

5 September 2025

REF: SHA/26625

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**APPEAL AGAINST NHS BRISTOL, NORTH SOMERSET
AND SOUTH GLOUCESTER ICB DECISION TO GRANT
AN APPLICATION BY KEYNSHAM HEALTHCARE LTD
FOR A RELOCATION THAT DOES NOT RESULT IN A
SIGNIFICANT CHANGE TO PHARMACEUTICAL
SERVICES PROVISION UNDER REGULATION 24 FROM
39 HIGH STREET, SHIREHAMPTON, BRISTOL, BS11
0DX TO 46 HIGH STREET, SHIREHAMPTON, BRISTOL,
BS11 0DJ**

1 Outcome

- 1.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, confirms the decision of the Commissioner.

A copy of this decision is being sent to:

Keynsham Healthcare Ltd
Healthcare Services Consultancy Ltd
PCSE on behalf of Bristol, North Somerset and South Gloucester ICB

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APPEAL AGAINST NHS BRISTOL, NORTH SOMERSET AND SOUTH GLOUCESTER ICB DECISION TO GRANT AN APPLICATION BY KEYNSHAM HEALTHCARE LTD FOR A RELOCATION THAT DOES NOT RESULT IN A SIGNIFICANT CHANGE TO PHARMACEUTICAL SERVICES PROVISION UNDER REGULATION 24 FROM 39 HIGH STREET, SHIREHAMPTON, BRISTOL, BS11 0DX TO 46 HIGH STREET, SHIREHAMPTON, BRISTOL, BS11 0DJ

1 The Application

By application dated 19 December 2024, Keynsham Healthcare Ltd (“the Applicant”) applied to Bristol, North Somerset and South Gloucester ICB (“the Commissioner”) for a relocation that does not result in a significant change to pharmaceutical services provision under Regulation 24 from 39 High Street, Shirehampton, Bristol, BS11 0DX to 46 High Street, Shirehampton, Bristol, BS11 0DJ. In support of the application it was stated:

- 1.1 In response to why the application should not be refused pursuant to Regulation 31 the Applicant left this blank.
- 1.2 In response to “Please explain why you believe your application should not be refused in accordance with Regulation 24(3)(c)” the Applicant left this blank.

In response to why the new premises are not significantly less accessible for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises, the Applicant stated:

- 1.3 “The new location is at a distance of 70 yards on the same stretch of the road. The walking distance between the two locations is less than a minute. There is a zebra crossing near to the proposed location therefore making it much easier for patients to access the new location. Unlike the existing location, there are free parking spaces (including designated disabled parking space) in front of the proposed location. The new location has better visibility for passing traffic and is also near the co-op and Heron food store which are destination shopping place for local residents.
- 1.4 The new premise will be accessible to people with different disabilities including those using wheel chairs, push chairs, hearing difficulties.
- 1.5 We have taken into consideration the effect of the relocation on different patient groups, as discussed below.
 - 1.5.1 Patients on home delivery: This group of patient [sic] will have no difference in how they access the services.

- 1.5.2 Patients living within walking distance of current premises: This patient population should see no difference in how they access the pharmacy, albeit some will have to walk a little further whilst some will have their journey.
 - 1.5.3 Patient [sic] driving to Shirehampton to access the pharmacy: This group will benefit from the relocation as they will be able to park right in front of the pharmacy, including disabled parking space.
 - 1.5.4 Patient [sic] coming from the Shirehampton surgery: This group of patient will have a better visibility of the pharmacy as they come out of the surgery and their walking distance will be reduced.
 - 1.5.5 Patient [sic] coming from other surgeries: This group of patient will have no difference in how they access the new premises as they are so close on the same stretch of high street. this group of patient should benefit from the free parking space in front of the new location.
 - 1.5.6 Patient [sic] using the pharmacy remotely: This group of patient will have no difference in how they access the pharmacy.
 - 1.5.7 Patient [sic] accessing the pharmacy by public transport: The bus stops are at equidistance from both the locations so the relocation should have no impact on this patient population.
- 1.6 In summary, the new location will have better accessibility because of its more prominent location on the High Street and will not disadvantage any patient group because of their close proximity.”

In response to why granting the application will not result in a significant change to the arrangements that are in place for the provision of local pharmaceutical services or pharmaceutical services (other than those provided by dispensing doctors) in any part of the HWB's area or any controlled locality within 1.6 kilometres of the new premises, the Applicant stated:

- 1.7 “The proposed relocation will have no impact on the current arrangements in place for the provision of pharmaceutical services as the proposed relocation is at close proximity of the existing location and all the services currently provided will continue to be offered without any interruption. The opening hours will also remain the same.”

In response to why the Applicant considers granting the application will not cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the HWB's area, the Applicant stated:

- 1.8 “The proposed relocation will not cause any detriment to the proper planning of pharmaceutical services in the HWB's area as this relocation is within the same HWB and offers same service to the same group of patient [sic] accustomed to using the pharmacy.”
- 1.9 The Applicant confirmed that the services to be provided at the new premises would be the same as that that have been provided at the current premises by answering “Yes” on the application form.
- 1.10 The Applicant confirmed that there will be no interruption in services by ticking “No” on the application form.

2 The Decision

The Commissioner considered and decided to grant the application. The decision letter dated 6 May 2025 states:

- 2.1 “Bristol, North Somerset and South Gloucestershire 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.”

Extract from South West Pharmaceutical Services Regulations Committee (PSRC) Decision report

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

- 2.2 “The SW Committee noted:

- 2.3 Shirehampton is a district of Bristol, near Avonmouth, at the northwestern edge of the city.

