

20 March 2026

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FILE REF: **SHA/26933**

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COMMISSIONER: **Nottingham and Nottinghamshire ICB**
("the Commissioner")

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

PREMISES: **Peak Pharmacy (FG577)**
35 Plains Road,
Mapperley,
Nottinghamshire

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

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

1 Outcome

- 1.1 The appeal is granted and, pursuant to paragraph 25(3)(c)(ii), no direction is issued.

A copy of this decision is being sent to:

PCT Healthcare Ltd t/a Peak Pharmacy (FG577)
East Midlands Primary Care Team on behalf of Nottingham and Nottinghamshire ICB

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35 Plains Road,
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**THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL AND LOCAL
PHARMACEUTICAL SERVICES) REGULATIONS 2013 ["THE REGULATIONS"]**

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

DIRECTION OF ADDITIONAL CORE OPENING HOURS

1 Introduction

- 1.1 Relying on Paragraph 25 of Schedule 4, the Commissioner has requested that the Appellant open from 10am to 12 noon on Sunday 5 April 2026.
- 1.2 The Appellant seeks to appeal to NHS Resolution.

Rights of appeal

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

Opening hours

1.5 A pharmacy's opening hours may be categorised as:

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

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

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

Alteration of 'supplementary' opening hours

1.7 Other days or times at which services are to be provided (as set out in the original application for entry in the pharmaceutical list pursuant to paragraph 23(3) of Schedule 4 as "supplementary hours") may be altered by giving notice to the Commissioner, in accordance with paragraph 23(6)(a) without the need to make an application.

1.8 Notices under paragraph 23(6)(a) are not subject to review by NHS Resolution.

The Commissioner's Request

1.9 The Commissioner wishes the Appellant to open from 10am to 12 noon on Sunday 5 April 2026, a day on which it would otherwise be closed.

2 The Direction

In a letter to the Appellant dated 4 February 2026, the Commissioner stated:

2.1 "Pharmacies are not required by their terms of service to open on Christmas Day, Good Friday, Easter Sunday or on a bank holiday, although they may choose to do so. I can confirm that we have not been notified of any pharmacies that will be open in Mapperley on Easter Sunday 5 April 2026, and no pharmacies have volunteered to open on this day.

2.2 Under section 126 of the NHS Act 2006 (Arrangements for pharmaceutical services), NHS England (now delegated to the ICBs) must make arrangements for the provision, to persons who are in England, of:

- (a) "proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his

functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown,

(b) proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of—

(c) listed drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of the provision of primary dental services or equivalent services in the Scottish health service or the Northern Ireland health service,

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

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

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

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

- 2.3 In light of the fact no pharmacies will be open on Easter Sunday 5 April 2026, NHS Nottingham and Nottinghamshire ICB is of the opinion that the needs of people in its area or other likely users of pharmacy premises for pharmaceutical services will not be met on this day.
- 2.4 NHS Nottingham and Nottinghamshire ICB has therefore considered what arrangements need to be put in place on Easter Sunday 5 April 2026 in order to discharge this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a day that is not a bank or public holiday, there will still be a need for pharmaceutical services by people who live within Mapperley or are visiting the area. Whilst GP practices will be closed on Easter Sunday 5 April 2026, other providers of NHS services will be open to treat patients, such as the GP out of hours service and A&E departments.
- 2.5 We believe that, as a minimum, the services for which there will be a need on Easter Sunday are as follows.
- 2.5.1 The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work.
- 2.5.2 The Pharmacy First service for the urgent supply of repeat medicines, referrals from NHS111 for low acuity, minor illnesses or under one of the clinical pathways.

- 2.5.3 The NHS pharmacy contraception advanced service, particularly as it is being expanded to include the provision of emergency contraception from October 2025.
- 2.6 Of course, some people may wish to access other essential and advanced services. As stated above, we are not aware of any pharmacies that will be open on Easter Sunday 5 April 2026 and therefore at present the ICB is unable to discharge the duty as set out in section 126 of the NHS Act 2006.
- 2.7 We have consulted with Community Pharmacy Nottinghamshire representatives and made them aware of our intentions to issue this direction, and the rationale behind the proposal. Community Pharmacy Nottinghamshire are in support of the need to ensure adequate pharmaceutical provision on Easter Sunday 5 April 2026 and are willing to provide guidance to contractors on this direction. The contact email address of Community Pharmacy Nottinghamshire should you wish to contact them is chiefofficer@nottinghamshireipc.co.uk.
- 2.8 We informed your pharmacy that our team was conducting an assessment as to whether to issue a direction pursuant to paragraph 25(1) of Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended. The pharmacy was issued with a proposal to direct letter which was sent on Friday 17 October 2025 to the email address we have on file for your pharmacy, pharmacy.fg577@nhs.net.
- 2.9 This assessment has now concluded, and our team have not received any representations on your behalf, therefore we are now issuing the pharmacy with the enclosed direction.
- 2.10 Your core opening hours on **Easter Sunday 5 April 2026** are therefore: **10:00 – 12:00**
- 2.11 The reasons for directing the above pharmacy to open are:
- 2.11.1 There is a need to provide pharmaceutical services in Mapperley where there is currently no provision on Easter Sunday 5 April 2026.
- 2.11.2 There has been no voluntary offer of pharmacy provision in the Mapperley area to meet the needs of people living in the area on Easter Sunday 5 April 2026.
- 2.11.3 Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Nottingham and Nottinghamshire which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for NHS Nottingham and Nottinghamshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.

