

24 October 2025

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**FILE REF:** SHA/ 26692

Tel: 020 3928 2000

**COMMISSIONER:** CHESHIRE AND MERSEYSIDE ICB Email: nhsr.appeals@nhs.net  
("the Commissioner")

**PHARMACIST:** PCT HEALTHCARE LTD T/A PEAK  
PHARMACY (FAY71)  
("the Appellant")

**PREMISES:** 5-6 WESTON SQUARE  
MACCLESFIELD  
SK11 8SS

**THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL AND LOCAL  
PHARMACEUTICAL SERVICES) REGULATIONS 2013**

**SCHEDULE 4 [Terms of Service of NHS Pharmacists]  
PART 3 [Hours of Opening]**

**1 Outcome**

1.1 I confirm the action of the Commissioner to issue the direction.

A copy of this decision is being sent to:  
PCT Healthcare Ltd t/a Peak Pharmacy (FAY71)  
Cheshire and Merseyside ICB

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**COMMISSIONER:** CHESHIRE AND MERSEYSIDE ICB  
("the Commissioner")

**PHARMACIST:** PCT HEALTHCARE LTD T/A PEAK  
PHARMACY (FAY71)  
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**THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL AND LOCAL  
PHARMACEUTICAL SERVICES) REGULATIONS 2013 ["THE REGULATIONS"]**

**SCHEDULE 4 [Terms of Service of NHS Pharmacists]  
PART 3 [Hours of Opening]**

**DIRECTION OF ADDITIONAL CORE OPENING HOURS**

**1 Introduction**

- 1.1 Relying on Paragraph 25 of Schedule 4, the Commissioner has requested that the Appellant open from 2pm to 4pm on 25 December 2025 (Christmas Day).
- 1.2 The Appellant seeks to appeal to NHS Resolution.

***Rights of appeal***

- 1.3 Where the Commissioner has directed a pharmacist to provide pharmaceutical services for its premises at set times and on set days in accordance with paragraph 25 of Schedule 4 of the Regulations, paragraph 25(7) provides a right of appeal to the Secretary of State for Health and Social Care ("the Secretary of State").
- 1.4 The Secretary of State has directed NHS Resolution to determine such appeals. As an authorised officer of NHS Resolution, I have considered the appeal and have determined it, in accordance with my delegated powers.

***Opening hours***

- 1.5 A pharmacy's opening hours may be categorised as:
- 1.5.1 'core' opening hours (days on and times at which the pharmacy is obliged to be open), which may incorporate a direction of the Commissioner requiring fewer or greater than 40 hours; or
  - 1.5.2 'supplementary' opening hours (other days on and times at which the pharmacy undertakes to provide pharmaceutical services, as notified to the Commissioner).

*Alteration of 'core' (including 'directed') opening hours*

- 1.6 In accordance with paragraph 1(7)(c) of Schedule 2 to the Regulations, the pharmacy must provide, as part of an application for entry in the pharmaceutical list, the proposed core opening hours in respect of the premises during which it will be obliged to provide pharmaceutical services under paragraph 23(1) of Schedule 4 to the Regulations. These may be subject to a direction under paragraph 23(1)(c), (d) or (e).

*Alteration of 'supplementary' opening hours*

- 1.7 Other days or times at which services are to be provided (as set out in the original application for entry in the pharmaceutical list pursuant to paragraph 23(3) of Schedule 4 as "supplementary hours") may be altered by giving notice to the Commissioner, in accordance with paragraph 23(6)(a) without the need to make an application.
- 1.8 Notices under paragraph 23(6)(a) are not subject to review by NHS Resolution.

## **2 The Direction**

In a letter to the Appellant dated 13 August 2025, the Commissioner stated:

- 2.1 "Further to the letter sent by email on 25th June 2025 I enclose an updated version of the directed rota service for Christmas Day – Thursday 25th December 2025. Please ensure that you check the attached sheet for the details of your direction.
- 2.2 Your pharmacy is directed in line with NHS Pharmaceutical and Local Pharmaceutical services Regulations (2013) (as amended), Schedule 4, Part 3, Regulation 24, to open as detailed on the attached sheet.
- 2.3 NHS Cheshire & Merseyside acknowledges that your pharmacy is directed to open on a Bank Holiday. NHS Cheshire & Merseyside is obliged to provide a directed rota service in order to ensure adequate pharmaceutical provision is provided in a given area on days when many contractors will choose to close.
- 2.4 NHS Cheshire & Merseyside does write out to all contractors before producing a directed rota to ask whether anyone would like to volunteer, as we would much rather direct a contractor who wants to open where we have the option. Unfortunately, we have not received a volunteer within your locality. Where it is deemed necessary to direct a rota due to a lack of volunteers, pharmacies are directed in rotation for each bank holiday within localities as agreed with the Local Pharmaceutical Committee (LPC).

- 2.5 In seeking to ensure that pharmaceutical services are provided on such days and at such times as are necessary to meet the needs of people in its area or other likely users of the pharmacy premises, NHS Cheshire & Merseyside has followed the Regulations accordingly by directing pharmacies to open. The consideration as to whether to direct a pharmacy to open on Christmas Day – Thursday 25th December 2025 involved a review of services available to patients on this date in this locality.
- 2.6 NHS Cheshire & Merseyside considered the local Pharmaceutical Needs Assessment (PNA) to understand the needs of the local population and has taken into consideration the provision and availability of other health care services e.g. GP primary care provision and Out of Hours at the time of the directed rota. The PNA does not indicate that on Bank/Public Holidays and Special Days the needs for the population to access pharmaceutical services have changed, as such it can be determined that in each patient conurbation there will be a need for pharmaceutical services on such days and that a service should be accessible in each patient conurbation across the key times that patients are used to accessing services. Some commissioned pharmaceutical services for example Community Pharmacy Consultation Service are of their nature a timebound services, which does not take in to account a lack of provision over Bank Holidays.
- 2.7 NHS Cheshire & Merseyside has assessed the need in your locality for the provision of pharmaceutical services. This assessment included:
- 2.7.1 Location and opening times of pharmacies in your locality
  - 2.7.2 Pharmaceutical Needs Assessment (PNA) for your locality
  - 2.7.3 Responses to consultation from the LPCs
  - 2.7.4 Representations submitted during the 30 days since issuing the initial direction letter
  - 2.7.5 Details of the times at which pharmacies in your locality were busiest during previously directed Bank/Public Holidays
  - 2.7.6 The geographical location of your pharmacy within your locality and the distance to the nearest pharmacy that will be open on Christmas Day – Thursday 25th December 2025
  - 2.7.7 Availability of public transport on Christmas Day – Thursday 25th December 2025
  - 2.7.8 Patient deprivation indices
- 2.8 As a result of this assessment, it is determined that direction is required to provide adequate pharmaceutical services at the times stated in the attached directed rota.
- 2.9 You will receive £240 per hour. In order to receive this payment you will need to a rota [sic] claim form within 28 days of fulfilling your rota duties.
- 2.10 Your opening hours will be shared with other NHS organisations such as CCGs, NHS 111, hospitals and GPs for signposting patients. It is important that NHS 111 has this information in order to direct patients to pharmaceutical services,

