

5 February 2026

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

FILE REF: SHA/ 26748

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

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

PHARMACIST: BOOTS UK LTD [FL048]
("the Applicant")

PREMISES: 206 BOALER STREET
LIVERPOOL
L6 6AE

**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 satisfied that the pharmaceutical services provision that would result from the Applicant's 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 services during the proposed hours.
- 1.2 Therefore I substitute the decision of the Commissioner to reject the change of hours application, with the decision to grant the change of hours application, without a direction.

A copy of this decision is being sent to:

Boots UK Ltd
Cheshire and Merseyside ICB

FILE REF: SHA/ 26748

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

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

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

PHARMACIST: BOOTS UK LTD [FL048]
("the Applicant")

PREMISES: 206 BOALER STREET
LIVERPOOL
L6 6AE

**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]**

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 2 July 2025:

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

- 2.2 Current opening hours for these premises:

Monday	09:00 – 13:00 14:15 – 18:15
Tuesday	09:00 – 13:00 14:15 – 18:15
Wednesday	09:00 – 13:00

	14:15 – 18:15
Thursday	09:00 – 13:00 14:15 – 18:15
Friday	09:00 – 13:00 14:15 – 18:15
Saturday	Closed
Sunday	Closed

2.3 Proposed core opening hours for these premises:

Monday	08:30 – 13:00 14:00 – 17:30
Tuesday	08:30 – 13:00 14:00 – 17:30
Wednesday	08:30 – 13:00 14:00 – 17:30
Thursday	08:30 – 13:00 14:00 – 17:30
Friday	08:30 – 13:00 14:00 – 17:30
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:

2.5 6 October 2025.

2.6 The Applicant confirmed that it wished its application to be determined on the basis of Paragraph 26(2ZB), Schedule 4.

2.7 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.

2.8 There will be no change to the number of core hours offered – this will remain as our contracted 40 hours.

2.9 We are proposing to adjust the core hours to better suit the needs of our patients as they are more likely to access provision at the proposed times.

2.10 The pharmacy is currently closed for lunch 13.00-14.15. We have patients waiting outside from 14.00pm. The new lunch hour would be 13.00-14.00 and

this would allow us to open at 14.00 this would allow us to serve our patients and alleviate patient waiting times.

- 2.11 The local G.P surgeries open at the following times:
 - 2.11.1 Benim Medical Centre: 8.00am open Mon-Fri
 - 2.11.2 Bigham Medical Centre: 8.00am open Mon-Fri
 - 2.11.3 Fairfield Medical Centre: 8.00am open Mon-Fri
 - 2.11.4 Priory Medical Centre: 8.30am open Mon-Fri
- 2.12 By also adjusting our hours first thing in the morning to 8.30am instead of 9.00am, we would be able to offer earlier access to provision for patients, also helping to support the GP practices with the morning influx of patients.
- 2.13 The demographics of the area are changing and we need to change with it to meet needs of our patients. In particular we have seen an increase in younger patients, students and workers wanting to access our pharmacy. Surgeries are offering more early morning appointments and general footfall has been increasing in the morning, likewise, demand for pharmacy services.
- 2.14 Opening at 8.30am would benefit many of our patients who collect their medication before work and parents who call in on the morning school run to seek advice or medication for their child – we have three local schools close within walking distance of our pharmacy.
- 2.15 Our drug user service patients also tend to prefer to collect at the start of the day. The new drug service provider CGL, River, Liverpool opened new hub in Anfield and one in Tuebrook and Belmont Road to follow soon. We are informed that they are likely to offer early morning restart clinics.
- 2.16 The vast majority of patients who attend our pharmacy in the afternoon do so before 17.30. The drug and alcohol support clinics close at the following times:
- 2.17 River Liverpool Drug and Alcohol Support:
 - 2.17.1 Croxteth Hub: 5.00pm Mon-Fri
 - 2.17.2 City Centre Hub: 5.00pm Mon-Fri
 - 2.17.3 Anfield Hub: 5.00pm Mon-Fri
- 2.18 We see footfall decreasing significantly later in the afternoon, and we serve very few patients after 16.00 therefore, we do not believe that closing at 17.30 would have a negative effect on patient care or demand.
- 2.19 During school holidays the afternoons are particularly slow with very few prescriptions coming through and even less walk-in patients. In winter the whole area is quiet from 16.30/17.00 as darkness falls, there is an increase in anti-social behaviour in the area and footfall decreases significantly.

