

17 June 2025

REF: 26627

8th Floor
10 South Colonnade
Canary Wharf
London
E14 4PU

Tel: 020 3928 2000
Email: nhsr.appeals@nhs.net

APPEAL AGAINST NORTH EAST AND NORTH CUMBRIA ICB DECISION NOT TO GIVE THIRD PARTY APPEAL RIGHTS TO ALNWICK HEALTHCARE LIMITED IN RESPECT OF THE DECISION TO GRANT AN APPLICATION BY JIWA PHARM LIMITED FOR INCLUSION IN THE PHARMACEUTICAL LIST OFFERING TO MEET A CURRENT NEED AT RETAIL UNITS OFF PLESSEY ROAD, NEWCASTLE ROAD AND ELLIOTT STREET, NEWSHAM

1 Outcome

- 1.1 Alnwick Healthcare Limited is a person with third party appeal rights against the decision of the Commissioner set out in its letter dated 15 May 2025 (and notified to Alnwick Healthcare Limited by letter dated 15 May 2025).

A copy of this decision is being sent to:

Rushport Advisory LLP Jiwa Pharm Limited
Temple Bright LLP on behalf of Alnwick Healthcare Limited
Seaton Healthcare Ltd
Medsynth Ltd
Community Pharmacy North East – North
Northumberland HWB
PCSE on behalf of North East and North Cumbria ICB

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1 The Application

By application dated 25 January 2024, Rushport Advisory LLP on behalf of Jiwa Pharm Limited applied to the North East and North Cumbria ICB ("the Commissioner") for inclusion in the pharmaceutical list offering to meet a current need at retail units off Plessey Road, Newcastle Road and Elliott Street, Newsham.

2 Process

The Commissioner gave notice of the notifiable application in accordance with the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations") by cover letter dated 22 March 2024. No representations were received from Alnwick Healthcare Limited.

3 The Decision

The Commissioner considered and decided to grant the application by Jiwa Pharm Limited. The decision letter dated 15 May 2025 did not give Alnwick Healthcare Limited a right of appeal.

3.1 "North East and North Cumbria ICB has considered the above application, and I am writing to confirm that it has been granted. Please see the enclosed report for the full reasoning."

Decision report

3.2 **"Jiwa Pharm Limited - Application for inclusion in a pharmaceutical list: routine application offering to meet an identified current need Retail Units off Plessey Road, Newcastle Road and Elliott Street (best estimate of a small part of Newsham that covers the core retail area which is accessible to patients)"**

3.3 Thank you for your market entry application. I can confirm North East and North Cumbria Integrated Care Board (NENC ICB) Pharmaceutical Services Regulations Committee (PSRC) met on 30th April 2025, to consider this application.

3.4 This application has been considered under Regulations 13 & 14 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 – current needs: additional matters and consequences.