so please can you ensure that you update your DoS & NHS Website profile is also advised.

- 2.11 This notification can be appealed, within 30 days of the date above. This is in accordance with Schedule 4, Part 3, Regulation 25(7) the NHS (Pharmaceutical Services & Local Pharmaceutical Services) Regulations 2013 (as amended). The appeal must be sent in writing to:
- 2.12 NHS Resolution (Primary Care Appeals)  
8th Floor  
10 South Colonnade  
Canary Wharf  
London E14 4PU  
[nhsr.appeals@nhs.net](mailto:nhsr.appeals@nhs.net).

### 3 The Appeal

In a letter to NHS Resolution dated 20 August 2025 the Appellant appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 "Further to a direction of core opening hours received by email dated 13 August 2025 for the above pharmacy to open on 25 December 2025 (Christmas Day) at 14:00 until 16:00, PCT Healthcare Limited writes to appeal to the Primary Care Appeals Unit. (emails attached)
- 3.2 PCT Healthcare Limited appealed this direction to NHS Cheshire and Merseyside ICB within the initial 30-day appeal period, via email on 25 June 2025. (email attached) and below [see 3.19 to 3.25]:
- 3.3 No response was received to the written representations submitted by PCT Healthcare Limited and the next correspondence from NHS Cheshire and Merseyside ICB was a full direction letter dated 13 August 2025.
- 3.4 Failure to consider the written representations submitted in time to the ICB is contrary to Schedule 4 Paragraph 25(2)(b) NHS Pharmaceutical and LPS Regulations.
- 3.5 Firstly, we are aware of the need for adequate pharmaceutical services provision. However, we feel that this particular direction has not been based on adequate research and reasoning by NHS Cheshire and Merseyside ICB. There is no detail within the letter of direction, as this is a generic letter, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons will not be met on this day that we are required to open our pharmacy, FAY71 in Macclesfield specifically.
- 3.6 Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations, NHS England must include with the notification a statement of "the reasons for the change". We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 14:00 to 16:00 on 25 December 2025.
- 3.7 Neither letter contains the outcome of minutes of a meeting between the ICB and Community Pharmacy Cheshire and Wirral (previously LPC) regarding the

## Directions for Christmas Day.

- 3.8 In particular, the emails make no reference to any specific results linking our pharmacy to any lack of service provision on 25 December 2025. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.
- 3.9 PCT Healthcare Limited t/a Peak Pharmacy submit to NHS Resolution that it is not a robust enough argument to direct our pharmacy based a generic listing, sent to every community pharmacy directed to open on Christmas Day (as stated in the letter dated 13 August 2025), especially without any evidence from the assessment being shared which specifically identifies our pharmacy FAY71 as being required to open on Christmas Day.
- 3.10 Generic assessment details:
- 3.11 NHS Cheshire & Merseyside has assessed the need in your locality for the provision of pharmaceutical services. This assessment included:
- 3.11.1 Location and opening times of pharmacies in your locality
  - 3.11.2 Pharmaceutical Needs Assessment (PNA) for your locality
  - 3.11.3 Responses to consultation from the LPCs
  - 3.11.4 Representations submitted during the 30 days since issuing the initial direction letter
  - 3.11.5 Details of the times at which pharmacies in your locality were busiest during previously directed Bank/Public Holidays
  - 3.11.6 The geographical location of your pharmacy within your locality and the distance to the nearest pharmacy that will be open on Christmas Day – Thursday 25th December 2025
  - 3.11.7 Availability of public transport on Christmas Day – Thursday 25th December 2025
  - 3.11.8 Patient deprivation indices
- 3.12 In conclusion, our pharmacy has received this direction, however for the reasons discussed above we do not feel it has been made clear as to why our pharmacy has been chosen to open at 14:00 to 16:00 on 25 December 2025, as opposed to another pharmacy in Macclesfield.”

Letter dated 25 June 2025 from the Commissioner to the Appellant

- 3.13 “I am writing on behalf of NHS Cheshire & Merseyside ICB and enclose a copy of the proposed Directed Bank Holiday Rota Service for Christmas Day 2025.
- 3.14 NHS Cheshire & Merseyside ICB is of the opinion that the opening hours of the pharmacies on Thursday 25th December 2025 will not meet the need for pharmaceutical services and is therefore proposing to direct you to open on that day at the times shown on the enclosed rota.

- 3.15 NHS Cheshire & Merseyside ICB will write to you again once it has considered any representations submitted and concluded its assessment as to whether or not the need for pharmaceutical services will be met on Christmas Day by those pharmacies that have indicated that they will be open, and if not whether it is necessary to direct a pharmacy or pharmacies to open on that day.
- 3.16 Should you be directed to open your opening hours will be shared with other NHS organisations such as CCGs, NHS 111, hospitals and GPs for signposting patients. It is really important that NHS 111 has this information in order to direct patients to pharmaceutical services, in particular the community pharmacist consultation service, festive period.
- 3.17 You now have the opportunity to submit representations to this office, either by email to [cmpharmacy@cheshireandmerseyside.nhs.uk](mailto:cmpharmacy@cheshireandmerseyside.nhs.uk) or to the above address within 30 days of the date of this letter. This is in accordance with Schedule 4, Part 3, paragraph 25(2)(b) of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (as amended).
- 3.18 This letter is being sent via email only.”

