the journey to Boots Central Six, the 40-minute round journey by foot is above the PNA ideal and presenting a barrier to access.
- 1.26 Moreover, for more elderly and disabled patients, the pathway alongside Quinton Park is particularly exposed to the elements and may prove difficult for patients to navigate on a wet and windy day. This may prevent them from accessing pharmaceutical services. We note that there is a slightly shorter path to the pharmacy via Quinton Park, but this would not be a journey that people would make with personal safety in mind; especially during the winter months as the pathway is poorly lit.
- 1.27 Again, such an extended journey may prove difficult for more elderly, and disabled residents – both of whom are groups with protected characteristics. (see Appendix A).
- 1.28 By Public Transport from yellow marker (CV1 2UA) to Boots Cheylesmore Surgery
- 1.29 The journey by bus to the current Boots site in Cheylesmore Surgery is not the best served and would require almost 0.4 miles of walking in addition to the bus journey. Patients would have to walk 0.3 miles to obtain the No.17 bus on Quinton Road. This culminates in a 28-minute round-trip journey by public transport. This is poor access, especially when you consider the city-centre location. Again, current pharmaceutical services are presenting a barrier access, especially to groups who have protected characteristics. (see Appendix A).
- 1.30 Alternatively, the proposed site is a sensible walking distance from the same starting point as above, as well as having much better public transport links.

- 1.31 By Foot from yellow marker (CV1 2UA) to Proposed location
- 1.32 The journey from the starting point in 031A LSOA (CV1 2UA) to the proposed site (the old Boots site, CV3 5HD), is 0.6 miles and a 12-minute walk, below the 15-minute PNA ideal as above. (see Appendix A)
- 1.33 By Public Transport from yellow marker (CV1 2UA) to Proposed location
- 1.34 The journey by Bus to the proposed site, again utilises the 21 Bus as above, however the journey is only 5 minutes in length, with the parade of shops situated adjacent to the bus stop. This is only a 12-minute round trip and is a significantly better outcome for accessing pharmaceutical services. (see Appendix A)
- 1.35 Summary by Foot and Public Transport
- 1.36 By foot, the proposed site is clearly significantly more accessible with there being a 24-minute round journey to the proposed site compared to the current 40-minute round journey that residents have to endure. The proposed site cuts down travel time for those accessing pharmaceutical by foot by almost half.
- 1.37 By Public Transport, the proposed site is clearly significantly more accessible with there being a 12- minute round journey at the proposed site compared to the current 30-minute round journey that residents have to endure. The proposed site cuts travel time for those accessing pharmaceutical services by more than half.
- 1.38 In terms of distance, the proposed site clearly secures better access to pharmaceutical services for local residents.

Opening Hours

- 1.39 My client recognises that Saturday opening hours are particularly important to those within Coventry and the surrounding areas. The public survey contained within the PNA highlighted the importance of weekend opening hours for patients. Please find select quotes from patients below:
 - 1.39.1 *"My usual and nearest pharmacy is not open at weekends."*
 - 1.39.2 *"Closest pharmacy closed on a Saturday and had to get prescriptions resent to another pharmacy for collection"*
 - 1.39.3 *"The biggest issue for me is the convenience of being able to pick up prescriptions outside working hours."*
- 1.40 We understand that the closed Boots (CV3 5HD) used to open all-day on Saturdays, and its closure represents a new barrier for patients trying to access pharmaceutical services especially on a Saturday afternoon, as echoed by the quotes above. We believe that should this Boots pharmacy had not existed at the time of the previous PNA, then this gap in access would have been identified.
- 1.41 Thus, my client, identifying a need, has committed to all-day Saturday core opening hours. This is also important as users who access pharmaceutical services quoted Saturday morning as being the most convenient visiting time during the week, per the PNA survey.
- 1.42 Saturday journey from 037C LSOA to Boots Central Six Retail Park (CV3 6TA)
- 1.43 By way of example, currently, someone residing in the Coventry 037C LSOA (CV3 5HD used as reference) would have to travel 1.1 miles by foot (a 50-minute round journey) to access the nearest pharmaceutical services on a Saturday afternoon at Boots,

Central Six Retail Park, CV3 6TA. This is a journey that is uphill and ultimately involves navigating through a busy retail park, where footpaths are often crowded. We regard this not to be a viable form of access and a reasonable choice to pharmaceutical services, especially to the elderly and the disabled. (see Appendix A)

- 1.44 Alternatively, should this application be granted, those residing in the Coventry 037C LSOA would only have a 0.2-mile journey (8-minute round trip) by foot, providing significantly better access to those residing in the community.

Reasonable Choice

- 1.45 Analysis of the July 2023 prescription sources of the now closed Boots, shows that 37% of prescriptions originated from surgeries at least 1.7 miles away. This indicates that not only do patients originate from the neighbouring LSOAs and surrounding areas, but a large percentage of patients also originate from across the Coventry HWB. In all likelihood this is due to the convenient location of the proposed site on a thriving parade of shops; with the Asda supermarket across the road – patients across the Coventry HWB were choosing to access pharmaceutical services at this location whilst accessing other services. The closure of the pharmacy in this location may have removed these patients' reasonable choice in accessing pharmaceutical services, and thus granting of this application would restore that choice.
- 1.46 Moreover, it should be noted that our analyses detailed earlier in this document demonstrated that for a large proportion of residents in the 031A LSOA, current pharmaceutical choices consist of two Boots pharmacies. This clearly does not provide reasonable choice in regard to their pharmaceutical provider; something that granting of this application would introduce.
- 1.47 Conclusion
- 1.48 In our view, the closure of the Boots Pharmacy has left a significant gap in pharmaceutical services for the Coventry 037C and 031A LSOAs, surrounding areas, and the Coventry HWB in general.
- 1.49 Local residents and those who are using the local amenities would benefit significantly from having a pharmacy on Daventry Road parade of shops.
- 1.50 Granting this application would secure better access to pharmaceutical services, especially on a Saturday. The elderly, disabled, and the wider population are likely to find the proposed pharmacy significantly more accessible than their current choices. It would also restore reasonable choice for those in the wider Coventry HWB and introduce choice of a different pharmaceutical provider for those in the local area.
- 1.51 We would like to note that granting this application would not cause significant detriment to access of pharmaceutical services, as this application is seeking to fill a gap vacated by the Boots, CV3 5HD closure.
- 1.52 On the evidence outlined above, we believe that a new pharmacy contract should be granted."

2 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 7 May 2024 states:

- 2.1 "Coventry and Warwickshire 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."

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

Extract from decision report dated 9 April 2024

- 2.2 "The application is **refused**.
- 2.3 The application was refused. Regulation 18(1) is not satisfied, 18 (2) a (i) and (ii) not satisfied. Regulation 2 b is not met as there have been no complaints of lack of provision. 18 2 b (iii) not met. Regulation 19 and 31 not applicable, regulation 40-44 not met, regulation 65 is not accepted and 66 not applicable."

Extract from the Pharmacy Services Regulations Committee (PSRC) minutes dated 9 April 2024

- 2.4 "Bluecross Health Ltd – Unforeseen Benefit (Coventry and Warwickshire ICB) Daventry Road Parade of Shops, Cheylesmore, Coventry, CV3 5HD
- 2.5 Bluecross Health Ltd has made an unforeseen benefits application to secure improvements or better access to pharmaceutical services at the proposed location of Daventry Road parade of shops, Cheylesmore, Coventry, West Midlands, CV3 5HD , within Coventry Health and Wellbeing Board.
- 2.6 Local residents and those who are using the local amenities would benefit significantly from having a pharmacy on Daventry Road parade of shops.
- 2.7 Granting this application would secure better access to pharmaceutical services, especially on a Saturday. The elderly, disabled, and the wider population are likely to find the proposed pharmacy significantly more accessible than their current choices. It would also restore reasonable choice for those in the wider Coventry HWB and introduce choice of a different pharmaceutical provider for those in the local area.
- 2.8 We would like to note that granting this application would not cause significant detriment to access of pharmaceutical services, as this application is seeking to fill a gap vacated by the Boots, CV3 5HD closure.