- 2.12 The level of remuneration for Easter Sunday 5 April 2026, will be £350 per hour for a maximum of 2 hours. Please ensure that you submit a claim for opening through PharmOutcomes within 28 calendar days of the directed day. If this is not claimed within 28 calendar days, our team will issue a final reminder and you will have a further 17 calendar days to submit a claim (within 45 calendar days of the directed day). Please note that claims submitted outside of this 45-calendar day deadline will not be paid. If you anticipate any difficulties in submitting the claim, please contact our team via england.eastmidpharmacy@nhs.net at your earliest convenience. If no claim is made, this will be investigated by NHS Nottingham and Nottinghamshire ICB in order to establish whether or not there has been a breach of the terms of service.
- 2.13 Please ensure that you update the pharmacy's profile on the NHS England directory of service (DOS) and NHS.UK using profile manager with the hours that you are being directed to open.
- 2.14 You have the right of appeal to the Secretary of State against our decision. Should you choose to appeal, then you should send in writing 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 Primary Care Appeals Case Manager, NHS Resolution, 8th Floor 10 South Colonnade, Canary Wharf, London, E14 4PU.
- 2.15 If you have any questions, please do not hesitate to contact me."

3 The Appeal

In a letter to NHS Resolution dated 5 March 2026 the Appellant appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 "Further to a direction of core opening hours received in a full direction letter for the above pharmacy to open on 3 April 2026, PCT Healthcare Limited writes to appeal to the Primary Care Appeals Unit.
- 3.2 PCT Healthcare Limited are aware of the need for adequate pharmaceutical services provision. However, we feel that this particular direction has not been based on adequate research and reasoning by East Midlands Primary Care Team (EMPCT).
- 3.3 There is no detail within the letter from the EMPCT, as it is generic, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons (our patients) will not be met on this day that we are required to open our pharmacy, FG577 in the Mapperley area.
- 3.4 Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the notification a statement of "the reasons for the change". We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 10:00 to 12:00 on Easter Sunday.

- 3.5 In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Easter Sunday. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.
- 3.6 With regards to the assessment mentioned where are the results of this assessment, why have they not been shared with contractors in our locality, and in particular our pharmacy FG577.
- 3.7 In addition, where are the minutes of the engagement with Community Pharmacy Nottinghamshire and the ICB with reference to pharmaceutical provision on Easter Sunday.

Urgent treatment centres & hospitals

- 3.8 With regards to our pharmacy location within Mapperley there are 43 community pharmacies located closer to the Urgent Treatment Centre (UCC) at Seaton House, City Link (NG2 4LA) in Nottingham according to NHS.uk.
[Find a pharmacy – NHS](#)

	Pharmacy	Postcode	Distance to UCC (miles)
	UCC Centre	NG2 4LA	0
1	Sneiton Road Pharmacy	NG2 4QL	<0.5
2	The Ceyx Pharmacy	NG1 2EW	<0.5
3	Boots	NG1 3QS	<0.5
4	Asim's Chemist	NG2 4BU	<0.5
5	Dales Pharmacy & Clinics	NG2 4LQ	<1.0
6	Peak Pharmacy	NG2 2JD	<1.0
7	Glashouse (Nott'm) Ltd	NG1 3LS	<1.0
8	Phakeys Pharmacy	NG3 2FN	<1.0
9	Wellspring Pharmacy	NG3 3GG	<1.0
10	Turners Pharmacy	NG3 7DQ	<1.0
11	Applegate Pharmacy	NG7 3GP	<2.0
12	Parmars Pharmacy	NG3 4JP	<2.0
13	Ladybay Pharmacy	NG2 5BX	<2.0
14	Boots	NG2 5GR	<2.0
15	S Singh Pharmacy	NG2 6BT	<2.0
16	Green Cross Pharmacy	NG2 7PX	<2.0
17	Nexus Pharmacy	NG7 3PE	<2.0
18	Carlton Hill Pharmacy	NG4 1HW	<2.0
19	My local chemist	NG2 7RL	<2.0
20	Cox Pharmacy	NG3 7EJ	<2.0
21	Allied Pharmacy Derby Road	NG7 2DW	<2.0
22	Medina Chemist	NG7 5DR	<2.0
23	My Local Chemist	NG2 6EN	<2.0
24	Boots	NG2 1RU	<2.0
25	Carrington Pharmacy	NG5 2DA	<2.0
26	Mary Potter Pharmacy	NG7 5HY	<2.0
27	Hyson Green Pharmacy	NG7 5JD	<2.0

28	Asda Pharmacy	NG7 5FP	<2.0
29	Shalley's Chemist	NG7 7LJ	<2.0
30	Asda Pharmacy	NG2 7JA	<2.0
31	Vantage Vale Chemist	NG4 2EB	<2.0
32	Trust Pharmacy	NG7 2UH	<2.0
33	Sherwood Late Night Pharmacy	NG5 2DR	<2.0
34	LP Pharmacy	NG2 7RS	<5.0
35	Radford Road Pharmacy	NG7 7EA	<5.0
36	Mapperley Pharmacy	NG3 5QQ	<5.0
37	Ascent Pharmacy – Sherwood	NG5 2GE	<5.0
38	Well	NG8 1FG	<5.0
39	Morrisons Pharmacy	NG2 6PS	<5.0
40	Boots	NG7 2QW	<5.0
41	Boots	NG3 5QS	<5.0
42	Jayplex Dispensing Chemist	NG5 3FW	<5.0
43	Notts Pharmacy	NG4 4FG	<5.0
	Peak Pharmacy (FG577)	NG3 5JU	<5.0