- 2.20 We have conducted a survey with our patients to seek opinions of the proposed hours and we have had great feedback with many stating that as their GP open at 8.00am it would be beneficial to come to the pharmacy after their G.P appointments rather than wait around till 9.00am. When asked, patients also know where to find alternative provision.
- 2.21 Should patients need to access a pharmacy after 17.30 there is ample choice of alternative provision. According to NHS.UK there are twelve pharmacies open after 17.30 within a mile of our pharmacy. The nearest five are:
- 2.21.1 Davey's Chemist, Kensington, L7 2RG. 0.3 miles closes at 18.00
- 2.21.2 Bounce Chemist, Prescot Road, L7 0LQ. 0.4 miles closes at 18.00
- 2.21.3 Davey's Chemist, Holt Road, L7 2PN. 0.5 miles closes at 18.00
- 2.21.4 Forshaw's Pharmacy, Belmont Grove, L6 4EP. 0.5 miles closes at 18.00
- 2.21.5 Asda, Breck Road, L5 6PX. 0.6 miles closes at 21.00
- 2.22 We hope that we have been able to demonstrate that people who are accustomed to accessing pharmaceutical provision from our premises are likely to benefit from the changes because, overall, they would be more likely to access services at our pharmacy at the proposed core opening hours than during the existing core opening hours."

3. The Decision

In a letter to the Applicant dated 18 September 2025 the Commissioner decided to refuse the application. The Commissioner stated:

- 3.1 "Further to your application to change the core opening hours at the above address, I am writing to confirm that it has been refused.
- 3.2 The Pharmaceutical Services Regulations Committee (PSRC) reviewed the application and determined that whilst a detailed application, it was felt that the supporting information presented an incomplete picture and was not reflective of all current patients of the pharmacy.
- 3.3 It was noted that the needs of the patients from the four practices mentioned focused on the early morning opening hours of the practices, but failed to document the closing hours, which were predominantly 6.30pm (three of the four practices) or to consider how the earlier evening closure would impact on those patients. In contrast, the committee did note that closing times for the local drug and alcohol clinics was included, 5pm, which aligned with the proposal presented to close at 5.30pm.
- 3.4 The spreadsheet with the reported outcomes of a survey, did not demonstrate sufficient independent evidence in the absence of any supporting information on how the survey was conducted. It did not, for example, state how patients were contacted or invited to take part, on what days and time of day, to

determine if a fair representation of all patient users of the pharmacy was sought.

- 3.5 The committee noted that the applicant has referenced the closing times of other local pharmacies; however, under this regulation the committee is not able to take these hours into consideration.
- 3.6 Therefore, the committee determined that this application did not satisfy the requirements of paragraph 26(2ZB), Schedule 4.
- 3.7 You have a right of appeal to the Secretary of State against this decision. 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:
- 3.8 Primary Care Appeals, NHS Resolution, 8th Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU."

4. The Appeal

In a letter to NHS Resolution dated 16 October 2025 the Applicant appealed against the Commissioner's decision. The grounds of appeal are:

- 4.1 "We wish to appeal the decision made by Cheshire & Merseyside ICB to refuse our application to redistribute our core hours at the above pharmacy.
- 4.2 Our application to amend our core hours was made on the back of customer feedback and the presence of patients waiting outside our pharmacy for us to open.
- 4.3 Our **current** core hours are:
 - 4.3.1 09.00-13.00, 14.15-18.15 Monday to Friday.
- 4.4 Our **proposed** core hours are:
 - 4.4.1 08.30-13.00, 14.00-17.30 Monday to Friday.
- 4.5 The demographics of the area in which we operate are changing and we need to change with it to meet the needs of our patients. In particular, we have seen an increase in the number of younger patients, students and workers wanting to access our pharmacy.
- 4.6 A redistribution of our core hours will allow our patients to access pharmaceutical provision earlier in the morning and at lunch time. Opening at 8.30am would be of benefit to many of our patients, in particular those who collect their medication before work, those who call in on the morning school run to seek advice or for a medication for their child and for students.
- 4.7 We provide a text service informing patients when their prescription is ready to collect. Over 80% of our patients who access this pharmacy utilise this service. Patients who are registered for the text message service receive timely notifications when their prescriptions are ready for collection. This improves

communication between the pharmacy and the patient, while also enhancing convenience.

- 4.8 This pharmacy serves a local community and sits on a street that parents and children pass to access the local schools – there are three schools within walking distance of our pharmacy.
- 4.9 Many of our patients know our staff members. Our patients have been known on many occasions to approach our staff members for pharmaceutical advice as they are arriving for work, on the street, prior to us opening.
- 4.10 Opening earlier would allow our patients to come inside to our pharmacy and be given a better pharmacy experience than a chat out on the street.
- 4.11 It is not unusual for us to have patients waiting outside for us to open, this includes patients who access our pharmacy for drug user services who particularly like to access our pharmacy at the start of the day. Typically, we see 10 drug user patients first thing in the morning, each day.
- 4.12 We also see patients waiting for us to re-open after our current lunchtime closure, typically these are patients who work or are students who are wanting to access our pharmacy during their breaks.
- 4.13 In their decision, the NHS ICB noted that, although we had provided opening times of the four practices we serve, we ***“failed to mention the closing hours which were predominantly 6.30pm (three of the four practices)”*** However, whilst it is true that the surgeries may “close” at this time, we think it is more important to consider the clinics times of the practices when patient appointments are available.
- 4.14 We have reached out to the main practices we serve who have informed us their clinics finish at the following times:
 - 4.14.1 Fairfield Medical Centre, 2A Penvalley Crescent, L6 3BY (0.2 miles away) 17.00 Mon-Fri
 - 4.14.2 Benim Medical Centre, 2 Penvalley Crescent, L6 3BY (0.2 miles away) 16.00 Mon-Fri
 - 4.14.3 Bigham Medical Centre, Bigham Road, L6 6DW (0.2 miles away) 13.00 Mon-Fri
 - 4.14.4 Priory Medical Centre, Belmont Grove, L6 4EW (0.5 miles away) 18.15 Mon-Fri – we only serve four patients from this practice, three of which are patients who use our delivery service.
 - 4.14.5 Forshaw’s pharmacy is also located on the same site.
- 4.15 The new drug service provider CGL, River, Liverpool opened a new hub in Anfield. One in Tuebrook and Belmont Road are soon to open. We are informed by CGL that they are likely to offer early morning restart clinics.
- 4.16 River Liverpool Drug & Alcohol Support clinics close at the following times:

- 4.16.1 Croxteth Hub: 5.00pm
- 4.16.2 City Centre Hub: 5.00pm
- 4.16.3 Anfield Hub: 5.00pm
- 4.17 With local surgeries and clinics only offering appointments up until 17.00 at the latest, we see footfall at our pharmacy significantly decreasing later in the afternoon, we have a few patients who come in on the way home after the school run but we serve very few patients, if any after 17.00.
- 4.18 During school holidays our pharmacy is particularly very quiet in the afternoons. In the winter months the whole area is very quiet later in the day. The area around our pharmacy has high levels of anti-social behaviour and drug misuse. For safety reasons people choose to stay indoors particularly after dark. Our staff also all leave the premises together for their safety.
- 4.19 Should patients need to access pharmaceutical provision after 17.30 there is ample choice of alternative provider. According to NHS.UK there are twelve pharmacies open after 17.30 within a mile of our pharmacy. The nearest five are:
 - 4.19.1 Davey's Chemist, Kensington, L7 2RG, 0.3 miles away, closes at 18.00
 - 4.19.2 Bounce Chemist, Prescot Road, L7 0LQ, 0.4 miles away, closes at 18.00
 - 4.19.3 Davey's Chemist, Holt Road, L7 2PN, 0.5 miles away, closes at 18.00
 - 4.19.4 Forshaw's Pharmacy, Belmont Grove, L6 4EP, 0.5 miles away, closes at 18.00
 - 4.19.5 Asda, Breck Road, L5 6PX, 0.6 miles away, closes at 21.00
- 4.20 We therefore do not believe that closing at 17.30 would have a negative impact on patient access should there be any demand.
- 4.21 In their determination, the NHS ICB said that they were not able to take the hours of nearby pharmacies into consideration. However, we provided this information in order to demonstrate there would not be a gap in provision should our pharmacy be allowed to close earlier. Patients would still be able to access a nearby pharmacy should there be a need.
- 4.22 When our pharmacy explored the idea of how we could better meet the needs of our patients, our pharmacy team asked all patients who attended the healthcare counter at any time of the day and throughout our opening times over a four week period if they would complete a short questionnaire so that we could gather their feedback and assess if there would be any impact on our patients.
- 4.23 Not all patients chose to participate but, whilst this is not a regulatory requirement, we have enclosed the completed questionnaires from patients

who did take part. I have also enclosed a copy of our original application and the NHSICB decision report.

- 4.24 We believe that we have addressed the reasons the NHS ICB refused our application and provided sufficient information to satisfy the Committee that our appeal meets the requirements of paragraph 26 (2ZB), Schedule 4 which states 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”***.
- 4.25 For the reasons submitted above, we respectfully ask the Committee to uphold this appeal and allow the decision of the NHSICB to be overturned.
- 4.26 We would wish to attend an oral hearing should it be deemed necessary to hold one and look forward to hearing from you in due course.”
- 4.27 [Enclosures:
- 4.27.1 Copy of application form
- 4.27.2 Copy of 99 completed questionnaires
- 4.27.3 Copy of decision report.]

5. Representations

No representations were received by NHS Resolution in response to the appeal, however the Commissioner provided its paperwork regarding the application, which was circulated to the Applicant for information.

Copy of NHS Cheshire and Merseyside Pharmaceutical Services Regulations Committee – August 2025

- 5.1 “Name and address of contractor:
- 5.2 FL048 – Boots UK Ltd, T/A Boots Pharmacy, 206 Boaler Street, Liverpool, L6 6AE
- 5.3 Proposed amendments:
- 5.4 Proposal to make a permanent change to core hours by closing 45 minutes earlier at the end of the day and opening 30 minutes earlier at the start of the day and 15 minutes earlier at lunchtime.
- 5.5 **Current Core Hours:**
- 5.6 **Monday – Friday** 9:00 – 13:00, 14:15 – 18:15
- 5.7 **Saturday** No core hours
- 5.8 **Sunday** No core hours

