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REF: SHA/26946

**APPEAL AGAINST BIRMINGHAM AND SOLIHULL
ICB DECISION TO GRANT AN APPLICATION BY
PHARMAROO LTD FOR A CHANGE OF
OWNERSHIP IN RESPECT OF BESTWAY
NATIONAL CHEMISTS LTD T/A WELL, 979
STRATFORD ROAD, HALL GREEN, BIRMINGHAM
B28 8BG**

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:

Pharmacy Sales & Consultancy on behalf of Pharmaroo Ltd (the Applicant)
Hall Green Pharmacy (the Appellant)
PCSE on behalf of Birmingham and Solihull ICB

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1 The Decision

Birmingham and Solihull ICB (“the Commissioner”) considered and decided to grant the application. The decision letter dated 12 February 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 dated 10 February 2026

- 1.4 “The Committee have approved and ratified the following change of ownership application:
- 1.5 CAS-404266-Z2W2C4
- 1.6 Pharmaroo Ltd
- 1.7 979 Stratford Road, Hall Green, Birmingham, B28 8BG
- 1.8 Decision:
- 1.9 Regulation 31 – refusal: same or adjacent premises
- 1.10 Regulation 31 (1) The application is a for Change of Ownership premises; therefore Regulation 31 (2) needs to be considered

- 1.11 Regulation 31(2)(a) (i) applies as Well Pharmacy is currently included in the pharmaceutical list for the area of Birmingham HWB and is providing pharmaceutical services at the premises to which this application relates.
- 1.12 Regulation 31(2)(a)(ii) – Not Applicable, as there are no adjacent premises providing the same pharmaceutical services
- 1.13 Regulation 31(2)(b) – Not Applicable, as there will only be one pharmaceutical service operating from the premises.
- 1.14 There appears to be a degree of shared ownership and control of both companies through company directors and the same superintendent. Details of directors for each company as per Companies House is showing the commonality.
- 1.15 Therefore, it is not required to refuse the application under the provisions of Regulation 31
- 1.16 Regulation 26 – Change of Ownership Application
- 1.17 Regulation 26 (1)(a)(i) It is concluded that this regulation is met as the premises are listed as chemist premises.
- 1.18 Regulation 26 (1)(a)(ii) It is concluded that this regulation is met as Pharmaceutical services are already being provided from the same premises.
- 1.19 Regulation 26 (1)(b) It is concluded that this regulation is met as the Applicant is continuing to provide pharmaceutical services from the same premises.
- 1.20 Regulation 26 (1)(c) It is concluded that this regulation is met as the Applicant is undertaking to provide the same services as those already being provided by the current owner
- 1.21 Regulation 26(1)(d) It is concluded that this regulation is met as the provision of pharmaceutical services will not be interrupted.
- 1.22 Regulation 26(2) It is concluded that this regulation does not apply as the services will continue to be provided at the existing premises.”

2 **The Appeal**

In an email dated 14 March 2026 addressed to NHS Resolution, Hall Green Pharmacy (“the Appellant”) appealed against the decision of the Commissioner. The grounds of appeal are:

- 2.1 “I write to appeal the decision of Birmingham and Solihull ICB to grant the above change of ownership application.
- 2.2 This appeal is submitted within the time period specified in the decision letter. Please treat this email as formal notice of appeal and as a concise statement of the grounds relied upon.
- 2.3 Grounds of appeal