- 3.9 Our pharmacy is located 3.2 miles by road from the Urgent Treatment Centre (UCC) at The Nottingham NHS Urgent Treatment Centre, Seaton House, City Link (NG2 4LA), there is only limited bus provision on Easter Sunday the time for the journey between the UCC and our pharmacy is between 33 – 44 minutes one way. For carers with poorly children a round trip of approximately 1 hour 30 minutes, is too long, however this time does not take into account the limited service and how long patients would be waiting to return to Mapperley. [Map provided]
- 3.10 This is a map from [Postcode IMD Decile Mapper 2025 – IMD2025](#) indicating the locations of the pharmacies identified within the table closer to the Urgent Treatment Centre (UCC) in Nottingham at NG2 4LA. All the dots are pharmacies which are closer to the UCC centre than our pharmacy.
- 3.11 In fact, Mapperley is a charming suburb located in the northeast of Nottinghamshire, our pharmacy is located over 4.5 miles from the main hospital in Nottingham with an A&E department. It is bordered by the suburbs of Sherwood, Woodthorpe and Arnold. Today Mapperley offers a peaceful living environment with a mix of tranquil residential streets and a vibrant commercial scene, making it a desirable place for families and commuters alike.
- 3.12 With regards to our pharmacy location within Mapperley there are more than 50 community pharmacies located closer to the A&E department at Queen's Medical Centre, Derby Road, Nottingham NG7 2UH, which operates 24 hours according to NHS.uk. [Find a pharmacy - NHS](#) NHS.uk stops at 50 community pharmacies which are listed below.

	Pharmacy	Postcode	Distance to UCC (miles)
	Hospital A&E Department	NG7 2UH	0
1	Trust Pharmacy	NG7 2UH	< 0.5
2	Boots	NG7 2QW	< 0.5
3	Allied Pharmacy Derby Road	NG7 2DW	< 1.0

4	Well	NG8 1FG	< 1.0
5	Boots	NG2 1RU	< 2.0
6	Applegate Pharmacy	NG7 3GR	< 2.0
7	Beechdale Pharmacy	NG8 3LF	< 2.0
8	Nexus Pharmacy	NG7 3PE	< 2.0
9	Mary Potter Pharmacy	NG7 5HY	< 2.0
10	Medina Chemist	NG7 5DR	< 2.0
11	Hyson Green Pharmacy	NG7 5JD	< 2.0
12	Jardines Pharmacy	NG9 2LA	< 2.0
13	Abbey Pharmacy	NG9 2QP	< 2.0
14	Boots	NG9 2JQ	< 2.0
15	Ascent Pharmacy – Russell Drive	NG8 2BE	< 2.0
16	Peak Pharmacy	NG2 2JD	< 2.0
17	Tesco Instore Pharmacy	NG9 2WJ	< 2.0
18	Asda Pharmacy	NG7 5FP	< 2.0
19	The Ceyx Pharmacy	NG1 2EW	< 2.0
20	Beeston Manor Pharmacy	NG9 1GA	< 2.0
21	Boots	NG1 3QS	< 2.0
22	Ways Pharmacy	NG9 1EJ	< 2.0
23	Grewal Chemist	NG9 1EJ	< 2.0
24	Jaysons Pharmacy	NG8 2GB	< 2.0
25	Glasshouse (Nott'M) Ltd	NG1 3LW	< 2.0
26	My Local Chemist	NG2 7RL	< 2.0
27	Boots	NG8 2QP	< 2.0
28	Silverdale Pharmacy	NG11 7FH	< 5.0
29	Shally's Chemist	NG7 7LJ	< 5.0
30	Lp Pharmacy	NG2 7RS	< 5.0
31	Vantage Pharmacy	NG8 5HL	< 5.0
32	Well	NG8 4PH	< 5.0
33	Radford Road Pharmacy	NG7 7EA	< 5.0
34	Sneinton Road Pharmacy	NG2 4QL	< 5.0
35	Queen's Pharmacy Centre	NG8 5DB	< 5.0
36	Boots	NG8 4PN	< 5.0
37	Asda Pharmacy	NG2 7JA	< 5.0
38	Wellspring Pharmacy	NG3 3GG	< 5.0
39	Carrington Pharmacy	NG5 2DA	< 5.0
40	Well	NG8 5ND	< 5.0
41	Green Cross Pharmacy	NG2 7PZ	< 5.0
42	Old Basford Pharmacy	NG6 0HA	< 5.0
43	Parmars Pharmacy	NG3 4JP	< 5.0
44	Asim's Chemist	NG2 4BU	< 5.0
45	Phakeys Pharmacy	NG3 2FN	< 5.0
46	Dale Pharmacy & clinics	NG2 4LQ	< 5.0
47	Boots	NG2 5GR	< 5.0
48	My local chemist	NG2 6EN	< 5.0
49	Well	NG9 4ET	< 5.0
50	S Singh Pharmacy	NG2 6BT	< 5.0

