

5 January 2026

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

FILE REF: **SHA/26747**

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

COMMISSIONER: **BRISTOL, NORTH SOMERSET
AND SOUTH
GLOUCESTERSHIRE ICB
("the Commissioner")**

PHARMACIST: **CONCORD PHARMACY (FN395)
("the Applicant")**

PREMISES: **CONCORD MEDICAL CENTRE
BRAYDON AVENUE
LITTLE STOKE
BRISTOL
BS34 6BQ**

**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]**

Outcome

- 1.1 Based on the information provided, I am not satisfied that the pharmaceutical services provision that would result from the Applicant's proposed hours would be beneficial to the service users such that they would be more likely to access pharmaceutical services during the proposed hours, therefore the Applicant cannot rely on paragraph 26(2ZB).
- 1.2 The action taken by the Commissioner to refuse the application is confirmed.

A copy of this decision is being sent to:

Concord Pharmacy
NHS South West Collaborative Commissioning Hub, on behalf of Bristol, North Somerset and South Gloucestershire ICB

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

1 Introduction

- 1.1 The Applicant has applied to the Commissioner to change the days and times at which it is obliged to provide pharmaceutical services at the above premises. The Applicant seeks to keep the total number of core opening hours the same while offering a different distribution of these hours during the week.
- 1.2 The Commissioner has refused the application. The Applicant seeks to appeal to NHS Resolution.

Rights of appeal

- 1.3 Where the Commissioner has determined an application under paragraph 26 of Schedule 4 of the Regulations and has granted it in part only or has taken an action that has the effect of refusing it, paragraph 26(9) 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” (at the hours during which the pharmacy must be open by virtue of paragraph 23(1) of Schedule 4 of the Regulations), which may incorporate a direction of the Commissioner requiring fewer or greater than 40 hours and at set times and days; or
- 1.5.2 “supplementary” opening hours (other hours during which the pharmacy premises are open which are in addition to the core hours), pursuant to paragraph 23(3) of Schedule 4 of the Regulations.

Alteration of core opening hours

1.6 In accordance with paragraphs 1(7)(c) and 1(7)(d) of Schedule 2 of the Regulations, the pharmacy must provide, as part of an application for entry in the pharmaceutical list:

- 1.6.1 the proposed core opening hours in respect of the premises; and
- 1.6.2 the total proposed opening hours for the premises (having regard to both the proposed core opening hours and any supplementary opening hours).

1.7 The Commissioner maintains pharmaceutical lists that include the days on which and times at which, at those premises, the listed person is to provide those services during the core opening hours and any supplementary opening hours of the premises.

1.8 The days on which or times at which a pharmacy is obliged to provide pharmaceutical services at the premises may only be altered by the pharmacy on application under paragraph 26(1) of Schedule 4 of the Regulations, so long as the effect of that application is to reduce the total number of hours for which a pharmacy is obliged to provide, or keep the total number of hours the same.

Alteration of supplementary opening hours

1.9 Supplementary opening hours may be altered by the pharmacy giving notice to the Commissioner, in accordance with paragraph 23(6)(a) of Schedule 4 of the Regulations, without the need to make an application to the Commissioner.

1.10 There is no specific right of appeal to NHS Resolution in respect of notices given under paragraph 23(6)(a).

2. Application

In this case, the Applicant provided the following information in its application form and supporting information dated 6 August 2025:

2.1 “This is an application to permanently change core opening hours.

2.2 Current opening hours for these premises:

Monday	09:00-12:00 14:30-18:30
Tuesday	09:00-12:00 14:00-18:30
Wednesday	09:00-12:00 14:30-18:30
Thursday	09:00-12:00 14:30-18:30
Friday	09:00-12:00 14:00-18:30
Saturday	08:30-12:30
Sunday	closed

2.3 Proposed core opening hours for these premises:

Monday	09:00-12:00 13:30-18:30
Tuesday	09:00-12:00 13:30-18:30
Wednesday	09:00-12:00 13:30-18:30
Thursday	09:00-12:00 13:30-18:30
Friday	09:00-12:00 13:30-18:30
Saturday	closed
Sunday	closed

- 2.4 If this is a permanent change, please state below the date from which you would like the change to take effect: 6 November 2025
- 2.5 The Applicant confirmed that it wished its application to be determined on the basis of Paragraph 26(2ZB), Schedule 4.
- 2.6 Please provide the information that demonstrates that your proposed core opening hours will ensure that the people who are accustomed to accessing pharmaceutical services at the pharmacy premises listed above are likely to benefit from the changes because, overall, they would be more likely to access those services at the pharmacy premises during the proposed core opening hours than during the existing core opening hours.
- 2.7 The pharmacy has had a pharmacist resign recently, leaving us with a Saturday gap that is difficult to fill. The existing pharmacist already works extra to cover the hours in the week and locums are difficult to find for just 4 hours, which means that the existing pharmacist is forced to work a 6 day week every week.