- 2.4 The distance between the current pharmacy location and the proposed new location is approximately 122 metres.

- 2.5 Boots previously owned the pharmacy, prior to Keynsham Healthcare Ltd taking over in Oct 2024.

- 2.6 There is one other pharmacy in Shirehampton (Shirehampton Pharmacy), around 400ft away from the current pharmacy premises. There are several other pharmacies in other small villages on the outskirts of Bristol, all over a mile away from the applicant's pharmacy.

Preliminary Issues

Controlled locality status

- 2.7 This is a non-controlled locality.

Nature of the application

- 2.8 This is an application ‘for a relocation of pharmacy premises that does not result in significant change to pharmaceutical services provision’ and is an excepted application and considered under Regulation 24 (1). [quoted in full]

Public Involvement

- 2.9 The SW Committee noted full details of the applicant's proposals were notified to various parties in accordance with the Regulations. Representations have been received from:

- 2.9.1 Community Pharmacy Avon acknowledge the application but offer no opinion.

- 2.9.2 Healthcare Services Consultancy Ltd (Greenway and Shirehampton Pharmacy) object to the application stating insufficient evidence has been provided by the applicant to demonstrate Regulation 24 had been met, concluding:

“Based on the limited information provided I submit the ICB/NHS cannot conclude the application satisfies Regulation 24. It must therefore be refused.

I would like to have the opportunity to respond further should any additional representations be made and also to reserve a right to appeal. As an interested party who has made representations, we would attend any oral hearing should the Committee determine one is required." [sic]

- 2.10 The applicant responded to the matters raised by Healthcare Services Consultancy Ltd. They believe the relocation satisfies Regulation 24 and will not negatively impact patient access or service provision.
- 2.11 Regulation 31 (same or adjacent premises) states: [quoted in full]
Regulation 24(1) – Relocation
- 2.12 Reg 24(1)(a) – Patient Groups
- 2.13 The applicant defines the following patient groups:
 - 2.13.1 Patients on home delivery: This group of patients will have no difference in how they access the services.
 - 2.13.2 Patients living within walking distance of current premises: This patient population should see no difference in how they access the pharmacy, albeit some will have to walk a little further whilst some- will have their journey.
 - 2.13.3 Patient [sic] driving to Shirehampton to access the pharmacy: This group will benefit from the relocation as they will be able to park right in front of the pharmacy, including disabled parking space.
 - 2.13.4 Patient [sic] coming from the Shirehampton surgery: This group of patient will have a better visibility of the pharmacy as they come out of the surgery and the-r walking d-stance will be reduced.
 - 2.13.5 Patient [sic] coming from other surgeries: This group of patient will have no difference in how they access the new premises as they are so close on the same stretch of high street this group of patient should benefit from the free parking space in front of the new location.
 - 2.13.6 Patient [sic] using the pharmacy remotely: This group of patient will have no difference in how they access the pharmacy.
 - 2.13.7 Patient [sic] accessing the pharmacy by public transport: The bus stops are at equidistance from both the locations so the relocation should have no impact on this patient population.
- 2.14 The SW Committee did not identify additional patient groups to consider in relation to the application.
- 2.15 The applicant offers an explanation on why each of the patient groups will not find the relocated pharmacy significantly less accessible after the proposed move.
- 2.16 The applicant notes the two sites are on the same stretch of road with a short walking distance and a zebra crossing near to the proposed location. They note there is free parking, including disabled parking, in front of the proposed location and the area is a shopping destination for local residents.

- 2.17 In the response to the interested party response, the applicant notes public transport access will not change and there will be no additional travel burden for those relying on public transport.
- 2.18 The applicant confirms a consultation room will be incorporated into the new premises and a finalised floor plan will be submitted when available. The applicant notes the proposed premises provides larger floor space than the current premises with access for those with disabilities.
- 2.19 The applicant concludes:
- 2.19.1 *In summary, the new location will have better accessibility because of its more prominent location on the High Street and will not disadvantage any patient group because of their close proximity."*
- 2.20 The SW Committee noted the premises are a short distance apart on the same street and the same parking and transport links would be used for those not on foot. The SW Committee agreed the relocation will not create a challenge for patients to access services at the proposed site.
- 2.21 The SW Committee was satisfied that for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible.
- Reg 24(1)(b)(i) and (ii) – (b) in the opinion of the NHSCB, granting the application would not result in a significant change to the arrangements that are in place for the provision of local pharmaceutical services or of pharmaceutical services other than those provided by a person on a dispensing doctor list
- 2.22 No evidence has been presented that suggests the relocation would result in a significant change to arrangements for the provision of local pharmaceutical services or of pharmaceutical services in any part of the HWB area.
- 2.23 The applicant states the proposed relocation is at close proximity to the existing location and the same services and opening will remain without any interruption.
- 2.24 The SW Committee was satisfied that granting the application would not result in a significant change to the arrangements in place for the provision of pharmaceutical services.
- Reg 24(1)(c) the NHSCB is satisfied that granting the application would not cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area of HWB1
- 2.25 No evidence has been presented that suggests the relocation would cause significant detriment to proper planning.
- 2.26 The applicant states the relocation will not cause detriment to proper planning as the relocation is in the same HWB and offers the same services to the same group of patients accustomed to using the pharmacy.
- 2.27 The SW Committee was satisfied that granting the application would not cause significant detriment to proper planning of pharmaceutical services.
- Reg 24(1)(d) the services the applicant undertakes to provide at the new premises are the same as the services the applicant has been providing at the existing premises

(whether or not, in the case of enhanced services, the NHSCB chooses to commission them); and

2.28 The applicant has confirmed that the same services will be available at the new premises that are available at the current premises.