Site Visit to Daventry Road, Cheslymore, Coventry CV3 5HD 20th March 2024

- 2.9 The site visit was carried out by the lay member for Midlands West Pharmaceutical Services Regulations Committee.
- 2.10 Bluegrass Health Ltd have applied to open a pharmacy under Regulation 18 of the 2013 Pharmaceutical Regulations.
- 2.10.1 The proposed location of the pharmacy is CV3 5HD. This location is Cheslymore parade where around 25 retail units comprising of grocery shops, building societies, newsagents, optometrists, betting and cake shops. There is only one vacant unit which is 163 Daventry Road where Boots pharmacy was located until it closed in November 2023. Opposite the parade is an open grassland space and a further smaller Quinton parade is located down from Cheslymore parade.
- 2.10.2 Within 50 metres of the end of the parade is a bus stop numbers 17 and 17A and at the other end of the parade on Queens Isabel Avenue is a bus stop for numbers 21 and 21A. The bus services are every 20 - 30 minutes
- 2.10.3 There is no pharmacy located on Cheslymore parade and residents of the neighbourhood have to travel by private or public transport to nearby pharmacies. Residents in the Cheslymore neighbourhood have had to travel to nearby GP surgeries.

- 2.10.4 The nearest pharmacy and GP surgery for Cheslymore residents is Oasis Healthcare which comprises of a GP surgery and Boots healthcare. The distance from Cheslymore parade is 0.2 miles with the number 17 bus stopping within 50 metres of the surgery/pharmacy. The walking distance is between 5-10 minutes on a flat wide even pavement From a conversation with Boots staff the pharmacies hours broadly mirror the GP practice and the pharmacy is also open each Saturday between 9am -1pm
- 2.10.5 The next nearest pharmacy is Chemycare which is part of the Oasis Healthcare centre with a GP surgery as part of the development. Oasis Healthcare is located on the Leamington road and approximately 0.5 miles from Cheslymore parade. The bus stops number 9, 24, 24A, 25 and 25A all travel along the Leamington road and pass near Cheslymore parade. Chemycare pharmacy do not open on Saturday or Sunday their Monday to Friday hours broadly mirroring the GP surgery.
- 2.10.6 0.5 miles from Cheslymore parade and near to Oasis health care is Styvechale pharmacy. Located within a small parade of 5 retail shops the pharmacy is located within 50 metres of the number 17A bus stop. Styvechale is open on a Saturday between 9-1pm and also has a 24x7 drop off and collection service- attached photo
- 2.10.7 The only pharmacy which is open all day Saturday and Sunday is Boots at Central Six retail park approximately 0.8 miles from Cheslymore parade. Boots pharmacy is open Saturday 10-2pm and 3-5pm Sunday 11-2pm and 3-5pm.
- 2.10.8 The applicant is correct in stating that for a resident wishing to dispense a prescription on a Saturday afternoon or Sunday at Boots public transport availability would be difficult ie Bus stop number 21 to the city centre and a further 10 minute walk to Boots.
- 2.10.9 One of the key reasons in the application is that the pharmacy will provide core opening hours on a Saturday 9am-13.00pm and 14.00-17.00pm.
- 2.10.10 Only Boots in Central Six match the Saturday hours and provide a Sunday service. However, Cheslymore residents have to travel to a GP surgery to discuss their conditions and be issued with prescription(s). Boots in Styvechale is the nearest pharmacy and GP surgery - 0.2 miles and is open 9am-1pm on a Saturday. Chemycare pharmacy is located within the Phoenix GP surgery but does not open on a Saturday or Sunday. Styvechale pharmacy is open 9-1pm on Saturday and has a 24/7 drop off and collect service. These 3 pharmacies have good public transport
- 2.10.11 Picture of 24/7 drop off and and [sic] collect service is in supporting documents.
- 2.10.12 The applicant makes reference a lot to LSOAs so in the supporting documents is detail as to what an LSOA is

2.11 Proposed core opening hours

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
9:00 – 13:00; 14:00 – 18:00	9:00 – 13:00; 14:00 – 18:00	9:00 – 13:00; 14:00 – 18:00	9:00 – 13:00; 14:00 – 18:00	9:00 – 13:00; 14:00 – 18:00	9:00 – 13:00; 14:00 – 17:00		47

2.12 Total proposed opening hours

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
9:00 – 13:00; 13:00 – 14:00 14:00 – 18:00	9:00 – 13:00; 13:00 – 14:00 14:00 – 18:00	9:00 – 13:00; 14:00 – 18:00	9:00 – 13:00; 13:00 – 14:00 14:00 – 18:00	9:00 – 13:00; 13:00 – 14:00 14:00 – 18:00	9:00 – 13:00; 13:00 – 14:00 14:00 – 17:00		47

- 2.13 The applicant is proposing 47 hours as core hours, if the application is approved, then we will need to direct the 7 core hours which they have already confirmed is 09:00-13:00, 14:00-17:00 on Saturday. The applicant proposes to provide all essential services.

Representations

- 2.14 Broomfield pharmacy

- 2.15 The pharmacy mentioned this points:

2.15.1 Although the pharmacy on Daventry road closed the nearest pharmacy is 0.2 miles away from the proposed site

2.15.2 Within less than 5 minutes' drive there are four pharmacies with parking facilities

2.15.3 Two pharmacies within the vicinity offer free delivery service of prescriptions

2.15.4 Pharmaceutical Service provision within the PNA, in this particular area was not solely based on the closed Boots pharmacy.

- 2.16 We feel that although the Boots pharmacy has closed there is sufficient provision for pharmacy services within the area, and we respectfully ask for this application to be rejected"

- 2.17 LPC

- 2.18 "We find that the application is well presented. The impact of the closure of the Boots is unknown at this stage as only closed in November 2023. It is incumbent on the Boots closing to facilitate a smooth transition for their patients, subject to patients' preferences. It would appear, that the closing Boots had small market share from a variety of surgeries already serviced by other pharmacies (mainly served three nearest surgeries). It dispensed on average 4,000 items a month although those reduced considerably in August and September. Data is only available up to end of September 2023. See the information from Pharmdata derived from NHSBSA data below. There are other pharmacies nearer to the surgeries they served, although not close to the parade of shops proposed. Coventry in general is well served by pharmacies. From our records there was a rejected consolidation application in 2020 for the two Boots – PCC-201718-123"

- 2.19 Styvechale Pharmacy

2.19.1 There are 3 pharmacies less than 1 mile away from the closed Boots store on Daventry Road Boots Quinton Road, Chemycare On Leamington Road and Styvechale Pharmacy.

