

10 November 2025

8th Floor
10 South Colonnade
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FILE REF: **SHA/26710**

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

COMMISSIONER: **NHS Nottingham and Nottinghamshire
Integrated Care Board
("the Commissioner")**

PHARMACIST: **PCT Healthcare Limited
("the Appellant")**

PREMISES: **Peak Pharmacy
18 Ladybrook Place,
Ladybrook Lane
Mansfield
NG18 5JP**

**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 Limited
East Midlands Primary Care Team on behalf of Nottingham and Nottinghamshire ICB

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10 South Colonnade
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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 14:00 to 16:00 on 26 December 2025.
- 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 21 August 2025, the Commissioner stated:

- 2.1 "In our letter of 13 June 2025, we provided information as to why it was necessary to direct one or more pharmacies to open on 26 December 2025, the agreement that had been reached with Community Pharmacy Nottingham on the matter of directing, and why the above-named pharmacy was deemed the most appropriate to direct to open.
- 2.2 Thank you for your representations regarding the proposal to issue a direction requiring the above-named pharmacy to open and provide pharmaceutical services on 26 December 2025.
- 2.3 The East Midlands Pharmaceutical Services Regulations Committee (PSRC) is responsible for determining whether directions are to be issued to pharmacy contractors in the East Midlands. It has been established under section 65Z5 of the NHS Act 2006 by the following integrated care boards (ICBs).

- 2.3.1 Derbyshire and Nottinghamshire ICB
- 2.3.2 Leicester, Leicestershire and Rutland ICB
- 2.3.3 Lincolnshire ICB
- 2.3.4 Northamptonshire ICB
- 2.3.5 Nottingham and Nottinghamshire ICB.
- 2.4 The PSRC is hosted by Nottingham and Nottinghamshire ICB who manage this function on behalf of the four other ICBs.
- 2.5 The PSRC met on 19 August 2025 and considered your representations. It noted that you stated that:
 - 2.5.1 There is no detail within the email from the ICB, as it is generic letter, to indicate the reasons as to how or why this proposal 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, FWJ83 in the Mansfield area.
 - 2.5.2 Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the proposal 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 on 1-1-26.
 - 2.5.3 In particular, the letter received make no reference to any specific results linking our pharmacy to any lack of service provision on 26-12-25.
 - 2.5.4 Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the proposal which is contrary to paragraph 25(1) and 25(6) of Schedule 4.
- 2.6 Whilst the PSRC was sympathetic to the challenges submitted, it was not persuaded that of itself that is sufficient reason not to issue a direction and refers to the reasons below as to why the pharmacy is to provide cover, which were advised of within the initial proposal to direct letter sent to the pharmacy on 13 June 2025.
 - 2.6.1 There is a need to provide pharmaceutical services in the NG18 area where there is currently no provision on Boxing Day 26 December 2025.
 - 2.6.2 Your pharmacy is located in proximity to an urgent treatment centre, Kings Mill Hospital. This proposed direction would bring benefits for patients as those attending the urgent treatment centre would not have to travel long distances to collect essential medications, especially on a public holiday when public transport is limited. This proposed direction

would also benefit the local health system, as patients requiring advice as part of Pharmacy First can be directed or referred to your pharmacy, reducing unnecessary attendance at the urgent treatment centre and enabling focus on patients with the most urgent need.

- 2.6.3 Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within Nottingham and Nottinghamshire ICB which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for Nottingham and Nottinghamshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.
- 2.7 As no other pharmacy in the area will be open on 26 December 2025 it is therefore necessary for the PSRC to direct one or more pharmacies to open. The needs of patients or other users of a pharmacy for pharmaceutical services on 26 December 2025 is a material factor, along with the pharmacy that is, or pharmacies that are, best placed to meet those needs.
- 2.8 Taking into account the assessment, the results of consulting with Community Pharmacy Nottingham and your representations, the PSRC was satisfied that:
- 2.8.1 it is necessary to direct a pharmacy to open 14:00 – 16:00 on 26 December 2025 as there will be no pharmacies open on that day, and
- 2.8.2 the above-named pharmacy is the most appropriate to direct for the reasons set out in our letter dated 13 June 2025.
- 2.9 You have a right of appeal to the Secretary of State against the issuing of this direction. Should you choose to appeal then you should send a concise and reasoned statement of the grounds for your appeal within 30 days of receiving this notice to nhsr.appeals@nhs.net or:
- 2.9.1 Primary Care Appeals NHS Resolution 8th Floor 10 South Colonnade
Canary Wharf London E14 4PU”