2.29 The SW Committee was satisfied that the same services would be available at the proposed premises.

Reg 24(1)(e) the provision of pharmaceutical services will not be interrupted (except for such period as the NHSCB may for good cause allow

2.30 The applicant has confirmed that there will be no interruption to services.

2.31 The SW Committee was satisfied that there will be no interruption to services.

Reg 24(3)(a-d) an application pursuant to this regulation must be refused if the existing pharmacy premises from which the applicant is seeking to relocate

- is in an approved retail area (24(3)(a)
- is part of a one-stop primary care centre (24(3)(b)
- has relocated in the last 12 months (24(3)(c)
- this is not a distance selling premises 24(3)(d)

2.32 Regulation 24(3)(a-d) is not applicable in this case.

Decision

2.33 The SW Committee was satisfied that the application should be GRANTED because:

2.33.1 It is not necessary to refuse the application under Regulation 31

2.33.2 The new premises are not significantly less accessible for those accustomed to using the existing premises;

2.33.3 Granting the application would not result in a significant change to arrangements.

2.33.4 Granting the application would not result in significant detriment to proper planning in respect of the provision of pharmaceutical services;

2.33.5 The services to be provided will be the same; and

2.33.6 There will be no interruption of services.

Appeal rights

2.34 Healthcare Services Consultancy Ltd have appeal rights as they provided reasoning for opposing the application."

3 The Appeal

Using the online appeal form dated 31 May 2025 addressed to NHS Resolution, Healthcare Services Consultancy Ltd ("the Appellant") appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 “The decision by the South West PSRC does not consider the matters we raised in our letter of representation to the committee for which we believe are relevant to consideration of the application under Regulation 24. The PSRC could not have reached a decision to approve the application based on the reasons below.
- 3.2 In Section 8 of the application form the applicant lists the distance between the current and proposed premises as 70 yards on the same stretch of road. What is not explained, is that to access the proposed premises which is on the other side of the road from the current premises by using the nearest zebra crossing (to cross the High Street) the distance is actually approximately 180 metres. The zebra crossing is adjacent to the Texaco petrol station. The applicant says that the zebra crossing makes it much easier to access the new location but fails to say why or how this is so in relation to the current premises. Having to walk an additional 180 metres and cross adjacent to the petrol station may also represent a psychological barrier to access.
- 3.3 In Section 8 the applicant fails to provide sufficient evidence about the relevant patient groups accustomed to accessing the current premises. NHSBSA data for January 2025 shows that the current premises provides services to a range of GP practices (at least 25). Whilst the applicant makes a somewhat general reference to Shirehampton Surgery in the application (the closest medical practice to the proposed site), there is no information to what this group characteristics are. There are also no details provided regarding other significant patient groups they serve who attend other surgeries. For example, the Pioneer Medical Group which covers a group of practices Lawrence Weston (Ridingleaze), Henbury (Bradgate) and Avonmouth, all of which are over a mile away. This group makes up at least a quarter of the NHS business for the pharmacy. There is also Monks Park Surgery in Horfield over 4 miles away which accounts for approximately 7% of NHS business.
- 3.4 Using NHSBSA data available in Jan 2025, the number of items dispensed (and also a proportion of the pharmacy’s business) by the current pharmacy premises for the three largest GP practices are:
- 3.4.1 Shirehampton Surgery 3,182 (60.1%)
- 3.4.2 Pioneer Medical Group 1,490 (28.5%)
- 3.4.3 Monks Park Surgery, Horfield 370 (7.1%)
- 3.5 The applicant only identifies patients from the Shirehampton surgery and generally ‘patients from other surgeries’ in their application. The applicant makes no attempt to define how (even at least) the three largest groups access the current premises (that account for 95% of prescription items) and in relation to accessing the proposed premises.
- 3.6 In Section 8 with regards to patient group 2 ‘patients living within walking distance’ the application form states, “this patient population should see no difference in how they access the pharmacy, albeit some should have to walk a little further whilst some will have their journey”. The evidence/sentence is incomplete. It is therefore not clear as to what this means.
- 3.7 In Section 8, group 7 ‘patients accessing the pharmacy by public transport’, the applicant mentions that ‘bus stops are at equidistance from each other’. I wish to highlight that the bus stops for the current premises are opposite each other at a distance of approximately 90 metres from the pharmacy. From the new/proposed premises the bus stops to the west side as can be seen [information provided to Committee] are not opposite each other for each direction) and the stop at Priory

Gardens is approximately 250 metres away. Should a patient choose to continue to use the stops at The Green as for the current premises, then the distance to the new unit would be over 160 metres away and is therefore not equidistant. For some patient groups this journey may represent a significant change and a psychological barrier.

- 3.8 No context is provided by the applicant to qualify their statement that the bus stops are equidistant. In paragraph 15 of the decision report the PSRC say "In the response to the interested party response, the applicant notes public transport access will not change and there will be no additional travel burden for those relying on public transport". We submit they have not stated what the current public transport options and routes are and therefore how can the applicant or the PSRC reach a conclusion it will not change.
- 3.9 The applicant has not provided a floor plan showing if, or where, the consultation room is. The applicant has only advised 'it has not yet been finalised'. It therefore cannot be concluded that the same pharmaceutical services will be provided.
- 3.10 I submit that given the lack of detail and evidence provided in the application the Committee could not have satisfied themselves that Regulation 24 is met. On this basis, the application should have been refused.
- 3.11 Healthcare Consultancy Ltd (owner of Shirehampton Pharmacy and Greenway Pharmacy) ask for this appeal to be upheld. In the event an oral hearing is required I would wish to attend."

