

13 February 2026

REF: SHA/26880

**APPEAL AGAINST BIRMINGHAM AND SOLIHULL
ICB DECISION TO GRANT AN APPLICATION BY
SIDDIQUI ONLINE PHARMACY FOR INCLUSION IN
A PHARMACEUTICAL LIST AT 14 VICTORIA
ROAD, ASTON, BIRMINGHAM B6 5HA UNDER
REGULATION 25**

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1 Outcome

- 1.1 In accordance with paragraph 2 of Schedule 3 the Committee dismisses the appeal.

A copy of this decision is being sent to:

Rushport Advisory LLP representing Siddiqui (the Applicant)
Wellbeing United Kingdom representing Villa Pharmacy Root Pharmacy and Medichem (the Appellant)
PCSE on behalf of Birmingham and Solihull ICB

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REGULATION 25****1 The Decision**

Birmingham and Solihull ICB ("the Commissioner") considered and decided to grant the application. The decision letter dated 5 January 2026 stated:

- 1.1 "Birmingham and Solihull ICB has considered the above application and I am writing to confirm that it has been granted. Please see the enclosed report for the full reasoning.
- 1.2 You have a right of appeal to the Secretary of State against Birmingham and Solihull ICB's decision. Should you choose to appeal then you should either complete the online form available on the NHS Resolution website or send a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this letter to nhsr.appeals@nhs.net or:
- 1.3 Primary Care Appeals, NHS Resolution, 8th Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU."

Actions from the Pharmacy Services Regulations Committee 19th November 2025

- 1.4 **"Distance Selling Premises – excepted application**
- 1.5 **Siddiqui Online Pharmacy Ltd**
- 1.6 **CAS-352703-S8W5S0**
- 1.7 14 Victoria Road, Aston, Birmingham, B6 5HA
- 1.8 **Decision:**
- 1.9 **Regulation 31** – refusal: same or adjacent premises
- 1.10 **Regulation 31 (1)** A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.
- 1.11 **Regulation 31(2)(a) (i) (ii)** There is no pharmacy providing pharmaceutical services at the same or adjacent premises.
- 1.12 As **Regulation 31(2)(a)** does not apply, the Committee is not required to consider Regulation **31(2) (b)**.

- 1.13 Therefore, the Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 1.14 The Committee then went on to consider Regulation 25.
- 1.15 **Regulation 25 – Distance Selling Premises Applications**
- 1.16 **Regulation 25(2)(a)** – The NHSCB must refuse an application to which paragraph 1 applies-
- 1.17 If the premises in respect of which the application is made are on the same site or in the same building as the premises of a provider of primary medical services with a patient list.
- 1.18 The Committee was satisfied that the proposed premises are not on the same site or in the same building as the premises of a provider of primary medical services with a patient list.
- 1.19 This is confirmed with information available on the NHS.UK website where the nearest general practice is located 0.3 mile away.
- 1.20 Therefore, the Committee concluded that it is not required to refuse the application under **Regulation 25(2)(a)**.
- 1.21 **Regulation 25(2)(b)(i)** – The uninterrupted provision of essential services, during the opening hours of the premises, to persons anywhere in England who request those services.
- 1.22 It was noted that within the application form, the applicant did not confirm their intention to undertake to provide appliances. The Pharmacy Procedures indicate that the service will not be provided as a face-to-face essential service.
- 1.23 Following an appeal on Rushport LLP SOPs earlier this year from a different ICB area was refused. Rushport LLP has now updated the SOPs and clinical advisors reviewed the updated SOPs.
- 1.24 The paragraph with regards to Responsible Pharmacist duties has also been amended, and clarity provided that the second pharmacist must assume responsibility immediately if the original RP needs to leave the premises for any reason. This gives assurance that uninterrupted services will be provided as per the regulations, and therefore happy to approve them on this basis.
- 1.25 Therefore, **this regulation is deemed to have been met.**
- 1.26 **Regulation 25(2)(b)(ii)** – The safe and effective provision of pharmaceutical services without face to face contact between any person receiving the services, whether on their own or on someone else's behalf, and the applicant or the applicant's staff.
- 1.27 The pharmacy procedures and detailed SOPs provided appear to meet the standard required to satisfy the regulatory requirements of the provision of pharmaceutical services without face to face contact.