3 The Appeal

In a letter to NHS Resolution dated 5 September 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 in a full direction letter for the above pharmacy to open on 26 December 2025 at 14:00 until 16:00, PCT Healthcare Limited writes to appeal to the Primary Care Appeals Unit.
- 3.2 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 East Midlands Primary Care Team (EMPCT).

- 3.3 There is no detail within the letter from the EMPCT, 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, FWJ83 in the Mansfield area.
- 3.4 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 26 December 2025.
- 3.5 In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on 26 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.
- 3.6 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 FWJ83.
- 3.7 In addition where are the minutes of the engagement with Community Pharmacy Nottingham and the ICB with reference to pharmaceutical provision on 26 December 2025.
- 3.8 Hospitals & Urgent treatment centres
- 3.9 PCT Healthcare Limited has reviewed pharmacies close to the A&E department in Mansfield located at Kings Mill Hospital, Mansfield Road, Sutton-in-Ashfield, NG17 4JL where patients are advised to access healthcare on Bank Holidays when their GP Surgeries are closed.
- 3.10 With regards to our pharmacy location within Mansfield there is one community pharmacy located closer to the A& E Department of Kings Mill Hospital NG17 4JL according to NHS.uk.
- 3.11 Additionally there are 15 other pharmacies within 2 miles of the Kings Mill Hospital, why specifically was our pharmacy FWJ83 selected to be directed to open on 26 December 2025.
- 3.12

Name	Distance to Kings Mill Hospital (miles)
Peak Pharmacy	0.7
Peak Pharmacy – FWJ83	0.9

Orchard Pharmacy	1.2
Asda Pharmacy	1.3
Boots	1.4
Superdrug	1.4
Peak Pharmacy	1.5
Peak Pharmacy	1.5
Mansfield Delivery Chemist	1.5
Boots	1.5
Rosemary Street Pharmacy	1.6
Boots	1.6
Peak Pharmacy	1.6
Superdrug	1.6
Tesco Instore Pharmacy	1.7
Skegby Pharmacy	1.7

- 3.13 PCT Healthcare Limited fails to see how this direction letter together with the proposal letter dated 13 June 2025 letter gives sufficient evidence to meet the requirements of Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England, that our pharmacy FWJ83 is required to open on Boxing Day 2025 rather than any of the other pharmacies within Mansfield.
- 3.14 Deprivation details for pharmacies in Mansfield.
- 3.15 PCT Healthcare Limited has completed a review of the pharmacies located close to the Kings Mill Hospital, Mansfield Road, Sutton-in-Ashfield NG17 4JL, where the A&E department is located regarding the IMD for their postcodes.
- 3.16 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](#)
- 3.17 The shaded pharmacies of which there are 14 in column H of the table, are all in LSOA areas with a lower overall Index of Multiple Deprivation Decile (IMD) than our pharmacy FWJ83, all of these pharmacies are located within 2 miles of the Mansfield A&E Department.

3.18 Additionally, considering column J, the Health and Disability Rank there are 11 pharmacies which are located in areas with a lower Health and Disability Ranking compared to our pharmacy located at 18 Ladybrook Place, Ladybrook Lane, Mansfield (FWJ83), all of these pharmacies are located within 2 miles of the A&E department in Mansfield.

3.19 There are seven pharmacies within a Mansfield LSOA with higher levels of deprivation for both the Index of Multiple Deprivation Rank and Health and Disability Rank, than our pharmacy. PCT Healthcare Limited submits that it is better to have pharmaceutical provision in these areas on a Bank Holiday, than to direct FWJ83.