2.19.2 All are within walking distance as well as being easily accessible on public transport.

- 2.19.3 The above pharmacies have plenty of parking available and within a 5 minute drive Boots in Central six offers extended hours of service and even more parking.
- 2.19.4 Styvechale Pharmacy has a 24 hour prescription collection point allowing round the clock 7 days a week prescription collection.
- 2.19.5 The services being offered/proposed are already provided between the existing pharmacies.
- 2.20 Boots Pharmacy
 - 2.20.1 “Whilst we accept that the application is based on benefits not foreseen when drafting the Pharmaceutical Needs Assessment (PNA), it is clear that this application is based on the closure of our pharmacy in this locality. As the ICB will be aware, the closure of a pharmacy within an area does not automatically create a gap and should a gap have arisen as a consequence of such a closure, then the PNA should be updated to reflect this. The applicant has not provided any evidence of any specific patient groups that may wish to access a pharmacy at the proposed location that currently have expressed difficulty in accessing provision in the area. We are unaware of any patients submitting a complaint to us or to NHS England since the closure of our pharmacy here with regards to accessibility.
 - 2.20.2 There are several other contractors within a mile of the proposed locality – NHS.UK shows that there 5 under 1 mile, including our pharmacy at Central Six which is open extended hours and provides access 7 days a week. We therefore respectfully urge the ICB to refuse this application.”
- 2.21 Applicant response
- 2.22 Applicant provided a 6 page response to each representation please see appendix 2 in supporting docs. The LPC responded to the 14 day letter to say they have nothing further to add to their original representation.
- 2.23 In conclusion the applicant says granting this application would secure better access and improvements to pharmaceutical services for the Coventry 037C and 031A LSOAs, surrounding areas, and the Coventry HWB in general, especially on a Saturday.
- 2.24 The rejected Boots consolidation application in 2020 highlights how the closure of the Boots on Daventry Road shops has created a gap in pharmaceutical provision that this application proposes to fill.
- 2.25 There is a need for a pharmacy on such a well-utilised parade, which is the heart of the Cheylesmore community – especially with the advent of Pharmacy First, and all the benefits that this brings to the local community.
- 2.26 The elderly, disabled, and the wider population are likely to find the proposed pharmacy significantly more accessible than their current choices. It would also introduce reasonable choice of a different pharmaceutical provider.
- 2.27 Hence, regulation 18 has been met and this application should be granted.
- 2.28 There are 11 pharmacies within 1.6 km (1 mile) of proposed premises none of which are 100 hr pharmacies apart from Asda pharmacy which is now 72 hrs. There are 6 GP surgeries within 1.6 km (1 mile) of the proposed premises.

Conclusions and Recommendations

- 2.29 In considering an application for a new pharmaceutical contract “an application shall be granted by the Area Team only if it is satisfied that it meets the regulations.
- 2.30 Regulation 18: [quoted in full]
- 2.31 Regulation 19 [quoted in full]
- 2.32 Regulation 40 [quoted in full]
- 2.33 Regulation 41 [quoted in full]
- 2.34 Regulation 42 [quoted in full]
- 2.35 Regulation 43 [quoted in full]
- 2.36 Prejudice test in respect of routine applications for new pharmacy premises in a part of a controlled locality that is not a reserved location - Regulation 44 [quoted in full]
- 2.37 Conditions relation to providing directed services - Regulation 66 [quoted in full]
- 2.38 Regulation 18 – Not satisfied
- 2.39 Regulation 18 (1) a states that the application must secure improvements or better access.
- 2.40 18.(1) (b) That the improvements or better access would be secured in Coventry and Warwickshire Pharmaceutical Needs Assessment.
- 2.41 The relevant PNA is Coventry and Warwickshires Pharmaceutical Needs Assessment 2022 - 2025. The PNA was approved and published in the Autumn of 2022.
- 2.42 In order to satisfy Regulation 18(1) b and secure better improvements and access paragraph 4 of schedule 1 requires the PNA to include a statement that if the Health and Well Being Board (HWB) has identified services that are not provided in the HWB but would secure better access and improvements or would in specified future circumstances secure improvements or better access.
- 2.43 Page 117 headed Coventry Conclusions states that

“While the PNA considers that there is adequate provision of pharmaceutical services in Coventry to serve the needs of the population ;there is an opportunity for community pharmacists to more effectively integrated into local pathways to ensure maximum benefits for population level health and wellbeing

- Community pharmacies can serve as an important first contact for people seeking health advice, alongside picking up regular prescribed medicines or purchasing over the counter medicines. And to continue to deliver healthy lifestyle campaigns to support the wider determinants of health, increasing awareness of local and national programmes which could positively impact the community’s health and wellbeing.

- Local commissioning organisations should continue to consider pharmacies among potential providers when they are looking at the unmet pharmaceutical needs and health needs of the local population, including when considering options for delivering integrated care.

-Pressures on community pharmacies have increased due to the COVID-19 pandemic, and this pressure may increase over the next few years due to the cost-of-living crisis. This should be carefully monitored to understand how this

may change community pharmacy provision, and provide support should that be needed."

- 2.44 The PNA also states that there is good access to Community Pharmacists in Coventry with 51 out of 97 pharmacies in the county open on a Saturday. The PNA states that all pharmacies are within a 15 minute drive of all neighbourhoods and the majority are within a 5 minute drive.
- 2.45 There is no specific mention of Cheslymore as an neighbourhood which would benefit from a new pharmacy and no supplementary statement regarding any impact of the Boots closure in November 2023
- 2.46 The applicant states that by providing a full day Saturday service this will secure better access.
- 2.47 The proposed core opening hours on a Saturday are 9am- 13.00pm and 14.00 to 17.00. Boots in Styvechale are open on a Saturday 9.00-13.00 and the Stychevale pharmacy is also open on a Saturday 9.00-13.00pm with a 24x7 drop off and collection service. The applicants better access is the core hours between 14.00-17.00 on a Saturday 18 (2) (a) (i) and (ii)
- 2.48 Granting the application would not cause significant detriment to the proper planning and provision of pharmaceutical services in the HWB area
- 2.49 18 (2) (b) The matters to be considered are ;
- 2.50 (b) (i) is there reasonable choice to obtaining pharmaceutical services.
- 2.51 Residents living in Cheslymore have to travel to a GP surgery for consultations which may result in the issuing of prescription(s). Boots and Chemycare pharmacies are located in GP healthcare centres and are able to dispense prescriptions issued by GPs. Both pharmacies are easily accessible by public transport and Boots at 0.2 miles from the Cheslymore parade is a 5-10 minute walk and open between 9am-13.00pm each Saturday
- 2.52 Styvechale pharmacy provides a 24x7 drop of and collection prescription service for Cheslymore residents who wish to obtain prescriptions over the weekend and do not wish to travel to Boots at Central Six retail park.
- 2.53 There is a reasonable choice of pharmacies within 1 mile of Cheslymore parade
- 2.54 18 (2) (b) (ii) Protected characteristics.
- 2.55 The application states that for people who are elderly, less able or families with very young children, access to the existing pharmacies is likely to be more difficult than for those persons who are more mobile and have access to a car. The applicant has provided detailed maps and descriptions of bus services to support the application. The applicant highlights some patient views in the PNA re convenience of picking up prescriptions at their convenience and especially at weekends. The applicants proposed opening hours do not cover Sundays. A resident wishing to dispense a prescription on a Sunday will have to use the Styvechale 24/7 drop off and collection service or travel to Boots Central Six pharmacy and offer a pharmacy service on a Saturday afternoon.
- 2.56 Since the Boots pharmacy closed the Office of the West Midlands has not received any complaints from Cheslymore residents regarding any difficulties accessing pharmaceutical services
- 2.57 18(2)(b)(iii) Innovation

- 2.58 The applicant is proposing to provide the same essential, advanced and locally commissioned services that Boots, Chemycare and Styvechale pharmacies . The application does not include any innovative services.
- 2.59 Regulation 19: Not applicable
- 2.60 Regulation 31: Regulation 31 is not applicable in that the proposed location of the pharmacy is not adjacent to or in close proximity to another pharmacy
- 2.61 Regulations 40 to 44:
- 2.62 The proposed location is not within 1.6km of a controlled locality.
- 2.63 Regulation 65:
- 2.64 The applicant is proposing 47 hours as core hours, if the application is approved, then we will need to direct the 7 hours. which they have already confirmed is 09:00-13:00, 14:00-17:00 on Saturday
- 2.65 Regulation 66: Not applicable

Complaints

- 2.66 There have been no complaints to Office of West Midlands regarding lack of pharmaceutical service provision and PNA has not identified any significant gaps or needs in terms of pharmaceutical service provision (Coventry and Warwickshire PNA 2022-2025).
- 2.67 Recommendation
- 2.68 It is recommended to refuse this application, as there was no requirement for a pharmacy within the neighbourhood of Chelysmore in the 2022-25 PNA and there is enough provision on a Saturday within one mile of the proposed location

Appeal rights

- 2.69 If the application is refused, applicant has the right to appeal, if its approved then no appeal rights

Committee decision

- 2.70 The application was refused. Regulation 18(1) is not satisfied, 18 (2) a (i) and (ii) not satisfied. Regulation 2 b is not met as there have been no complaints of lack of provision. 18 2 b (iii) not met. Regulation 19 and 31 not applicable, regulation 40-44 not met, regulation 65 is not accepted and 66 not applicable.
- 2.71 Appeal rights to the applicant."