Email of 25 June 2025 from the Appellant to the Commissioner

- 3.19 “Further to a direction of core opening hours received in an email on 25/6/25 directing our pharmacy to open on Christmas Day from 14:00 to 16:00, PCT Healthcare Limited writes to appeal to the ICB.
- 3.20 PCT Healthcare Limited are aware of the need for adequate pharmaceutical services provision. However, we feel that this particular direction has not been based on adequate research and reasoning by the ICB.
- 3.21 There is no detail within the email from the ICB, as it is generic, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons (our patients) will not be met on this day that we are required to open our pharmacy, FAY71 in the Macclesfield area.
- 3.22 Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the notification a statement of “the reasons for the change”. We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 14:00 to 16:00 on 25 December 2025.
- 3.23 In particular, the email received make no reference to any specific results linking our pharmacy to any lack of service provision on 25 December 2025. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.
- 3.24 We note that the Macclesfield area already has contractors open from 10:00 until 14:00 without the need to direct our pharmacy for a further two hours on 25 December 2025.
- 3.25 In conclusion, our pharmacy has received this direction, however for the reasons discussed above we do not feel it has been made clear as to why our



pharmacy, in particular, has been chosen to open at 14:00 to 16:00 on 25 December 2025, as opposed to another pharmacy in the Macclesfield area.”

#### 4 Representations

In a letter to NHS Resolution dated 19 September 2025 the Commissioner stated:

- 4.1 "Thank you for your email notifying us that PCT Healthcare Ltd T/A Peak Pharmacy NHS Cheshire & Merseyside ICB's decision to direct their pharmacy (FAY71) to open on Christmas Day 2025 (25/12/2025)
- 4.2 We note that PCT Healthcare Ltd T/A Peak Pharmacy is appealing this direction on the basis that they feel NHS Cheshire & Merseyside ICB has not carried out an appropriate assessment to determine their pharmacy should be directed to open.
- 4.3 NHS Cheshire & Merseyside ICB under Schedule 4, Part 3, paragraph 25(2)(b) of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (as amended) has the ability to direct a pharmacy to open where a need is determined. The Regulations state:

“(6) The NHSCB [sic] must notify P of any direction issued or any other action taken under sub-paragraph (3), and where it sets new days on which or times at which P is to provide pharmaceutical services at pharmacy premises, it must include with the notification a statement of—

  - (a) the reasons for the change; and
  - (b) P's right of appeal under paragraph (7).”
- 4.4 As you will be aware, pharmacies are not required by their terms of service to open on Christmas Day, Good Friday, Easter Sunday or on a bank holiday, although they may choose to do so.
- 4.5 I can confirm that we have issued a direction to three pharmacies to open for 2 hours each within the Macclesfield locality:
  - 4.5.1 **FNQ84: DK Wood Ltd, The Village Pharmacy, Unicorn House, Prestbury, SK10 2HB**
  - 4.5.2 **FD484: Andrews Pharmacy Ltd, London Road Pharmacy, Unit 1, 157 London Road, Macclesfield, SK11 7SP**
  - 4.5.3 **FAY71: Pct Healthcare Limited, Peak Pharmacy, 5-6 Weston Square, Macclesfield, SK11 8SS**
- 4.6 As will be detailed further in this letter; we have assessed the need for Pharmaceutical Services in this locality and feel this is the level of provision required for Christmas Day 2025.
- 4.7 As you will also be aware, under section 126 of the NHS Act 2006 (Arrangements for pharmaceutical services), NHS Cheshire & Merseyside ICB must make arrangements for the provision, to persons who are in England, of:

“proper and sufficient drugs and medicines and listed appliances which are



ordered for those persons by a medical practitioner in pursuance of his functions in the health service, Crown, proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of—

(i) his functions in the health service, the Scottish health service or the Northern Ireland health service (other than functions exercised in pursuance of the provision of services mentioned in paragraph (c)), or

(ii) his functions in the armed forces of the Crown,

listed drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of the provision of primary dental services or equivalent services in the Scottish health service or the Northern Ireland health service, such drugs and medicines and such listed appliances as may be determined by the Secretary of State for the purposes of this paragraph and which are ordered for those persons by a prescribed description of person in accordance with such conditions, if any, as may be prescribed, in pursuance of functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown, and

such other services as may be prescribed.”

- 4.8 We have also consulted with members of Community Pharmacy Cheshire & Wirral (LPC) who agree that the Macclesfield grouping will require a minimum 6 hours of pharmaceutical service on Christmas Day and Easter Sunday.
- 4.9 NHS Cheshire & Merseyside ICB has therefore considered what arrangements need to be put in place on Christmas Day in order to discharge this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a Thursday that is not a public holiday, there will still be a need for pharmaceutical services by people who live within Macclesfield or are visiting the area for the festive period. Whilst GP practices will be closed on Christmas Day, other providers of NHS services will be open such as the GP out of hours service and A&E departments.
- 4.10 We note that in SHA/24664 (issued on 15 December 2021) the head of operations, Primary Care Appeals, stated that they were of the view that the days in question (Sunday 26 December 2021 and Saturday 1 January 2022) are, in relation to pharmaceutical services, no different from any other day and that they had seen no information in that appeal which indicated a change of attitude towards those particular days (from a pharmaceutical services perspective). We believe the same to be true for Christmas Day 2025.
- 4.11 We believe that, as a minimum, the services for which there will be a need on Christmas Day are as follows.
- 4.11.1 The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work and pharmacies reducing their supplementary opening hours over the Easter period.
- 4.11.2 The Pharmacy First service for both the provision of drugs and also of advice following referral from NHS 111. As GP practices will be closed

on Christmas Day, people seeking advice on the management of low acuity/minor illnesses will turn to, or be referred to, pharmacies.