3.20 [Extract from table]

Name	Postcode	LSOA Name	Index of Multiple Deprivation Rank	Index of Multiple Deprivation Decile	Health & Disability Rank	Health & Disability Decile
Peak Pharmacy	NG17 4PD	Ashfield 002D E01027984	20227	7	13236	5
Peak Pharmacy – FWJ83	NG18 5JP	Mansfield 010F E01028248	6774	3	5610	2
Orchard Pharmacy	NG18 5GG	Mansfield 008D E01028268	2691	1	5326	2
Asda Pharmacy	NG17 2AH	Ashfield 005B E01027965	1331	1	470	1
Boots	NG17 1BN	Ashfield 005B E01027965	1331	1	470	1
Superdrug	NG17 1BP	Ashfield 005C E01027968	1855	1	1593	1
Peak Pharmacy	NG17 1AT	Ashfield 005E E01027976	3121	1	1333	1
Peak Pharmacy	NG18 1QL	Mansfield 008F E01028284	4231	2	3116	1

Mansfield Delivery Chemist	NG18 1QB	Mansfield 008F E01028284	4231	2	3116	1
Boots	NG18 1BE	Mansfield 008F E01028268	2691	1	5326	2
Rosemary Street Pharmacy	NG19 6AB	Mansfield 008F E01028227	4469	2	3277	1
Boots	NG18 1SU	Mansfield 008F E01028284	4231	2	3116	1
Peak Pharmacy	NG17 1ES	Ashfield 005E E01027976	3121	1	1333	1
Superdrug	NG18 1LE	Mansfield 008F E01028284	4231	2	3116	1
Tesco Instore Pharmacy	NG19 7 TS	Mansfield 008F E01028284	4231	2	3116	1
Skegby Pharmacy	NG17 3EE	Ashfield 001D E01027983	5069	2	4820	2

3.21 PCT Healthcare Limited has proved that FWJ83, compared to other nearby pharmacies, is not located in a more deprived area according to Indices of Multiple Deprivation (IMD) or the Health and Disability decile as provided from the Ministry of Housing Communities & Local Government – English indices of deprivation.

3.22 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 26 December 2025, as opposed to another pharmacy in the Mansfield area.”

Letter dated 13 June 2024 addressed to the Appellant from the Commissioner

3.23 **“Re: Proposal to direct the above-named pharmacy to open on Boxing Day 26th December 2025**

3.24 **The pharmacy’s current core opening hours are**

3.24.1 Monday – Friday 09:00-13:30, 14:00-17:30

3.25 The total opening hours (core & supplementary) are:

3.25.1 Monday – Friday 09:00-13:30, 14:00-17:30

3.25.2 Saturday 09:00-13:00

3.26 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. I can confirm that we have not been notified of any pharmacies that will be open in Mansfield on Boxing Day 26th December 2025, and no pharmacies have volunteered to open on this day. Under section 126 of the NHS Act 2006 (Arrangements for pharmaceutical services), NHS England (now delegated to the ICBs) must make arrangements for the provision, to persons who are in England, of:

3.27 (a) “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, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown,

(b) 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,

(c) 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,

(d) 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

(e) such other services as may be prescribed.”

3.28 In light of the fact no pharmacies will be open on Boxing Day 26th December 2025, NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) is of the opinion that the needs of people in its area or other likely users of pharmacy premises for pharmaceutical services will not be met on this day.

3.29 NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) has therefore considered what arrangements need to be put in place on Boxing Day 26th December 2025 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 day that is not a bank or public holiday, there will still

be a need for pharmaceutical services by people who live within the Mansfield area or are visiting the area. Whilst GP practices will be closed on Boxing Day 26th December 2025, other providers of NHS services will be open to treat patients, such as the GP out of hours service and A&E departments.