3 The Appeal

In a letter dated 6 June 2024 addressed to NHS Resolution, Healthcare Plus Consulting Ltd on behalf of the Applicant appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 "Thank you for your letter [sic] dated 7th May 2024 to my client. Bluecross Health Ltd have instructed us (Healthcare Plus Consulting Ltd) to act on their behalf for this appeal, please find authorisation letter attached.

- 3.2 We would like to appeal the decision made in relation to the above unforeseen benefits application.
- 3.3 Unfortunately, we were not privy to the meeting minutes and thus cannot see the full decision reasoning from NHS England. We would be grateful if this could be provided; however, we appeal based upon the very limited information available to us.
- 3.4 We submit that NHS England have failed to properly evaluate Regulation 18 and the fundamental question within the Regulation: does the application provide 'improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB's area.'
- 3.5 We assert that this application does provide improvements or better access to pharmaceutical provision, as set out in my client's original application and the comments previously provided by my client. We re-attach this correspondence for re-consideration by NHS resolution.
- 3.6 From the decision provided, it also appears that NHS England have failed to properly consider the impact of the rejected consolidation between the Boots in Cheylesmore Surgery (CV3 5PZ), and the recently closed Boots on Daventry Road shops (CV3 5HD, the proposed site).
- 3.7 This consolidation application was refused in 2020, and the Boots on Daventry Road (the proposed site) subsequently closed in 2023 – leaving a gap in pharmaceutical provision that this application proposes to fill.
- 3.8 The Consolidation reference is PCC-201718-123, and we would be grateful if NHS Resolution could provide us a copy.
- 3.9 Conclusion
- 3.10 In conclusion, granting this application would secure better access and improvements to pharmaceutical services for residents of Cheylesmore and the surrounding areas.
- 3.11 There is a need for a pharmacy on such a well-utilised parade, especially to serve the elderly, disabled, and those with impaired mobility.
- 3.12 Regulation 18 has been met through previous representation by my client and thus we invite NHS Resolution to grant my client's application."

In a letter dated 8 February 2024 Healthcare Plus Consulting Ltd responded to the PCSE and stated:

- 3.13 "Thank you for your letter dated 30th January 2024. We welcome comments from local contractors and note the following is undisputed by all contractors:
- 3.13.1 The relative population densities within the LSOAs highlighted in the application
- 3.13.2 The high proportion of individuals within the 031A LSOA without access to a car/ van
- 3.13.3 Members of the 031A LSOA are no longer within a 15-minute walk of a pharmacy; a target stipulated by the PNA
- 3.13.4 The path through Quinton park between the proposed site and the Boots in Cheylesmore Surgery is unpracticable

- 3.13.5 The need for Saturday afternoon opening in the local area, and no contractor's willingness to offer such a service
- 3.14 Taking each representation in turn:
- LPC
- 3.15 We note that the LPC make mention to a Boots consolidation application which was rejected in 2020 - PCC-201718-123.
- 3.16 We are not privy to this consolidation but can only assume that this was between the Boots in Cheylesmore Surgery (CV3 5PZ) and the Boots that recently closed on Daventry Road shops (CV3 5HD, the proposed site).
- 3.17 Our understanding is that the reason a consolidation would be rejected is if it left a gap in pharmaceutical provision. Thus, we can derive that the rejection of this consolidation means that the committee felt that there is a need for a pharmacy at Cheylesmore Surgery AND on Daventry Road parade of shops (the proposed site).
- 3.18 Hence, the closure of the Boots on Daventry Road shops has created a gap in pharmaceutical provision, that this application proposes to fill.
- Styvechale Pharmacy
- 3.19 The representation makes reference to 3 pharmacies within a mile of the proposed site, all within walking distance and easily accessible by public transport and yet no evidence of the patient journeys are provided to support these claims. On the other hand, the application clearly sets out how patients within the 037C and 031A LSOAs have difficulty accessing pharmaceutical services via foot and public transport.
- 3.20 We add that patients that wish to access Styvechale Pharmacy must navigate a steep hill up Daventry Road. For a stretch of around 120 metres, there is an average gradient of 7% or 1 in 14. We note that those accessing Chemycare Pharmacy will also be required to navigate this steep hill.
- 3.21 For context, guidance states that a disabled access ramp should have a gradient of no more than 1 in 20 for a maximum ramp length of 10 metres. Given this hill is not only steeper but also significantly longer than such a ramp, it can be concluded that this is a clear barrier to access for those in a wheelchair/ mobility scooter/ or of impaired mobility.
- 3.22 In regard to public transport, this pharmacy is served by the 17/17A bus which we have already demonstrated is inaccessible for members of the 031A LSOA in the original application.
- 3.23 We note that the representation claims parking is adequate for nearby pharmacies, however we contend this assertion:
- 3.23.1 Styvechale pharmacy – parking here is limited due to its location on a small parade of shops; and as a local resident I personally have always experienced difficulty in finding parking here.
- 3.23.2 Chemycare pharmacy – this pharmacy comprises a very small footprint located inside of a surgery which occupies the site of a converted house; needless to say, parking here is extremely limited.
- 3.23.3 Boots Central Six – although parking is plentiful here, the busy nature of this retail park is a deterrent for those who may not be confident drivers, or even the elderly who have safety fears over the high volume of road traffic.

3.24 To reiterate, parking is only relevant where individuals have access to a car/ van. Members of the 031A LSOA have limited access to this luxury.

3.25 Styvechale Pharmacy also mention that they have a 24-hour prescription collection point.

3.26 We are unsure how relevant this is, given that this is ultimately not an NHS commissioned service and can be withdrawn at any time.

Broomfield Pharmacy

3.27 We highlight that Broomfield Pharmacy is located a distance of 1.7 miles away from the proposed site.

3.28 The objection makes reference to the 0.2-mile distance between the proposed site and the Boots in Cheylesmore surgery. However, this distance is as the crow flies and not in fact the correct distance by the most practical route. This journey is in fact 0.5 miles, requiring the crossing of the busy Daventry Road, and walking across an exposed pathway which is particularly susceptible to windy weather. It has been established that the path through Quinton Park is not practicable.

3.29 We have addressed the parking issue in our response to the comments from Styvechale Pharmacy.

3.30 We note that free delivery is not in fact an NHS commissioned service and can be withdrawn at any time.

3.31 The Boots pharmacy located at the proposed site was open at the time of writing of the PNA. Thus, any gap will not have been highlighted by the PNA.

Boots Pharmacy

3.32 We note that Boots Pharmacy make mention of not knowing any evidence in regard to residents experiencing access difficulties at Cheylesmore surgery.