- 3.5 **Regulation 13(1) is met** – There is no current identified need in the extant PNA for Northumberland 2022-2025, however PSRC gave due consideration to the supplementary statement dated 12th January 2024 which was explicit in stating that the closure of pharmacies has created a gap in essential pharmaceutical services Monday to Saturday. The PSRC determined that granting the application would meet the current need for essential pharmaceutical services for the population of Newsham.
- 3.6 **Regulation 13(2) (a-b) is applicable** - there were multiple applications submitted for the area of Newsham/Blyth and it was determined that it was desirable to consider, applications from other persons offering to meet the same need at the same time as this application. There were 2 current need applications considered together by PSRC at the meeting on 30th April 2025. There were also 4 unforeseen benefits applications for the same area heard at the same panel.
- 3.7 **Regulation 13(2)(c) not applicable** - there are no pending appeals relating to another application offering to meet the same current need.
- 3.8 **Regulation 13(2)(d) is not met and refusal is not necessary, as such regulation 14(4) is also not met** – the application would provide essential pharmaceutical services in an area of high deprivation. The PSRC are satisfied that, since the publication of the relevant PNA, there have been changes to the needs for pharmaceutical services in Northumberland and as such not refusing the application is essential in order to prevent significant detriment to the provision of pharmaceutical services.
- 3.9 **Regulation 13(2)(e and f) not applicable** – the PSRC are satisfied that the application can meet the identified current need as stated in the supplementary statement in full.
- 3.10 **Regulation 13(2)(g) (i) regulation met** – The supplementary statement states a gap in essential and advanced services, particularly the new medicines service, clinical pharmacy consultation service and minor ailments services has also been created.
- 3.11 **Regulation 13(2)(g) (ii) regulation met** - The PSRC are satisfied that granting the application would result in an increase in the availability of essential services in Newsham.
- 3.12 **Regulation 13(2)(h) not met** – PSRC are satisfied that the identified current need has not been met by another person.
- 3.13 **Regulation 13(2)(i) is not applicable** – the application does not need to be deferred or refused by virtue of any provision of Parts 5 to 7.
- 3.14 **Regulation 14 (1a) is applicable** – the application was deferred in order to consider multiple applications together.
- 3.15 **Regulation 14 (1b) is not applicable** – NENC ICB did not invite applications from applicants to meet a current need
- 3.16 **Regulation 14 (1c) is applicable** – the PSRC considered 1 additional current needs application alongside this application.
- 3.17 **Regulation 14 (2) is applicable** – the application was deferred in order to consider multiple applications together.
- 3.18 **Regulation 14 (3) is not applicable** - there are no current applications under Appeal.

- 3.19 **Regulation 31 is not applicable** – Refusal same or adjacent premises: Regulation considered and there is no other pharmacy with an NHS contract at the proposed address or adjacent to them, therefore the application is not to be refused under this regulation.
- 3.20 **Regulation 32 is not applicable** - the proposed premises are not going to be in an such an LPS designated area.
- 3.21 **Regulations 40-44 is not applicable** – the proposed premises will not be situated in a controlled locality / reserved location.
- 3.22 **Regulation 50 is not applicable** – the proposed premises will not be in a reserved location.
- 3.23 **Regulations 65 is applicable** – as the application is granted a direction will be issued for 20 core hours.
- 3.24 **Regulation 66 is not applicable** - there is no direction of services.
- 3.25 The PSRC granted the application on the basis regulations 13 & 14 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 – current needs: additional matters and consequences have been met.
- 3.26 **Appeal Rights**
- 3.27 Third party rights of appeal would be provided to Medsynth Ltd and Seaton Healthcare Limited.”

4 **The Appeal**

In a letter dated 5 June 2025 addressed to NHS Resolution, Temple Bright LLP on behalf of Alnwick Healthcare Limited appealed against the decision of the Commissioner not to give them third party rights of appeal. The grounds of appeal are:

- 4.1 “I act for Alnwick Healthcare Limited. On behalf of my client I write to:
- 4.1.1 Appeal a decision of NHS England not to grant my client third party rights of appeal in relation to NHS England’s decision to grant an application by Jiwa Pharm Limited.
- 4.1.2 Appeal a decision of NHS England to grant the application by Jiwa Pharm Limited and to refuse my client’s application.
- 4.2 Taking each appeal in turn:
- 4.3 **Appeal against a decision of NHS England not to grant Alnwick Healthcare Limited third party rights of appeal**
- 4.4 By way of background, 6 applications were submitted to NHS England for inclusion in the pharmaceutical list for premises in Blyth, Northumberland. The application details (including NHS England references) are as follows:
- 4.4.1 Alnwick Healthcare Limited – Unforeseen Benefits – CAS-261735 – Z7L2D5
- 4.4.2 Seaton Healthcare Ltd – Unforeseen Benefit - CAS- 268309-V8M9P4