4 **Comments to the Commissioner**

On reviewing the paperwork provided by PCSE, it was noted that the comments made by the Applicant in response to the representations on the application, had not been circulated or seen by parties.

In the interests of transparency and fairness, NHS Resolution sought to rely on the discretion afforded in paragraph 7 of Schedule 3 of the Regulations to vary the normal procedures and to circulate these comments to parties for them to make observations on them if they so wished.

4.1 **THE APPLICANT**

- 4.1.1 "Thank you for the opportunity to comment on the representations received in response to my relocation application. We appreciate the position taken by Community Pharmacy Avon in not objecting to my relocation application. With regards to the response from Tanzil Ahmed (Healthcare Services Consultancy Ltd), please see below my response.

Distance and Accessibility

- 4.1.2 While it is noted that the direct distance between the current and proposed locations is 70 yards, we acknowledge the reference to the nearest zebra crossing, which extends the walking route. However, we maintain that this remains a relatively short relocation that does not significantly impact accessibility. The crossing in question is a standard pedestrian facility ensuring safe passage, and additional accessibility measures will be considered to support patient convenience.

Patient Groups and Service Continuity

- 4.1.3 Our application references Shirehampton Surgery as a key provider of patients to the pharmacy, but we recognize the wider patient base, including those from Pioneer Medical Group and other GP practices. The relocation does not alter service availability or accessibility for these patients. Better visibility and parking facility at the new location will improve accessibility to all patient groups. We remain committed to ensuring continuity of care and ease of access for all patient groups we currently serve.

Clarification on Walking Distance Statement

- 4.1.4 The phrase in our application regarding "some should have to walk a little further whilst some will have their journey..." is intended to convey that, for some patients, the move may result in a marginal increase in walking distance, while for others, it may reduce travel time.

Public Transport Considerations

- 4.1.5 The statement that "bus stops are at equidistance from each other" was meant to indicate that public transport access remains unchanged, with no significant advantage or disadvantage to patients using buses. The relocation does not introduce additional travel burden for those relying on public transport.

Consultation Room and Service Provision

- 4.1.6 The consultation room will be incorporated into the new premises, ensuring that all pharmacy services, including those requiring private consultations, continue to be provided. A finalised floor plan will be submitted as required to confirm compliance with all relevant service provisions. The proposed unit provides much larger floor space than the unit we currently operate from. We want you to be reassured that the new premise will be accessible for those with disabilities.

Lack of Opposition from Other Parties

- 4.1.7 It is important to highlight that no other interested parties, including local stakeholders, patient groups, or healthcare providers, have raised objections to the proposed relocation. This indicates that there is broad acceptance of the move and no wider concerns regarding accessibility or service provision. Given this lack of opposition, we submit that there is no substantive reason to reject the application.
- 4.1.8 We firmly believe that the relocation satisfies the requirements of Regulation 24 and will not negatively impact patient access or service provision. I look forward to your update on this matter."

5 Summary of Representations

This is a summary of representations received on the appeal.

5.1 THE APPLICANT

- 5.1.1 "Thank you for the opportunity to comment on the appeal received against my above-mentioned relocation application.

- 5.1.2 The arguments presented by the appellant are the same arguments that were presented during the consideration of the application which were thoroughly considered by the commissioner before approving the relocation.

Distance and Accessibility

- 5.1.3 While it is noted that the direct distance between the current and proposed locations is 70 yards, we acknowledge the reference to the nearest zebra crossing, which extends the walking route. However, we maintain that this remains a relatively short relocation that does not significantly impact accessibility. The crossing in question is a standard pedestrian facility ensuring safe passage. The new premises are situated in a well-frequented part of the High Street with improved access, visibility, and parking. No evidence has been provided by the appellant that supports the claim of a significant barrier to access. In fact, the relocation is likely to improve physical access for many patients. With respect to the argument of a 'psychological barrier' raised by the appellant, we believe this concern is speculative and unsupported by any patient testimony or evidence. The relocation involves a very short move within the same commercial area of the High Street and is highly visible and familiar to our patient population.
- 5.1.4 In fact, the improved parking, signage, and layout may reduce any perceived hesitation for accessing pharmacy services. Additionally, the map provided in the appellant's submission inaccurately marks the proposed premises with a red star at a location further away than the actual site, thereby exaggerating the relocation impact. This visual misrepresentation undermines the credibility of the claim regarding increased distance or barriers to access.

Patient Groups and Service Continuity

- 5.1.5 Our application references Shirehampton Surgery as a key provider of patients to the pharmacy, but we recognize the wider patient base, including those from Pioneer Medical Group and other practices. The proposed move does not change our service model or accessibility.
- 5.1.6 With better visibility and a more accessible layout, we expect the relocation to enhance, not hinder, access for all patient demographics. This is consistent with NHS England's assessment. Additionally, while we serve patients from Pioneer Medical Group and other practices beyond Shirehampton Surgery, these patients are generally based in and around the Shirehampton area. Those who access the pharmacy after visiting these other surgeries are more likely to use public or private transport to access pharmacy services, and the short relocation will not alter their journey or access in any material way. In fact, for those patients walking from areas such as Avonmouth or Lawrence Weston (Pioneer Medical branches), the new premises are closer, albeit by 70 yards. Therefore, the relocation maintains or improves access for patients from all referring practices.

Clarification on Walking Distance Statement

- 5.1.7 The phrase about walking distances in our application—'some may have to walk a little further, while others may find their journey...'—is intended to reflect the minor nature of the relocation. For some patients, there may be a marginal increase in distance, while others may benefit from shorter routes. This should not be construed as evidence of a significant change under Regulation 24.