3.33 However, we find these comments hard to believe. A quick google search of the recent reviews at the Boots in Cheylesmore surgery paint a very different picture, as can be seen overleaf. (see Appendix A)

3.34 Comments are centred around being unable to obtain medicines. Clearly this presents difficulties in access.

3.35 We also note that Boots claim that there are 5 contractors under a mile from the proposed site. Again, this distance is as the crow flies and not the situation in reality. The Boots at Central Six is over a mile away from the proposed site, and the original application details specifically how this store does not provide sufficient access.

Conclusion

3.36 In conclusion, granting this application would secure better access and improvements to pharmaceutical services for the Coventry 037C and 031A LSOAs, surrounding areas, and the Coventry HWB in general, especially on a Saturday.

3.37 The rejected Boots consolidation application in 2020 highlights how the closure of the Boots on Daventry Road shops has created a gap in pharmaceutical provision that this application proposes to fill.

- 3.38 There is a need for a pharmacy on such a well-utilised parade, which is the heart of the Cheylesmore community – especially with the advent of Pharmacy First, and all the benefits that this brings to the local community.
- 3.39 The elderly, disabled, and the wider population are likely to find the proposed pharmacy significantly more accessible than their current choices. It would also introduce reasonable choice of a different pharmaceutical provider.
- 3.40 Hence, regulation 18 has been met and this application should be granted.”
- 4 After reviewing the paperwork provided by the Commissioner, NHS Resolution applied its discretion under Schedule 3, Part 3, paragraph 7 and allowed all parties, including the Applicant, to make representations on the PSRC’s meeting minutes, given this provided further detail in relation to the application.

5 Summary of Representations

This is a summary of representations received on the appeal.

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

5.1 HEALTHCARE PLUS CONSULTING LTD ON BEHALF OF THE APPLICANT

- 5.1.1 “Thank you for your letter dated 19th June 2024 to my client. Bluecross Health Ltd have instructed us (Healthcare Plus Consulting Ltd) to act on their behalf for this appeal, please find authorisation letter attached.
- 5.1.2 We would like to appeal the decision made in relation to the above unforeseen benefits application.
- 5.1.3 Having reviewed the decision minutes by the Pharmacy Services Regulations Committee (PSRC) it is clear that the refusal of my client’s application was based on incorrect information, flawed logic, and refusal to consider prior relevant applications.
- 5.1.4 The Committee report states that the distance from the proposed site to the next nearest pharmacy (Boots, CV3 5PZ) is 0.2 miles. As stated previously, this is distance ‘as the crow flies’ and not in fact the correct distance by the most practical route. The journey is in fact 0.5 miles.
- 5.1.5 The Committee report states that the “*number 9, 24, 24A, 25 and 25A all travel along the Leamington road and pass near Cheylesmore parade*”. We note that these buses do not pass anywhere near the Cheylesmore parade and the nearest bus stop to the parade is 0.5 miles away. As previously highlighted, this bus stop is also accessed via a large hill, where there is an average gradient of 7% or 1 in 14 for a stretch of 120 metres. We reiterate that those accessing Chemycare Pharmacy will also be required to navigate the hill. For context, guidance states that a disabled access ramp should have a gradient of no more than 1 in 20 for a maximum ramp length of 10 metres. Given this hill is not only steeper but also significantly longer than such a ramp, it can be concluded that this is a clear barrier to access for those in a wheelchair/ mobility scooter/ or of impaired mobility.
- 5.1.6 The Committee state that Styvechale Pharmacy “*has a 24/7 drop off collect service*” which we assume refers to their 24-hour prescription collection point. It is clear that the Committee have placed weight upon this in their determination, however as previously stated, this is not an NHS commissioned service and can be withdrawn at any time, thus no weighting should have been attributed to it.

- 5.1.7 The Committee also repeatedly reference that Cheylesmore residents are accustomed to accessing the local GP surgeries and thus are mobile. Again, this is simply flawed logic. The majority of visits to a pharmacy come in the form of collecting repeat medication and accessing pharmaceutical services as part of people's daily lives. It is common knowledge that a visit to the GP surgery is not required every time historic medication is required, thanks to EPS. The recently closed Boots had a 93% EPS uptake. With the advent of Pharmacy First, we would argue it is actually more advantageous to have pharmacies within communities opposed to adjacent to GP surgeries. Residents are more likely to access minor ailments services in connection with other amenities as part of their daily lives, leading to better health outcomes.
- 5.1.8 We also highlight that the Committee have failed to consider the impact of the rejected consolidation between the Boots in Cheylesmore Surgery (CV3 5PZ), and the recently closed Boots on Daventry Road shops (CV3 5HD, the proposed site). This consolidation application (PCC-201718-123) was refused in 2020, and the Boots on Daventry Road (the proposed site) subsequently closed in 2023 – leaving a gap in pharmaceutical provision that this application proposes to fill. As highlighted to NHS appeals [sic], we have faced difficulty in obtaining a copy of this decision and are actively chasing NHS FOI.
- 5.1.9 We submit that the Committee have made a decision based on incorrect information, flawed logic, and without proper consideration of prior applications. We reattach all previous correspondence for reconsideration. We trust that NHS Resolution will reevaluate this application with proper considerations of the facts.
- 5.1.10 We maintain that granting this application would secure better access and improvements to pharmaceutical services for residents of Cheylesmore and the surrounding areas. There is a need for a pharmacy on such a well-utilised parade, especially to serve the elderly, disabled, and those with impaired mobility.
- 5.1.11 Regulation 18 has been met through previous representation by my client and thus we invite NHS Resolution to grant my client's application."

Healthcare Plus Consulting Ltd also provided a further copy of "Unforeseen Benefits supporting information" as referenced above at section 1 "Application" and a further copy of the letter of 8 February 2024 to PCSE as set out above at 3.13 to 3.40.

5.2 BOOTS

- 5.2.1 "Thank you for your letter dated 19th June 2024 informing us of the above appeal.
- 5.2.2 We do not believe that there is a need for a further pharmacy in this locality and therefore respectfully ask NHS Resolution to dismiss this appeal and uphold the original decision made by NHS England to refuse the application.
- 5.2.3 Whilst we accept that this application is based on benefits not foreseen when drafting the Pharmaceutical Needs Assessment (PNA), it is clear this application is purely based on the closure of the Boots pharmacy in this locality.
- 5.2.4 As the panel will be aware, the closure of a pharmacy within an area does not automatically create a gap and should a gap have arisen because of such a closure, then the PNA should be updated to reflect this. To our knowledge no changes have been made within the current PNA or any supplementary statements produced. We would therefore suggest that the closure of the pharmacy in this locality has not resulted in a gap in pharmaceutical services

and that the Health and Wellbeing board recognise that the existing network of pharmacies can cope should there be any increase in demand.

- 5.2.5 Our pharmacy on Daventry Road has now been closed for eight months. We have not received any complaints from patients who are experiencing difficulty accessing either of our remaining pharmacies since we closed on Daventry Road.
- 5.2.6 We ask that the panel give no weight to the Google reviews submitted. There are very few recent negative reviews, and when any pharmacy closes, there will always be a period of adjustment. In fact, the most recent reviews have been positive ones.
- 5.2.7 There are five pharmacies within a mile of the application site who between them provide access to pharmaceutical provision from 8am – 9pm Monday to Saturday and 10am – 5pm on Sundays. This coverage, all within a mile of the proposed site is beyond the hours offered by the appellant. The appellant has not offered to provide any commissioned services that are not already available from the existing contractors. The appellant states that access to our pharmacies is difficult on foot but has not provided any evidence of this. Our pharmacy on Quinton Park Road is located 600 or 650 meters away dependant on which route is used from the application site as show[n] below. (see Appendix B) The area is flat, well-lit and there are wide tarmacked footpaths on either side of the road.
- 5.2.8 For patients using public transport, in particular the No 17 bus the appellant refers to, the closest bus stop to our pharmacy at Cheylesmore Surgery is the Castle Close bus stop on Black Prince Avenue which is only 160 m from our pharmacy, not the stop further up on Quinton Road as stated. There are no barriers to accessing this stop from our premises.
- 5.2.9 We are unclear why the appellant has chosen Furlong Road, CV1 2UA as a starting point for the maps provided instead of the application site postcode provided? Patients start their journey to access provision from many different postcode areas – some will start closer to their chosen pharmacy than others, some will be in the vicinity of a pharmacy for their place of work or when accessing amenities or following a visit to their G.P so all will have different journeys to make to access pharmaceutical provision.
- 5.2.10 Given the reasons above, we respectfully ask the panel to uphold the decision made by Coventry & Warwickshire ICB to refuse the application. Should an oral hearing be held in connection with this appeal, we may wish to attend.”