- 2.8 Saturdays are usually quiet in terms of prescriptions and services. We may get 1 or 2 prescriptions from the surgery. The main business we do is people picking up prescriptions and they are usually the same people we see in the week as well.
- 2.9 With Tesco and Boots in the Willowbrook Centre close by and open all day, people who need to get a prescription dispensed can go there. For those that want to just pick up a prescription on a Saturday, we will have to inform the public for 3 months in advance of a change of business hours so that they are aware that we will be closed on Saturdays.
- 2.10 It will mean that the pressure on the existing pharmacist can be reduced and will also save staff and business costs at a time when we are struggling to make ends meet.
- 2.11 We have consulted with the partners in the surgery who own the pharmacy, about a possible change in opening hours and they are all in agreement that this will be fine with the surgery and is possibly the best way forward for the pharmacy.”

3. The Decision

In a letter to the Applicant dated 3 October 2025 the Commissioner decided to refuse the application. The Commissioner stated:

- 3.1 “I refer to the application received on 6th August 2025 to change the Core and Supplementary contractual opening hours for the above pharmacy. The application sought to redistribute Core hours Monday to Saturday from 09:00-12:00 & 14:30-18:30 Monday, Wednesday and Thursday, 09:00-12:00 & 14:00-18:30 Tuesday and Fridays and 08:30-12:30 Saturdays to 09:00-12:00 & 13:30-18:30 Monday to Friday.
- 3.2 The NHS South West Pharmaceutical Services Regulations Committee (PSRC) considered your request on 8th September 2025, which was made in accordance with NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Schedule 4, Paragraph 24 and Schedule 4, Paragraph 26. The application was requested to be determined on the basis of paragraph 26(2ZB).
- 3.3 Please see details of the decision below:
- 3.4 **Consideration**
- 3.5 The SW Committee considered whether the proposed hours meet the requirements of Paragraph 26(2ZB).
- 3.6 The SW Committee noted that the Applicant seeks to change the days and times that services are provided by redistributing core hours Monday to Saturday from 09:00-12:00 & 14:30-18:30 Monday, Wednesday and Thursday, 09:00-12:00 & 14:00-18:30 Tuesday and Fridays and 08:30-12:30 Saturdays to 09:00-12:00 & 13:30-18:30 Monday to Friday.

- 3.7 The applicant was requested to provide information within the application that demonstrates that the proposed core opening hours would meet the requirements stated in Paragraph 26(2ZB). The SW Committee noted that the following statements are provided within the application:
- 3.7.1 The pharmacy has had a pharmacist resign recently, leaving us with a Saturday gap that is difficult to fill. The existing pharmacist already works extra to cover the hours in the week and locums are difficult to find for just 4 hours, which means that the existing pharmacist is forced to work a 6 day week every week.
 - 3.7.2 Saturdays are usually quiet in terms of prescriptions and services. We may get 1 or 2 prescriptions from the surgery. The main business we do is people picking up prescriptions and they are usually the same people we see in the week as well.
 - 3.7.3 With Tesco and Boots in the Willowbrook Centre close by and open all day, people who need to get a prescription dispensed can go there. For those that want to just pick up a prescription on a Saturday, we will have to inform the public for 3 months in advance of a change of business hours so that they are aware that we will be closed on Saturdays.
 - 3.7.4 It will mean that the pressure on the existing pharmacist can be reduced and will also save staff and business costs at a time when we are struggling to make ends meet.
 - 3.7.5 We have consulted with the partners in the surgery who own the pharmacy, about a possible change in opening hours and they are all in agreement that this will be fine with the surgery and is possibly the best way forward for the pharmacy.
- 3.8 **Decision**
- 3.9 The SW Committee noted that the application must be considered under the requirement of Paragraph 26(2ZB) and when determining the application:
- 3.10 *“seek to ensure that the people who are accustomed to accessing pharmaceutical services at the pharmacy premises are likely to benefit from the changes because, overall, they would be more likely to access those services at those premises during the proposed core opening hours than during the existing core opening hours.”*
- 3.11 The SW Committee noted that Concord Pharmacy currently provides Saturday access, which is valued by some patients, particularly those unable to attend during the working week.
- 3.12 The applicant had not provided usage data for Saturdays, nor evidence that patients could easily transfer to alternative providers.
- 3.13 While there are other pharmacies in the wider area, only a limited number provide Saturday opening. Removing Concord Pharmacy’s service would therefore reduce weekend choice.