- 4.4.3 Medsynth Ltd - Unforeseen Benefits - CAS--266560-L5W6N3
- 4.4.4 Newline Pharmacy Ltd - Current Needs - CAS-269991-Q6T7P8
- 4.4.5 Jiwa Pharm Ltd - Current Needs - CAS-270593-V3G9B0
- 4.4.6 Mr Hassan Malik – Unforeseen Benefits – CAS-276279 – S7G6K9
- 4.5 In its letter to interested parties notifying them of the above applications (including in its letter to my client in respect of the application by Jiwa Pharm Limited), NHS England stated that it intended to consider the above applications “together and in relation to” each other in accordance with regulations 21(1)(a)(iii) and 22(3) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).
- 4.6 I attach to this letter of appeal a copy of the NHS England notification letter sent to my client in respect of the application by Jiwa Pharm Limited dated 22nd March 2024.
- 4.7 On 15th May 2025, my client received notification of a decision in respect of the above applications. The decisions indicated that:
 - 4.7.1 The application by Jiwa Pharm Limited had been granted
 - 4.7.2 My client’s application (along with the other applications) had been refused.
- 4.8 A copy of the 15th May 2025 decision letter and decision report in respect of the Jiwa Pharm Ltd application is attached to this appeal.
- 4.9 As NHS Resolution will see from the attached decision letter and report, whilst my client was notified of the decision to grant the Jiwa Pharm Limited application, the decision letter does not provide that my client has been given third party rights of appeal; the decision report states that third party rights of appeal had only been granted to Medsynth Limited and Seaton Healthcare Limited.
- 4.10 It is to be assumed that my client was notified of NHS England’s decision to grant the application by Jiwa Pharm Limited by reason of paragraph 28(5) of schedule 2 to the Regulations, which provides as follows:
- 4.11 *“Where NHS England has decided to consider 2 or more applications together pursuant to paragraph 22(3), it must give notice to each applicant of the decision taken with regard to each other application considered together with their application.”*
- 4.12 Since NHS England had indicated that it intended to consider my client’s application “together and in relation to” the application by Jiwa Pharma Limited and since my client was notified of the decision to grant the Jiwa Pharm Limited by reason of paragraph 28(5), NHS England was required to provide my client with third party rights of appeal against the Jiwa Pharm Limited grant by reason of paragraph 30(2)(b) of schedule 2 to the Regulations.
- 4.13 My client therefore asserts that NHS England’s (apparent) decision not to afford my client third party rights of appeal was unlawful. In accordance with paragraph 30(6) of schedule 2 to the Regulations, my client therefore appeals the decision of NHS England not to grant my client third party rights of appeal.

- 4.14 **Appeal against the decision of NHS England to grant the application by Jiwa Pharm Limited and to refuse my client's application**
- 4.15 Assuming that NHS Resolution upholds the above appeal, my client appeals the substantive decisions of NHS England to refuse its application and to grant the application by Jiwa Pharm Limited.
- 4.16 By way of background, my client applied for inclusion in the pharmaceutical list for the best estimate location of Plessey Road to Newcastle Road, Newsham, Blyth, Northumberland by application dated 20th November 2023. My client's application was submitted pursuant to regulation 18 of the Regulations.
- 4.17 In support of its application, my client provided the following information:
- 4.18 *"A number of commercial decisions have resulted in either the closure or reduction in pharmacy services available to the population of Blyth. These changes have come about rapidly and in many cases at short notice and could not have been anticipated by the Northumberland Health and Well Being Board at the time the PNA was published in 2022.*
- 4.19 *The Boots branch in Newsham is scheduled to close in early 2024 and will mean that the patients who attend the Railway Surgery on Newcastle Road will be faced with a journey of approx 1.7 miles to the nearest pharmacy in Blyth centre. Additionally the general population of Newsham will lose access to pharmaceutical services at a time when movement of travel by the NHS is to encourage patients away from the GP services to other service providers which are more convenient, open longer hours and give greater patient choice.*
- 4.20 *Blyth is one of the most densely populated areas of Northumberland and demand for housing has resulted in extensive development on the outskirts of Newsham. This will be further enhanced by the opening of a new train/metro station and development of the sea front.*
- 4.21 *Changes in the pharmaceutical provision in neighbouring Cramlington with the closure of a 100 hour Pharmacy in Sainsbury's and the potential change of ownership/closure of the Lloyds at Brockwell centre located on the north east segment of Cramlington may encourage patients to seek alternate service providers.*
- 4.22 *Boots Newsham is listed as providing the new UTI service and the loss of this will not only be detrimental to the local population but will encourage patients to seek provision at either Primary Care services or the A&E located at Cramlington Emergency Hospital."*
- 4.23 Two months after my client submitted its application offering unforeseen benefits, Northumberland Health and Wellbeing Board published a supplementary statement (on 12th January 2024) - Supplementary Statement 3.
- 4.24 The supplementary statement provided relevantly as follows:
- 4.25 *"Details of Change Boots pharmacy in the Community Hospital and Health Centre closed in October 2023. Boots pharmacy in Plessey Road closed in mid January 2024. Boots 100 hour pharmacy in Maddison Street reduced its hours to 75 hours per week in September 2023.*