- 4.12 Of course, some people may wish to access other essential and advanced services. As stated above, we do not believe there will be sufficient pharmaceutical cover within the Macclesfield locality and therefore at present NHS Cheshire & Merseyside ICB is unable to discharge its duty as set out in section 126 of the NHS Act 2006.
- 4.13 In the past, the approach would have been to direct pharmacies that were close to where prescriptions would be generated, for example near to the GP out of hours service and A&E departments, as people would be travelling to those locations and then seeking a pharmacy nearby. However, the advent of the Pharmacy First Service, and before it the community pharmacist consultation service, and NHS urgent medicines supply advanced service, means that those requiring pharmaceutical services will need to access a pharmacy near to where they live. PCT Healthcare Ltd T/A Peak Pharmacy are located within the Macclesfield LPC grouping of Cheshire & Merseyside.
- 4.14 We have worked with the LPCs in our area in order to develop a process by which we could discharge our duty and ensure that all pharmacies are treated as equally as possible in relation to the public and bank holidays and Easter Sunday. It was agreed with the LPCs that we would jointly work on a locality basis when identifying whether or not a pharmacy needs to be directed to open on such a day, rather than reviewing each pharmacy individually. Localities are based on patient footfall, patient usage of services and ease of access.
- 4.15 These localities have been defined in collaboration with the LPC to determine the most effective distribution of and access to available services. This approach was agreed by all parties as it ensures NHS Cheshire & Merseyside ICB can discharge its duty in a way that is fair to all pharmacies. These localities are reviewed with the LPCs annually to ensure they still meet the demand for pharmaceutical access.
- 4.16 At the time of producing the directed rota for Christmas Day there were 12 pharmacies within this locality. NHS Cheshire & Merseyside ICB did not receive any voluntary offers to open on Christmas Day.
- 4.17 The process followed for producing the directed rota for Christmas Day is as follows:
- 4.18 NHS Cheshire & Merseyside ICB wrote out to all contractors to ask whether anyone would like to volunteer to provide pharmaceutical services on Christmas Day 2025. This would allow us to direct a contractor who wants to open where we have this option or for an SLA to be used to support extended opening where appropriate. NHS Cheshire & Merseyside ICB did not receive any volunteers within the Macclesfield locality for Christmas Day.
- 4.19 The requirement for pharmaceutical service provision on Christmas Day was reviewed with the LPCs and a determination made as to what cover we jointly feel is required. Contractors within a locality were reviewed and we identified which pharmacies have been directed to open in the past and then identified which could be directed to be open on a rolling basis. The LPCs also had sight of which pharmacies were selected for direction within the localities so that they can offer advice on whether the spread of contractors is sufficient and fair.

- 4.20 When determining which Pharmacies to direct we have reviewed the claim forms submitted by contractors who have previously opened on Christmas Day within the Macclesfield locality and determined the level of cover required from the information provided, regarding the number of patients accessing pharmaceutical services, the number of prescriptions dispensed and the number of patients requesting advice from a Pharmacist.
- 4.21 The timing of the hours that we are asking pharmacies to open is based on a review of directed rota claim forms submitted by contractors, which indicated the level of demand for services at various times of the day on Christmas Day in previous years within Macclesfield locality. We have determined there is sufficient demand for pharmaceutical services to require a minimum of six hours cover between 10am – 4pm. This cover is spread between three pharmacies. This ensures that patients have access to these services on a day where public transport is not as easily accessible.
- 4.22 Whilst NHS Cheshire & Merseyside ICB does try to rotate pharmacies to ensure equitability this is a secondary reason for a direction. As previously stated we review the geographical location of a pharmacy within an agreed locality and in the case of Macclesfield locality we believe that there is a requirement for three pharmacies to open on Christmas Day to ensure there is equitable access for patients who do not have access to a car on a day where public transport is not likely to be operating, which is why Peak Pharmacy have been selected and directed to open on Christmas Day 2025. I have enclosed a map that shows the geographical location of the above three pharmacies demonstrating that we have directed the three pharmacies ensuring that patients residing throughout this locality are able to access pharmaceutical provision on a day where public transport may not be easily available.
- 4.23 We wrote to contractors advising that they are being considered for a direction and inviting them to submit representations to NHS Cheshire & Merseyside ICB within 30 days of the date of letter 1. Our initial letter was sent on 25th June 2025 and Letter 2 was sent on 13th August 2025.
- 4.24 We note the email that PCT Healthcare Ltd have embedded dated 25/06/2025 in which they submit representations following receipt of letter 1. Unfortunately, we have no record of having received that email, so we were unable to respond and address the points raised. Therefore, having received no representations within the initial 30 days, we moved to issuing the direction.
- 4.25 The only communication received from PCT Healthcare Ltd is an email following the issuing of letter 2, in which they inform us they will be appealing the direction. A copy of which is attached.
- 4.26 NHS Cheshire & Merseyside ICB has chosen to give Peak Pharmacy 6 months' notice of the potential requirement to open on this date, and just over 4 months' notice when the final direction was issued, in order that the contractor has sufficient time to prepare accordingly. NHS Cheshire & Merseyside ICB had regard to all representations received including information as to whether other pharmacies may or may not be able to provide cover before moving to issuing a direction. NHS Cheshire & Merseyside ICB was not in a position to be assured that adequate levels of pharmaceutical service provision, as agreed with the LPCs with regard to the needs of the population, would be in place in this locality without issuing directions.
- 4.27 We believe we meet the requirements of the Regulations under the following

paragraphs in the letter dated 13th August 2025:

- 4.28 “NHS Cheshire & Merseyside ICB assessed the need in your locality for the provision of pharmaceutical services. This assessment included:
  - 4.28.1 Location and opening times of pharmacies in your locality
  - 4.28.2 Pharmaceutical Needs Assessment (PNA) for your locality
  - 4.28.3 Responses to consultation from the LPCs
  - 4.28.4 Representations submitted during the 30 days since issuing the initial direction letter
  - 4.28.5 Details of the times at which pharmacies in your locality were busiest during previously directed Bank/Public Holidays
  - 4.28.6 The geographical location of your pharmacy within your locality and the distance to the nearest pharmacy that will be open on Christmas Day 2025
  - 4.28.7 Availability of public transport on Christmas Day 2025
  - 4.28.8 Patient deprivation indices”
- 4.29 The consideration as to whether to direct a pharmacy to open on Christmas Day 2025 involved contractors included in the relevant pharmaceutical list in the locality (in this case Macclesfield, Locality). In seeking to ensure that pharmaceutical services are provided on such days and at such times as are necessary to meet the needs of people in its area or other likely users of the pharmacy premises, in this case to ensure sufficient cover arrangements are in place on Christmas Day. NHS Cheshire & Merseyside ICB has followed its processes (as described above) accordingly by directing pharmacies to open.
- 4.30 For the reasons provided above, NHS Cheshire & Merseyside ICB maintains its decision to issue this direction to PCT Healthcare Ltd T/A Peak Pharmacy and requests that the appeal be rejected.
- 4.31 I have attached for your information: [all provided]
  - 4.31.1 Email sent to all contractors asking for volunteers to open on Bank Holidays.
  - 4.31.2 Email containing a letter advising contractors that they were being considered for direction on Christmas Day and inviting them to submit representation.
  - 4.31.3 Email containing a letter directing the contractor to open on Christmas Day 2025 and notifying them of their right of appeal.
  - 4.31.4 Map containing the location of pharmacies in Macclesfield, Locality.
  - 4.31.5 Email received from PCT Healthcare Ltd informing us they would be appealing the direction.”

## 5 Observations

In a letter to NHS Resolution dated 1 October 2025 the Appellant stated:

- 5.1 “Thank you for your email including the representations from NHS Cheshire and Merseyside (CM) ICB dated 19/9/25 and 18/09/25.
- 5.2 PCT Healthcare Limited shall consider each of the points raised within the letter dated 19 September 2025 in turn.
- 5.3 **On page one, paragraph beginning:**
- 5.4 *“I can confirm that...”*
- 5.5 PCT Healthcare Limited respectfully submits to NHS Resolution that three contractors are directed to open indicates that there is already provision within Macclesfield for 4 hours on 25 December 2025 as two contractors have accepted the direction (FNQ84 & FD484) there is pharmaceutical provision on 25 December 2025 to meet patient pharmaceutical needs within the locality.
- 5.6 **On page two, paragraph beginning:**
- 5.7 *“As will be detailed further...”*
- 5.8 With regards to the assessment mentioned within this paragraph where are the results of this assessment, why have they not been shared with contractors in the Macclesfield locality, and in particular our pharmacy FAY71.
- 5.9 **On page two, paragraph beginning:**
- 5.10 *“We have also consulted with members...”*
- 5.11 Where are the minutes of the engagement with Community Pharmacy Cheshire and Wirral (LPC) and the ICB published with reference to pharmaceutical provision in Macclesfield on 25 December 2025? PCT Healthcare Limited has reviewed the minutes published on the Community Pharmacy Cheshire and Wirral (LPC) website to date, there is no detail of required pharmaceutical provision on Bank
- 5.12 Holidays in Macclesfield for 2025 including 25 December 2025.
- 5.13 **On page two, paragraph beginning:**
- 5.14 *“NHS Cheshire and Merseyside ICB has...”*
- 5.15 GP out of hours service and A&E departments.
- 5.16 With regards to our pharmacy location within Macclesfield there are 6 community pharmacies located closer or equidistant to the Urgent Treatment Centre at Macclesfield District General Hospital (SK10 3BL) in Macclesfield according to NHS.uk. [Find a pharmacy - NHS](#)

| <b>Name</b>                            | <b>Postcode</b> | <b>Distance to A&amp;E / out of hours department (miles)</b> |
|----------------------------------------|-----------------|--------------------------------------------------------------|
| Macclesfield District General Hospital | SK10 3BL        | 0                                                            |

|                                 |          |     |
|---------------------------------|----------|-----|
| Boots                           | SK11 6AJ | 0.6 |
| Andrews Pharmacy                | SK10 3DE | 0.7 |
| Well                            | SK11 6UD | 0.8 |
| Tesco Instore Pharmacy          | SK10 2AB | 0.8 |
| Cohens Chemist, waters Green MC | SK11 6JL | 0.8 |
| Cohens Chemist, Bollin House    | SK11 6JL | 0.8 |
| Peak Pharmacy - FAY71           | SK11 8SS | 0.8 |

5.17 **On page two, paragraph beginning:**

5.18 *"The dispensing service for prescriptions..."*

5.19 This paragraph mentions Easter period, we respectfully ask which Bank Holiday period NHSCM ICB are referring to?

5.20 Over the Christmas period 2025, PCT Healthcare Limited can confirm that the supplementary hours at FAY71 are not reduced, as such our patients shall be able to collect their dispensed prescriptions for the full opening hours (core and supplementary) up to and including 24 December 2025, prior to 25 December 2025.

5.21 **On page two, paragraph beginning:**

5.22 *"The Pharmacy First service..."*

5.23 What are the numbers of Pharmacy First provisions during a previous Bank Holiday in Macclesfield this detail was not included in the direction to FAY71?

5.24 **On page three, paragraph beginning:**

5.25 *"We have worked with the LPCs..."*

5.26 PCT Healthcare Limited, wish to respectfully reiterate again.

5.27 Where are the minutes of the engagement with Community Pharmacy Cheshire and Wirral (LPC) and the ICB published with reference to pharmaceutical provision in Macclesfield on 25 December 2025? PCT Healthcare Limited has reviewed the minutes published on the Community Pharmacy Cheshire and Wirral (LPC) website, to date there is no detail of required pharmaceutical provision on Bank Holidays in Macclesfield for 2025 including 25 December 2025.

5.28 **On page three, paragraph beginning:**

5.29 *"The requirement for pharmaceutical service provision..."*

5.30 PCT Healthcare Limited t/a Peak Pharmacy respectfully submit to NHS Resolution that it is not a robust enough argument to direct our pharmacy based



“on a rolling basis” (as stated in both representation letters 19/9/25 and 18/9/25), especially without any evidence from the assessment being shared which specifically identifies our pharmacy FAY71 as being required to open on 25 December 2025.

5.31 **On page three, paragraph beginning:**

5.32 *“When determining which Pharmacies...”*

5.33 In particular, these representations letters make no reference to any specific results linking our pharmacy to any lack of service provision on 25 December 2025. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.

5.34 **On page four, paragraph beginning:**

5.35 *“The timing of the hours...”*

5.36 With regards to the review of directed rota claim forms mentioned within this paragraph, where are the results of this review, why have they not been shared with contractors in the Macclesfield locality, and in particular our pharmacy FAY71.