Public Transport Considerations

- 5.1.8 The table below (based on Google walking distance) summarises walking distances from both the current (39 High Street) and proposed (46 High Street) pharmacy locations to the key local bus stops. It illustrates that the proposed site maintains or marginally improves access to public transport facilities:

Bus Stop	From 39 High St (approx.)	From 46 High St (approx.)	Difference (approx.)
Shirehampton Green	1 min (100m)	2 min (170m)	70 further
St Mary's Walk/Rd	4 min (300m)	3 min (230m)	70m closer
Priority Gardens	3 min (200m)	2 min (100m)	80m closer
Woodwell Road	5-6 mins (450m)	6-7 mins (500m)	50m further

- 5.1.9 The claim that bus access is diminished is unfounded. Both the current and proposed premises are served by multiple bus routes, including those stopping at The Green and Priory Gardens, which are commonly used by residents. The bus stops near both sites are within a similar walking distance—approximately 100–200 meters [sic] (except Woodwell Road)—ensuring continued access for patients who rely on public transport. The pedestrian infrastructure between the bus stops and both pharmacy locations includes well-maintained pavements and crossings, offering safe and direct routes. The proposed site also benefits from being situated closer to a major pedestrian crossing, further improving its accessibility. NHS England correctly assessed that there is no new or undue travel burden introduced for patients using buses, and no physical or psychological barrier has been evidenced that would impede patients from reaching the new site.

Consultation Room and Service Provision

- 5.1.10 We confirm that a consultation room will be incorporated into the new premises, with all current services continuing. A floor plan will be submitted before fit-out to verify compliance. The new unit is significantly larger than the current premises, allowing for improved accessibility and service delivery, particularly for disabled patients and those requiring confidential consultations.

Commitment to Improving Access

- 5.1.11 Since taking over the ownership of the branch, we have extended our total weekly opening hours by 11 hours (from 42.30 hours to 53.30 hours), now remaining open until 6.30pm compared to the previous 5.30pm and opening during lunch hours. This reflects our ongoing commitment to improving access for all patients, especially those who require flexibility due to work or caregiving responsibilities. Looking ahead, we plan to further improve accessibility by incorporating a 24-hour medicine collection kiosk. The new premises offer the physical space and layout to support this enhancement, ensuring even greater access to medications outside of regular opening times.

Appellant Motives and Pattern of Conduct

- 5.1.12 It is worth noting that the appellant, Healthcare Services Consultancy Ltd, has previously appealed against the change of ownership of this pharmacy. That appeal was rejected by both NHS England and NHS Resolution, having no substantive grounds. This repeated pattern of objection appears to be more

aligned with a strategy to delay and disrupt legitimate operational progress rather than a genuine concern for patient welfare or service provision. The current appeal echoes similar unsubstantiated concerns and should be viewed in that context. We respectfully submit that such objections do not serve the public interest and should not be allowed to hinder improvements that benefit patients and the wider healthcare system.

Lack of Opposition from Other Parties

- 5.1.13 It is important to highlight that no objections have been received from other stakeholders, healthcare providers, or local patient groups. The lack of opposition underscores the general acceptance of the relocation and supports the position that it will not negatively impact access or service quality.
- 5.1.14 Additionally, we would respectfully highlight that if an application such as this – representing a short, logical, and patient-beneficial relocation within the same community – is not approved, it would set a discouraging precedent. This relocation is entirely consistent with the objectives of maintaining and enhancing patient access, meets all regulatory requirements, and has minimal impact on patient journeys. If this application were to be rejected, it raises the concern that no straightforward pharmacy relocation could realistically be approved, even where clear improvements and continuity of service are demonstrated.
- 5.1.15 We firmly believe that the relocation satisfies the requirements of Regulation 24 and will not negatively impact patient access or service provision. We respectfully request that the original NHS England Southwest decision be upheld.”

5.2 THE APPELLANT

- 5.2.1 “Thank you for your letter 16th June 2025 enclosing a copy of the ‘14-day’ representations and inviting any comments we would wish to make.
- 5.2.2 The applicant says that the LPC has not objected to the application. That is not correct. The LPC has abstained from any representation. This cannot be interpreted as such they do not object to the application. I did subsequently clarify this with the LPC on the 16th of June with a conversation with the chief officer, who repeated this point.
- 5.2.3 In point 1 titled ‘distance and accessibility’, the applicant refers to the distance of 70 yards. This is without context. The applicant provides no further context about the additional distance to use the pedestrian crossing or the fact that it is adjacent to a petrol station.
- 5.2.4 In point 2 titled ‘Patient Groups and Service Continuity’ the applicant says “our application references Shirehampton Surgery as a key provider of patients to the pharmacy, but we recognize the wider patient base, including those from Pioneer Medical Group and other GP practices”. The applicant does not provide any context or background to the Pioneer Medical Group in terms of patient groups accustomed to accessing the current premises or indeed patient groups from other GP surgeries which they acknowledge as a ‘wider patient base’.
- 5.2.5 In point 3 titled ‘Clarification on Walking Distance Statement’, the applicant says “The phrase in our application regarding “some should have to walk a

little further whilst some will have their journey..." is intended to convey that, for some patients, the move may result in a marginal increase in walking distance, while for others, it may reduce travel time". The applicant does not explain what they mean by a 'marginal increase', and they also acknowledge there are 'others' (we assume this means groups but it is not specified). They do not identify these, or which other groups may result in reduced travel time. There are also no details provided as to what the context of 'travel time' is.