51	Peak Pharmacy (FG577)	NG3 5JU	4.7 miles by Google maps via road
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- 3.13 This is a map from [Postcode IMD Decile Mapper 2025 – IMD2025](#) indicating the locations of the 50 pharmacies identified within the table closer to the A&E department at Queens Medical Centre in Nottingham at NG7 2UH. All the dots are pharmacies which are closer to the hospital than our pharmacy. (NOTE: only 50 pharmacies are listed on NHS.uk) [Map provided]
- 3.14 Our pharmacy is located 4.7 miles by road from the A&E department at Queens Medical Centre, NG7 2UH there is only limited bus provision on Easter Sunday the time for the journey between the A&E department and our pharmacy is between 42 to 53 minutes, one way. For carers with poorly children a round trip of approximately 1 hour 40 minutes is too long, however this does not take into account the limited service and how long patients would be waiting to return into Mapperley.
- 3.15 There is no single bus from Mapperley to Queens Medical Centre A&E, by public transport the route involves either bus plus tram or multiple buses.
- 3.16 [Map provided]
- 3.17 PCT Healthcare Limited has completed a review of the pharmacies located close to Queens Medical Centre A&E department NG7 2UH, regarding the IMD for their postcodes.
- 3.18 The details provided in the table below, are from the Ministry of Housing Communities & Local Government – English indices of deprivation. [Postcode IMD Decile Mapper 2025 – IMD2025](#)
- 3.19 Our pharmacy FG577, NG3 5JU is located within an IMD decile of 10, which means our pharmacy is located within an area which is the least deprived amongst all the neighbourhoods in England. This means that Mapperley area has the lowest levels of deprivation compared to others, reflecting a high quality of life and access to resources.
- 3.20 The shaded pharmacies of which there are 17 in column E of the table are all in LSOA areas with an overall Index of Multiple Deprivation Decile (IMD) of either 1 or 2 placing these locations within the most deprived areas in England.
- 3.21 Table from [What Is an IMD Decile? | IMD 2025 Explainer](#)

Decile	Position in England	Meaning
1	Most deprived ten percent	Areas with highest levels of deprivation.
2	Ten to twenty percent most deprived	Areas still facing relatively high deprivation.

3 to 8	Middle groups	Areas around or slightly above or below the England average.
9	Ten to twenty percent least deprived	Areas with relatively low deprivation.
10	Least deprived ten percent	Areas with lowest levels of deprivation.

- 3.22 Decile 1 represents the 10% most deprived areas in England. There are 12 pharmacies in the top 10% most deprived areas of England which are located closer to The Nottingham NHS Urgent Treatment Centre at Seaton House (NG2 4LA).
- 3.23 Additionally, considering column J, the Health and Disability Rank, there are 15 pharmacies located in areas with a Health and Disability Ranking of 1. These 15 pharmacies are located closer to the UCC centre in Nottingham, NG2 4LA.
- 3.24 [Excel spreadsheet provided]
- 3.25 PCT Healthcare Limited has completed a review of the pharmacies located close to Queens Medical Centre A&E department NG7 2UH, regarding the IMD for their postcodes.
- 3.26 The details provided in the table below, are from the Ministry of Housing Communities & Local Government – English indices of deprivation. Postcode IMD Decile Mapper 2025 – IMD2025
- 3.27 Our pharmacy FG577, NG3 5JU is located within an IMD decile of 10, which means our pharmacy is located within an area which is the least deprived amongst all the neighbourhoods in England. This means that Mapperley area has the lowest levels of deprivation compared to others, reflecting a high quality of life and access to resources.
- 3.28 The highlighted pharmacies of which there are 13 in column H of the table are all in LSOA areas with an overall Index of Multiple Deprivation Decile (IMD) of 1 placing these locations within the most deprived areas in England. In addition, these pharmacies are also located in Decile 1 for health.
- 3.29 [Excel spreadsheet provided]
- 3.30 PCT Healthcare Limited has proved that FG577 is within a non-deprived area.
- 3.31 There is no evidence provided in the direction letter to indicate why our pharmacy in Mapperley is required to open on Easter Sunday and no evidence from any assessment indicating a need from pharmaceutical provision within Mapperley.
- 3.32 The letter mentions a need to provide pharmaceutical service to patients within Nottingham but does not mention Mapperley, there are no specific points within

the direction letter explaining why FG577 was specifically directed to open on Easter Sunday based on the Regulations.

- 3.33 In conclusion, our pharmacy has received this direction, however for the reasons discussed above we do not feel it has been made clear as to why our pharmacy, in particular, has been chosen to open at on Easter Sunday. Our pharmacy is not located within Nottingham but is over 4.7 miles northeast of Nottingham city centre.”