- 3.30 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).
- 3.31 We believe that, as a minimum, the services for which there will be a need on Boxing Day are as follows.
 - 3.31.1 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 on Christmas Eve.
 - 3.31.2 The Pharmacy First service for the urgent supply of repeat medicines, referrals from NHS11 [sic] for low acuity, minor illnesses or under one of the clinical pathways.
 - 3.31.3 The NHS pharmacy contraception advanced service, particularly as it is being expanded to include the provision of emergency contraception from October 2025.
- 3.32 Of course, some people may wish to access other essential and advanced services. As stated above, we are not aware of any pharmacies that will be open on Boxing Day 26th December 2025 and therefore at present the ICB is unable to discharge the duty as set out in section 126 of the NHS Act 2006.
- 3.33 Following an initial assessment by our team, your pharmacy has been identified as meeting the needs of people in the Mansfield area for the following reasons:
 - 3.33.1 There is a need to provide pharmaceutical services in the NG15 area where there is currently no provision on Boxing Day 26th December 2025.
 - 3.33.2 Your pharmacy is located in proximity to an urgent treatment centre, Kings Mill Hospital. This proposed direction would bring benefits for patients as those attending the urgent treatment centre would not have to travel long distances to collect essential medications, especially on a public holiday when public transport is limited. This proposed direction would also benefit the local health system, as patients requiring advice as part of Pharmacy First can be directed or referred to your pharmacy, reducing unnecessary attendance at the urgent treatment centre and enabling focus on patients with the most urgent need.

- 3.33.3 Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within Nottingham and Nottinghamshire ICB which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for Insert ICB Name [sic] to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.
- 3.34 We are carrying out an assessment as to whether to issue a direction pursuant to paragraph 25(1) of Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 requiring you to provide pharmaceutical services on the following date and time:
- 3.34.1 Boxing Day 26 December 2025 14:00 – 16:00**
- 3.35 Please note that we have consulted with Community Pharmacy Nottinghamshire representatives and made them aware of our intentions to propose this direction, and the rationale behind the proposal. Community Pharmacy Nottinghamshire are in support of the need to ensure adequate pharmaceutical provision on Boxing Day 26th December 2025 and are willing to provide guidance to contractors on this proposed direction. The contact email address of Community Pharmacy Nottinghamshire should you wish to contact them is NickHunter@CPNotts.org
- 3.36 If you wish to make written representations to assist us in our assessment as to whether or not to issue a direction and/or about the proposed direction, they should be sent to england.eastmidpharmacy@nhs.net within 30 days of the date of this letter, i.e. by 13 July 2025.”

4 Representations

In a letter to NHS Resolution dated 8 October 2025 the Commissioner stated:

- 4.1 “Thank you for your letter dated 9 September 2025 notifying us that Peak Pharmacy (FWJ83) has appealed against NHS Nottingham and Nottinghamshire Integrated Care Boards (ICB) decision to direct their pharmacy (FWJ83) to open on Boxing Day 26 December 2025.
- 4.2 We note that Peak Pharmacy (FWJ83) are appealing this direction for the reasons listed below;
- 4.2.1 *There is no detail within the letter from the EMPCT, 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, FWJ83 in the Mansfield area.*
- 4.2.2 *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 26 December 2025. In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on 26 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

- 4.3 The East Midlands Primary Care Team (EMPCT) on behalf of NHS Nottingham and Nottinghamshire ICB would like to make the following representations:
- 4.4 NHS Nottingham and Nottinghamshire 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.
- 4.5 The regulations state;
- 4.6 *“(6) The NHSCB must notify P of any direction issued or any other action taken under subparagraph(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).”*
- 4.7 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.
- 4.8 NHS Nottingham and Nottinghamshire ICB have not been notified of any pharmacies that will be open in the Mansfield area on Boxing Day 26 December 2025 and no pharmacies have volunteered to open on this day. Under section 126 of the NHS Act 2006 (Arrangement for pharmaceutical services), NHS England (now delegated to the ICBS) must make arrangements for the provision, to person’s who are in England of;
- 4.9 *“(a) 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, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown,*
- (b) 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,

(c) 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,

(d) 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 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

(e) such other services as may be prescribed.”