- 4.26 *A gap in essential pharmaceutical services Monday to Saturday has been left following these closures. A gap in additional and advanced services, particularly the new medicines service clinical pharmacy consultation service and minor ailments services has also been created. A gap in the locally commissioned service for supervision of opiate consumption has also been created. Any replacement pharmacy should be located in the Newsham area to serve the population of Newsham, a deprived community on the southern edge of Blyth.*
- 4.27 *This supplementary statement to Northumberland's Pharmaceutical Needs Assessment is issued in accordance with paragraph 3D (3) in Part 1A of the NHS (Pharmaceutical Services) Regulations 2005."*
- 4.28 In response, it would appear, to that supplementary statement, an application was submitted by Jiwa Pharm Limited pursuant to regulation 13 of the Regulations on 25th January 2024. The Jiwa Pharm Limited application references the supplementary statement and relied upon it in support of its application.
- 4.29 As stated above, the applications were all considered together and in relation to each other by NHS England. The Jiwa Pharm Limited application was granted by reason of the contents of the HWB's supplementary statement.
- 4.30 In granting the application, NHS England stated relevantly as follows:
- 4.31 ***"Regulation 13(1) is met** – There is no current identified need in the extant PNA for Northumberland 2022-2025, however PSRC gave due consideration to the supplementary statement dated 12th January 2024 which was explicit in stating that the closure of pharmacies has created a gap in essential pharmaceutical services Monday to Saturday. The PSRC determined that granting the application would meet the current need for essential pharmaceutical services for the population of Newsham."*
- 4.32 In contrast, my client's application was refused for the following reasons set out in the decision report:
- 4.33 ***"Regulation 18(1)(b) was not met** – There is no current identified need in the extant PNA for Northumberland 2022-2025, however PSRC gave due consideration to the supplementary statement dated 12th January 2024 which was explicit in stating that the closure of pharmacies has created a gap in essential pharmaceutical services Monday to Saturday. The PSRC determined that granting an application in the area of Newsham would meet an identified current need for essential pharmaceutical services for the population and therefore an unforeseen benefits application would not meet the requirements of regulation 18(1).*
- 4.34 ***Regulations 18(2)(a&b) was not met** - A routine application offering to secure a current need at best estimate address "Retail Units off Plessey Road, Newcastle Road and Elliott Street", was granted in April 2025. Approving this application may therefore cause significant detriment to the arrangements it currently has in place for the provision of pharmaceutical services in the area."*
- 4.35 My clients grounds of appeal in relation to the above decisions are that:
- 4.35.1 NHS England was wrong, as a matter of law, to conclude that the contents of the relevant supplementary statement amounted to a "current need...included in the relevant pharmaceutical needs assessment" in accordance with regulation 13(1)(a)