4 Representations

In a letter to NHS Resolution dated 12 March 2026 the Commissioner stated:

- 4.1 “Thank you for your letter dated 6 March 2026 notifying us that Peak Pharmacy (FG577) has appealed against NHS Nottingham and Nottinghamshire Integrated Care Boards (ICB) decision to direct their pharmacy (FG577) to open on Easter Sunday 5 April 2026.
- 4.2 We note that Peak Pharmacy (FEL83) are appealing this direction for the reasons listed below;
- 4.2.1 *There is no detail within the letter from the EMPCT, as it is generic, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons (our patients) will not be met on this day that we are required to open our pharmacy, FG577 in the Mapperley area.*
- 4.2.2 *Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the notification a statement of “the reasons for the change”. We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 10:00 to 12:00 on Easter Sunday. In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Easter Sunday. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.*
- 4.3 The East Midlands Primary Care Team (EMPCT) on behalf of NHS Nottingham and Nottinghamshire ICB would like to make the following representations:
- 4.4 NHS Nottingham and Nottinghamshire ICB under Schedule 4, Part 3, paragraph 25(2)(b) of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (As amended) has the ability to direct a pharmacy to open where a need is determined.
- 4.5 The regulations state;
- “(6) The NHSCB must notify P of any direction issued or any other action taken under subparagraph(3), and where it sets new days on which or times at which*

P is to provide pharmaceutical services at pharmacy premises, it must include with the notification a statement of -

(a) the reasons for the change and

(b) P's right of appeal under paragraph (7)."

4.6 As you will be aware, pharmacies are not required by their terms of service to open on Christmas Day, Good Friday, Easter Sunday or on a bank holiday, although they may choose to do so.

4.7 NHS Nottingham and Nottinghamshire ICB have not been notified of any pharmacies that will be open in the Mapperley area on Easter Sunday 5th April 2026 and no pharmacies have volunteered to open on this day. Under section 126 of the NHS Act 2006 (Arrangement for pharmaceutical services), NHS England (now delegated to the ICBS) must make arrangements for the provision, to person's who are in England of;

(a) "proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown,

(b) proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of—

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

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

(c) listed drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of the provision of primary dental services or equivalent services in the Scottish health service or the Northern Ireland health service,

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

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

4.8 In light of the fact no pharmacies will be open on Easter Sunday 5th April 2026 NHS Nottingham and Nottinghamshire ICB is of the opinion that the needs of people in its area or other likely users of pharmacy premises for pharmaceutical services will not be met on this day.

4.9 NHS Nottingham and Nottinghamshire ICB has considered what arrangements need to be put in place on Easter Sunday 5th April 2026 in order to discharge

this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a Sunday that is not a public holiday, there will still be a need for pharmaceutical services by people who live within Mapperley and surrounding areas or are visiting during the festive period. Whilst GP practices will be closed on Easter Sunday 5th April 2026, other providers of NHS services will be open such as the out of hours services and A&E departments.

- 4.10 We believe that, as a minimum, the services for which there will be a need on Easter Sunday 5th April 2026 are as follows.

4.10.1 *The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work and pharmacies reducing their supplementary opening hours on Easter Sunday.*

4.10.2 *The Pharmacy First service for the urgent supply of repeat medicines, referrals from NHS11 for low acuity, minor illnesses or under one of the clinical pathways.*

4.10.3 *The NHS pharmacy contraception advanced service, particularly as it is being expanded to include the provision of emergency contraception from October 2025.*

- 4.11 Of course, some people may wish to access other essential and advanced services. As stated above, we are not aware of any pharmacies that will be open on Easter Sunday 5th April 2026 and therefore at present NHS Nottingham and Nottinghamshire ICB is unable to discharge the duty as set out in section 126 of the NHS Act 2006.

- 4.12 NHS Nottingham and Nottinghamshire ICB emailed out to all contractors on 21 March 2025 to request that pharmacy contractors complete a Microsoft Form to inform us of their intentions over the bank holiday periods during 2025-26 and return the completed form to england.eastmidsparmacy@nhs.net by 18 April 2025. This form enables NHS Nottingham and Nottinghamshire ICB to identify whether any pharmacies intend to open voluntarily. NHS Nottingham and Nottinghamshire ICB did not receive any volunteers within the area. As set out above, NHS England (now delegated to the ICBS) must make arrangements for the provision of pharmaceutical care, and in the absence of this provision, look to issue a direction.

- 4.13 An initial assessment undertaken by the East Midlands Primary Care Team, drawing on the Pharmaceutical Needs Assessment (PNA), levels of deprivation within Nottinghamshire, and the distribution of urgent care centres and emergency departments, identified a requirement for pharmaceutical provision in the area. Peak Pharmacy (FG577) has been determined to meet the needs of the Mapperley population for the following reasons:

4.13.1 *There is a need to provide pharmaceutical services in Mapperley where there is currently no provision on Easter Sunday 5th April 2026.*

- 4.13.2 *There has been no voluntary offer of pharmacy provision in the Mapperley area to meet the needs of people living in the area on Easter Sunday 5th April 2026.*
- 4.13.3 *Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Nottingham and Nottinghamshire ICB which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This direction ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for NHS Nottingham and Nottinghamshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this direction would ensure provision of dispensing for these patients.*
- 4.13.4 *Consultations are held regularly with the Local Pharmaceutical Committee for pharmaceutical provision of upcoming public or bank holidays. On this occasion a meeting was held on 21 May 2025 with a representative of the LPC to discuss the proposed pharmacies for direction, and no rationale was provided to oppose the direction of Peak Pharmacy (FG577) on Easter Sunday 5th April 2026.*
- 4.14 As a result of NHS Nottingham and Nottinghamshire ICB assessment, it has been determined that direction is required to provide adequate pharmaceutical services. Peak Pharmacy (FG577) was directed to open for the hours of 10:00-12:00 as the pharmacy satisfies the above assessment criteria, The pharmacy will receive £350.00 per hour for up to a maximum of 2 hours for opening as directed.
- 4.15 In response to:
- 4.16 *There is no detail within the letter from the EMPCT, as it is generic, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons (our patients) will not be met on this day that we are required to open our pharmacy, FG577 in the Mapperley area.*
- 4.17 A diligent assessment was undertaken, as set out above, with the pharmacy being identified as meeting this assessment criteria and subsequently being issued with a direction. An explanation as to why the pharmacy was issued with a direction was provided to them in their direction letter, sent to the pharmacy via email on 4 February 2026.
- 4.18 In response to:
- 4.19 *Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the notification a statement of “the reasons for the change”. We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 10:00 to 12:00 on Easter Sunday.*