- 5.2.6 In point 4 titled 'Public Transport Considerations', the applicant states "the statement that "bus stops are at equidistance from each other" was meant to indicate that public transport access remains unchanged, with no significant advantage or disadvantage to patients using buses". The applicant has not described where the bus stops are in relation to either of the two premises and therefore the PSRC Committee cannot interpret what is equidistant.
- 5.2.7 In point 5 titled 'Consultation Room and Service Provision', the applicant says, "A finalised floor plan will be submitted as required to confirm compliance with all relevant service provisions". This has still not been provided; therefore the Committee cannot be satisfied where or how a consultation room will be incorporated into the new premises to maintain the provision of existing services.
- 5.2.8 In point 6 titled Lack of Opposition from Other Parties, the applicant says "It is important to highlight that no other interested parties, including local stakeholders, patient groups, or healthcare providers, have raised objections to the proposed relocation. This indicates that there is broad acceptance of the move and no wider concerns regarding accessibility or service provision. Given this lack of opposition, we submit that there is no substantive reason to reject the application". We would stress that Healthcare Consultancy Ltd has lodged an objection to the application. The lack of a response from other parties does not imply a broad acceptance of the move. There is not a lack of opposition to the move (as the applicant suggests) as we have opposed the application.
- 5.2.9 However, as with any application a 'lack of objection' does not mean an application should be granted. The Regulations still need to be applied and that all relevant matters satisfied.
- 5.2.10 I would be grateful if the Committee would consider these additional comments and keep me informed of progress on the appeal."

6 Observations on representations

Observations were received by NHS Resolution in response to the representations received on appeal.

6.1 THE APPLICANT

- 6.1.1 "I have nothing further to add to my submission. Nevertheless, as the appellant has questioned the LPC's stance on this matter, I wish to clarify the following:
- 6.1.2 The LPC did not object to the relocation application. The formal submission process exists to ensure clarity and accountability, and no objection was lodged through that process. Any subsequent private conversation with the Chief Officer is irrelevant to the formal decision-making and cannot be treated as a substitute for an official position. The determination must be based solely on the written submission, which contains no objection from the LPC.

6.1.3 I look forward to the appeal committee's decision on my application."

6.2 THE APPELLANT

- 6.2.1 "The applicant states "the new premises are situated in a well-frequented part of the high street". It is not clear what the applicant means by 'well frequented'. This is not supported by the photograph of the proposed site and 'parade of shops' included with the application. It included a takeaway pizza unit, a martial arts studio (shuttered), AJ's bistro and Dragon Chinese take away (shuttered). There is one person in the image. This does not provide evidence of well frequented part of the High Street. The current premises are adjacent to old bank premises and local job centre and towards the High Street end that includes Redland Bakery and opposite the butchers, and closer to the cafes & Post Office. All of which we would submit are more popular local facilities.
- 6.2.2 In Patient Groups and Service accessibility, the applicant confirms they recognize a "wider patient base, including those from the Pioneer Medical Group and other practices". The applicant has not really dealt with the Pioneer Medical Group or other practices in their application in terms of how they are 'accustomed' to accessing the current premises in terms of pharmaceutical services. Moreover, the applicant makes no response to the patient group we listed in our appeal of those from the Monks Park Surgery in Horfield that accounts for approximately 7% of NHS business.
- 6.2.3 With regards to Public Transport considerations, the applicant's data confirms the bus stops are not 'equidistant'. They refer to St Mary's Walk/Rd and Woodwell Road stops but they have not annotated these on any map so the committee cannot be satisfied where these are in relation to either premises or what bus routes they serve.
- 6.2.4 Consultation Room and Service provision, the applicant has still not provided any details of the consultation room that would be required to provide the range of pharmaceutical services to be provided listed in the application. The applicant says that a floor plan will be submitted before fit-out to verify compliance. An application submitted under Regulation 24 cannot be approved 'conditionally' on the basis that a floor plan will be submitted at later date. There has been plenty of time to annotate a plan to confirm these details, but nothing has been provided.
- 6.2.5 The section of the applicant's response 'appellant's motives' is not relevant to this appeal. We have set out our reasons for the appeal which we believe have merit and for which we had a legitimate right of appeal within the Regulatory framework. If the appeal had been considered as frivolous or vexatious then it would have been summarily dismissed, so we refute the applicant's allegations about any disruptive motives.
- 6.2.6 The applicant continues to state that a lack of objections from other parties underscores the general acceptance of the application. We also refute this. There may be numerous reasons that lead to an interested party not responding to an application, but it cannot be inferred as support for it.
- 6.2.7 Finally, with regards to the applicant's statement around setting a discouraging precedent, we appreciate the appeal committee considers applications based on the evidence before it, so we do not agree with the applicant's assertion around this.

6.2.8 I would be grateful if you would consider these observations and advise of the decision in due course."

7 Consideration

7.1 The Pharmacy Appeals Committee ("Committee") appointed by NHS Resolution had before it the papers considered by the Commissioner, together with a plan of the area showing existing pharmacies and doctors' surgeries and the location of the proposed pharmacy.

7.2 It also had before it the responses to NHS Resolution's own statutory consultations.

7.3 On the basis of this information, the Committee considered it was not necessary to hold an Oral Hearing.

7.4 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations").

7.5 The Committee first considered Regulation 31 of the Regulations which states:

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

(2) This paragraph applies where -

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

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

(ii) adjacent premises; and

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

7.6 The Committee noted that the Applicant had not provided any information in the application form on this point but the Committee noted that the wording of the application form only required the Applicant to include information in the relevant section if the proposed premises were adjacent to, or in close proximity to, another pharmacy or dispensing appliance contractor premises. The Committee considered it reasonable to determine that the lack of information in the application form on this point when read with the wording of the application form allowed it to be reasonably satisfied that the Applicant considered that the proposed premises were not adjacent to, or in close proximity to, another pharmacy or dispensing appliance contractor premises.