5.37 **On page four, paragraph beginning:**

5.38 *“Whilst NHS Cheshire and Merseyside ICB...”*

5.39 PCT Healthcare Limited t/a Peak Pharmacy respectfully submit to NHS Resolution that it is not a robust enough argument to direct our pharmacy based “on a rota basis” (as stated in both representation letters), especially without any evidence from the assessment being shared which specifically identifies our pharmacy FAY71 as being required to open on 25 December 2025.

5.40 As there shall be no buses in operation on 25 December 2025, PCT Healthcare Limited submits that directing pharmacies to open in areas of deprivation where patients are unlikely to have access to their own transport would be beneficial to patients.

5.41 In addition, directing pharmacies to open which are located closer to the A&E department and the out-of-hours GP services located within Macclesfield District General Hospital, again would benefit patients on 25 December 2025.

5.42 Deprivation details for pharmacies in Macclesfield.

5.43 PCT Healthcare Limited has completed a review of the pharmacies located close to the Macclesfield District General Hospital, where the A&E department and out of hours service are located.

5.44 The details provided in the table below are from the Ministry of Housing Communities & Local Government – English indices of deprivation. [English indices of deprivation 2019: Postcode Lookup](#)

5.45 The shaded pharmacies of which there are three in column G of the table, are all in LSOA areas with a similar overall Index of Multiple Deprivation Decile (IMD) to our pharmacy FAY71, all of these pharmacies are closer or equidistant



to the Macclesfield A&E Department as our pharmacy.

- 5.46 Additionally, considering column I, the Health and Disability Rank there are four pharmacies which are located in areas with a similar Health and Disability Ranking compared to our pharmacy located at 5-6 Weston Square, Macclesfield SK11 8SS (FAY71), all of these pharmacies are closer or equidistant to the A&E department in Macclesfield as our pharmacy.

| Name                            | Distance to A&E/<br>out of hours<br>(miles) | Postcode | LSOA code | LSOA Name                    | Index of Multiple Deprivation Rank | Index of Multiple Deprivation Decile | Health and Disability Rank | Health and Disability Decile |
|---------------------------------|---------------------------------------------|----------|-----------|------------------------------|------------------------------------|--------------------------------------|----------------------------|------------------------------|
| Macclesfield District General   | 0                                           | SK10 3BL | E01018616 | Cheshire East 017B E01018616 | 22695                              | 7                                    | 12536                      | 4                            |
| Boots                           | 0.6                                         | SK11 6AJ | E01018624 | Cheshire East 018C E01018624 | 10276                              | 4                                    | 8016                       | 3                            |
| Andrews Pharmacy                | 0.7                                         | SK10 3DE | E01018620 | Cheshire East 015D E01018620 | 14307                              | 5                                    | 7842                       | 3                            |
| Well                            | 0.8                                         | SK11 6UD | E01018625 | Cheshire East 018D E01018625 | 16013                              | 5                                    | 15465                      | 5                            |
| Tesco Instore Pharmacy          | 0.8                                         | SK10 2AB | E01018615 | Cheshire East 017A E01018615 | 20375                              | 7                                    | 18947                      | 6                            |
| Cohens Chemist, Waters Green MC | 0.8                                         | SK11 6JL | E01018624 | Cheshire East 018C E01018624 | 10276                              | 4                                    | 8016                       | 3                            |
| Cohens Chemist, Bollin House    | 0.8                                         | SK11 6JL | E01018624 | Cheshire East 018C E01018624 | 10276                              | 4                                    | 8016                       | 3                            |
| Peak Pharmacy FAY71             | 0.8                                         | SK11 8SS | E01018647 | Cheshire East 019D E01018647 | 11691                              | 4                                    | 9848                       | 3                            |

- 5.47 Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England the direction must include with the notification a statement of “the reasons for the change”. We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 14:00 to 16:00 on 25 December 2025.

- 5.48 In particular, these representations make no reference to any specific results linking our pharmacy to any lack of service provision on 25 December 2025.

Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.

- 5.49 With regards to the assessment mentioned where are the results of this assessment, why have they not been shared with contractors in our locality, and in particular our pharmacy FAY71?
- 5.50 In conclusion, our pharmacy has received this direction, however for the reasons discussed above we do not feel it has been made clear as to why our pharmacy, in particular, has been chosen to open on 25 December 2025, as opposed to another pharmacy in Macclesfield.”

## 6 Assessment

6.1 I have considered paragraph 25 of Schedule 4 (Determination of pharmacy premises core opening hours instigated by NHS England), which reads as follows:

1. *Where it appears to NHS England, after consultation with or having considered the matter at the request of the Local Pharmaceutical Committee for the area in which the premises are situated, that the days on which or times at which pharmacy premises are or are to be open for the provision of pharmaceutical services will not, or no longer, meet the needs of—*
  - (a) *people in its area; or*
  - (b) *other likely users of the pharmacy premises,**for the pharmaceutical services available at or from those premises, it must carry out an assessment as to whether to issue a direction requiring the NHS pharmacist (P) whose premises they are to provide pharmaceutical services at or from the pharmacy premises at set times and on set days (which may include Christmas Day, Good Friday and bank holidays).*
2. *Before concluding the assessment under sub-paragraph (1) NHS England must—*
  - (a) *give notice to P of any proposed changes to the days on which or times at which the pharmacy premises are to be open; and*
  - (b) *allow P 30 days within which to make written representations to NHS England about the proposed changes.*
3. *When it determines the outcome of its assessment, NHS England must—*
  - (a) *issue a direction (which replaces any existing direction) which meets the requirements of sub-paragraphs (4) and (5);*
  - (b) *confirm any existing direction in respect of the times at which P must provide pharmaceutical services at or from the pharmacy premises, provided that the existing direction (whether issued under regulation 65, this Part, the 2012 Regulations, the 2005 Regulations or the 1992 Regulations) would meet the requirements of sub-paragraphs (4) and (5); or*
  - (c) *either—*
    - (i) *revoke, without replacing it, any existing direction in respect*

*of the times at which P must provide pharmaceutical services at or from the pharmacy premises (whether issued under regulation 65, this Part, the 2012 Regulations, the 2005 Regulations or the 1992 Regulations), or*