6 Observations

6.1 HEALTHCARE PLUS CONSULTING LTD ON BEHALF OF THE APPLICANT

- 6.1.1 “Thank you for your letter dated 25th July 2024. We make our final observations on behalf of our client below.
- 6.1.2 As previously highlighted, the decision by the Pharmacy Services Regulations Committee, did not take into account the previously rejected consolidation between the Boots in Cheylesmore Surgery (CV3 5PZ), and the recently closed Boots on Daventry Road Shops (CV3 5HD, the proposed site). We have now been able to obtain the full information with regard to this refused consolidation by way of a Freedom of Information request. All documentation relating to this refused application in 2020 (PCC-201718-123) can be found in Appendix A (See Appendix C).
- 6.1.3 Going through this documentation we make a number of observations:

Application form

- 6.1.4 From the original application submitted by Boots, we can see that the existing Boots in Cheylesmore Surgery (CV3 5PZ), has 40 core hours from Monday through to Friday. This pharmacy does not have any weekend core hours.
- 6.1.5 The recently closed Boots on Daventry Road (CV3 5HD, the proposed site), also had 40 core hours, however provided core opening hours from 09:00-16:00 on Saturdays. Given that the recently closed Boots had a much better siting amongst a thriving parade, with ample parking, it is strange that Boots have always attempted to close this site opposed to the one in the Surgery. We interpret that the only real practical reason for doing the consolidation this way around would be to eliminate the core hours that Boots were contracted to on Saturdays.

Representation on the Consolidation application by Boots

- 6.1.6 Lloyds Pharmacy, Superdrug, the LPC, Healthwatch, and the Health & Wellbeing Board all provided representation. We note that only Healthwatch and the Health & Wellbeing Board provided any representation of note.

Representation by the Health & Wellbeing Board (HWB)

- 6.1.7 The HWB also objected to the proposed consolidation by Boots stating:

“The Daventry Road site is part of a row of shops offering a visible community pharmacy presence on the high street. The Quinton Park site is incorporated within a Health Care Centre. While this will be visible and accessible to patients using the Health Care Centre GP practices, this site may not be as visible, accessible or familiar to residents not registered at practices within the Health Care Centre.”

“Although the distance between sites is approximately 600 metres this could be a long way for access impaired users. 12.8% of Cheylesmore Ward residents are over 70 years of age with a significant proportions of the ward’s population living north of Daventry Road. For some residents, consolidation of these sites will add 600 metres to their current journey to a community pharmacy.”

- 6.1.8 We agree with the HWB that the current Boots which is co-located with Cheylesmore Surgery is not visible/ accessible to those unfamiliar with the area. We also agree with the HWB that the closure of the Boots on Daventry Road has left many elderly residents living to the North of Daventry Road with an additional 600- metre one-way journey to access pharmaceutical provision. This journey has been detailed in my client’s original application with there being a large proportion of residents who can no longer access pharmaceutical provision via the No.21 bus. We do not consider an extra 1.2 km round-journey to accessing a pharmacy as constituting reasonable choice to pharmaceutical provision. It is notable that my client’s proposed site has good transport links and is situated along a parade that residents access as part of their daily lives. We also add that the bus stop is quite a distance from the current Boots site at Cheylesmore Surgery.

Representation by Healthwatch

- 6.1.9 As NHS Resolution will be aware, Healthwatch are an independent body that report on health needs of local populations.
- 6.1.10 Healthwatch objected to the proposed consolidation by Boots, stating:

“Of the two sites, Site Two [CV3 5HD, the proposed site] is the more accessible site to the public as it is located in the centre of a very busy local shopping parade which contains a range of shops including banks. There is significant foot fall. There is parking available all along the shop frontages. Site Two is also very close to bus stops on the number 21 and number 3/3A bus routes which stop on Quinton Road by the bottom of Queen Isabel’s Avenue near to the junction with Daventry Road.

“The location of Site One does not have a busy on street foot fall. The pharmacy is located in a building branded as the Oasis Centre which set back from the road and neighbours a social club and a church. It is located between two bus stops on the number 3/3A route. Parking neighbouring the building is more limited and is shared with GP surgeries and the church. This means it can be very difficult to park and may disadvantage access for people with disabilities.”

- 6.1.11 We agree with the comments from Healthwatch that the parking is poor at the current Boots site (CV3 5PZ) and access is difficult.

“People who do not use the two GP practices within the Oasis Centre would be unlikely to know there is a pharmacy in the Oasis Centre building.

It is unlikely that people will walk from Site 2 to Site 1 as described in the application and we believe this takes longer than the time of 8 minutes given.

Also, people would have to walk back again.

Under the planned reconfiguration pharmacy opening hours will be reduced. People would have no access on Saturdays at Site One as they currently have at Site Two. This reduces pharmacy access for people who are at work during the normal working week.

As the role of community pharmacy is shifting with more emphasis on providing support with health and wellbeing issues to patients and the public we believe we believe that a local accessible location is very important as are opening hours which enable working people to access the services.”

- 6.1.12 Again, we concur with the comments from Healthwatch that a pharmacy sited at the proposed parade provides much better physical access to pharmaceutical provision as well as much better access by way of the all-day Saturday core opening that my client proposes.

“The nearest community pharmacy is Styvechale Pharmacy, which is a significant uphill walk away, car journey or circuitous bus journey.”

- 6.1.13 Healthwatch also highlight the barrier that patients incur when trying to access pharmaceutical provision at Styvechale Pharmacy (CV3 6FQ). We have previously highlighted how this hill has an average gradient of 7% or 1 in 14 for a length of approximately 120 metres: presenting a clear barrier to access. We also note that this hill is also a barrier to Chemycare Pharmacy (CV3 6GQ).

Consolidation decision & impact on Unforeseen Benefits Application

- 6.1.14 Looking at the various decision documents, we can see that the consolidation was ultimately refused. The reasoning for refusal of the consolidation application were given as:

“The granting of the consolidation application will result in the reduction of pharmacy provision in the area on a Saturday and access for people with

disabilities may be more difficult from site 1, it is therefore recommended that the application is refused.”

“Refused consolidation application under Reg 26a para 5 where granting would create a gap in pharmaceutical services provision that could be met by routine application submitted current or future need or to secure a better access.

There would be a reduction of provision on a Saturday and access for patients with disabilities may affected. No patient engagement provided.”

- 6.1.15 It is clear that the consolidation was refused on both physical access issues and opening hours access issues. Importantly the Committee concluded that the granting of the consolidation would create a gap in pharmaceutical provision which could be met by a routine application. We submit that the closure of the Boots on Daventry Road (CV3 5HD), has now triggered a gap in pharmaceutical provision which my client is aiming to meet through their Unforeseen Benefits Application.
- 6.1.16 We also highlight to the Committee that it is our understanding that Boots did not appeal the decision; and thus we can only interpret that Boots were accepting of the decision and the reasoning given.

