

8 June 2026

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

FILE REF: SHA/26945

COMMISSIONER: NORTH EAST AND
NORTH CUMBRIA ICB
("the Commissioner")

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

PHARMACIST: NEWLINE PHARMACY LIMITED T/A
CRESCENT PHARMACY
("the Applicant")

PREMISES: 110 ALEXANDRA ROAD
ASHINGTON
NORTHUMBERLAND
NE63 9LU

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

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

Outcome

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

A copy of this decision is being sent to:
Newline Pharmacy Limited t/a Crescent Pharmacy
North East and North Cumbria ICB

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

1 Introduction

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

Rights of appeal

- 1.3 Where the Commissioner has determined an application under paragraph 26 of Schedule 4 of the Regulations and has granted it in part only or has taken an action that has the effect of refusing it, paragraph 26(9) provides a right of appeal to the Secretary of State for Health and Social Care ("the Secretary of State").
- 1.4 The Secretary of State has directed NHS Resolution to determine such appeals. As an authorised officer of NHS Resolution, I have considered the appeal and have determined it, in accordance with my delegated powers.

Opening hours

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

- 1.5.1 “core opening hours” (at the hours during which the pharmacy must be open by virtue of paragraph 23(1) of Schedule 4 of the Regulations), which may incorporate a direction of the Commissioner requiring fewer or greater than 40 hours and at set times and days; or
- 1.5.2 “supplementary” opening hours (other hours during which the pharmacy premises are open which are in addition to the core hours), pursuant to paragraph 23(3) of Schedule 4 of the Regulations.

Alteration of core opening hours

- 1.6 In accordance with paragraphs 1(7)(c) and 1(7)(d) of Schedule 2 of the Regulations, the pharmacy must provide, as part of an application for entry in the pharmaceutical list:
 - 1.6.1 the proposed core opening hours in respect of the premises; and
 - 1.6.2 the total proposed opening hours for the premises (having regard to both the proposed core opening hours and any supplementary opening hours).
- 1.7 The Commissioner maintains pharmaceutical lists that include the days on which and times at which, at those premises, the listed person is to provide those services during the core opening hours and any supplementary opening hours of the premises.
- 1.8 The days on which or times at which a pharmacy is obliged to provide pharmaceutical services at the premises may only be altered by the pharmacy on application under paragraph 26(1) of Schedule 4 of the Regulations, so long as the effect of that application is to reduce the total number of hours for which a pharmacy is obliged to provide, or keep the total number of hours the same.

Alteration of supplementary opening hours

- 1.9 Supplementary opening hours may be altered by the pharmacy giving notice to the Commissioner, in accordance with paragraph 23(6)(a) of Schedule 4 of the Regulations, without the need to make an application to the Commissioner.
- 1.10 There is no specific right of appeal to NHS Resolution in respect of notices given under paragraph 23(6)(a).

2 Application

In this case, the Applicant provided the following information in its application form and supporting information dated 26 January 2026:

- 2.1 “This is an application to permanently change core opening hours.
- 2.2 Current opening hours for these premises:

Monday	09:00-14:00
Tuesday	09:00-15:00
Wednesday	09:00-15:00
Thursday	09:00-15:00

Friday	09:00-14:00
Saturday	10:00-14:00
Sunday	12:00-20:00

2.3 Proposed core opening hours for these premises:

Monday	09:00-14:00
Tuesday	09:00-15:00
Wednesday	09:00-15:00
Thursday	09:00-15:00
Friday	09:00-14:00
Saturday	10:00-14:00
Sunday	10:00-18:00

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 2 March 2026

2.6 Please provide the information that demonstrates that your proposed core opening hours will:

2.6.1 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

2.6.2 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.

2.7 Having regard to pharmaceutical service provision in Ashington, Northumberland, the ICB is satisfied that the amended core opening hours are sufficient to maintain, where necessary, the existing level of service provision for people in the area and other likely users of the pharmacy premises. This conclusion reflects the presence of multiple community pharmacies within the locality, including pharmacies providing extended and overlapping opening hours, ensuring continued access to essential pharmaceutical services during peak demand periods.

2.8 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.