- 4.10 In light of the fact no pharmacies will be open on Boxing Day 26 December 2025 NHS Nottingham and Nottinghamshire ICB is of the opinion that the needs of people in its area or other likely users of pharmacy premises for pharmaceutical services will not be met on this day.
- 4.11 NHS Nottingham and Nottinghamshire ICB has considered what arrangements need to be put in place on Boxing Day 26 December 2025 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 Mansfield and surrounding areas or are visiting during the festive period. Whilst GP practices will be closed on Boxing Day 26 December 2025, other providers of NHS services will be open such as the out of hours services and A&E departments.
- 4.12 We believe that, as a minimum, the services for which there will be a need on Boxing Day 26 December 2025 are as follows.
- 4.12.1 *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 on Christmas Eve.*
- 4.12.2 *The Pharmacy First service for the urgent supply of repeat medicines, referrals from NHS11 for low acuity, minor illnesses or under one of the clinical pathways.*
- 4.12.3 *The NHS pharmacy contraception advanced service, particularly as it is being expanded to include the provision of emergency contraception from October 2025.*
- 4.13 Of course, some people may wish to access other essential and advanced services. As stated above, we are not aware of any pharmacies that will be open on Boxing Day 26 December 2025 and therefore at present NHS Nottingham and Nottinghamshire ICB is unable to discharge the duty as set out in section 126 of the NHS Act 2006.

- 4.14 NHS Nottingham and Nottinghamshire ICB emailed out to all contractors on 21 March 2025 to request that pharmacy contractors complete a Microsoft Form to inform us of their intentions over the bank holiday periods during 2025-26 and return the completed form to england.eastmidspharmacy@nhs.net by 18 April 2025. This form enables NHS Nottingham and Nottinghamshire ICB to identify whether any pharmacies intend to open voluntarily. NHS Nottingham and Nottinghamshire ICB did not receive any volunteers within the area. As set out above, NHS England (now delegated to the ICBS) must make arrangements for the provision of pharmaceutical care, and in the absence of this provision, look to issue a direction.
- 4.15 An initial assessment undertaken by the East Midlands Primary Care Team, drawing on the Pharmaceutical Needs Assessment (PNA), levels of deprivation within Nottinghamshire, and the distribution of urgent care centres and emergency departments, identified a requirement for pharmaceutical provision in the area. Peak Pharmacy (FWJ83) has been determined to meet the needs of the Mansfield population for the following reasons:
- 4.15.1 *There is a need to provide pharmaceutical services in Mansfield where there is currently no provision on Boxing Day 26 December 2025.*
- 4.15.2 *There has been no voluntary offer of pharmacy provision in the Mansfield to meet the needs of people living in the area on Boxing Day 26 December 2025.*
- 4.15.3 *Your pharmacy is located in proximity to an urgent treatment centre, Mansfield Community Hospital. This direction would bring benefits for patients as those attending the urgent treatment centre would not have to travel long distances to collect essential medications, especially on a public/bank holiday when public transport is limited. This direction would also benefit the local health system, as patients requiring advice as part of Pharmacy First can be directed or referred to your pharmacy, reducing unnecessary attendance at the urgent treatment centre and enabling focus on patients with the most urgent need.*
- 4.15.4 *Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Nottingham and Nottinghamshire ICB which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This direction ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for NHS Nottingham and Nottinghamshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this direction would ensure provision of dispensing for these patients.*
- 4.15.5 *Consultations are held regularly with the Local Pharmaceutical Committee for pharmaceutical provision of upcoming public or bank holidays. On this occasion a meeting was held on 21 May 2025 with a representative of the LPC to discuss the proposed pharmacies for direction, and no rationale was provided to oppose the direction of Peak Pharmacy (FWJ83) on Boxing Day 26 December 2025.*