- 5.9 **Proposed Core Hours:**
- 5.10 **Monday – Friday** 08:30 – 13:00 & 14:00 – 17:30
- 5.11 **Saturday** No core hours
- 5.12 **Sunday** No core hours
- 5.13 The applicant has requested this application be determined under the new Regulation (Paragraph 26(2ZB), Schedule 4) Relevant regulations and guidance:
- 5.14 **Determination of pharmacy premises core opening hours instigated by the NHS pharmacist**
- 5.15 **24.—[F1(1)** Subject to paragraph 26(2A), where NHS England issues a direction for setting any days or times for opening hours under this Part, or determines them without issuing a direction, it must in doing so seek to ensure that the days and times at which pharmacy premises are open for the provision of pharmaceutical services in the area in which the premises that are the subject of the direction are located are such as—
- 5.16 (a)to maintain as necessary the existing level of service provision for the people in that area or other likely users of the pharmacy premises; or
- 5.17 (b)to maintain a sustainable level of adequate service provision for the people in that area or other likely users of the pharmacy premises, in circumstances where maintaining the existing level of service provision is either unnecessary or not a realistically achievable outcome.]
- 5.18 (2) In considering the matters mentioned in sub-paragraph (1), the NHSCB—
- 5.19 (a)must treat any local pharmaceutical services being provided in its area as if they were pharmaceutical services being so provided; and
- 5.20 (b)may have regard to any pharmaceutical services that are being provided in its area during supplementary opening hours.
- 5.21 (3) The NHSCB may only direct that an NHS pharmacist (P) may provide pharmaceutical services at premises for less than 40 hours in any week if it is satisfied that the provision of pharmaceutical services in its area is likely to be adequate to meet the need for such services at times when P is not providing pharmaceutical services.
- 5.22 (4) Except in the case of premises that have (at any time) been subject to a direction under regulation 65 or regulation 65 of the 2012 Regulations (core opening hours conditions), the NHSCB may only direct that P must provide pharmaceutical services at premises for more than 40 hours in any week where it is satisfied that P is to receive reasonable remuneration in respect of the additional opening hours for which P is required to provide pharmaceutical services (and any additional remuneration payable in accordance with a determination made as mentioned in regulation 91(6) in respect of those hours is “reasonable remuneration” for these purposes).

- 5.23 **[F2(5)** Sub-paragraph (4) does not apply in circumstances where the direction is in respect of any premises in respect of which a 100 hours condition applies or has ever applied, or in respect of which a direction that replaced (at any distance in succession) a 100 hours condition applies.]
- 5.24 23rd June 2025: Amendment to the Regulations:
- 5.25 26.—(1) An NHS pharmacist (P) may apply to [F1NHS England] for it to change the days on which or times at which P is obliged to provide pharmaceutical services [F2during core opening hours] at P's pharmacy premises in a way that—
- 5.26 (a)reduces the total number of hours for which P is obliged to provide pharmaceutical services at those premises each week F3...; or
- 5.27 (b)keeps that total number of hours the same.
- 5.28 [F4(1A) On or after 23rd June 2025, if P makes an application under paragraph (1)(b), P must state in the application whether P wishes the application to be determined on the basis of paragraph 24(1) or sub-paragraph (2ZB).]
- 5.29 (2) [F5Except where sub-paragraph (2A) applies,] where P makes an application under [F6sub-paragraph (1)(a)], as part of that application P must provide [F1NHS England] with such information as [F1NHS England] may reasonably request in respect of [F7the matters that NHS England must seek to ensure pursuant to paragraph 24(1)].
- 5.30 [F8(2ZA) 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 or paragraph 24(1) (depending on the basis of the application).
- 5.31 (2ZB) 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 subparagraph, where NHS England—
- 5.32 (a)issues a direction under sub-paragraph (4) for setting any days or times for opening hours; or
- 5.33 (b)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.]
- 5.34 Additional information
- 5.35 **From 23rd June 2025 when submitting an application to amend core hours the applicant must identify which Regulation they wish the application to be determined under:**

5.36 **Paragraph 24(1), Schedule 4:**

5.37 The applicant must provide the information that demonstrates that their proposed core opening hours will:

5.37.1 either maintain as necessary the existing level of service provision for people in the area of the pharmacy, or other likely users of the pharmacy premises; or

5.37.2 maintain a sustainable level of adequate service provision for the people in the area of the pharmacy, in circumstances where maintaining the existing level of service provision is either unnecessary or not a realistically achievable outcome.

5.38 **Paragraph 26(2ZB), Schedule 4:**

5.39 The applicant must provide information that demonstrates that their 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.

5.40 The new application route considers the needs of people who are accustomed to accessing pharmacy services at the applicant's pharmacy, rather than, as in the existing application route, the needs of people (and the opening of other pharmacies) in the wider area around the pharmacy.

5.41 **Business needs**

5.42 As part of the national negotiations, it was also agreed that for both new and existing applications, ICBs would be required to take into consideration the business needs of the pharmacy, as part of the decision-making process on opening hours applications, where these have been cited by the applicant pharmacy owner.