- 4.35.2 In any event, my client's application was offering unforeseen benefits since the information provided by my client in support of its application extended beyond the contents of the supplementary statement.
- 4.35.3 In all the circumstances, my client's application should have been granted.
- 4.36 Taking each of these in turn, my client comments as follows.
- 4.37 **NHS England was wrong, as a matter of law, to conclude that the contents of the relevant supplementary statement amounted to a "current need...included in the relevant pharmaceutical needs assessment" in accordance with regulation 13(1)(a)**
- 4.38 It is submitted on behalf of my client that a supplementary statement cannot, as a matter of law, identify a current need for the provision of pharmaceutical services that may support the granting of an application for inclusion in the pharmaceutical list for the purposes of regulation 13(1)(a).
- 4.39 As NHS Resolution will be aware, the Regulations require each HWB to publish a PNA at least every 3 years (regulation 6(A3)(1) of the Regulations).
- 4.40 The purpose of the PNA is to make an assessment of the needs for pharmaceutical services pursuant to section 128A of the 2006 Act. PNAs are subject to statutory consultation (regulation 8) and are of primary importance, since all routine applications for inclusion in the pharmaceutical list in respect of new premises are assessed having regard to the contents of the PNA.
- 4.41 Each PNA must contain the information referred to in schedule 1 to the Regulations (regulation 4(1)), including a statement of:
- 4.41.1 Current provision
 - 4.41.2 Gaps in provision
 - 4.41.3 Other NHS services
 - 4.41.4 How the assessment was carried out
- 4.42 Regulation 6(2) requires HWBs to publish a revised assessment where there have been relevant changes since the publication of the PNA which are "of a significant extent" unless publishing a revised assessment would be a disproportionate response to the changes. Regulation 6(3) provides that:
- 4.43 *"(3) Pending the publication of a statement of a revised assessment, a HWB may publish a supplementary statement explaining changes to the availability of pharmaceutical services since the publication of its or a Primary Care Trust's pharmaceutical needs assessment (and any such supplementary statement becomes part of that assessment), where—*
- 4.44 *(a) the changes are relevant to the granting of applications referred to in section 129(2)(c)(i) or (ii) of the 2006 Act; and*
- 4.45 *(b) the HWB—*

- 4.46 *(i) is satisfied that making its first or a revised assessment would be a disproportionate response to those changes, or*
- 4.47 *(ii) is in the course of making its first or a revised assessment and is satisfied that immediate modification of its pharmaceutical needs assessment is essential in order to prevent significant detriment to the provision of pharmaceutical services in its area.*
- 4.48 It is noted that regulation 6(3) allows for a supplementary statement to “explain changes to pharmaceutical services” since the publication of the last PNA but does not state that a supplementary statement may be used to identify gaps in service provision that may have been caused by those changes which may result in a new pharmacy application being granted.
- 4.49 It is clear from a proper consideration of the above regulatory provisions that, as a matter of law, a supplementary statement cannot, therefore, be used to identify a change in service provision which has the effect of enabling the granting of an application.
- 4.50 Regulation 6(3) is clear that whilst a supplementary statement may “explain changes to the availability of pharmaceutical services” since the last PNA was published, the supplementary statement cannot identify gaps in service provision that may be met by the granting of a new application, since no such power is included in regulation 6(3).
- 4.51 Not only is the above correct on a proper reading of the regulatory provisions, but it also a matter of common sense, because the procedure for publishing a supplementary statement does not allow for a transparent and robust consultation with all affected parties.
- 4.52 Since the January 2024 supplementary statement could not, as a matter of law, support an application made pursuant to regulation 13 notwithstanding the contents of that supplementary statement, the application by Jiwa Pharm Limited should have been refused.
- 4.53 **My client’s application was offering unforeseen benefits since the information provided by my client in support of its application extended beyond the contents of the supplementary statement.**
- 4.54 My client’s application was refused on the basis that, in NHS England’s view, the benefits offered by my client’s application were not unforeseen in the context of the contents of the relevant PNA (including any supplementary statements).
- 4.55 Notwithstanding the above primary submission that reliance upon the contents of the supplementary statement as identifying an unmet need was wrong as a matter of law, NHS England was also wrong as a matter of fact since the benefits that my client’s application offered went beyond the matters referred to in the supplementary statement.
- 4.56 Whilst my client’s application included reference to the Boots Pharmacy closures, it also referenced other developments in the local area which are relevant to the provision of pharmaceutical services, but which were not referred to in the supplementary statement, including:
- 4.56.1 Local housing developments which are increasing demand for pharmaceutical services locally