- 2.4 The principal ground of appeal is that serious concerns arise as to whether Pharmaroo Ltd is a fit and proper body to be included in the pharmaceutical list, and whether the application ought to have been granted in circumstances where those concerns required proper scrutiny.
- 2.5 This is not, in my submission, a case in which the application could safely be treated as a routine administrative matter. A change of ownership application still requires proper consideration of the suitability, governance, and fitness of the incoming owner to hold and discharge the obligations of an NHS pharmaceutical contract.
- 2.6 It is my position that the decision should be reconsidered because there is substantial concern that Pharmaroo Ltd has demonstrated a serious and repeated disregard for patient consent, patient choice, lawful EPS processes, and the standards of conduct expected of an NHS pharmacy contractor.
- 2.7 Conduct concerns relied upon
- 2.8 Over a sustained period, repeated concerns and supporting material have arisen in relation to Pharmaroo Pharmacy Acocks Green, 9 Olton Boulevard, Birmingham, B27 7RR, including the following:
 - 2.8.1 Unauthorised EPS nomination activity
 - 2.8.2 Patients have reported that their EPS nominations were changed to Pharmaroo without their knowledge or valid consent.
 - 2.8.3 Disregard for patient choice
 - 2.8.4 Patients who did not wish to use Pharmaroo were nevertheless treated as though Pharmaroo remained entitled to continue handling their prescriptions and medicines.
 - 2.8.5 Refusal to release prescriptions back to the Spine
 - 2.8.6 On repeated occasions, requests were made for prescriptions to be released back to the Spine because the relevant patients did not wish to use Pharmaroo and were seeking to obtain services from their chosen pharmacy. On those occasions, the pharmacy either refused outright or stated that the prescription was already “out for delivery”. The effect of this conduct was to obstruct or delay restoration of the patient’s chosen dispensing arrangements.
 - 2.8.7 Deliveries despite objection or lack of consent
 - 2.8.8 There have been reports of medication being delivered, or left at patients’ addresses, notwithstanding objection, refusal, or the absence of valid consent to use that pharmacy.
 - 2.8.9 Improper pressure placed on patients
 - 2.8.10 There have been reports that emotional or religious language was used in an attempt to influence patients to remain with, or accept services from, the pharmacy.

- 2.8.11 Aggressive conduct towards another pharmacy
- 2.8.12 It has also been reported that when concerns were raised by another pharmacy, aggressive and threatening language was used.
- 2.9 Taken cumulatively, these matters do not suggest mere isolated error or administrative carelessness.
- 2.10 They are capable of indicating a repeated pattern of conduct going directly to issues of consent, integrity, governance, lawful handling of NHS prescriptions, respect for patient choice, and overall fitness to provide NHS pharmaceutical services.
- 2.11 Evidence
- 2.12 I am in possession of documented evidence supporting these concerns, including patient accounts, contemporaneous records, and other supporting material identifying dates, incidents, and the parties involved. The material is capable of demonstrating a repeated pattern of conduct rather than isolated episodes. It can be provided promptly if required.
- 2.13 In those circumstances, I respectfully submit that the concerns raised cannot safely be dismissed as anecdotal or speculative, and warrant proper scrutiny before the decision is permitted to take effect.
- 2.14 Why the decision should be revisited
- 2.15 The issue on this appeal is not simply whether documentation for the transfer was submitted in the correct form.
- 2.16 The issue is whether the incoming owner is a body that can properly be trusted to hold itself to the legal, contractual, ethical, and professional standards required of an NHS pharmacy contractor.
- 2.17 Where there is credible material indicating repeated unauthorised nomination activity, obstruction in the return of prescriptions, disregard of patient wishes, and wider conduct concerns, there is a proper basis for questioning whether the grant of the application was premature or unsound.
- 2.18 I am also pursuing, or intend to pursue, complaints and referrals to the relevant regulatory bodies, including the GPhC, arising from these matters.
- 2.19 Relief sought
- 2.20 In light of the above, I respectfully request that:
- 2.21 this appeal be accepted and progressed as a matter of urgency;
- 2.22 the decision to grant the application be reconsidered;
- 2.23 no final implementation or effect be permitted pending proper examination of the concerns raised;

- 2.24 the ICB be required to explain what consideration was given to these issues of conduct, governance, and fitness before granting the application; and
- 2.25 the documented concerns and supporting material be taken fully into account before any final determination is allowed to stand.
- 2.26 Please acknowledge receipt of this appeal urgently.”