- (ii) in a case where there is no existing direction, issue no direction,*

*in which case, by virtue of whichever of paragraph 23(1)(a) or (b) applies, the pharmacy will need to be open for 40 hours each week or for at least 100 hours each week.*

4. *Where NHS England issues a direction under sub-paragraph (3) in respect of pharmacy premises that are to be required to be open—*
  - (a) for more than 40 hours each week, it must set out in that direction—*
    - (i) the total number of hours each week for which P must provide pharmaceutical services at or from the pharmacy, and*
    - (ii) as regards the additional opening hours, the days on which and the times at which P is required to provide those services during those hours,*  
*but it must not set out in that direction the days on which or times at which P is to provide pharmaceutical services during hours which are not additional opening hours; or*
  - (b) for less than 40 hours each week, it shall set out in that direction the days on which and times at which pharmaceutical services are to be provided at or from the pharmacy premises.*
5. *NHS England must not issue a direction under sub-paragraph (3) that has the effect simply of requiring pharmacy premises to be open for 40 hours each week on set days and at set times (that is, the direction must have the effect of requiring pharmacy premises to be open for either more or less than 40 hours each week).*
6. *NHS England must notify P of any direction issued or any other action taken under sub-paragraph (3), and where it sets new days on which or times at which P is to provide pharmaceutical services at or from pharmacy premises, it must include with the notification a statement of—*
  - (a) the reasons for the change; and*
  - (b) P's right of appeal under paragraph (7).*
7. *P may, within 30 days of receiving notification under sub-paragraph (6), appeal in writing to the Secretary of State against any direction issued or any other action taken under sub-paragraph (3) which sets new days on which or times at which P is to provide pharmaceutical services.*
8. *The Secretary of State may, when determining an appeal, either confirm the action taken by NHS England or take any action that NHS England could have taken under paragraph (3).*
9. *The Secretary of State shall notify P of the determination and shall in every case include with the notification a statement of the reasons for the determination.*
10. *If the days on which or times at which P is to provide pharmaceutical*

*services at or from pharmacy premises have been changed in accordance with this paragraph, P must introduce the changes—*

- (a) if P has not appealed under sub-paragraph (7), not later than 8 weeks after the date on which P receives notification under sub-paragraph (6); or*
- (b) if P has appealed under sub-paragraph (7), not later than 8 weeks after the date on which P receives notification under sub-paragraph (9).*

11. *This paragraph does not apply where regulation 65(5) to (7) applies.*

6.2 I am mindful that paragraph 23(12) of Schedule 4 states:

*For the purposes of calculating the number of hours that a pharmacy premises are open during a week that includes Christmas Day, Good Friday, Easter Sunday or a bank holiday, it is to be deemed that the pharmacy premises were open on that day at the times at which they would ordinarily have been open on that day of the week.*

6.3 I am of the view that the pharmacy would normally be closed on Christmas Day, 25 December 2025, and that this would be in accordance with the Regulations.

6.4 I am conscious that paragraphs 25(1) and (2) require that before any direction is made, an assessment must be undertaken and that, before the assessment is concluded, the pharmacist providing services at or from the premises must be given notice of the proposed changes and given 30 days to make written representations about the proposed changes.

6.5 I note the Commissioner wrote to all contractors on 2 October 2024 to request volunteers to open on the bank holidays during 2025/2026. I note that no pharmacies in the area had volunteered to open on Christmas Day.

6.6 Although I have not been provided with a copy of the consultation with the LPC, the Commissioner, in its direction letter and subsequent representations on the appeal, confirms that consultation took place, although this is disputed by the Appellant. Further, the proposal to direct letter provided the Appellant with the opportunity to make representations within 30 days. I note the Appellant contends that it made representations and has provided a copy of its email to the Commissioner. In response, the Commissioner states that *“we have no record of having received that email, so we were unable to respond and address the points raised. Therefore, having received no representations within the initial 30 days, we moved to issuing the direction”*. Having reviewed the Appellant’s email, I note it was sent to an alternative email address to the one which the proposal to direct letter directed representations to be sent to however the comments raised are similar to those raised on appeal.

6.7 I note the Appellant’s comments that the Commissioner has not made reference to any specific results linking its pharmacy to a lack of service provision on Christmas Day and that it is not a sufficient reason to direct its pharmacy to open on a rolling/rota basis. The Appellant also requests copies of the minutes of the consultation with the LPC and remains of the view that the Commissioner has not carried out an assessment nor has it provided sufficient reasoning in line with the Regulations.

6.8 From the information before me I am of the view that the Commissioner carried

out some form of assessment and consulted on that assessment, in line with the Regulations.

- 6.9 I am mindful that the Commissioner is required by paragraph 25(6) of Schedule 4 to provide reasons for its decision. In my view, these reasons should set out the basis of any determination that days and times of opening will no longer be such as will meet the pharmaceutical needs of relevant persons and (if they are, such that a direction *may* be made) the assessment that led to the direction, taking into account any written representations from the pharmacist.
- 6.10 The Appellant states that *“There is no detail within the letter of direction, as this is a generic letter, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons will not be met on this day that we are required to open our pharmacy, FAY71 in Macclesfield specifically”*.
- 6.11 In the direction letter, the Commissioner states that the reasons for directing the Appellant to open are *“we have not received a volunteer within your locality. Where it is deemed necessary to direct a rota due to a lack of volunteers, pharmacies are directed in rotation for each bank holiday within localities as agreed with the Local Pharmaceutical Committee (LPC)”* and goes on to state *“The consideration as to whether to direct a pharmacy to open on Christmas Day – Thursday 25th December 2025 involved a review of services available to patients on this date in this locality”*. Further, the Commissioner states that it considered the Pharmaceutical Needs Assessment (“PNA”) as well as the availability of other health care services, GP primary care provision and out of hours, at the time of the directed rota.
- 6.12 The direction letter concluded:

*“NHS Cheshire & Merseyside has assessed the need in your locality for the provision of pharmaceutical services. This assessment included:*

- *Location and opening times of pharmacies in your locality*
- *Pharmaceutical Needs Assessment (PNA) for your locality*
- *Responses to consultation from the LPCs*
- *Representations submitted during the 30 days since issuing the initial direction letter*
- *Details of the times at which pharmacies in your locality were busiest during previously directed Bank/Public Holidays*
- *The geographical location of your pharmacy within your locality and the distance to the nearest pharmacy that will be open on **Christmas Day – Thursday 25th December 2025***
- *Availability of public transport on **Christmas Day – Thursday 25th December 2025***
- *Patient deprivation indices*

*As a result of this assessment, it is determined that direction is required to provide adequate pharmaceutical services at the times stated in the attached directed rota.”*

- 6.13 The Appellant describes the above as *“generic assessment details”*.
- 6.14 I note that in its representations on appeal the Commissioner has expanded upon the reasoning for the direction and the assessment that was carried out.