2.9 In circumstances where maintaining the existing level of service provision is not necessary or is not a realistically achievable outcome, the ICB is satisfied that the amended core opening hours will maintain a sustainable level of adequate

pharmaceutical service provision for the Ashington population. The proposed hours, when considered alongside the wider network of community pharmacies in the locality, ensure that access to essential pharmaceutical services remains reasonable, appropriate, and sustainable. With the closure of a pharmacy (Superdrug Pharmacy) and the withdrawal from Sunday opening hours (Central Pharmacy) the contractor is satisfied that Sunday will remain a vital day to remain open for the local community and opening earlier will allow for patients to be reviewed earlier.”

3 The Decision

In a letter to the Applicant dated 2 March 2026 the Commissioner decided to refuse the application. The Commissioner stated:

- 3.1 “Re: Determination of core opening hours at FX314 - Newline Pharmacy Limited TA Crescent Pharmacy, 110 Alexandra Road, Ashington, Northumberland, NE63 9LU.
- 3.2 The Pharmaceutical Services Regulations Committee (PSRC), which met on 25th February 2025, has determined its assessment of your application to change your core hours, pursuant paragraph 26 of Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 - Application to amend Core Hours:
 - 3.2.1 Schedule 4, Part 3, Paragraph 26 (1)(b) - Change the days on which or times at which P is obliged to provide pharmaceutical services during the core opening hours at P’s pharmacy premises in a way that keeps that total number of hours the same. The application has met this criterion.
 - 3.2.2 Schedule 4, Part 3, Paragraph 26 (2) and Schedule 4, Part 3, Paragraph 2ZB: Where a Pharmacist makes an application under sub-paragraph (2ZB), as part of that application P must provide the NHSCB with such information as the NHSCB may reasonably request to:
- 3.3 Ensure that the people who are accustomed to accessing pharmaceutical services at the pharmacy premises are likely to benefit from the changes because, overall, they would be more likely to access those services at those premises during the proposed core opening hours than during the existing core opening hours.
- 3.4 The application has not met the criterion of 26(2) or 2ZB – The application did not contain any information or supporting evidence to satisfy PSRC that the people who are accustomed to accessing pharmaceutical services at the pharmacy premises are likely to benefit from the changes because, overall, they would be more likely to access those services at those premises during the proposed core opening hours than during the existing core opening hours.
 - 3.4.1 Schedule 4, Part 3, Paragraph 26 (3): determination within 60 days. This criterion has been met.
 - 3.4.2 Schedule 4, Part 3, Paragraph 26 (4-11): These regulations relate to directing pharmacy hours and is not applicable to this application.

- 3.4.3 Schedule 4, Part 3, Paragraph 26 (12): this paragraph deals with the date on which the pharmacy can implement the changes to the opening hours. The earliest date on which the new hours can be implemented is - N/A, Application has not been granted.
- 3.4.4 Regulation 65: This has been considered but none of the criteria are applicable to this application. PSRC considered the application and for reasons noted above your application has been refused.
- 3.5 Your core opening hours remain:
- Mon: 09:00-14:00,
Tue: 09:00-15:00,
Wed: 09:00-15:00,
Thu: 09:00-15:00,
Fri: 09:00-14:00,
Sat: 10:00-14:00,
Sun: 12:00-20:00.
- 3.6 Total core hours is 40 hours per week.
- 3.7 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 NHS Resolution 8th Floor 10 South Colonnade Canary Wharf London E14 4PU
- 3.8 May I take the opportunity to thank you for your application. If you have any queries in relation to the content of this letter, please do not hesitate to contact AP Primary Care Manager, whose contact details are included in the letterhead.”

Extract from PSRC committee meeting

- 3.9 “Schedule 4, Part 3, Paragraph 23 deals with pharmacy opening hours: general.
- 3.10 The applicant is a 40 hour pharmacy at 110 Alexandra Road, Ashington, Northumberland, NE63 9LU that opened 26/08/2009.
- 3.11 Schedule 4, Part 3, Paragraph 26 (1) - Changes to days or times of which pharmaceutical services are offered.
- 3.12 The contractor supplied a full application form to change core hours as below: (see Enclosures 2 for full application)

Day	Current core hours of business		Proposed core hours of business	
	From	To	From	To
Monday	09:00	14:00	09:00	14:00
Tuesday	09:00	15:00	09:00	15:00
Wednesday	09:00	15:00	09:00	15:00
Thursday	09:00	15:00	09:00	15:00
Friday	09:00	14:00	09:00	14:00
Saturday	10:00	14:00	10:00	14:00
Sunday	12:00	20:00	10:00	18:00
Total	40 hours		40 hours	

3.13 The applicant wishes to redistribute their core hours on a Sunday to open 2 hours earlier at 10am instead of 12pm, and close 2 hours earlier at 6pm rather than the current 8pm closing.