- 3.14 The SW Committee noted the reasons given for the request and was mindful of its obligation to take account of the business needs of the pharmacy. However, the SW Committee was of the opinion that the applicant had failed to provide any evidence in relation to the relevant test - to ensure that the people who are accustomed to accessing pharmaceutical services at the pharmacy premises are likely to benefit from the changes because, overall, they would be more likely to access those services at those premises during the proposed core opening hours than during the existing core opening hours. The SW Committee, in the absence of any information in that regard, concluded it could not assess whether the application met the test.
- 3.15 Based on the above the SW Committee was **not** satisfied that sufficient evidence has been provided to meet the requirements of Paragraph 26(2ZB) such that people will more likely access the services during the proposed core hours.
- 3.16 The application to redistribute hours was **REFUSED**, as the SW Committee was not assured that patient access, particularly at weekends, would be maintained.
- 3.17 **Supplementary Opening Hours**
- 3.18 As the changes to supplementary opening hours relied on changes to Core opening hours, we presume your notification for supplementary opening hours changes will not proceed. If any of the changes in Supplementary hour notification should still proceed, we will honour this from the original request date on the notification. Please contact the team at england.pharmacysouthwest@nhs.net if you would like to continue with any part of the Supplementary change notification.
- 3.19 As the Core application was refused, the contractual opening hours of the pharmacy have not changed, and are as followed: [sic]

CORE		SUPPLEMENTARY	
Monday	09:00-12:00 & 14:30-18:30	Monday	08:30-09:00 & 12:00-14:30
Tuesday	09:00-12:00 & 14:00-18:30	Tuesday	08:30-09:00 & 12:00-14:00
Wednesday	09:00-12:00 & 14:30-18:30	Wednesday	08:30-09:00 & 12:00-14:30
Thursday	09:00-12:00 & 14:30-18:30	Thursday	08:30-09:00 & 12:00-14:30
Friday	09:00-12:00 & 14:00-18:30	Friday	08:30-09:00 & 12:00-14:00
Saturday	08:30-12:30	Saturday	-

Sunday	Closed	Sunday	Closed
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Total Core hours: 40

Total Supplementary hours: 14

- 3.20 Please note that any variation to contractual opening hours, without prior consent, will be deemed a breach of terms of service. Performance related sanctions, as directed within the 2013 Regulations, may be imposed where a breach occurs.
- 3.21 You have a right of appeal against the decision not to allow the amendment to Core Hours. Any appeal must contain a concise statement of the facts and contentions on which you intend to rely and should be submitted in writing within 30 days to: nhsr.appeals@nhs.net or by post to: NHS Resolution, 8th Floor 10 South Colonnade, Canary Wharf London, E14 4PU
- 3.22 If you wish to change the hours in the future, you will still need to complete and submit a further application form to NHS South West Collaborative Commissioning Hub for a decision.
- 3.23 If you have any queries, please do not hesitate to contact me.”

4. **The Appeal**

In a letter to NHS Resolution dated 15 October 2025 the Applicant appealed against the Commissioner’s decision. The grounds of appeal are:

- 4.1 “I am writing to formally appeal the decision to refuse our application to amend the core opening hours for Concord Pharmacy, located within Concord Medical Centre, Braydon Avenue, Little Stoke, Bristol BS34 6BQ.
- 4.2 We currently open:
- 4.2.1 Monday to Friday: 8:30am – 6:30pm
- 4.2.2 Saturday: 8:30am – 12:30pm
- 4.3 We respectfully appeal for approval to close on Saturdays, while maintaining our extended weekday hours.
- 4.4 **Patient Access Will Not Be Adversely Affected**
- 4.5 Patients in Little Stoke and the surrounding areas continue to have excellent access to pharmaceutical services on Saturdays. Several nearby pharmacies offer full NHS provision within 1–3 miles of our premises, all easily accessible by public transport:

Pharmacy	Location	Saturday Hours
Boots Pharmacy, Willow Brook Centre	BS32 8EF (≈ 1 mile)	08:00 – 21:00

Tesco In-Store Pharmacy, Bradley Stoke District Centre	BS32 8EF (≈ 1.5 miles)	08:00 – 20:00
Asda Pharmacy, Patchway	BS34 5TL (≈ 2 miles)	09:00 – 19:00
Morrisons Pharmacy, Cribbs Causeway	BS10 7UD (≈ 2.5 miles)	09:00 – 18:00

4.6 Collectively, these outlets provide continuous weekend access for prescriptions, advice, and urgent supply, ensuring no loss of pharmaceutical coverage within the local area.

4.7 **Convenient Public Transport Access**

4.8 Patients without private transport can readily reach these pharmacies by regular Saturday bus services operating along Braydon Avenue and Bradley Stoke Way:

4.8.1 Metrobus m1 (Cribbs Causeway ↔ Bradley Stoke ↔ Bristol City Centre ↔ Hengrove Park) – Stops near Willow Brook Centre and Bradley Stoke Way.

4.8.2 Routes 71, 74, CS7, T1 all serve Braydon Avenue (Little Stoke), with frequent services to Bradley Stoke and Patchway.

4.8.3 Typical journey time: 10–15 minutes from Concord Medical Centre to Willow Brook Centre, with services running throughout the day.

4.9 Patients therefore have safe, reliable, and quick transport links to alternative pharmacies on Saturdays.

4.10 **Minimal Demand for Saturday Opening**

4.11 Analysis of dispensing data over the past few months shows that Saturday accounts for virtually no dispensing activity.