5.43 *Whether the premises are subject to a condition set out in regulation 65 of the 2013 Regulations*

5.44 With regard regulation 65(1):

5.45 FL048 is not a 100-hour contract with regard regulation 65 (4) and (5):

5.46 FL048 has no current direction issued regarding opening hours, other than directed rota hours for Bank Holiday opening.

5.47 Summary

5.48 The applicant has provided the following information and rationale for the proposed change to core opening hours:

5.49 *"There will be no change to the number of core hours offered – this will remain as our contracted 40 hours.*

- 5.50 *We are proposing to adjust the core hours to better suit the needs of our patients as they are more likely to access provision at the proposed times.*
- 5.51 *The pharmacy is currently closed for lunch 13.00-14.15. We have patients waiting outside from 14.00pm. The new lunch hour would be 13.00-14.00 and this would allow us to open at 14.00 this would allow us to serve our patients and alleviate patient waiting times.*
- 5.52 *The local G.P surgeries open at the following times:*
- 5.52.1 *Benim Medical Centre: 8.00am open Mon-Fri*
- 5.52.2 *Bigham Medical Centre: 8.00am open Mon-Fri*
- 5.52.3 *Fairfield Medical Centre: 8.00am open Mon-Fri*
- 5.52.4 *Priory Medical Centre: 8.30am open Mon-Fri*
- 5.53 *By also adjusting our hours first thing in the morning to 8.30am instead of 9.00am, we would be able to offer earlier access to provision for patients, also helping to support the GP practices with the morning influx of patients.*
- 5.54 *The demographics of the area are changing and we need to change with it to meet needs of our patients. In particular we have seen an increase in younger patients, students and workers wanting to access our pharmacy. Surgeries are offering more early morning appointments and general footfall has been increasing in the morning, likewise, demand for pharmacy services.*
- 5.55 *Opening at 8.30am would benefit many of our patients who collect their medication before work and parents who call in on the morning school run to seek advice or medication for their child – we have three local schools close within walking distance of our pharmacy.*
- 5.56 *Our drug user service patients also tend to prefer to collect at the start of the day. The new drug service provider CGL, River, Liverpool opened new hub in Anfield and one in Tuebrook and Belmont Road to follow soon. We are informed that they are likely to offer early morning restart clinics.*
- 5.57 *The vast majority of patients who attend our pharmacy in the afternoon do so before 17.30. The drug and alcohol support clinics close at the following times:*
- 5.58 *River Liverpool Drug and Alcohol Support:*
- 5.58.1 *Croxteth Hub: 5.00pm Mon-Fri*
- 5.58.2 *City Centre Hub: 5.00pm Mon-Fri*
- 5.58.3 *Anfield Hub: 5.00pm Mon-Fri*
- 5.59 *We see footfall decreasing significantly later in the afternoon, and we serve very few patients after 16.00 therefore, we do not believe that closing at 17.30 would have a negative effect on patient care or demand.*

- 5.60 *During school holidays the afternoons are particularly slow with very few prescriptions coming through and even less walk-in patients. In winter the whole area is quiet from 16.30/17.00 as darkness falls, there is an increase in anti-social behaviour in the area and footfall decreases significantly.*
- 5.61 *We have conducted a survey with our patients to seek opinions of the proposed hours and we have had great feedback with many stating that as their GP open at 8.00am it would be beneficial to come to the pharmacy after their G.P appointments rather than wait around till 9.00am. When asked, patients also knew where to find alternative provision.*
- 5.62 *Should patients need to access a pharmacy after 17.30 there is ample choice of alternative provision. According to NHS.UK there are twelve pharmacies open after 17.30 within a mile of our pharmacy. The nearest five are:*
- 5.62.1 *Davey's Chemist, Kensington, L7 2RG. 0.3 miles closes at 18.00*
- 5.62.2 *Bounce Chemist, Prescot Road, L7 0LQ. 0.4 miles closes at 18.00*
- 5.62.3 *Davey's Chemist, Holt Road, L7 2PN. 0.5 miles closes at 18.00*
- 5.62.4 *Forshaw's Pharmacy, Belmont Grove, L6 4EP. 0.5 miles closes at 18.00*
- 5.62.5 *Asda, Breck Road, L5 6PX. 0.6 miles closes at 21.00*
- 5.63 *We hope that we have been able to demonstrate that people who are accustomed to accessing pharmaceutical provision from our premises are likely to benefit from the changes because, overall, they would be more likely to access services at our pharmacy at the proposed core opening hours than during the existing core opening hours."*
- 5.64 Although, under Paragraph 26(2ZB), Schedule 4, the PSRC are to consider the needs of people who are accustomed to accessing pharmacy services at the applicant's pharmacy, rather than, as in the existing application route, the needs of people (and the opening of other pharmacies) in the wider area around the pharmacy, it is still useful for the committee to have sight of this information:
- 5.65 NHS UK lists 16 pharmacies within 1 mile of FL048.
- 5.66 Of these pharmacies 12 have core opening hours after 17:30 Monday – Friday.
- 5.67 Only 1 of these pharmacies has core hours before 09:00.
- 5.68 NHS UK details those pharmacies close to L6 6AE:
- 5.68.1 [Pharmacies near L6 6AE - NHS - Google Search](#)
- 5.69 NHS UK details the closest GP practices to L6 6AE:
- 5.69.1 [GP surgeries near L6 6AE – NHS - Google Search](#)