3.14 The supporting statement for the change from the application form is as follows;

3.15 *"Having regard to pharmaceutical service provision in Ashington, Northumberland, the ICB is satisfied that the amended core opening hours are sufficient to maintain, where necessary, the existing level of service provision for people in the area and other likely users of the pharmacy premises. This conclusion reflects the presence of multiple community pharmacies within the locality, including pharmacies providing extended and overlapping opening hours, ensuring continued access to essential pharmaceutical services during peak demand periods."*

3.16 No further information has been submitted to support their application.

3.17 Section 2 – local information

3.17.1 The advanced and enhanced services provided by the applicant can be found at Enclosure 3. (To note that these do not include services commissioned by other commissioners as they are immaterial to the application).

3.17.2 There are 6 pharmacies within 1 mile of the applicants premises. The map below shows the location of these pharmacies.

3.17.3 The core and supplementary opening hours along with the advanced services provided and temporary suspension from the pharmacies shown on the map in Enclosure 3

3.17.4 The following pharmacies have reported temporary suspensions;

3.17.5 FDT70 - Asda Pharmacy, Asda Stores Limited, Lintonville Terrace, Ashington, NE63 9XG for 5 separate instances since 14 December 2024. Dates provided on Enclosure 3.

3.18 Section 3 – Recommendation

- 3.18.1 Schedule 4, Part 3, Paragraph 26 (1)(b) - Change the days on which or times at which P is obliged to provide pharmaceutical services during the core opening hours at P's pharmacy premises in a way that keeps that total number of hours the same. – Regulation met
- 3.18.1.1 Under its contractual terms, the Pharmacy currently provides 40 core hours. The proposed changes will not affect that total. The contractual requirement to provide 40 hours has therefore been met.
- 3.18.2 Schedule 4, Part 3, Paragraph 26 (2) and Schedule 4, Part 3, Paragraph 24: Where Pharmacist makes an application under sub-paragraph (1), as part of that application P must provide the NHSCB with such information as the NHSCB may reasonably request in respect of:
- 3.18.3 24(1)(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; – Regulation not met or
- 3.18.4 24(1)(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; - Regulation not met
- 3.19 The applicant wishes to redistribute their core hours on a Sunday to open 2 hours earlier at 10am instead of 12pm, and close 2 hours earlier at 6pm rather than the current 8pm closing.
- 3.20 This would result in a loss in late night provision during the hours 6pm-8pm.
- 3.20.1 Within 1 mile of the applicant there is one pharmacy that provides pharmaceutical services on a Sunday: Boots UK Ltd - Lintonville Terrace, Ashington, Northumberland, NE63 9XG, with opening 10am – 4pm.
- 3.20.2 There are no pharmacies within 1 mile that have opening hours after 4pm.
- 3.20.3 A review of Northumberland HWB confirms that there is only 1 other pharmacy that opens on a Sunday until 8pm, this is at 3.7 miles from the applicant: Boots UK Ltd - 60-62 Maddison Street, Blyth, Northumberland NE24 1EY. The services at this pharmacy are the same other than the flu service for 2-3years which is currently provided by the applicant.
- 3.20.4 Patients would not be able to access the same services from the alternative providers if the applicant's proposal to change its core hours were to be granted.
- 3.21 Officer's assessment:
- 3.22 In the applicants statement they refer to the presence of multiple community pharmacies within the locality, including pharmacies providing extended and overlapping opening hours, ensuring continued access to essential pharmaceutical services during peak demand periods.