4.12 The most recent Saturdays dispensed items are as follows:

4.12.1 4/10/25 - 10

4.12.2 27/9/25 - 6

4.12.3 20/9/25 - 1

4.12.4 13/9/25 - 5

4.12.5 6/9/25 - 8

- 4.12.6 30/8/25 - 3
- 4.12.7 23/8/25 - 1
- 4.12.8 16/8/25 - 4
- 4.12.9 9/8/25 - 3
- 4.12.10 2/8/25 - 7
- 4.12.11 26/7/25 - 4
- 4.13 Very few prescriptions are dispensed on Saturdays.
- 4.14 Clinical and OTC service use is minimal with approximately 2 referrals from 111 on a Saturday and OTC sales less than £30.
- 4.15 No patient complaints have been recorded following previous Saturday bank-holiday closures.
- 4.16 Conversely, pharmacist costs are ~ £216, and staff costs ~ £144 while other operational costs like utilities and sharing the cost of staff with the surgery, who need to be physically present to open and close the building on a Saturday, averages around £354.
- 4.17 This clearly indicates that maintaining Saturday opening provides negligible benefit to the local population relative to the staffing and operational costs required.
- 4.18 **Comparison with Other Local Pharmacies**
- 4.19 It is important to note that Concord Pharmacy already offers longer weekday opening hours than several nearby pharmacies that are closed on Saturdays.
 - 4.19.1 Concord Pharmacy operates 8:30am-6:30pm Monday-Friday, providing 50 weekday service hours per week.
 - 4.19.2 Jhoots Pharmacy (Stoke Gifford, BS34 8UE) is open Monday –Friday 8:30am-6:00pm (47.5 hours) and closed on Saturdays.
 - 4.19.3 Bradley Stoke Pharmacy (Brook Way, BS32 9DS) operates Monday-Friday 9:00am-6:00pm (45 hours) and is closed on Saturdays
- 4.20 Concord Pharmacy provides longer weekday coverage- remaining open 30-60 minutes later each day than both pharmacies as well as not closing for lunch – and does so within the same local area.
- 4.21 Patients therefore already have excellent weekday access to our services, including those patients who need to start earlier or get to our pharmacy later in the evening.
- 4.22 By closing on a Saturday, we will simply be aligning our operating model with that of other local providers, without reducing overall patient access.

4.23 **Patient Communication and Continuity**

4.24 A robust communication plan will ensure a smooth and well-publicised transition:

4.24.1 3 months' notice via in-pharmacy posters, website updates, and notices within the GP surgery.

4.24.2 Verbal notification to repeat and delivery patients.

4.24.3 Updated NHS profile and public directory entries.

4.24.4 Details of nearby open pharmacies clearly displayed.

4.25 No patients, including those classed as vulnerable, will be affected. Regular deliveries and repeat-dispensing arrangements will continue without interruption.

4.26 **Safe and Sustainable Service Delivery**

4.27 Concentrating on resources during peak weekday demand will:

4.27.1 Support safer staffing (since locums are often hard to find when only needed for a half day) and consistent clinical service provision.

4.27.2 Enhance weekday access to pharmacists for consultations and Pharmacy First referrals.

4.27.3 Improve overall service sustainability in line with NHS England objectives.

4.28 **Summary**

4.29 Saturday dispensing = only a minute fraction of weekly workload.

4.30 Multiple pharmacies within 1–3 miles offer full Saturday access.

4.31 Reliable Saturday bus routes (m1, 71, 74, CS7, T1) connect patients directly.

4.32 A clear communication plan guarantees no detriment to patient care.

4.33 For these reasons, we respectfully request that this appeal be reconsidered and that approval be granted to close on Saturdays.

4.34 Thank you for reviewing this appeal. Please contact me if further data or supporting documentation will assist with your decision.”

5. **Representations**

In a letter to NHS Resolution dated 5 November 2025 the Commissioner stated:

5.1 “Thank you for your letter dated 20 October 2025, inviting representation in response to the appeal received against the decision made by the South West

Pharmaceutical Services Regulations Committee (the Committee) on behalf of NHS Bristol, North Somerset, South Gloucestershire Integrated Care Board, (the ICB) to refuse application to change core hours at Concord Pharmacy (FN395) referred as the 'Contractor'.

- 5.2 Please can I ask you to treat the attached, as part of the ICBs representations on this appeal:

5.2.1 Appendix 1 – FN395 Core Hour Application

5.2.2 Appendix 2 – FN395 Supplementary Hour Notification

5.2.3 Appendix 3 – FN395 PSRC Minutes

5.2.4 Appendix 4 – FN395 Decision Letter

- 5.3 The Committee on behalf of the ICB, wishes to make the following comments on the appeal.

- 5.4 The Committee confirms that the decision to refuse the opening hour changes was made in accordance with NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Schedule 4, Paragraph 24 and Schedule 4, Paragraph 26. As noted in your letter, the application was determined on the basis of paragraph 26(2ZB) of the Regulations.