- 5.70 There are no local hours plans in operation in this locality and the number of temporary suspensions is minimal.
- 5.71 The Liverpool PNA 2022 – 2025 states in relation to pharmacy access:
- 5.71.1 There are 116 community pharmacies in Liverpool, 1 Local Pharmaceutical Services (LPS) pharmacy, 5 distance selling pharmacies and no dispensing doctors.
 - 5.71.2 There are at least 2 community pharmacies within each electoral ward, overall there are 4,314 residents per pharmacy and there are 23.2 pharmacies per 100,000 population.
 - 5.71.3 There are very few residential areas in Liverpool that cannot access a pharmacy within a 15-minute walk. Every Liverpool resident can access a pharmacy travelling by car within 5 minutes or using public transport within 20-minutes.
 - 5.71.4 45 community pharmacies open before 9am across Liverpool during the working week, and at least 47 are open after 6pm.
 - 5.71.5 During the weekend, some 64% of community pharmacies are open on a Saturday with 18% opening on a Sunday.
 - 5.71.6 8 pharmacies provide a 100-hour service.
- 5.72 In summary the PNA concludes: Access in terms of location, opening hours, and services is considered to be sufficient for our residents with all constituencies having at least one pharmacy open after 8pm during weekdays.
- 5.73 The committee should be mindful that the PNA is in the process of being re-written; therefore, some of the figures might have changed.
- 5.74 In a supplementary statement issued in October 2024, the HWB stated:
- 5.75 “Since the publication of Liverpool’s Pharmaceutical Needs Assessment (PNA) the following change(s) in pharmaceutical service has occurred:
- 5.76 The Health and Wellbeing Board is currently producing its next pharmaceutical needs assessment which is due to be published by 1st October 2025. Since the last pharmacy needs assessment was published on 1st October 2022, the number of community pharmacies has reduced due to consolidations and closures to 102. Many other pharmacies have reduced their opening hours or removed services offered adjacent to but not covered or funded by the Community Pharmacy Contractual Framework (CPCF).
- 5.77 As part of its regular review of the provision of pharmaceutical services in the city Liverpool Health and Wellbeing Board is reviewing what constitutes a gap in pharmacy provision – previously this has been based on the number of pharmacies in a specified locality. The new definition also will also consider pharmacy opening hours including evenings and weekends and the capacity of other pharmacies to meet the increased demand arising from pharmacy closures.

- 5.78 The Board has been made aware of the large number of cases of people raising pharmacy related issues through Healthwatch, and of the challenges faced by local communities through many pharmacies reducing their opening hours. It is the opinion of Liverpool Health and Wellbeing Board that access to pharmacy provision has been impacted by pharmacy closures and reductions in opening hours in some localities which has caused gaps to occur. The Board therefore supports applications to open new pharmacies which will increase access to pharmacy services outside usual business hours for residents.
- 5.79 The Health and Wellbeing Board will continue to produce a new pharmaceutical needs assessment which will include more detailed analysis of pharmacy services provision in Liverpool.”
- 5.80 The following map taken from SHAPE mapping tool shows the geographical spread of pharmacies across Liverpool. FL048 is circled in green. [Copy provided]
- 5.81 The applicant has stated that they have patients waiting outside from 14:00 and that the revised lunchtime opening would allow them to open at 14:00 and alleviate patient waiting times.
- 5.82 The applicant also states that opening at 8:30 instead of 09:00 would allow them to offer earlier access to provision for patients visiting the GP in the morning. They have stated that the demographics of the area are changing with local surgeries offering more early morning appointments. As a result, the pharmacy is seeing increased footfall and demand for services in the morning.
- 5.83 They have also stated that there are three local schools so the earlier opening would allow parents to call in on the morning school run with their children.
- 5.84 In addition, they have stated that footfall is decreasing in the later afternoon with very few patients being seen after 16:00. This is particularly apparent during school holidays and the winter, where the darker nights bring an increase in anti-social behaviour in the area.
- 5.85 The applicant also states that a survey has been conducted with patients to seek opinions on the proposed change of hours, with many stating that it would be beneficial to be able to attend the pharmacy following a morning GP appointment without needing to wait until 09:00. They also ensured patients knew where to find alternative provision.
- 5.86 The results of the survey are embedded at the end of this report. [Copy provided]
- 5.87 Letter dated 18 September 2025 [as at paragraph 3.1 to 3.18 above.]
- 5.88 Copy of the minutes from Cheshire and Merseyside Pharmaceutical Services Regulations Committee 25 July 2025
- 5.89 “The committee reviewed the application received from Boots UK Ltd requesting a change of core hours under the new regulation (Paragraph 26(2ZB), Schedule 4).