7.7 The Committee noted the conclusion of the Commissioner that "*it is not necessary to refuse the application under Regulation 31*" and that this had not been disputed either on appeal or in subsequent correspondence.

7.8 Based on the information before it, the Committee determined that it was not required to refuse the application under the provisions of Regulation 31.

- 7.9 The Committee had regard to Regulation 24(1) which requires the following five conditions to be met:
- (a) *for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible;*
 - (b) *in the opinion of NHS England, granting the application would not result in a significant change to the arrangements that are in place for the provision of local pharmaceutical services or of pharmaceutical services other than those provided by a person on a dispensing doctor list—*
 - (i) *in any part of the area of HWB1, or*
 - (ii) *in a controlled locality of a neighbouring HWB, where that controlled locality is within 1.6 kilometres of the premises to which the applicant is seeking to relocate;*
 - (c) *NHS England is not of the opinion that granting the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area of HWB1;*
 - (d) *the services the applicant undertakes to provide at the new premises are the same as the services the applicant has been providing at the existing premises (whether or not, in the case of enhanced services, NHS England chooses to commission them); and*
 - (e) *the provision of pharmaceutical services will not be interrupted (except for such period as NHS England may for good cause allow).*
- 7.10 The Committee considered the position in relation to each condition.
- 7.11 In relation to condition (a), the Committee considered the map submitted by the Commissioner which clearly show the locations of the existing pharmacies as well as the proposed site and medical practices within the area.
- 7.12 The Committee considered the information before it with regard to the patient groups who are accustomed to accessing pharmaceutical services at the existing premises. The Committee considers that it must seek to identify the patient groups who would potentially be affected by the relocation based upon the information provided by the parties. This information is most commonly going to be provided by the Applicant but others may also be able to contribute to the information on which the Committee will proceed to determination.
- 7.13 In this case, the Applicant has identified the patient groups as:
- 7.13.1 Patients on home delivery;
 - 7.13.2 Patient using the pharmacy remotely;
 - 7.13.3 Patients living within walking distance of current premises;
 - 7.13.4 Patient accessing the pharmacy by public transport;
 - 7.13.5 Patient driving to Shirehampton to access the pharmacy;

7.13.6 Patient coming from Shirehampton surgery; and

7.13.7 Patient coming from other surgeries;

- 7.14 The Committee concludes that the patient groups who are accustomed to accessing pharmaceutical services from the existing premises are those set-out below.

Patients on home delivery

- 7.15 The Committee noted the comment from the Applicant that for those who use the home delivery service there is no change in how they access pharmaceutical services.
- 7.16 The Committee was of the view that if patients were not accustomed to accessing pharmaceutical services at the premises, then they were not subject to the test under condition (a). The Committee, however, was particularly mindful that the provision of essential services is not limited to the dispensing of prescriptions.
- 7.17 With regard to other essential services that are carried out, the Committee was of the view that any patient who received essential services at the pharmacy would fall into a patient group as described below.

Patient using the pharmacy remotely

- 7.18 The Committee noted the comments from the Applicant with regard to those who use the pharmacy remotely. For any patient who receives essential services, that does not involve attending the pharmacy in person, the Committee was of the view that they were not accustomed to accessing pharmaceutical services at the pharmacy premises, irrespective of the reason, then they were not subject to the test under condition (a).

Patients living within walking distance of current premises

- 7.19 The Committee noted the comments from the Applicant with regard to the distance between the two premises which had been given as approximately 70 metres. The Committee noted that whilst the actual distance between the two premises was not disputed, the Appellant had sought to argue that due to the location of the crossing points, the journey between the two premises would be further and would involve a walk of approximately 180 metres.
- 7.20 The Committee noted that the proposed premises was on the opposite side of the road to the existing premises, however there was a crossing point (a zebra crossing). The Committee further noted, from the photographs provided, that the terrain was level with wide well maintained footpaths and street lighting, which had not been disputed by the Appellant. The Committee noted the comments from the Appellant with regard to the barriers to movement which involved the crossing of a petrol station entrance as well as the comments that the proposed premises was not visited as frequently by patients. The Committee was of the view that for those who lived within walking distance of the existing premises and accessed services on foot, they would have knowledge of the local area and that going to another location less frequently visited would not be a psychological barrier.
- 7.21 Given its considerations above, including the relatively short distance between the two premises and the route involved, the Committee considered that it was reasonable to be satisfied that for those patients fit and able enough to do so who live within walking distance of the existing premises, the proposed premises were not significantly less accessible.

Patient accessing the pharmacy by public transport

- 7.22 The Committee noted the comments from the Applicant with regard to the bus stops in the area and the bus service. The Committee noted that following the relocation patients would either alight a stop earlier or later, depending on their direction of travel and would then walk to the proposed premises.
- 7.23 The Committee was of the view that those who currently accessed the existing premises by public transport would be aware of the location of the bus stops. Further, as considered above, those who use public transport would then be able to move around the area once they alighted from the bus given that the area was well lit with wide pavements and suitable crossing points.
- 7.24 The Committee considered that it was reasonable to be satisfied that for patients accessing the existing premises by public transport, the proposed premises were not significantly less accessible.

Patient driving to Shirehampton to access the pharmacy

- 7.25 The Committee noted that there was limited information provided with regard to car ownership, however from the photographs provided the Committee noted the car parking at the proposed premises, which had not been disputed by parties.
- 7.26 The Committee was of the view that for those who did have access to private transport and chose to access pharmaceutical provision by car that the proposed premises was not significantly less accessible.