- 5.5 The Committee would respectfully suggest that the hours of opening at the pharmacy were put in place in order to support the delivery of the full range of pharmacy services to the local population of Little Stoke.

- 5.6 In considering this request, the Committee takes the view that community pharmacies have a role in both the provision of advanced and essential services, including self-care advice, as part of the wider NHS provision of accessible services to patients. The role of Community Pharmacy is also rapidly growing through the pharmacy integration transformation programme and patients will need to access these services at the pharmacy on Saturday.

- 5.7 Whilst the Committee appreciates the pressures facing community pharmacies, the Committee is of the view that securing sufficient access to pharmaceutical provision over the weekends is vital to ensure patients can access appropriate advice and care, including the expanding range of clinical services, within a reasonable distance. This is an important role for Community Pharmacy within the wider ICB provision of services and is a critical integrated part of the management of urgent care services.

- 5.8 In the appeal letter the applicant introduced new evidence, to include surrounding pharmacies, public transport, Saturday demand, costs, comparisons with other nearby pharmacies, patient communication and continuity of service delivery. In the newly provided evidence, as with the original application (Appendix 1), the applicant has not provided any information to support the test in Paragraph 26(2ZB). This was highlighted in the decision letter (Appendix 4):

5.8.1 *The SW Committee noted the reasons given for the request and was mindful of its obligation to take account of the business needs of the pharmacy. However, the SW Committee was of the opinion that the applicant had failed to provide any evidence in relation to the relevant test - to ensure that the people who are accustomed to accessing pharmaceutical services at the pharmacy premises are likely to benefit from the changes because, overall, they would be more likely to access those services at those premises during the proposed core opening hours than during the existing core opening hours. The SW Committee, in the absence of any information in that regard, concluded it could not assess whether the application met the test.*

- 5.9 The newly provided activity data at the pharmacy over the last few months shows there is demand on Saturdays, including 111 referrals. The ICB is committed to continuing to grow access to community pharmacy clinical services, working closely with local practices and NHS 111 to maximise their use of this patient pathway. The Contractor has provided no evidence in the original application and the appeal letter that supports how those patients who access the pharmacy on a Saturday would benefit by, and would be likely to access the pharmacy, during the newly proposed weekday core hours (as opposed to the current core hours on Saturdays).
- 5.10 Absent evidence to support the test in Paragraph 26(2ZB), the Committee remains concerned patients affected by the loss of Saturday hours may choose to access other providers such as out of hours services or minor injury units, increasing demand in other parts of the system for issues that can be dealt with at a Community Pharmacy.
- 5.11 The Committee respectfully requests that the decision to decline the application is upheld as the Committee cannot assess whether the application meets the test in Paragraph 26(2ZB)."

In an email to NHS Resolution dated 4 November 2025 the Applicant stated:

- 5.12 "I am not sure if our appeal has been heard yet but the surgery has sent us a supporting letter which has been attached."

Letter of support (undated) from Concord Medical Centre

- 5.13 "I am writing to you in support of Concord Pharmacy's application to amend their core opening hours.
- 5.14 Concord Pharmacy is a co-located pharmacy situated within the practice. It is an asset for the practice and integral to the Medical Centre. The need for Saturday morning opening is minimal and places additional strain on the overall function of the pharmacy.
- 5.15 Whilst the practice is open on Saturday mornings to patients for improved access to GP appointments, these are all pre-booked routine consultations which do not frequently generate urgent prescriptions. The area is very well served with other pharmacies, notably at the nearby Willowbrook Centre, where

two large multiple pharmacies operate on weekends, should such prescriptions require fulfillment [sic] urgently.

- 5.16 In our opinion, it is far more important for our patients to have a highly functional pharmacy available during our core hours of operation. We are increasingly reliant on the pharmacy to support the running of the GP surgery, where they conduct pharmacy first referrals and offer contraceptive services which are valued by the practice and staff alike. Stretching the staffing in the pharmacy by opening on Saturday mornings, to serve very few patients who have several other pharmacy options in these hours does not seem to make sense from our perspective.
- 5.17 We would therefore like to add our support to the pharmacy's appeal regarding their core opening hours, for the overall benefit of the service offered to our local community."

6. **Observations**

In a letter to NHS Resolution dated 26 November 2025 the Commissioner stated:

- 6.1 "Thank you for your letter dated 24 November 2025, inviting us to make further observations in response to a newly introduced letter of support supplied by Concord Medical Centre.
- 6.2 The Committee stands by its original decision that there is no indication on how the application to close on Saturdays will benefit those patients who attend the pharmacy on a Saturday or why those patients would be more likely to access services during the new proposed core hours.
- 6.3 The letter from Concord Medical Centre shares that they are open on Saturdays for appointments but do not frequently prescribe urgent medication, which infers that they do subscribe some. The response focuses on prescriptions generated by the practice on Saturday but does not recognise that patients being able to collect a routine prescription on Saturday is important. Nor does the response consider the wider range of services the pharmacy provides, where accessibility on Saturday enables patients to engage with this service offer.
- 6.4 As before, the Committee does not believe suitable evidence has been provided that the change would benefit a patient who would normally attend the pharmacy on a Saturday by now having to travel to another pharmacy on that day or instead attending the pharmacy on a weekday. Those patients are actively choosing to use Concord Pharmacy on a Saturday, rather than other nearby pharmacies, for a reason.
- 6.5 The Committee respectfully requests that the decision to decline the application is upheld as the Committee cannot assess whether the application meets the test in Paragraph 26(2ZB)."