3 Consideration

- 3.1 The Pharmacy Appeals Committee (“Committee”) had regard to Regulation 26(1) of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”) which states:

(1) Section 129(2A) of the 2006 Act (regulations as to pharmaceutical services) does not apply to an application from a person who is not included in a pharmaceutical list for inclusion in the list, or from a person included in a pharmaceutical list for inclusion in that list also in respect of other premises than those already listed in relation to that person, if-

(a) the applicant (X) is undertaking to provide pharmaceutical services at or from premises-

(i) that are already listed chemist premises, and

(ii) at or from which another person (Y) is providing pharmaceutical services;

(b) X is proposing to carry on at or from the listed chemist premises, in place of Y, the business in the course of which Y is providing pharmaceutical services at or from those premises;

(c) X is undertaking to provide the same pharmaceutical services as those that Y is providing;

and

(d) the provision of pharmaceutical service at or from the premises will not be interrupted (except for such period as NHS England may for good cause allow).

- 3.2 The Committee noted that the application had been made under Regulation 26(1) and as such, it is not a notifiable application in accordance with the Regulations. The Committee noted that the decision had been notified to parties under paragraph 28(3)(c) and a right of appeal was given to those parties under 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 26(1) is specific in the criteria an Applicant must satisfy, if the proposed change of ownership is to succeed.
- 3.6 The Committee noted that the Commissioner had stated in their decision letter that an appeal should contain “a concise and reasoned statement of the grounds of appeal”.
- 3.7 The Committee noted that the Appellant had stated in their letter of appeal that *“the principal ground of appeal is that serious concerns arise as to whether Pharmaroo Ltd is a fit and proper body to be included in the pharmaceutical list, and whether the application ought to have been granted in circumstances where those concerns required proper scrutiny.”* The appeal relies on allegations of a repeated pattern of conduct by Pharmaroo Ltd that, in the Appellant's view, raises concerns about integrity, governance, and lawful practice, including: unauthorised EPS nomination activity, disregard for patient choice, refusal or obstruction in releasing prescriptions back to the Spine, delivery of medication without consent or despite objection, improper pressure placed on patients and aggressive conduct towards another pharmacy.
- 3.8 The Committee was of the view that as the application was for a change of ownership and its consideration is limited to the criteria under Regulation 26(1), any alleged misconduct by the Applicant is outside the scope of the Regulations and was not something that could be considered on appeal.
- 3.9 Whilst the Committee noted the concerns raised by the Appellant and the intention to contact the regulator, these factors are not part of the assessment of the criteria that the Applicant must satisfy if a change of ownership is to succeed.
- 3.10 The Committee noted that Regulation 26(1) states that the Commissioner has to be satisfied that:
 - 3.10.1 the application is in respect of listed chemist premises;
 - 3.10.2 the Applicant is proposing to carry on at or from the listed premises the business in the course of which the current owner is providing pharmaceutical services at or from those premises;

3.10.3 the Applicant intends to provide the services as those provided by the existing pharmacy; and

3.10.4 if the change of ownership were to take place there would be no interruption to the provision of pharmaceutical services.

3.11 The Committee noted that the Applicant is proposing to continue to carry out providing pharmaceutical services at or from the listed premises (979 Stratford Road, Hall Green, Birmingham B28 8BG) and that they intend to provide the services as those provided by the existing pharmacy at or from that location. Further, the Applicant has confirmed that there would be no interruption to the provision of pharmaceutical services. The Committee is of the view that the decision in this regard is not challenged.

3.12 The Committee noted that there is no dispute that the premises are already listed and that pharmaceutical services are currently being provided at or from those premises. The Committee was of the view that there were no grounds in the appeal to lead it to believe that the change of ownership was not in accordance with Regulation 26(1).

3.13 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 provisions of Regulation 26(1).

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**