Local Complaints

- 6.1.17 Boots continue to claim that they are unaware of any complaints regarding patients access to their remaining pharmacies. My client has consulted the local population on their experiences accessing alternative pharmaceutical provision. There was an outpouring of support for the pharmacy proposition/ many complaints surrounding the choice that patients are left with following the closure of the Boots on Daventry Road.
- 6.1.18 My client presents a number of emails/ letters received from the local population in Appendix B (see Appendix C attached). My client would also highlight to NHS Resolution that it can be difficult to obtain the views of the elderly due to their age and the obstacles this can pose from a written and email perspective. Thus, in reality there are likely to be a much larger population who are struggling than represented in the emails below. The emails have been redacted for privacy reasons, however, we can provide unredacted versions confidentially, should NHS Resolution require these.
- 6.1.19 We encourage NHS Resolution to read all the emails/ letters presented in full, however, highlight a few that have been received below:
- 6.1.20 Nicky writes:

“My partner has stage 4 cancer and needs fortnightly blood tests for medication, the waiting times across other pharmacies is so long. Also our prescriptions from the doctors at the Boots Pharmacy in Oasis Medical centre always take so long or need to wait stock. They don’t have the facilities to deal with some simple issues either and are not open on Saturdays. Recently I had a urine infection and had to travel to a pharmacy the other side of the city just to get some treatment on a Saturday. It would be great to have another pharmacy in the area. Since the other one closed in Cheylesmore the Boots at the surgery are so over stretched for the local community.”

- 6.1.21 Nicky, whose partner has Stage 4 cancer, highlights how the Boots in Cheylesmore Surgery is unable to dispense prescriptions in adequate timeframes and are stretched following the closure of the branch on Daventry Road. Nicky also highlights the difficulty in obtaining treatment on a Saturday following the closure of the Boots on Daventry parade. We do not consider

having to travel an extensive distance to receive treatment on a Saturday as representing reasonable choice to pharmaceutical provision, especially when looking after someone who is seriously ill.

6.1.22 Suzy writes:

"I am writing on behalf of myself and dad in support of a new pharmacy on Daventry Road. The current pharmacy is too far for my dad to walk to. It is also very poorly stocked meaning that I have to drive to Central six if I want anything more than a prescription.

The queues and wait times to be served in the Quinton Road pharmacy are also far too long.

I've waited for 25 minutes just to buy a bottle of Calpol before.

Because of how busy the pharmacy is at Quinton Road I haven't been able to be seen by the pharmacist for minor problems.

Cheylesmore desperately needs a pharmacy back on Daventry Road."

6.1.23 Suzy highlights how she now has to pick up medication on behalf of our Dad as alternative pharmacies are now too far for her Dad to walk. She also expresses the difficulty in accessing a pharmacist for minor conditions. NHS Resolution will be aware of how pharmacies form an important part of communities; with elderly residents not only using pharmacies to collect their medication, but also as a source of mental wellbeing. No longer able to access pharmaceutical provision himself, Suzy's father may have poorer mental health outcomes and poorer overall health outcomes as a result of no longer being able to access pharmaceutical provision himself. Granting this application and reinstating a pharmacy would improve access to pharmaceutical provision for the many elderly residents in Cheylesmore who are now reliant on others to access their medication.

6.1.24 UK Housing Group, who house a number of vulnerable people/ families within the Cheylesmore area write:

"I am writing to you on behalf of UK Housing Group, a local letting agent representing tenants in the Daventry Road area. Our organisation is deeply concerned about the challenges faced by residents in accessing pharmaceutical services, particularly on Saturday afternoons.

We have observed several instances where individuals in our community have encountered difficulties in obtaining essential medications and healthcare services due to various barriers. These challenges not only impact the health and well-being of our tenants but also contribute to increased healthcare disparities within our community.

Here are some of the key challenges faced by residents in accessing pharmaceutical services:

Limited Saturday Afternoon Provision

Long Waiting Queues

Stock Availability

Accessibility Concerns

Transportation Issues

Limited Healthcare Services

In light of these challenges, we believe that expanding pharmaceutical services in the Daventry Road area, particularly on Saturday afternoons, is crucial to improving accessibility and ensuring the health and well-being of our community members.

We would be grateful if you could present this letter to the NHS as part of your efforts to advocate for expanded pharmacy services in our area. Together, we can work towards creating a more accessible and inclusive healthcare system for all residents."

- 6.1.25 UK Housing Group highlight how their vulnerable tenants now find difficulty in accessing pharmaceutical provision, especially on the weekends. Like many of the letters received, UK Housing Group also highlight the poor stock availability at Boots as well as the queues that patients can face. It is clear that granting my clients application would ease current pressures on the pharmaceutical network and improve access by reinstating Saturday opening provision.

- 6.1.26 Carey writes:

"Since the closure of the Daventry Road pharmacy I have experienced many issues in accessing my medication.

The pharmacy on Quinton Road (oasis medical centre) is frankly overwhelmed and are unable to meet needs.

I have been told several times that I need to order my prescription 10 days in advance in order to receive it before my medication runs out. This is impossible given that my GP surgery forbid ordering repeat prescriptions until one week before they're due. I assume this is due to people overmedicating or abusing the system in some way, but I also assume this means they expect pharmacies to be able to fulfil orders in a somewhat timely manner.

I have had to make a formal complaint to the pharmacy after being denied pain medication because my prescription was for a named brand rather than generic (zapian instead of cocodamol), this has never before been problematic. The pharmacy refused to call the GP to get this sorted, stating they were 'too busy'. They insisted I do this myself and this meant I was without my prescription pain medication for 2 days. I would expect a pharmacy to be able to easily ask a GP surgery for an amended prescription and have experience of this happening in the past, so I don't think it was an unreasonable request.

As recently as this week I went to collect a prescription only to be told it wasn't in stock and they needed to 'open the crates' and I could come back after 3pm. When I got there at 3pm I was told to come back in the morning, only after some debate did they fill the prescription there and then."

- 6.1.27 Carey highlights how the Boots at Cheylesmore Surgery are overwhelmed following the closure of the Boots on Daventry Road. Carey also highlights the poor service she has received with regards to filling of prescriptions and even cites a formal complaint that she has made.

- 6.1.28 Jan writes:

"My husband and I are both in our 70's, he had a stroke 6 years and I had a hip replacement a few weeks ago, so a local chemist would be a great help.

Currently our nearest pharmacy is too far away to walk to, but Quinton Parade we can manage so if one of us couldn't drive any more we could still walk.

Also, it would be good to have a pharmacist we could get to know and trust and be able to consult rather than waste a GP's time on lesser matters. Saturday opening is also a help, we don't always get ill Monday to Friday!"

6.1.29 Jan Highlights how alternative chemists are difficult to access following the closure of the Boots on Daventry Road. Jan also highlights the benefits of having a local pharmacist to consult for minor ailments as well as the benefits of Saturday opening.

6.1.30 For the benefit of the Committee, we have also categorised the complaints received in the email/ letters not mentioned above. These categories constitute:

6.1.30.1 Poor Service by Boots at Cheylesmore Surgery

6.1.30.2 Poor Service by alternative providers

6.1.30.3 Lack of Saturday opening provision

6.1.30.4 Poor physical access to remaining pharmacies

6.1.31 Poor Service by Boots at Cheylesmore Surgery

"Having to queue to pick my prescription up, sometimes this can be for 20 minutes or more at 80 years of age is not really acceptable. Then to be told they haven't got part of the prescription.... This isn't just my experience standing in the queue it's a story repeated many times." – (Redacted email, Ann)

"Because they are situated in the building between 2 GP surgeries (and the sheer size of it) it means they are very busy. Current prescription waiting times between the gp link and dispensing is around 7-10 days. This is difficult as you cannot order a repeat prescription before a certain time, when due so this creates problems. It also means they cannot stock a lot due to the size meaning some medications need to be ordered in too.