In a letter to NHS Resolution dated 3 December 2025 the Applicant stated:

- 6.6 "Thank you for the opportunity to respond to the decision regarding our application to close on Saturdays. We respectfully submit this appeal and hope

the following evidence demonstrates clearly that approving our application would increase patient access, improve utilisation of Pharmacy First capacity during periods of highest demand, and support the wider NHS objectives highlighted by the ICB.

6.7 Strong Existing Support from Our Co-Located GP Surgery

6.8 Our pharmacy works extremely closely with the GP surgery we are co-located with, and they have provided a formal letter of support for this application. They confirm that:

6.8.1 We are an essential partner in managing their daily clinical pressures.

6.8.2 They rely heavily on our Pharmacy First (PF) and CPCS capacity Monday–Friday.

6.8.3 They frequently contact us for urgent same-day support, but we are already at full capacity and are often forced to decline weekday referrals due to staffing limitations.

6.9 The surgery’s endorsement reflects their direct understanding of how our service operates and when their patients most need access.

6.10 Current Saturday Activity Is Extremely Low – <1% of PF Cases

6.11 Our internal data for November shows:

6.11.1 Over 900 Pharmacy First and contraception consultations delivered in November.

6.11.2 Only 8 of these occurred on Saturdays.

6.11.3 This is less than 1% of our clinical activity for the entire month.

6.12 This pattern is long-standing and not an isolated month.

6.13 ICB’s Own Data Confirms Saturdays Have Almost No Demand

6.14 The ICB’s dataset for October 2025—sent to us directly by the surgery—shows that the number of PF/CPCS referrals on Saturdays is effectively zero compared with weekdays.

6.15 Average Referrals Per Day (ICB October Data)

6.16 (based on the ICB bar chart you provided)

Day	Last 4 Weeks	Last 13 Weeks
Monday	~20.0	~19.0
Tuesday	~34.4	~28.0
Wednesday	~33.5	~28.5
Thursday	~23.5	~22.5

Day	Last 4 Weeks	Last 13 Weeks
Friday	~18.5	~21.0
Saturday	0	0
Sunday	0	0

6.17 This clearly demonstrates:

6.17.1 Weekday demand is more than 30.0–35.0 referrals per day.

6.17.2 Saturday demand is zero.

6.17.3 There is a massive mismatch between when patients need us and when we are currently required to remain open.

6.18 We invite the ICB to review any prior months of PF/CPCS data—they will find the same pattern consistently.

6.19 **Increasing Weekday Capacity Will Directly Increase NHS Patient Access**

6.20 Currently we offer 15-minute clinical appointments for PF and CPCS.

6.21 However:

6.21.1 On Saturdays we operate with reduced staffing, limiting our ability to carry out PF/CPCS safely.

6.21.2 This means we are open, but largely unable to deliver the PF service in the way intended by the ICB.

6.21.3 Meanwhile weekday demand is so high that we frequently have to decline referrals from the surgery, which leads to:

6.21.3.1 Increased GP workloads.

6.21.3.2 Preventable A&E/urgent care attendance.

6.21.3.3 Missed opportunities to deliver PF outcomes the ICB is specifically trying to improve.

6.22 If Saturday hours were redistributed to weekdays, we would immediately be able to offer up to 16 additional clinical appointments per week, exactly when patients most need them. This directly supports the ICB's aim to relieve pressure on NHS emergency and primary care services.

6.23 Put simply:

6.24 **Closing on Saturdays = Up to 16 more patients treated during peak demand periods every week**