- 4.16 As a result of NHS Nottingham and Nottinghamshire ICB assessment, it has been determined that direction is required to provide adequate pharmaceutical services. Peak Pharmacy (FWJ83) was directed to open for the hours of 14:00-16:00 as the pharmacy satisfies the above assessment criteria, The pharmacy will receive £275.00 per hour for up to a maximum of 2 hours for opening as directed.
- 4.17 In response to:
- 4.17.1 *There is no detail within the letter from the EMPCT, 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, FWJ83 in the Mansfield area.*
- 4.18 A diligent assessment was undertaken, as set out above, with the pharmacy being identified as meeting this assessment criteria and subsequently being issued with a direction. An explanation as to why the pharmacy was issued with a direction was provided to them in their direction letter.
- 4.19 In response to:
- 4.19.1 *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 14:00 on 26 December 2025.*
- 4.19.2 *In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on 26 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.*
- 4.20 As previously stated, Peak Pharmacy (FWJ83) was issued with a direction following NHS Nottingham and Nottinghamshire ICB’s diligent assessment process. Other pharmacies in the Mansfield area were considered as part of this process. However, the assessment takes into account the geographical location of pharmacies within the agreed locality, the proximity to an urgent care centre and the proximity to a deprived MSOA and in this instance FWJ83 was selected to ensure equitable access for patients and likely users of the service.
- 4.21 As set out in the direction letter, Peak Pharmacy (FWJ83) is located within, or in close proximity to, a deprived area. This direction secures pharmaceutical service provision within a designated area of deprivation, supporting the ICB’s statutory responsibility to improve access to healthcare and address health inequalities. Deprived areas typically show higher prevalence of long-term conditions that require consistent management, and the direction ensures appropriate dispensing provision to meet these population health needs.

- 4.22 It is also worth noting that NHS Nottingham and Nottinghamshire ICB contacted Peak Pharmacy (FWJ83) on sent on 13 June 2025 by email to pharmacy.fwj83@nhs.net to issue a proposal to direct letter advising that the pharmacy was being considered for a direction. This letter invited the pharmacy to submit representations to NHS Nottingham and Nottinghamshire ICB within 30 days receipt of the proposal to direct letter. Any representations received are then taken by NHS Nottingham and Nottinghamshire ICB to the East Midlands Pharmacy Services Regulatory Committee (PSRC) for review and to consider whether the proposed direction should proceed. Peak Pharmacy (FWJ83) submitted written representations on 3 July 2025. These representations were subsequently considered by the PRSC at its August meeting in order to determine whether it remained appropriate to proceed with the issue of a formal direction. The Committee noted that NHS Nottingham and Nottinghamshire ICB had afforded Peak Pharmacy (FWJ83) a period of six months from the date of the proposal-to-direct letter to be notified of the potential requirement to open, and a period of five months' notice following the issue of the final direction. This was to ensure that the contractor was provided with adequate time to prepare and to make the necessary arrangements to enable compliance with the direction. The Committee determined that the direction should remain in effect.
- 4.23 While other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FWJ83 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers.
- 4.24 I would like to take this opportunity to respond to any further representations provided by Peak Pharmacy (FWJ83) 18 Ladybrook Place, Ladybrook Lane, Mansfield, Nottingham, NG18 5JP."

5 Observations

In a letter to NHS Resolution dated 28 October 2025 the Appellant stated:

- 5.1 "Thank you for your email including the representations from Nottingham and Nottinghamshire Integrated Care Boards (ICBs) dated 8 October 2025.
- 5.2 PCT Healthcare Limited shall consider each of the points raised within the letter in turn.
- 5.3 **On page one, title**
- 5.4 **"RE: SHA/26710 PCT HEALTHCARE LTD T/A PEAK PHARMACY (FWJ83) - APPEAL AGAINST DIRECTED OPENING HOURS ON BOXING DAY 26 DECEMBER 2025 FROM 10:00 TO 12:00 AT 18 LADYBROOK PLACE, LADYBROOK LANE, MANSFIELD, NOTTINGHAM, NG18 5JP"**
- 5.5 We assume that the time stated in the title of the ICB representation letter is a typo.
- 5.6 **On page three, paragraph (4)**