- 5.90 The Committee agreed that whilst the applicant had provided detailed reasoning for the request to redistribute the core hours from the evening to the start of the day and lunch time, they had failed to provide any evidence to support the claims made in the application.
- 5.91 It was agreed that this application would be deferred to the next meeting and ND would ask the applicant if they are able to provide the evidence of the survey that they discussed within the application.”

6. Consideration

- 6.1 I note the following:

6.1.1 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.

- 6.2 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.

- 6.3 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.

- 6.4 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).

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

- 6.6 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.

- 6.7 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.
- 6.8 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.
- 6.9 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 unpins both aspects, is that this must be measured by the impact on people who are accustomed to accessing the pharmacy, not new users.
- 6.10 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.
- 6.11 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.
- 6.12 In its appeal, the Applicant provided 99 completed survey questionnaires stating
 - 6.12.1 *“... our pharmacy team asked all patients who attended the healthcare counter at any time of the day and throughout our opening times over a four week period if they would complete a short questionnaire so that*

we could gather their feedback and assess if there would be any impact on our patients.

6.12.2 *Not all patients chose to participate but, whilst this is not a regulatory requirement, we have enclosed the completed questionnaires from patients who did take part."*

6.13 The Commissioner provided information regarding the survey in its paperwork which it had received by email on 2 September 2025 from the Applicant. The tally total equals 50. The 99 questionnaires with the appeal did not have a summary so these have been counted manually. For ease of reference, the table below compares the data provided in the application and in the appeal.

Question	Application Tally	Appeal Tally
1 Would you benefit from this pharmacy opening at 8.30am?		
Yes	50	85
No	0	13
Left blank	-	1
TOTAL Qu 1	50	99
2. If yes what would be the reason?		
School run	17	29
Work	26	24
University/College	6	19
Other reason	1	12
Left blank	-	15
TOTAL Qu 2	50	99
3. We are hoping to reduce our lunch break and re-open at 14:00 rather than 14:15. Would this be helpful to you?		
Yes	50	68
No	0	20
Left blank	-	11
TOTAL Qu 3	50	99
4. We are requesting to close at 17:30, would this be an issue for you?		

Yes	0	0
No	44	86
Unsure	6	8
No/Unsure	-	2
Left blank	-	3
TOTAL Qu 4	50	99
5. If yes or unsure, would you have access to another pharmacy for your needs?		
Yes	6	10
No	-	0
Left blank	-	0
TOTAL Qu 5	6	10

- 6.14 It is unclear whether the 99 survey questionnaires submitted with the appeal were included in the tally data provided with the application to the Commissioner. Additionally, I did not receive the raw data supporting the tally details presented in the application, preventing me from verifying if all questions were answered or identifying any missing responses. A comparison of the figures indicates that the "Appeal tally total" columns reflect higher counts compared to the application, suggesting that additional individuals may have participated in the "Appeal survey" data. However, without specific information on the dates of data collection, this conclusion cannot be substantiated. Moreover, under question 2, the work figure decreased from 26 in the application to 24 in the appeal, indicating a discrepancy between the two datasets; otherwise, one would expect the figure to remain at 26 or increase, especially if 49 more forms were collected following the initial 50. I am also mindful that times of day have not been included and I do not know how many people are seen each day in order to verify if 99 responses is a true reflection of all pharmaceutical users or if this is a greater or smaller number, nor what services they accessed at the time. These inconsistencies and omissions pose challenges to accurately interpreting the data in order to make an assessment of the level of demand for pharmaceutical services.
- 6.15 Based on the Applicant's own comments and the information provided, I consider it reasonable to take the position that, without evidence to the contrary, there is a small demand for pharmaceutical services after 5.30 pm.
- 6.16 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.

- 6.17 Based on the information from both parties I know the opening times for the four main GP practices that the Applicant serves. I have also been provided with the undisputed finish times of the clinic appointments which the Applicant says is more important compared to the closing times as provided by the Commissioner.

GP Practice	Open time	Clinic finish time	Close time
Fairfield Medical Centre	08:00	17.00 Mon-Fri	18:30 (three of the four practices) Unknown for the fourth practice.
Benim Medical Centre	08:00	16.00 Mon-Fri	
Bigham Medical Centre	08:00	13.00 Mon-Fri	
Priory Medical Centre	08:30	18.15 Mon-Fri	