- 1.28 It is clear that the wording has been amended in the new SOPs with regards to deliveries made by the local delivery driver, and there is now no mention of them handling fridge lines. This has removed the ambiguity which was present in the initial SOPs, so on this point I am satisfied that appropriate procedures will now be in place.
- 1.29 The applicant is also undertaking to provide NMS (New Medicines Service) and confirms that The Pharmacy does not provide advanced or enhanced services to patients on the premises. NMS will, where permitted, be conducted remotely with no patients accessing the service at the premises
- 1.30 Therefore, **this regulation is deemed to have been met.**
- 1.31 The Committee **Grant** the application.
- 1.32 The Committee determined that Wellbeing UK Ltd (Roots Ltd) has appeal rights, who have got the following three pharmacies in the area:
- 1.32.1 Villa Pharmacy (FC133)
- 1.32.2 Medichem (FWG95)
- 1.32.3 Roots Pharmacy (FWX61)
- 1.33 **Specific conditions – Distance Selling Premises**
- 1.34 As the application is in respect of distance selling premises, by virtue of Regulation 64(3) of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended, if the applicant is subsequently included in the pharmaceutical list for the area of Birmingham and Solihull Health and Wellbeing board in respect of the premises included in the application, that inclusion will be subject to the following conditions:
- 1.34.1 The applicant must not offer to provide pharmaceutical services to persons who are present at (which includes in the vicinity of) the proposed premises.
- 1.34.2 The means by which the applicant provides pharmaceutical services must be such that any person receiving those services does so otherwise than at the proposed premises.
- 1.34.3 The proposed premises must not be on the same site or in the same building as the premises of a provider of primary medical services with a patient list.
- 1.34.4 The pharmacy procedures for the premises must be such as to secure:
- 1.34.5 the uninterrupted provision of essential services, during the opening hours of the premises, to persons anywhere in England who request those services, and
- 1.34.6 the safe and effective provision of pharmaceutical services without face-to-face contact at the proposed premises between any person

receiving the services, whether on their own or on someone else's behalf, and the applicant or the applicant's staff; and

- 1.34.7 Nothing in the applicant's practice leaflet, in the applicant's publicity material in respect of the proposed premises, in material published on behalf of the applicant publicising services provided at or from the proposed premises or in any communication (written or oral) from the applicant or the applicant's staff to any person seeking the provision of essential services from the applicant must represent, either expressly or impliedly, that:
- 1.34.8 the essential services provided at or from the premises are only available to persons in particular areas of England, or
- 1.34.9 the applicant is likely to refuse, for reasons other than those provided for in the applicant's terms of service, to provide drugs or appliances ordered on prescription forms or repeatable prescription forms which are presented by particular categories of patients (eg because the availability of essential services from the applicant is limited to other categories of patients)."

2 The Appeal

In an online form dated 30 January 2026 addressed to NHS Resolution, Wellbeing United Kingdom Limited ("the Appellant") appealed against the decision of the Commissioner. The grounds of appeal are:

- 2.1 "Thank you for the opportunity to present our case.
- 2.2 Wellbeing currently operates three pharmacies within this locality. One of our pharmacies is located at 66 Victoria Road, Birmingham B6 5HA (Tel: 0121 554 1101), which is situated immediately adjacent to the proposed online pharmacy premises.
- 2.3 I would like to formally raise a strong objection to the approval of an additional online pharmacy in this area. This locality is already highly saturated, with more than ten pharmacies operating within a radius of approximately 1-2 miles, including both community and online pharmacies. Granting permission for another pharmacy in such a condensed area would place unnecessary pressure on existing pharmacies that are already facing significant financial challenges.
- 2.4 Furthermore, Birmingham and Solihull ICB has already raised concerns regarding inappropriate patient nomination practices without patient consent. The introduction of another online pharmacy is likely to exacerbate this ongoing issue and create further confusion and disruption for patients and providers alike.
- 2.5 My objection is based on the following points:
 - 2.5.1 1. Increased nomination issues: The addition of another online pharmacy will further intensify problems related to patient nomination,

which has already been highlighted as a serious concern by Birmingham and Solihull ICB.

- 2.5.2 2. Oversupply of pharmacies: There is no demonstrated need for an additional pharmacy--online or otherwise--given the high concentration of existing pharmacies within a short distance.
 - 2.5.3 3. Lack of additional services: Local pharmacies are already providing a full range of NHS and private services. It remains unclear what additional or enhanced services the proposed pharmacy would offer that are not already available. If such services could be provided, it is also unclear why relocation from their previous premises is necessary.
 - 2.5.4 4. Financial impact on the sector: The community pharmacy sector is currently experiencing a severe financial crisis. Approving another pharmacy in this area would further undermine the sustainability of existing pharmacies, including our three Wellbeing pharmacies, which are already meeting the healthcare needs of the local population.
- 2.6 In conclusion, given the existing service provision, the high density of pharmacies, ongoing nomination concerns, and the fragile financial state of the sector, I strongly oppose the granting of permission for this additional pharmacy."