Patient coming from Shirehampton surgery

- 7.27 The Committee went on to consider how those patients currently accessing the existing premises would now access the proposed premises following a visit from Shirehampton Surgery and whether the location of the proposed premises is not significantly less accessible.
- 7.28 The Committee was of the view that for those accessing the pharmacy after a visit to the Shirehampton Surgery would do so either on foot, by car or by public transport.
- 7.29 For those who access on foot, the Committee noted the distance given between the existing and proposed premises was approximately 70 metres, however depending on where patients chose to cross, this could increase to 180 metres. The Committee noted that the proposed premises was situated within a parade of shops and was still located within Shirehampton and that the pavements in the area were flat, well-lit and well maintained. Given the relatively short journey between the two premises, the Committee was of the view that for those who were fit and able enough to do so who access the existing premises on foot after a visit to Shirehampton Surgery, the proposed premises were not significantly less accessible.
- 7.30 The Committee went on to consider ease of access to the proposed premises for those patients who have limited mobility or are unable to or choose not to walk and went on to consider access by public and private transport. The Committee noted the comments from the Applicant with regard to parking at the proposed premises. The Committee was satisfied that for those who did access the existing premises by car the proposed premises were not significantly less accessible.
- 7.31 In relation to public transport, the Committee noted the comments from the Applicant that the same bus services serve both the proposed and existing premises. The

Committee was mindful that any journey using the bus to access pharmaceutical provision at the existing premises would already have required a walk to and from the bus stops and therefore was of the view that the walk from the bus stop near the proposed premises along well-lit and well maintained pavements would not render the proposed premises significantly less accessible.

Patients coming from other surgeries

- 7.32 The Committee noted the comments from the Appellant with regard to those patients who accessed the pharmacy following a visit to another surgery in the area. From the map provided by the Commissioner, and the comments from the Applicant, the Committee was of the view that it was unlikely that those accessing pharmaceutical services after a visit to their GP, except for if they were registered at Shirehampton Surgery, would be accessing services by foot, but would be accessing services either by car or by public transport.
- 7.33 For those who might access on foot, the Committee was of the view, given the topography of the area as well as the distance between the existing and proposed premises, that irrespective of which medical practice they started their journey at, the proposed premises were not significantly less accessible.
- 7.34 For those accessing by car, the Committee noted the comments from the Applicant with regard to the car parking at the proposed premises. The Committee considered that it was reasonable to be satisfied that for patients accessing the existing premises by private transport after a visit to their GP, the proposed premises were not significantly less accessible.
- 7.35 Whilst the Committee had little information regarding the extent of the bus services in the area, the location of the bus stops and confirmation that both the existing premises and the proposed premises are on the same bus routes, has already been noted. The Committee was mindful that any journey using the bus to access pharmaceutical provision at the existing premises would already have required a walk and therefore was of the view that the walk from the bus stop near the proposed premises along well-lit and well maintained pavements would not render the proposed premises significantly less accessible.
- 7.36 The Committee considered whether the information provided showed that there were patients accustomed to accessing pharmaceutical services at the existing premises for whom the proposed premises would be less accessible because of reasons related to 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). The Committee identified that the relocation may impact patients with protected characteristics however it was of the view that there was no specific information relating to a patient group who shared a specific protected characteristic, but that these patients were including within the patient groups identified by the Applicant. Therefore in considering condition (a), the Committee took into account these patients and 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 characteristic(s).

Overall assessment

- 7.37 In the circumstances, the Committee was able to be satisfied that, for patient groups who are accustomed to accessing the existing premises, the proposed premises is not significantly less accessible. The Committee was therefore of the view that condition (a) is met.

Regulation 24(1)(b)

- 7.38 The Committee noted the decision of the Commissioner in respect of condition (b), that the granting of this application would not result in a significant change to the arrangements that are in place, and that this had not been disputed by any party. On the information provided the Committee was of the opinion that the granting of the application would not result in a significant change to the arrangements in place for the provision of local pharmaceutical services or of pharmaceutical services in any part of the area of HWB1 or in a controlled locality of a neighbouring HWB, where that controlled locality is within 1.6 kilometres of the premises to which the applicant is seeking to relocate. The Committee concluded that condition (b) is met.

Regulation 24(1)(c)

- 7.39 The Committee noted the decision of the Commissioner in respect of condition (c) that the granting of the relocation would not lead to significant detriment to proper planning in respect of the pharmaceutical services in the area. The Committee noted that this had not been disputed by any party either on appeal or in subsequent representations. On the information provided the Committee was of the opinion that the granting of the application would not cause a significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of HWB1 and therefore concluded that condition (c) is met.

Regulation 24(1)(d)

- 7.40 The Committee noted that the Applicant had given an undertaking, in their original application form, that the same services will be provided at the proposed premises. On the information provided, the Committee determined that condition (d) is met.

Regulation 24(1)(e)

- 7.41 In relation to condition (e), the Committee noted the Applicant had confirmed in their application that there will be no interruption to service provision. On the information provided the Committee determined that condition (e) is met.

Overall

- 7.42 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:

7.42.1 confirm the Commissioner's decision;

7.42.2 quash the Commissioner's decision and redetermine the application;

7.42.3 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.

8 Decision

- 8.1 The Committee confirms the decision of the Commissioner.
- 8.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 8.3 The Committee has determined that conditions (a), (b), (c), (d) and (e) are satisfied.

8.4 The application is granted.

Case Manager
Primary Care Appeals