- 6.18 It is important to recognise at this stage that whilst the clinics may close earlier than the surgeries, the provision of pharmaceutical services is greater than the dispensing of prescriptions and includes all services that the pharmacy may offer, including additional enhanced and advanced services that may be commissioned.
- 6.19 With regard to Priory Medical Centre, the Applicant states “we only serve four patients from this practice, three of which are patients who use our delivery service.” I have also been provided with the closing times for the River Liverpool Drug & Alcohol Support clinics which is 17:00 at three branches.
- 6.20 Regarding the proposed adjustment of core hours to begin at 08:30 rather than 09:00 and at 14:00 instead of 14:15, the Applicant notes that queues often form outside prior to the current opening times. Of the patient responses provided for this appeal, 13 did not consider the earlier morning start beneficial and 20 did not consider the shorter lunch hours helpful. Whilst the survey does not provide further information why this might be the case, in my view it is reasonable to conclude that this could be because patients may not access the pharmacy at these times and so, there is no benefit or impact. As for closing at 17:30 instead of 18:15, I acknowledge the Applicant’s rationale, particularly in relation to clinic end times at various surgeries. Conversely, survey data show that 6 out of 50 respondents (12%) during the application phase and 10 out of 99 respondents (10%) at appeal were uncertain whether a 17:30 closing time would present an issue. However, I am of the view that this does not suggest that patients would no longer use the pharmacy but simply that they could not form a view of the impact at the time they answered the question.

- 6.21 Having reviewed the surveys, I reach similar conclusions to those of the Commissioner. There is an absence of certain information making it difficult to assess the results. Specifically, the surveys do not record any respondent details, nor provide information by which the accuracy or relevance of the responses can be assessed. I consider there is the omission of any indication as to whether respondents were habitual users of the pharmacy. The statutory test in paragraph 26(2ZB) concerns those who are accustomed to using the pharmacy. If respondents were occasional or one-off users, their views may not assist in determining the benefit to this cohort.
- 6.22 I further note that the surveys do not address whether those who stated that the proposed additional hours would benefit them would, in fact, attend during those hours. Paragraph 26(2ZB) concerns the likelihood of actual attendance during the revised period, not a generalised preference. The way the questions were structured does not enable this distinction to be drawn.
- 6.23 I also note that the surveys do not record the time of day at which responses were provided. Although the Applicant indicates that patients were asked throughout the relevant period, the absence of time-stamped responses means it is not possible to determine whether the sample reflects the full range of users. If, for example, responses were predominantly gathered earlier in the day, one would not expect respondents to raise concerns about earlier closing times.
- 6.24 I consider that the missing information concerning respondent characteristics, attendance patterns, and the timing of responses limits to some degree the evidential value of the surveys. The uncertainties created by these omissions mean that only limited weight can properly be given to this material in determining whether the statutory test is met.
- 6.25 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.
- 6.26 Significantly, I note that the Commissioner has not provided any representation by which to challenge or oppose the further information provided by the Applicant. In the absence of any contradictory evidence, I consider that weight must still be attributed to the survey responses notwithstanding their limitations. While the surveys do not definitively establish attendance during the proposed hours, there remains a clear and consistent trend of respondents indicating perceived benefit.
- 6.27 Furthermore, no patient categorically indicated that closing at 5:30pm created an issue. With this in mind and based on the undisputed information regarding clinic closing times earlier in the day I consider that in this case the base assumption must be that this change is likely to benefit those who are accustomed to accessing the pharmacy. When this trend is taken together with the anecdotal evidence provided by the Contractor, I consider that, albeit

imperfect, the overall balance of the available evidence generally supports the granting of the application.

6.28 I note that the Applicant has stated that there are other pharmacies open during its proposed closed hours that pharmacy users could instead visit. 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 am of the view that I have 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.

6.29 Under paragraph 26(10) *“The Secretary of State may, when determining an appeal, either confirm the action taken by the NHSCB or take any action that the NHSCB could have taken under sub-paragraph (4).”*

6.30 Paragraph 26(4) states:

(4) When it determines the application, the NHSCB must—

(a) issue a direction (which replaces any existing direction) which meets the requirements of sub-paragraphs [F391(4A),] (5) and (6) and which has the effect of either granting the application under this paragraph or granting it only in part;

b) confirm any existing direction in respect of the times at which P must provide pharmaceutical services at 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 (5) and (6); or

c) either—

(i) revoke, without replacing it, any existing direction in respect of the times at which P must provide pharmaceutical services at the pharmacy premises (whether issued under regulation 65, this Part, the 2012 Regulations, the 2005 Regulations or the 1992 Regulations), where this has the effect of granting the application under this paragraph or granting it only in part, or

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

6.31 With regard to paragraph 26(4)(a) I note that a direction is not in place for the Applicant to provide 40 core hours, as it was, and remains, a condition on inclusion for the Applicant to provide those hours.

6.32 For the above reasons, I am not confirming any existing direction in line with paragraph 26(4)(b).

6.33 Further, there is no direction to revoke in line with paragraph 26(4)(c).

6.34 The only option left to me is therefore to substitute the decision of the Commissioner to reject the change of hours application with the decision to grant the change of hours application, without a direction.

7. Determination

- 7.1 Based on the information provided, I am satisfied that the pharmaceutical services provision that would result from the Applicant's 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 services during the proposed hours.
- 7.2 Therefore, I substitute the decision of the Commissioner to reject the change of hours application, with the decision to grant the change of hours application, without a direction.

**Head of Appeals
NHS Resolution**