- 4.56.2 The construction of a new train/metro station
- 4.56.3 The redevelopment of the sea front
- 4.56.4 Changes in the pharmaceutical provision in neighbouring Cramlington with the closure of a 100-hour Pharmacy in Sainsbury's
- 4.56.5 the potential change of ownership/closure of the Lloyds at Brockwell centre located on the northeast segment of Cramlington which may encourage patients to seek alternate service providers.
- 4.57 Since my client's application referenced several relevant matters which were not included in the supplementary statement, NHS England was wrong to conclude that the benefits that my client's application sought to meet were not unforeseen in the context of the current PNA (including, to the extent that it was relevant, the supplementary statement).
- 4.58 **In all the circumstances, my client's application should have been granted**
- 4.59 My client's application is made for premises in the Newsham area of Blyth. I have set out, below, a google maps satellite image which shows the local area.
- 4.60 Blyth is a port town located in the north east of England and is the largest town in Northumberland. In 2021, Blyth had a resident population of 39,731.
- 4.61 The town prospered through the industries of coal mining and ship building, but suffered when those industries went into decline in the latter half of the 20th century. In February 2023, the government described Blyth as the most deprived town in Northumberland with a high prevalence of medical conditions such as Type 2 Diabetes, Obesity and Hypertension.
- 4.62 Since the closure of the traditional industries, the town now serves as a dormitory town serving Newcastle Upon Tyne, although the port still remains a major industry in the area, particularly in respect of the importation of forest products (paper, pulp and timber) as well as other materials.
- 4.63 [Map provided]
- 4.64 Blyth is currently subject to extensive regeneration and house building. For example:
 - 4.64.1 6,000 new homes are planned or under construction in Newsham
 - 4.64.2 The Quayside area has been the subject of significant redevelopment in recent years
 - 4.64.3 A new train station opened in Newsham on 17th March 2025
- 4.65 Blyth contains a large range of shops and other services.
- 4.66 In respect of the proposed location itself (which is in the Newsham area of Blyth), the commercial high street consists of express supermarket, large CO-OP with extended hours, hairdresser, takeaways, dance studio, golf course, schools, community centre, coffee shop. Newsham therefore has a range of services to meet daily local needs. Newsham also contains a GP surgery – Railway Medical Group.

- 4.67 It is against the above factual background that pharmaceutical needs must be assessed in order to apply the regulatory test contained within regulation 18. It is submitted that the current pharmacy network does not secure patient needs, such that granting my client's application would secure improvements and better access to service provision.
- 4.68 In late 2023 and early 2024, two pharmacies in Blyth closed: a pharmacy at the health centre in Blyth and the pharmacy at Plessey Road in Newsham (my client's proposed location). These closures meant that around 20,000 prescription items per month had to be absorbed by the remaining pharmacies in town. In addition, Asda Pharmacy and the remaining Boots branch in Newsham both reduced their hours from 100 hours per week to 72 hours per week, reducing overall pharmaceutical services capacity yet further.
- 4.69 These closures have both reduced patient choice and created a physical gap in service provision.
- 4.70 In relation to a reduction in patient choice, the removal of two pharmacies in the town is against the background of an increase in population size for the town of 10.9% between 2011 and 2021, and further significant population increases anticipated in the short term as the new housing developments are completed. Where pharmaceutical service capacity should therefore be increasing to meet increased demand caused by a growing population (and, consequently, in order to secure a reasonable choice of service provision), it is actually shrinking resulting in the remaining pharmacies being overwhelmed with demand. For example, patients living in the Newsham area are currently waiting 7 days for a repeat prescription to be available due to existing services struggling to meet demand. This will only get worse as the population increases with proposed new builds.
- 4.71 The closures have also created a physical gap in service provision in the Newsham area of Blyth, since all of the remaining pharmacies are located to the north of the town (as shown in the map below). Following the closure of the Boots branch in Newsham, the nearest pharmacy is now around 2 miles away from Newsham, which clearly makes those pharmacies inaccessible by foot.
- 4.72 [Map provided]
- 4.73 These issues are summarised in the attached report from the HWB dated 11th January 2024 (which gave rise to the issuing of the supplementary statement).
- 4.74 Granting my client's application would secure improvements and better access to pharmaceutical services for the local population. In particular:
- 4.74.1 It would increase capacity in Blyth generally, thereby restoring a reasonable choice of service provision which was lost through the closure of two pharmacies.
- 4.74.2 It would overcome the current access difficulties, particularly for patients in Newsham who cannot walk to a pharmacy, and many of whom suffer from health inequalities, higher levels of deprivation, low car ownership and a range of long-term health conditions.
- 4.74.3 It would allow for the provision of a full range of pharmaceutical services for the local population. This includes advanced services such as Pharmacy First, which is a much-needed local service, particularly since the GP surgery in Newsham has expressed concerns about its capacity to cope with the