3 Consideration

- 3.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, had regard to Regulation 25 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations") which states:

Distance selling premises applications

- (1) *Section 129(2A) and (2B) of the 2006 Act (regulations as to pharmaceutical services) does not apply to an application—*
 - (a) *for inclusion in a pharmaceutical list by a person not already included; or*
 - (b) *by a person already included in a pharmaceutical list for inclusion in that list in respect of premises other than those already listed in relation to that person,*

in respect of pharmacy premises that are distance selling premises.
- (2) *NHS England must refuse an application to which paragraph (1) applies—*
 - (a) *if the premises in respect of which the application is made are on the same site or in the same building as the premises of a provider of primary medical services with a patient list; and*
 - (b) *unless NHS England is satisfied that the pharmacy procedures for the pharmacy premises are likely to secure—*

- (i) *the uninterrupted provision of essential services, during the opening hours of the premises, to persons anywhere in England who request those services, and*
- (ii) *the safe and effective provision of pharmaceutical services without face to face contact at the pharmacy premises between any person receiving the services, whether on their own or on someone else's behalf, and the applicant or the applicant's staff.*

3.2 The Committee noted that the application had been made under Regulation 25 and as such, it is a notifiable application in accordance with the Regulations. The Committee noted that the decision had been notified to parties in accordance with paragraph 28(3)(b) and a right of appeal was given to those parties in accordance with paragraph 30 of Schedule 2.

3.3 The Committee noted Schedule 3, Part 1 paragraph 2 states:

Misconceived Appeals

2. If the Secretary of State, after considering a valid notice of appeal under regulation 45, 63 or 77 or paragraph 30, 32(5) of 36 of Schedule 2 against a decision, is of the opinion that the notice –

a) contains no valid grounds of appeal (for example, because it amounts to a challenge to the legality or reasonableness of a HWB's or PCT's pharmaceutical needs assessment, or to the fairness of the process by which the HWB or a PCT undertook that assessment); or

(b) contains no reasonable grounds of appeal (for example, where it is vexatious or frivolous),

the Secretary of State may determine the appeal by dismissing it (without proceeding to notify the appeal under Part 2).

3.4 The Committee considered the appeal in accordance with paragraph 2 of Schedule 3, misconceived appeals, as quoted above.

3.5 The Committee noted that Regulation 25 is specific in the criteria an Applicant must satisfy, if the proposed distance selling pharmacy application is to succeed.

3.6 The Committee noted that the Appellant had stated in their letter of appeal that it *"would like to formally raise a strong objection to the approval of an additional online pharmacy in this area. This locality is already highly saturated, with more than ten pharmacies operating within a radius of approximately 1-2 miles, including both community and online pharmacies. Granting permission for another pharmacy in such a condensed area would place unnecessary pressure on existing pharmacies that are already facing significant financial challenges. Furthermore, Birmingham and Solihull ICB has already raised concerns regarding inappropriate patient nomination practices without patient consent. The introduction of another online pharmacy is likely to exacerbate*

this ongoing issue and create further confusion and disruption for patients and providers alike". The Committee noted that the Appellant had sought to appeal on the basis of concerns "given the existing service provision, the high density of pharmacies, ongoing nomination concerns, and the fragile financial state of the sector."

3.7 The Committee noted that Regulation 25(2) states :

NHS England must refuse an application to which paragraph (1) applies—

- (a) if the premises in respect of which the application is made are on the same site or in the same building as the premises of a provider of primary medical services with a patient list; and*
- (b) unless NHS England is satisfied that the pharmacy procedures for the pharmacy premises are likely to secure—*
 - (i) the uninterrupted provision of essential services, during the opening hours of the premises, to persons anywhere in England who request those services, and*
 - (ii) the safe and effective provision of pharmaceutical services without face to face contact at the pharmacy premises between any person receiving the services, whether on their own or on someone else's behalf, and the applicant or the applicant's staff.*

3.8 The Committee noted that the Applicant is proposing to open a distance selling pharmacy from the premises at 14 Victoria Road, Aston, Birmingham B6 5HA. Further, the Applicant has confirmed that there would be no interruption to the provision of essential services during the opening hours of the premises to persons anywhere in England and the safe and effective provision of pharmaceutical services without face to face contact at the pharmacy premises between any person receiving the services, whether on their own or on someone else's behalf, and the applicant or the applicant's staff. The Committee is of the view that the decision of the Commissioner in this specific regard is not challenged.

3.9 The Committee was of the view that, the location of the pharmacy in the application in relation to other pharmacies in the area, alleged nomination issues, services already available through other pharmacies and financial impact was not something which could be taken into consideration in relation to Regulation 25. The Committee was of the view that there were no grounds in the appeal to lead it to believe that the granting of the distance selling pharmacy was not in accordance with Regulation 25.

3.10 From the information before it, the Committee concluded that the Appellant has not provided grounds of appeal sufficient as to challenge the view that the application should be granted under the specific provisions of Regulation 25.

4 Decision

- 4.1 In accordance with paragraph 2 of Schedule 3 the Committee dismisses the appeal as it is of the view that it contains no reasonable grounds of appeal.

Case Manager
Primary Care Appeals