- 4.20 *In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Easter Sunday. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.*
- 4.21 As previously stated, Peak Pharmacy (FG577) was issued with a direction following NHS Nottingham and Nottinghamshire ICB's diligent assessment process. Other pharmacies in the Mapperley area were considered as part of this process. However, the assessment takes into account the geographical location of pharmacies within the agreed locality, the proximity to an urgent care centre and the proximity to a deprived MSOA and in this instance FG577 was selected to ensure equitable access for patients and likely users of the service.
- 4.22 As set out in the direction letter, Peak Pharmacy (FG577) is located within, or in close proximity to, a deprived area. This direction secures pharmaceutical service provision within a designated area of deprivation, supporting the ICB's statutory responsibility to improve access to healthcare and address health inequalities. Deprived areas typically show higher prevalence of long-term conditions that require consistent management, and the direction ensures appropriate dispensing provision to meet these population health needs.
- 4.23 While other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FG577 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers.
- 4.24 I would like to take this opportunity to respond to any further representations provided by Peak Pharmacy (FG577) 35 Plains Road, Mapperley, Nottingham, NG3 5JU."

5 Observations

In a letter to NHS Resolution dated 17 March 2026 the Appellant stated:

- 5.1 "Thank you for your email including the representations from East Midlands primary Care Team (EMPCT) on behalf of NHS Nottingham and Nottinghamshire ICB dated 12 March 2026.
- 5.2 PCT Healthcare Limited shall consider each of the points from the representations in turn.
- 5.3 *On page 3, Regarding the ICBs response to PCT Healthcare Ltd*

NHS Nottingham and Nottinghamshire ICB has considered what arrangements need to be put in place on Easter Sunday 5th April 2026 in order to discharge this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a Sunday that is not a public holiday, there will still be a need for pharmaceutical services by people who live within Mapperley and surrounding areas or are visiting during the festive period. Whilst GP practices will be closed on Easter Sunday 5th April

2026, other providers of NHS services will be open such as the out of hours services and A&E departments.

5.4 We presume the reference to the festive period is a typographical error, in the above paragraph.

5.5 Additionally on page 3 of the representations.

We believe that, as a minimum, the services for which there will be a need on Easter Sunday 5th April 2026 are as follows.

The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work and pharmacies reducing their supplementary opening hours on Easter Sunday.

5.6 PCT Healthcare Ltd t/a Peak Pharmacy in Mapperley FG577 has no opening hours on a Sunday neither core nor supplementary hours as a contractor we shall not be amending our opening hours on Easter Sunday.

5.7 We wish to reiterate the evidence submitted in our appeal letter dated 5 March 2026 to NHS Resolution, there are several pharmacies which are located in LSOA areas with a lower or equivalent overall Index of Multiple Deprivation Decile (IMD) than our pharmacy FG577, all of these pharmacies are closer to the Queens Hospital A&E Department than our pharmacy.

5.8 As advised in our appeal letter dated 5 March 2026, with regards to our pharmacy location within Mapperley there are forty-two community pharmacies located closer to the Urgent Treatment Centre (UCC) at Seaton House, City Link (NG2 4LA) in Nottingham from NHS.uk. [Find a pharmacy – NHS](#) PCT Healthcare Limited reviewed pharmacies close to the A&E department in Mapperley located at Queens Hospital where patients are advised to access healthcare on Bank Holidays when their GP Surgeries are closed.

5.9 With regards to our pharmacy location within Mapperley there are more than fifty community pharmacies located closer to the A&E Department at Queen's Medical Centre, Derby Road, Nottingham NG7 2UH according to NHS.uk. [Find a pharmacy - NHS](#) (details below)

5.10 On page 3,

"Pharmacy First service..."

5.11 What are the numbers of Pharmacy First provisions during a previous Easter Sunday Bank Holiday in Mapperley as this detail was not included in the direction to FG577?

5.12 On page 3,

"NHS pharmacy contraception advanced service..."

- 5.12.1 What are the numbers of emergency contraception (EHC) provisions during previous Easter Sunday Bank Holidays in Mapperley as this detail was not included in the direction to FG577? The EHC service within Nottinghamshire has operated via Nottinghamshire County Council for over a decade, the ICB would have access to this detail.
- 5.12.2 With regards to our pharmacy location within Mapperley there are four community pharmacies located within this locality. *Postcode IMD Decile Mapper 2025 – IMD2025* (as indicated by the blue circles) [map provided]
- 5.12.3 Deprivation details for the pharmacies within Mapperley; one is the most deprived areas within England and ten is the least deprived areas.