- 5.7 *“The Pharmacy First service...”*
- 5.8 What are the numbers of Pharmacy First provisions during a previous Bank Holiday in Mansfield this detail was not included in the direction to FWJ83?
- 5.9 **On page three, paragraph (4)**
- 5.10 *“The NHS pharmacy contraception...”*
- 5.11 What are the numbers of emergency contraception (EHC) provisions during previous Bank Holidays in Mansfield this detail was not included in the direction to FWJ83.
- 5.12 The EHC service within Nottinghamshire has operated via Nottinghamshire County Council for over a decade, the ICB would have access to this detail.
- 5.13 **On page four, paragraph (4)**
- 5.14 *“Consultations are held regularly... meeting held on 21 May 2025..., no rationale was provided to oppose the direction of Peak Pharmacy (FWJ83) ...”*
- 5.15 How can a consultation meeting take place between Community Pharmacy Nottingham and Nottinghamshire (formerly known as the LPC) and the ICB on 21 May 2025 before the proposal to direct letter to our pharmacy FWJ83 which is dated 13 June 2025?
- 5.16 As the Regulations give an opportunity for the contractor submit written representations?
- 5.17 Where are the minutes of the meeting between the ICB and Community Pharmacy Nottingham and Nottinghamshire (formerly known as the LPC) from 21 May 2025?
- 5.18 **On page five, paragraph (2):**
- 5.19 With regards to the diligent assessment mentioned within this paragraph where are the results of this assessment, why have they not been shared with contractors in the Mansfield locality, and in particular our pharmacy FWJ83?
- 5.20 **On page five, paragraph (4)**
- 5.21 *“As previously stated...”*
- 5.22 For Pharmacy First with technology advances patients can access the services offered on the internet and via the telephone without having to access the Urgent Treatment Centre.
- 5.23 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](#)
- 5.24 Our pharmacy FWJ83 is not located within the most deprived area of Mansfield.

- 5.25 The most deprived areas of England are identified as the lowest Index of Multiple Deprivation Rank (IMD) there are numerous pharmacies in Mansfield within the lowest decile for both the overall IMD (1) and the Health and Disability Decile (1).
- 5.26 It is the most deprived areas of a locality that do not have access to private transport and have reduced disposable income to afford the inflated taxi costs on a Bank Holiday.
- 5.27 On Boxing Day with no buses operating, patients from the deprived areas within Mansfield who require to access pharmaceutical services would expect a pharmacy to be local to their area should they wish to visit a pharmacy.
- 5.28 The ICB themselves indicated that deprived areas typically show higher prevalence of long-term conditions that require consistent management.
- 5.29 [See table at 3.20 above]
- 5.30 **On page 6, paragraph (2):**
- 5.31 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:
- 5.32 *“While other pharmacies were considered, the ICB is mindful of fairness in the application of directions...”*
- 5.33 Especially without any evidence from the assessment being shared which specifically identifies our pharmacy FWJ83 as being required to open on 26 December 2025.
- 5.34 As shown by the table below there are 16 pharmacies (including FWJ83) within Mansfield, there are not 16 exceptional Bank Holidays requiring pharmaceutical cover over the festive and New Year period in 2025-2026.
- 5.35 Why was FWJ83 selected to open on 26 December 2025?
- 5.35.1 FWJ83 is not the closest pharmacy to the Kings Mill Hospital A&E department.
- 5.35.2 FWJ83 is not located within the most deprived area of Mansfield.
- 5.36 With an Index of Multiple Deprivation Rank (IMD) decile of 6774 there are pharmacies with IMD's of 1331 a short distance away which are located within a more deprived area of Mansfield.
- 5.37 [See table at 3.12 above]
- 5.38 On previous Boxing Day Bank Holidays ASDA Pharmacy has opened in Mansfield to provide pharmaceutical provision to their customers. This pharmacy is located in a deprived area of Mansfield.

- 5.39 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 26 December 2025.
- 5.40 In particular, these representations make no reference to any specific results linking our pharmacy to any lack of service provision on 26 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.
- 5.41 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 26 December 2025, as opposed to another pharmacy in Mansfield.”

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 Boxing Day, which is a bank holiday, 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. The Appellant provided a copy of the 'proposal to direct letter' dated 14 June 2025 which I note provided the Appellant with the opportunity to make representations within 30 days. Further, I note in its direction letter the Commissioner states that an agreement had been reached with Community Pharmacy Nottingham on the matter of directing.
- 6.5 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 26 December 2025. The Appellant also highlights that they have not been provided with copies of the minutes of any engagement with

Community Pharmacy Nottingham and remains of the view that the Commissioner has not provided sufficient reasoning in line with the Regulations.