6.25 This is a significant, measurable public health gain.

- 6.26 **Two Nearby Long-Hours Pharmacies Already Provide Saturday Access**
- 6.27 Within close proximity to our pharmacy, there are two long-hours pharmacies already open on Saturdays, both fully able to support patients who may need weekend access.
- 6.28 We absolutely can and do help patients on Saturdays when we are open, but the extremely low demand—combined with the presence of two alternative pharmacies already providing Saturday access—demonstrates that:
- 6.28.1 Saturday coverage is already well provided for locally.
- 6.28.2 The value to the NHS of our weekday capacity far outweighs the minimal Saturday need.
- 6.29 In essence, patients would not lose meaningful access, and the NHS would gain substantial extra weekday clinical capacity.
- 6.30 **Closing on Saturdays Creates a Net Benefit for the ICB, the Surgery, and Patients**
- 6.31 Approving this application will:
- 6.31.1 Increase weekday PF/CPCS access by up to 16 appointments weekly.
- 6.31.2 Reduce strain on the co-located GP surgery.
- 6.31.3 Reduce A&E/urgent care demand by enabling more same-day weekday appointments.
- 6.31.4 Align opening hours with actual patient usage patterns and verified ICB data.
- 6.31.5 Maintain Saturday access through nearby long-hours pharmacies.
- 6.31.6 Allow us to deliver PF safely, effectively, and in line with ICB intentions.
- 6.32 No evidence suggests that keeping us open on Saturdays provides meaningful patient benefit. All available evidence—ICB's, ours, and the surgery's—shows the opposite.
- 6.33 **Conclusion**
- 6.34 We respectfully request that the ICB review this data in full.
- 6.35 Based on clear evidence from the ICB's own referral statistics, our November outcomes, and the GP surgery's strong formal support, it is evident that approving our application will:
- 6.35.1 Increase patient access,
- 6.35.2 Improve utilisation of PF capacity,

6.35.3 Support NHS system resilience, and

6.35.4 Provide a measurable and sustained benefit to the local population.

6.36 We kindly ask that our appeal is upheld.”

7. Consideration

7.1 I note the following:

7.1.1 The Applicant's core opening hours total 40 hours and the Applicant proposes to redistribute those 40 core opening hours pursuant to paragraph 26 of Schedule 4.

7.2 The Applicant proposes to:

7.2.1 Open between 09:00-12:00 and 13:30-18:30 on Monday to Friday, rather than opening between 09:00-12:00 and 14:30-18:30 on Monday, Wednesday and Thursday and between 09:00-12:00 and 14:00-18:30 on Tuesday and Friday as usual.

7.2.2 Close on Saturdays rather than open between 08:30-12:30 as usual.

7.2.3 Close on Sunday as usual.

7.3 The Regulations, which came into force on 1 April 2013, have been amended a number of times. Certain amendments, relating to pharmacy premises opening hours, came into force with effect from 25 May 2023. Further amendments to paragraph 26, Schedule 4, Part 3 of the Regulations came into force on 23 June 2025.

7.4 Paragraph 26(1) states:

26.— (1) An NHS pharmacist (P) may apply to NHS England for it to change the days on which or times at which P is obliged to provide pharmaceutical services during core opening hours at P's pharmacy premises in a way that—

(a) reduces the total number of hours for which P is obliged to provide pharmaceutical services at those premises each week ...; or

(b) keeps that total number of hours the same.

7.5 I have first considered paragraph 26(2ZA) of Schedule 4 of the Regulations, which reads as follows:

Where P makes an application under sub-paragraph (1)(b), as part of that application P must provide NHS England with such information as NHS England may reasonably request in respect of the matters that NHS England must seek to ensure pursuant to sub-paragraph (2ZB) or paragraph 24(1) (depending on the basis of the application).

7.6 I note the Applicant indicated that it wanted its application to be determined on the basis of Paragraph 26(2ZB), Schedule 4.

7.7 Paragraph 26(2ZB) reads as follows:

In the case of an application under sub-paragraph (1)(b) which is based on the matters that NHS England must seek to ensure pursuant to this sub-paragraph, where NHS England—

issues a direction under sub-paragraph (4) for setting any days or times for opening hours; or

determines the application under sub-paragraph (4) without issuing a direction,

it must in doing so seek to ensure that the people who are accustomed to accessing pharmaceutical services at the pharmacy premises are likely to benefit from the changes because, overall, they would be more likely to access those services at those premises during the proposed core opening hours than during the existing core opening hours.

- 7.8 I will consider the application of paragraph 26(2ZB) and whether the proposed hours are likely to benefit the people who are accustomed to accessing pharmaceutical services at the pharmacy premises, such that they would be more likely to access those services during the proposed opening hours.
- 7.9 To properly assess the application against paragraph 26(2ZB), I need to determine the level of demand for pharmaceutical services at the pharmacy premises. I then need to consider whether patients accustomed to accessing those services would be more likely to access services at the pharmacy premises during the proposed opening hours rather than the existing opening hours.
- 7.10 I therefore need to be provided with sufficient information to understand a range of matters. I consider a core question to be the benefit created because of increased availability to existing users. This can be broken down into three key elements: the first being that the change must be beneficial; the second being that the new hours are more accessible, and the last, which underpins both aspects, is that this must be measured by the impact on people who are accustomed to accessing the pharmacy, not new users.
- 7.11 As a starting point I note that the language of paragraph 26(2ZB) relates to why a change in hours is being requested. The reason for the change must at the very least include that those individuals who already use the pharmacy will be more likely to do so during the changed hours. The Regulations do not explain how this should be established but I consider that it must form at least part of the explanation and evidence provided by the Applicant.
- 7.12 Having reviewed the application and the appeal I note that the Applicant's central motivation for the change appears to be motivated by staffing difficulties and financial matters. Whilst I consider that these reasons are important to the pharmacy, they are not relevant to paragraph 26(2ZB). I note that paragraph 26(2ZB) is concerned with a situation whereby hours are being redistributed for the benefit of pharmacy users, rather than the pharmacy itself.