I'm sure the staff at Boots would appreciate the easing of incoming prescriptions too as they are often snowed under and visibly struggling." – (Redacted email, Annette)

"the Pharmacy in Oasis health centre has long waiting ques and often we have to come back for the medication in a few days as they never have stock." – (Redacted email, Shilpa)

"A few weeks ago, my son had a bacterial infection. He's tough, 111 were suggested for medicine, unfortunately, the medicine was not available in the pharmacy." – (Redacted email, Silam)

"I use a mobility scooter but only in dry weather. It takes longer to get to Oasis so more risky weather-wise. There are long queues and the staff are overwhelmed. Dr. Jaspal used to have a phlebotomy service but not now, so that would be good – I have to get a lift to go to Baginton road [Styvechale Pharmacy], quite often." – (Redacted letter, Jacky)

"I do a lot of shopping on Daventry Rd but it means that to pick up my prescription now I have to walk over Quinton Park/ Pool & then join a very long queue which takes a considerable amount of time to reach the front – only to

have to then wait even longer while the prescription is made ready.” – (Redacted letter, Geoff)

6.1.32 Poor Service by alternative providers

“At the end of last year when trying to order my repeat prescription from the doctors I was told to download the superdrug app and order my medication via the app, this also involved booking a appointment with the pharmacist, travelling into town to have a consultation with a pharmacist of whom then requested the prescription to my doctors for them to approve.

Once approved and prescribed I then had to travel back into town to Superdrug to collect it. I was told that Superdrug were now processing a lot if the prescriptions as the local pharmacy next to the doctors was overwhelmed with the workload after the Boots pharmacy on Daventry road closed.” – (Redacted email, Rebecca)

6.1.33 Lack of Saturday Opening provision

“Not being open on a Saturday is a real nuisance and for those that don’t drive it must be extremely frustrating not being able to access a pharmacy for advice/ get medication.” – (Redacted email, Ann)

“As a father of a toddler and expecting a second one we need a shop nearby that is open on weekends and accessible” – (Redacted email, Prav)

“I work full time and there is no Saturday afternoon opening of a Pharmacy in the local area. The nearest pharmacy is two miles away.” – (Redacted email, Shilpa)

“I would like to write a letter of support for a pharmacy on Daventry Road, Coventry. Since boots pharmacy has closed, it has become increasingly difficult to get medicine from a pharmacy nearby, especially on Saturdays, as I work Monday to Friday. The nearest pharmacy is now double the distance from Daventry Road, and therefore residents like myself are left without access to a nearby pharmacy with weekend opening hours.” – (Redacted email, Zara)

“I am living with 2 kids (4yrs & 8 yrs) in CV3 area. Since Boots has been closed in Daventry Road - We had difficulty in obtaining pharmacy services on a Saturday afternoon.” – (Redacted email, Sundar)

“I have a 3 year old kid and on one particular Saturday (20 April 2024) I needed a few medicines for him but I was not able to access pharmaceutical services on the weekend.” – (Redacted email, Anant)

6.1.34 Poor physical access to remaining pharmacies

“Our other nearest pharmacy is on Bagington Road [Styvechale Pharmacy] which is either a 15 minute brisk walk or by car/bus meaning elderly patients who cannot wait 10 days struggle.” – (Redacted email, Annette)

“We now have to traipse to Central Six for our pharmacy needs” – (Redacted email, Judi)

“we don’t all drive and we are not all highly mobile or have a fortune to pay for taxis... and to be able to pop in and see a pharmacist who could help when doctors have no appointments” – (Redacted email, Mary)

“Since the boots has closed on the parade of Daventry road shops my elderly parents have had to have there medication prescribed from a pharmacy which

is a considerable distance away. This is not ideal as they both have mobility issues and a pharmacy which is located just a short distance away from where they live would allow them to access convenient services on foot like blood tests and health advice and getting there prescribed medications locally rather than having to wait a number of days because the current pharmacy they use cannot deliver and source some of there medication promptly which means there medication runs low and they end up chasing them up by making numerous phone calls. – (Redacted email, Bejal)

“The Pharmacy on Daventry road that closed was very easy to access when going with my father in his wheelchair. We have attempted to take him to the Oasis Pharmacy however we have found the journey too far and the pavements are un-even.” – (Redacted email, Shilpa)

“I recently had a shoulder operation and was unable to drive for a period. It was difficult to arrange prescriptions and blood tests which I could access because I live alone.” – (Redacted email, Alex)

“I am the manager of Card Factory on Daventry and we have a lot of elderly customers who ask if there is a chemist near. The nearest chemist is quite a distance from us and very hard for the elderly customers to get too” – (Redacted email, Maria)

“The nearest pharmacy at present is too far for many residents especially pensioners to walk to. A local pharmacy could also support the community with many days to day general health issues resolving them quickly thus shortening long queues at other pharmacies in the wider area.” – (Redacted email, James)

“Since Boots, in their infinite wisdom, decided to close the Daventry Rd Shop the staff at Oasis are rushed off their feet and the queues are often out of the external door.” – (Redacted email, Ray)

6.1.35 Overall Analysis

6.1.36 From the letters received from the public; the details from the refused consolidation; and previous correspondence we make the following observations.

6.1.37 It is clear that the remaining Boots in Cheylesmore Surgery is struggling to cope with the demands placed upon it following the closure of the Boots on Daventry Rd. This has caused long queues.

6.1.38 The Boots in Cheylesmore Surgery often does not have stock, and there is currently a 10-day lead time for prescriptions.

6.1.39 Patients are struggling with the additional round-journey required to access the Boots in Cheylesmore Surgery. This is concurrent with the sentiment expressed by the Health & Wellbeing Board in their comments with regard to patients who live North of Daventry Road in their representations for the refused consolidation in 2020. This is felt especially by those groups that share protected characteristics.

6.1.40 There is a clear need for all-day Saturday opening with this sentiment expressed by several local residents. This is concurrent with comments from Healthwatch on the refused consolidation, as well as being one of the predominant factors for the refusal of the consolidation application in 2020.

6.1.41 We note that the Boots in Cheylesmore surgery does now offer supplementary opening hours from 9-1 on Saturdays, however supplementary hours can be

easily withdrawn with 5 weeks' notice. The closed Boots offered all-day Saturday core opening, just like my client is proposing.

- 6.1.42 Patients are experiencing difficulty in accessing other pharmacies and are finding that they currently require "lifts" to these pharmacies, or even require somebody else to pick up their prescriptions. Clearly this is representative of poor pharmaceutical access. This will be in part due to the significant hill that patients are required to navigate to access Chemycare Pharmacy and Styvechale Pharmacy. This hill has an average gradient of 7% or 1 in 14 for a length of approximately 120 metres: presenting a clear barrier to access. Healthwatch raised this in their objection to the consolidation in 2020.
- 6.1.43 Patients accustomed to accessing pharmaceutical provision via the No.21 bus no longer have reasonable access to a pharmacy.
- 6.1.44 There is a clear need for Phlebotomy services in the area, given the doctors ceased this service. My client proposes to undertake these phlebotomy services should their application be granted.

Conclusion

- 6.1.45 We conclude that following the refused consolidation and subsequent closure of the Boots on Daventry Rd (the proposed site), a gap in pharmaceutical provision has been created that this application proposes to fill.
- 6.1.46 Consultation with the local population highlights that there is a clear need for a pharmacy on the proposed parade that offers all-day Saturday core opening hours.
- 6.1.47 We submit that granting this application will secure improvements and better access to pharmaceutical provision and thus meets the criteria for Regulation 18.
- 6.1.48 We invite the Committee to grant the application."