Pharmacy Name	Postcode	PCD Sector	IMD decile	Health
Mapperley Pharmacy	NG3 5QQ	NG3 5	9	9
Boots	NG3 5QS	NG3 5	10	9
Peak Pharmacy FG577	NG3 5JU	NG3 5	10	9
Westdale Pharmacy	NG3 6ET	NG3 6	10	9

- 5.12.4 Our pharmacy and the other pharmacies within Mapperley are not in a deprived area, those patients accessing services for out of hours GP services or A&E services will pass over fifty other closer pharmacies before reaching our pharmacy FG577 in Mapperley.
- 5.12.5 Why has the ICB selected our pharmacy to be directed to open on Easter Sunday? There are two pharmacies almost opposite each other in Mapperley, our pharmacy FG577 and Boots at postcode NG3 5QS, see photo below. (Boots on the left and Peak Pharmacy identified by the red pharmacy circle) [photo provided]
- 5.12.6 Why was our pharmacy directed to open over any other, where is the evidence?
- 5.12.7 On page 4, “*A diligent assessment was undertaken...*”
- 5.12.8 With regards to the “diligent assessment” mentioned within this paragraph where are the results of this assessment, why have they not been shared with contractors in the Mapperley locality, and in particular our pharmacy FG577?
- 5.12.9 On page 5, regarding the paragraph

While other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FG577 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers.

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

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

5.12.12 In conclusion, our pharmacy has received this direction, however for the reasons discussed above we do not feel it has been made clear as to why our pharmacy has been chosen to open on Easter Sunday 2026, as opposed to another pharmacy in Mapperley.”

6 Assessment

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

1. *Where it appears to NHS England, after consultation with or having considered the matter at the request of the Local Pharmaceutical Committee for the area in which the premises are situated, that the days on which or times at which pharmacy premises are or are to be open for the provision of pharmaceutical services will not, or no longer, meet the needs of—*
 - (a) *people in its area; or*
 - (b) *other likely users of the pharmacy premises,*
for the pharmaceutical services available at or from those premises, it must carry out an assessment as to whether to issue a direction requiring the NHS pharmacist (P) whose premises they are to provide pharmaceutical services at or from the pharmacy premises at set times and on set days (which may include Christmas Day, Good Friday and bank holidays).
2. *Before concluding the assessment under sub-paragraph (1) NHS England must—*
 - (a) *give notice to P of any proposed changes to the days on which or times at which the pharmacy premises are to be open; and*
 - (b) *allow P 30 days within which to make written representations to NHS England about the proposed changes.*
3. *When it determines the outcome of its assessment, NHS England must—*
 - (a) *issue a direction (which replaces any existing direction) which meets the requirements of sub-paragraphs (4) and (5);*
 - (b) *confirm any existing direction in respect of the times at which P must provide pharmaceutical services at or from the pharmacy premises, provided that the existing direction (whether issued under regulation 65, this Part, the 2012 Regulations, the 2005 Regulations or the 1992 Regulations) would meet the requirements of sub-paragraphs (4) and (5); or*

- (c) either—
 - (i) *revoke, without replacing it, any existing direction in respect of the times at which P must provide pharmaceutical services at or from the pharmacy premises (whether issued under regulation 65, this Part, the 2012 Regulations, the 2005 Regulations or the 1992 Regulations), or*
 - (ii) *in a case where there is no existing direction, issue no direction,*
in which case, by virtue of whichever of paragraph 23(1)(a) or (b) applies, the pharmacy will need to be open for 40 hours each week or for at least 100 hours each week.
- 4. *Where NHS England issues a direction under sub-paragraph (3) in respect of pharmacy premises that are to be required to be open—*
 - (a) *for more than 40 hours each week, it must set out in that direction—*
 - (i) *the total number of hours each week for which P must provide pharmaceutical services at or from the pharmacy, and*
 - (ii) *as regards the additional opening hours, the days on which and the times at which P is required to provide those services during those hours,*
but it must not set out in that direction the days on which or times at which P is to provide pharmaceutical services during hours which are not additional opening hours; or
 - (b) *for less than 40 hours each week, it shall set out in that direction the days on which and times at which pharmaceutical services are to be provided at or from the pharmacy premises.*
- 5. *NHS England must not issue a direction under sub-paragraph (3) that has the effect simply of requiring pharmacy premises to be open for 40 hours each week on set days and at set times (that is, the direction must have the effect of requiring pharmacy premises to be open for either more or less than 40 hours each week).*
- 6. *NHS England must notify P of any direction issued or any other action taken under sub-paragraph (3), and where it sets new days on which or times at which P is to provide pharmaceutical services at or from pharmacy premises, it must include with the notification a statement of—*
 - (a) *the reasons for the change; and*
 - (b) *P's right of appeal under paragraph (7).*
- 7. *P may, within 30 days of receiving notification under sub-paragraph (6), appeal in writing to the Secretary of State against any direction issued or any other action taken under sub-paragraph (3) which sets new days on which or times at which P is to provide pharmaceutical services.*