- 7.13 I have had regard to the comments by the Applicant of those using the pharmacy. If I am satisfied that there is reliable evidence indicating no users of the pharmacy on/at the relevant days/times that the pharmacy wishes to close, this might support an argument that those accustomed to accessing pharmaceutical services would be more likely to access those services during the proposed opening hours.
- 7.14 The Applicant states that there is minimal demand for Saturday opening and has provided dispensing figures for Saturdays between 27 July and 4 October 2025. I note that the number of prescriptions dispensed on those dates varies between 1 and 10. The Applicant further comments that *“Clinical and OTC service use is minimal with approximately 2 referrals from 111 on a Saturday and OTC sales less than £30.”*
- 7.15 I consider it reasonable to take the position that there is a demand for pharmaceutical services on Saturdays, albeit low.
- 7.16 I now need to consider if the changes to hours are likely to be beneficial for those accustomed to accessing pharmaceutical services at the pharmacy premises because they are more likely to access services at those times. It is worth noting that evidence to demonstrate the actual level of demand might be relevant here.
- 7.17 The Applicant states in the appeal that *“Concentrating on resources during peak weekday demand will: ... Enhance weekday access to pharmacists for consultations and Pharmacy First referrals.”* I note the letter of support received from Concord Medical Surgery which states *“Whilst the practice is open on Saturday mornings to patients for improved access to GP appointments, these are all pre-booked routine consultations which do not frequently generate urgent prescriptions”* and *“We are increasingly reliant on the pharmacy to support the running of the GP surgery, where they conduct pharmacy first referrals and offer contraceptive services which are valued by the practice and staff alike.”* The Applicant notes in their observations that the surgery relies on its capacity to provide Pharmacy First and contraceptive services (CPCS) Monday to Friday, commenting *“They frequently contact us for urgent same-day support, but we are already at full capacity and are often forced to decline weekday referrals due to staffing limitations”* and *“The ICB’s dataset for October 2025—sent to us directly by the surgery—shows that the number of PF/CPCS referrals on Saturdays is effectively zero compared with weekdays.”*
- 7.18 Whilst the data provided regarding demand for Pharmacy First and CPCS referrals may support a conclusion that patients using these particular services would benefit from more provision during the week, I am mindful that the provision of pharmaceutical services also includes the dispensing of prescriptions and any other services that the pharmacy may offer, such as the provision of additional enhanced and advanced services that may be commissioned. As I have noted above, there is information to suggest a demand for those services on Saturdays.
- 7.19 I consider that evidence of demand would only form one part of the overall picture required to be established under paragraph 26(2ZB). I am mindful of the use of the phrase *“people who are accustomed”* in the Regulations. I

consider such language to be indicative of the fact that if there is demand, no matter how small, and if those individuals are likely to cease to use the pharmacy as a result of the changes, then this would be strongly indicative that the requirements of paragraph 26(2ZB) would not be met.

- 7.20 I note that no information has been produced by the Applicant which explains what will become of the patients who previously accessed the pharmacy on a Saturday. It is unclear from both the application and the appeal whether the new hours will benefit these people in any meaningful way. I consider that without such information the base assumption must be that this change is not likely to benefit those who are accustomed to accessing the pharmacy on a Saturday, and, if anything, it would appear to be to their detriment.
- 7.21 I note that the Applicant has stated that there are other pharmacies open during its proposed closed hours that pharmacy users could instead visit. It has also provided distances to these other pharmacies along with information regarding public transport. I note that this information is more relevant to the considerations under paragraph 24(1), which the Applicant has opted not to rely on. I consider that in the context of paragraph 26(2ZB), however, such information is detrimental to the Applicant. When read contextually, the inclusion of this information suggests that the proposal is not aimed at providing better access to services at the pharmacy for those that are accustomed to using the pharmacy during the hours which it is proposing to close and instead, the intention appears to be that they will seek the provision of services elsewhere.
- 7.22 I note the Applicant's comments that it already provides longer weekday opening hours than other nearby pharmacies that are closed on Saturdays and further that *"By closing on a Saturday, we will simply be aligning our operating model with that of other local providers, without reducing overall patient access."* I do not consider that this is a relevant consideration under paragraph 26(2ZB).
- 7.23 I am of the view that I have not been provided with sufficient information to demonstrate how the proposed opening hours are likely to benefit those accustomed to accessing pharmaceutical services at the pharmacy premises.

8. Determination

- 8.1 Based on the information provided, I am not satisfied that the pharmaceutical services provision that would result from the Applicant's proposed hours would be beneficial to the service users such that they would be more likely to access pharmaceutical services during the proposed hours, therefore the Applicant cannot rely on paragraph 26(2ZB).
- 8.2 The action taken by the Commissioner to refuse the application is confirmed.

**Head of Appeals
NHS Resolution**