The Commissioner states *“We have worked with the LPCs in our area in order to develop a process by which we could discharge our duty and ensure that all pharmacies are treated as equally as possible in relation to the public and bank holidays and Easter Sunday. It was agreed with the LPCs that we would jointly work on a locality basis when identifying whether or not a pharmacy needs to be directed to open on such a day, rather than reviewing each pharmacy individually. Localities are based on patient footfall, patient usage of services and ease of access”*.

- 6.15 The Commissioner indicates that the LPC had agreed that six hours cover was required in the Macclesfield grouping for Christmas Day. The Commissioner also indicates that it reviewed the claim forms submitted by contractors who have previously opened on Christmas Day within the Macclesfield locality and determined the level of cover required from the information provided regarding the number of patients accessing pharmaceutical services, the number of prescriptions dispensed and the number of patients requesting advice from a pharmacist. The Commissioner states that the timing of the hours that it is asking pharmacies to open is based on a review of the same claim forms, which indicated the level of demand for services at various times of the day on Christmas Day in previous years within the Macclesfield locality. I consider that it would have been helpful to have seen the data rather than simply outlining the methodology and conclusion, which I note the Appellant has commented on itself.
- 6.16 I note the Appellant's comments in relation to its location in comparison to GP out of hours services and A&E departments and how directing pharmacies closer to these services would be beneficial to patients, particularly for areas of deprivation *“where patients are unlikely to have access to their own transport”*. In my view a difficult balance needs to be taken based on where people live, if they have any specific needs and the location of medical services. One factor may outweigh others or it might be the totality of factors of equal weighting that support a conclusion as to whether to direct.
- 6.17 The Appellant has provided detailed information in respect of the index of multiple deprivation as well as the “Health and Disability Rank” for pharmacies in the vicinity of Macclesfield District General Hospital (“MDGH”). I acknowledge that the Appellant's pharmacy is not the closest pharmacy to MDGH but the difference in distance does not appear significant, and that there are closer pharmacies with a similar deprivation decile and health and disability ranking to the Appellant's pharmacy, but the Appellant does not dispute that its pharmacy is located in an area of deprivation. Further, I note the comments from the Commissioner that in previous years it would have directed pharmacies that were near to the source of prescriptions, i.e. GP out of hours services as well as A&E, however following the introduction of Pharmacy First and before it the community pharmacist consultation service, and NHS urgent medicines supply advanced service, the Commissioner was mindful that those requiring pharmaceutical services will require them in the vicinity of where they live. As a result of this the Commissioner also considers the geographical location of pharmacies across the whole of the locality. I note the Appellant's request in relation to the Pharmacy First data for bank holidays and consider that this would have been helpful to provide, given the Commissioner's reliance on it.
- 6.18 The Appellant states that *“three contractors are directed to open indicates that there is already provision within Macclesfield for 4 hours on 25 December 2025 as two contractors have accepted the direction (FNQ84 & FD484) there is*



*pharmaceutical provision on 25 December 2025 to meet patient pharmaceutical needs within the locality*". However, I note the Commissioner along with the LPC, determined that there is sufficient demand for pharmaceutical services to require a minimum of six hours pharmaceutical cover on Christmas Day. This cover is spread between three pharmacies, located in the north, south and west to ensure that patients have access to pharmaceutical services on a day where public transport is not as easily accessible. I note the Commissioner has provided a map to support this view which has not been disputed by the Appellant.

- 6.19 The Commissioner states that as a minimum, on Christmas Day, there will be a need for:
- 6.19.1 *"The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work and pharmacies reducing their supplementary opening hours over the Easter period.*
- 6.19.2 *The Pharmacy First service for both the provision of drugs and also of advice following referral from NHS 111. As GP practices will be closed on Christmas Day, people seeking advice on the management of low acuity/minor illnesses will turn to, or be referred to, pharmacies*".
- 6.20 I consider the Commissioner's reference to the "Easter period" to be an error. I also note the Appellant has confirmed it will not reduce its supplementary opening hours *"up to and including 24 December 2025."* Whilst acknowledging it was the Commissioner who raised this point originally, I do not consider this to be a relevant consideration of the appeal given that the day in question is 25 December 2025.
- 6.21 I further note that the Commissioner is of the view that the rotation of pharmacies to open to *"ensure equitability"* is a *"secondary reason for a direction."*
- 6.22 I am of the view that, given the explanation of the Commissioner's assessment in its representations on this appeal, I have been provided with sufficient information to substantiate the view as to why the Appellant's pharmacy will be best placed in terms of access and geography to meet the envisaged demand for services. In saying this, I do acknowledge that it would have been helpful for the Commissioner to include this information in the direction letter and it is regrettable that this detail was omitted.
- 6.23 I am satisfied with the Commissioner's assessment and I consider that the Commissioner has provided sufficient information to support the conclusion reached.
- 6.24 On appeal, I may (in accordance with paragraph 25(8) of Schedule 4) either confirm the action of the Commissioner or take such other action as it could have taken.
- 6.25 On the basis of the information available to me and for the reasons given above, I am satisfied that the Commissioner has demonstrated the needs of people in its area or other likely users of the pharmacy for pharmaceutical services will not be met on 25 December 2025 such that it is appropriate to issue a direction requiring the Appellant's pharmacy to open on the day and time indicated in the



direction.

## **7 Determination**

7.1 I confirm the action of the Commissioner to issue the direction.

**Head of Appeals  
NHS Resolution**