8. *The Secretary of State may, when determining an appeal, either confirm the action taken by NHS England or take any action that NHS England could have taken under paragraph (3).*
9. *The Secretary of State shall notify P of the determination and shall in every case include with the notification a statement of the reasons for the determination.*
10. *If the days on which or times at which P is to provide pharmaceutical services at or from pharmacy premises have been changed in accordance with this paragraph, P must introduce the changes—*
 - (a) if P has not appealed under sub-paragraph (7), not later than 8 weeks after the date on which P receives notification under sub-paragraph (6); or*
 - (b) if P has appealed under sub-paragraph (7), not later than 8 weeks after the date on which P receives notification under sub-paragraph (9).*
11. *This paragraph does not apply where regulation 65(5) to (7) applies.*

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

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

- 6.3 I am of the view that the pharmacy would normally be closed on Easter Sunday and that this would be in accordance with the Regulations.
- 6.4 I am conscious that paragraphs 25(1) and (2) require that before any direction is made, an assessment must be undertaken and that, before the assessment is concluded, the pharmacist providing services at or from the premises must be given notice of the proposed changes and given 30 days to make written representations about the proposed changes.
- 6.5 Although I have not been provided with a copy of the consultation with the LPC, the Commissioner, in its direction letter confirms that a consultation took place, but this is disputed by the Appellant. Further, I note that the Commissioner wrote to the Appellant under cover of an email of 17 October 2025 which provided the Appellant with the opportunity to make representations within 30 days.
- 6.6 From the information before me I am of the view that the Commissioner carried out some form of assessment in line with the Regulations.
- 6.7 I am mindful that the Commissioner is required by paragraph 25(6) of Schedule 4 to provide reasons for its decision. In my view, these reasons should set out the basis of any determination that days and times of opening will no longer be such as will meet the pharmaceutical needs of relevant persons and (if they

are, such that a direction *may* be made) the assessment that led to the direction, taking into account any written representations from the pharmacist.

6.8 The direction letter stated:

6.8.1 *“There is a need to provide pharmaceutical services in Mapperley where there is currently no provision on Easter Sunday 5 April 2026.*

There has been no voluntary offer of pharmacy provision in the Mapperley area to meet the needs of people living in the area on Easter Sunday 5 April 2026.

Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Nottingham and Nottinghamshire which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for NHS Nottingham and Nottinghamshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.”

6.9 The Appellant describes the above as “generic” and that “*the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Easter Sunday*” and further that “*there is no actual details of any findings of a consultation or assessment ...*”

6.10 I note the Appellant’s undisputed comments in relation to its location within Mapperley; that there are 43 community pharmacies “*located closer to the Urgent Treatment Centre (UCC) at Seaton House*” and “*more than 50 community pharmacies located closer to the A&E department at Queen’s Medical Centre*”.

6.11 In its representations, the Commissioner goes on to explain further the reasoning behind the direction and the assessment that was carried out. The Commissioner considers that there will be a need for dispensing services, the Pharmacy First service and the NHS pharmacy contraception advanced service. Further, the Commissioner confirms that other pharmacies in the area were “*considered*” but that “*the assessment takes into account the geographical location of pharmacies within the agreed locality, the proximity to an urgent care centre and the proximity to a deprived MSOA and in this instance FG577 was selected to ensure equitable access for patients and likely users of the service.*

As set out in the direction letter, Peak Pharmacy (FG577) is located within, or in close proximity to, a deprived area. This direction secures pharmaceutical service provision within a designated area of deprivation, supporting the ICB’s statutory responsibility to improve access to healthcare and address health inequalities. Deprived areas typically show higher prevalence of long-term conditions that require consistent management, and the direction ensures appropriate dispensing provision to meet these population health needs.”

- 6.12 Whilst I am of the view that distance is only one factor which the Commissioner should take into account when determining which pharmacies should open, given the Commissioner's assertion that geographical location was important, it does seem odd that the Commissioner should direct a pharmacy which is 3.2 miles and over 4.7 miles away by road from the key sources of prescriptions, particularly on a day when public transport is limited.
- 6.13 Further, I note the Appellant's undisputed comments that their pharmacy is not located within an area of deprivation, that there are other pharmacies in areas of higher deprivation which are located closer to the sources of prescriptions and that there are other pharmacies located in areas with a higher ranking in terms of Health and Disability deprivation. Therefore, this would appear at odds with the Commissioner's rationale for issuing the direction. I am therefore, of the view that the Commissioner has relied on rationale which is not supported by the evidence.
- 6.14 I note in its representations, the Commissioner stated that "*while other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FG577 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers.*" However, I do not consider that directing pharmacies to open on a fair share basis provides a robust assessment of the need for pharmaceutical services in terms of providing services to patients.
- 6.15 On appeal, I may (in accordance with paragraph 25(8) of Schedule 4) either confirm the action of the Commissioner or take such other action as it could have taken.
- 6.16 The letters dated 4 February 2026 and 12 March 2026 provide me with no information which I consider sufficient to provide reasons on the basis of which I can confirm the decision, nor information upon which I might rely to make a direction for alternative reasons.
- 6.17 On the basis of the information available to me, I am not satisfied that the Commissioner has demonstrated that the needs of people in its area or other likely users of the pharmacy for pharmaceutical services will not be met on Sunday 5 April 2026.

7 Determination

- 7.1 The appeal is granted and, pursuant to paragraph 25(3)(c)(ii), no direction is issued.

Head of Appeals
NHS Resolution