increased patient numbers which will arise from the new housing developments.

- 4.75 In conclusion, my client asserts that its application meets the regulatory test contained within regulation 18 of the Regulations for the reasons given above. On behalf of my client I invite NHS Resolution to uphold my clients appeals, to grant its application and to refuse the application by Jiwa Pharm Limited.”

5 Consideration

- 5.1 The Secretary of State for Health and Social Care has directed NHS Resolution to exercise the function of determining whether certain persons have rights of appeal on their behalf. I, as an authorised officer of NHS Resolution, have determined this appeal.

- 5.2 I have had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”), and in particular paragraphs 30(1) and (2) of Schedule 2 which state:

30.—(1) A person with third party rights (as provided for in this paragraph) may appeal to the Secretary of State against a decision of NHS England to grant a notifiable application, or an application to which regulation 26(1), 27 or 28 applies, provided that the person notifies the Secretary of State with a valid notice of appeal within 30 days of the date on which that person was notified of NHS England’s decision under paragraph 28.

(2) For the purposes of this Schedule, a person (P1) is a person with third party rights if—

(a) P1 is a person to whom sub-paragraph (3) applies; or

(b) P1 was entitled to receive notification of the decision to grant the application by virtue of paragraph 28(5).

- 5.3 Paragraph 28(5) states:

(5) Where NHS England has decided to consider 2 or more applications together pursuant to paragraph 22(3), it must give notice to each applicant of the decision taken with regard to each other application considered together with their application.

- 5.4 Paragraph 22(3) states:

(3) Where appropriate, NHS England may if it thinks fit consider 2 or more applications together and in relation to each other, but where it does so, it must give notice to the applicants of its intention to do so (if it has not already done so under Part 3).

- 5.5 I note that the Commissioner decided to consider Alnwick Healthcare Limited’s application for inclusion in the pharmaceutical list offering unforeseen benefits at a premises in Blythe, Northumberland together and in relation to the Jiwa Pharm Limited’s application (and other applications), and that it notified the applicants of its intention to do so by letter dated 22 March 2024.

- 5.6 I am therefore satisfied that Alnwick Healthcare Limited is a person to whom sub-paragraph 30(2)(b) applies and that it should have been given third party rights in accordance with the Regulations.

- 5.7 I note the wording of paragraph 30(5) that a notice of appeal under sub-paragraph (1) is only valid if it includes a concise and reasoned statement of the grounds of appeal. I am of the view that Alnwick Healthcare Limited has complied with this requirement.

6 Decision

- 6.1 Alnwick Healthcare Limited is a person with third party appeal rights against the decision of the Commissioner set out in its letter dated 15 May 2025 (and notified to Alnwick Healthcare Limited by letter dated 15 May 2025).
- 6.2 The appeal will proceed in accordance with the provisions of Part 2 of Schedule 3 to the Regulations.

Head of Appeals
NHS Resolution