- 6.6 From the information before me I am of the view that the Commissioner carried out some form of assessment in line with the Regulations.
- 6.7 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.
- 6.8 The Appellant states that *“There is no detail within the letter from the EMPCT, 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, FWJ83 in the Mansfield area.”*
- 6.9 In the direction letter, the Commissioner states that the reasons for directing the Appellant to open are:
- 6.9.1 *“There is a need to provide pharmaceutical services in the NG18 area where there is currently no provision on Boxing Day 26 December 2025.*
- 6.9.2 *Your pharmacy is located in proximity to an urgent treatment centre, Kings Mill Hospital. This proposed direction would bring benefits for patients as those attending the urgent treatment centre would not have to travel long distances to collect essential medications, especially on a public holiday when public transport is limited. This proposed direction would also benefit the local health system, as patients requiring advice as part of Pharmacy First can be directed or referred to your pharmacy, reducing unnecessary attendance at the urgent treatment centre and enabling focus on patients with the most urgent need.*
- 6.9.3 *Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within Nottingham and Nottinghamshire ICB which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for Nottingham and Nottinghamshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.”*
- 6.10 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 that it considered *“Other pharmacies in the Mansfield area were considered as part of this process. However, the assessment takes into account the geographical location of pharmacies within the agreed locality,*

the proximity to an urgent care centre and the proximity to a deprived MSOA and in this instance FWJ83 was selected to ensure equitable access for patients and likely users of the service."

- 6.11 I note the Commissioner's comments when responding to the appeal that *"While other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FWJ83 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers."* I can only agree with this approach if the initial assessment of the need for pharmaceutical provision in terms of securing access to services to patients is sufficiently coherent and robust. I will consider this further below.
- 6.12 In response to the direction, the Appellant contends that there is one community pharmacy located closer to Kings Mill Hospital. I acknowledge that the Appellant's pharmacy is not the closest pharmacy to this key source of prescriptions however, based on the Appellant's data, the difference in distance does not appear significant.
- 6.13 The Appellant also states that *"There are seven pharmacies within a Mansfield LSOA with higher levels of deprivation for both the Index of Multiple Deprivation Rank and Health and Disability Rank, than our pharmacy"* although I note these are all located further away from Kings Mill Hospital.
- 6.14 I note the direction letter stated that the Appellant's pharmacy was *"located within, or close to, a Middle Layer Super Output Area (MSOA) within Nottingham and Nottinghamshire ICB which has been identified as deprived"* which is not inferring that they are located within the most deprived area. Further the Appellant does not dispute that its pharmacy is located in an area of deprivation.
- 6.15 The Appellant goes on to state that *"It is the most deprived areas of a locality that do not have access to private transport and have reduced disposable income to afford the inflated taxi costs on a Bank Holiday."* and that *"On Boxing Day with no buses operating, patients from the deprived areas within Mansfield who require to access pharmaceutical services would expect a pharmacy to be local to their area should they wish to visit a pharmacy."*
- 6.16 However, it is not feasible to have a pharmacy open in every area. I am of the view that if there is no public transport available, then it is those patients closest to the key source of prescriptions, Kings Mill Hospital, who would benefit from one of the closest pharmacies being open.
- 6.17 I am of the view that, given the explanation of the Commissioner's assessment in its direction letter and 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.
- 6.18 I am satisfied with the Commissioner's assessment and I consider that the Commissioner has provided sufficient information to support the conclusion reached.

- 6.19 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.
- 6.20 On the basis of the information available to me, and the reasons given above, I am satisfied that the Commissioner has demonstrated that the needs of people in its area or other likely users of the pharmacy for pharmaceutical services will not be met on 26 December 2025 such that it is appropriate to issue a direction requiring the Appellant's pharmacy to open on the days and times indicated in the direction.

7 Determination

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

Head of Appeals NHS Resolution