- 3.23 The applicant proposes to keep the same number of hours, however their application would result in a loss in services 6pm-8pm when there are no alternative pharmacies for patients to use within 1 mile. Patients would need to travel 3.7miles to reach an alternative providers, therefore should the application be granted this will not maintain the same level of service for the people in the area or likely users of the pharmacy in line with 24(1)(a).
- 3.24 No evidence has been supplied to confirm whether there are circumstances where maintaining the existing level of service provision is either unnecessary or not a realistically achievable outcome, therefore unable to adequately assess 24(1)(b).
- 3.24.1 Schedule 4, Part 3, Paragraph 26 (3): determination within 60 days – Regulation met.
- 3.24.1.1 The application was determined within 60 days.
- 3.24.2 Schedule 4, Part 3, Paragraph 26 (4-11): Regulation met.
- 3.24.2.1 These regulations relate to directing pharmacy hours and is not applicable to this application.
- 3.24.3 Schedule 4, Part 3, Paragraph 26 (12): this paragraph deals with the date on which the pharmacy can implement the changes to the opening hours: Regulation met.
- 3.24.3.1 No earlier than 30 days after the decision to grant is notified to the contractor. The contractor has requested to amend hours as of 2nd March 2026 however, if approved, the change can not take effect until 1st April 2026.
- 3.24.4 Regulation 65: Core opening hours conditions: Regulation met.
- 3.24.4.1 This has been considered but none of the criteria are applicable to this application.
- 3.25 Based upon the above assessment against The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023, the officer recommends that the Pharmaceutical Services Regulations Committee refuse the application, on the basis that regulation 24(1)(a) and 24(1)(b) have not been satisfied.”

4 The Appeal

In a letter to NHS Resolution dated 13 March 2026 the Applicant appealed against the Commissioner’s decision. The grounds of appeal are:

- 4.1 “I am writing to formally appeal the decision made by the Pharmaceutical Services Regulations Committee (PSRC) on 25 February 2025 to refuse the application submitted for a change to the core opening hours at Crescent Pharmacy under Schedule 4, Part 3, Paragraph 26 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.

- 4.2 While the PSRC acknowledged that the proposed changes satisfied Paragraph 26(1)(b), in that the total number of weekly core hours would remain unchanged, the application was refused on the basis that insufficient information was provided to demonstrate that patients who are accustomed to accessing pharmaceutical services at the premises would benefit overall from the proposed change to opening hours, in accordance with Paragraph 26(2) and 2ZB.
- 4.3 The intention behind the proposed changes is to better align the pharmacy's opening hours with patient demand and improve access to pharmaceutical services at times when patients are most likely to require them.
- 4.4 Patient footfall data at Crescent Pharmacy indicates that a significant proportion of patients prefer to access services earlier in the day. Since the closure of Central Pharmacy (NPC Lintonville, Lintonville Terrace, Ashington NE63 9UT), which previously provided Sunday opening hours between 10:00 and 17:00, patients have increasingly sought alternative pharmacies earlier in the day for pharmaceutical services. Adjusting the core hours would therefore allow Crescent Pharmacy to better respond to this demand and facilitate earlier access to prescriptions, advice, and urgent pharmaceutical care.
- 4.5 It is also important to note that prescriptions presented on Sundays are primarily issued through out-of-hours services, and therefore the volume of prescriptions dispensed during the later evening period is generally low. Operational data shows that after 18:00 the pharmacy typically sees only one or two patients in the remaining two hours until closure, indicating very limited demand during this time.
- 4.6 In contrast, demand earlier in the day is higher and patients are more likely to attend during these hours. Reallocating the hours would therefore improve overall patient access by ensuring the pharmacy is open during periods of greater need.
- 4.7 In addition, some elderly patients have expressed concerns regarding personal safety when travelling after dark, particularly during the winter months. As a result, they often avoid leaving their homes later in the evening to collect medication. This can create a potential risk to their health if they delay or miss necessary treatment. Opening earlier would allow these patients to access pharmaceutical services at a time when they feel safer travelling, thereby supporting better health outcomes and improved access to care.
- 4.8 Access to pharmaceutical services within the local area would also remain available throughout the day. Asda Pharmacy (Portland Park, Lintonville Terrace, Ashington NE63 9XG) remains open until 16:00 on Sundays, after which Crescent Pharmacy would continue to provide services between 16:00 and 18:00. This ensures that patients still have access to pharmacy services during the late afternoon period when another provider closes.
- 4.9 Furthermore, patients requiring pharmaceutical services later in the evening would still be able to access other nearby pharmacies, including Coast Road Pharmacy (11 Coast Rd, Wallsend NE28 9HP) and Boots in Blyth (60-62 Maddison St Blyth Northumberland NE24 1EY), both of which remain open until

20:00 on Sundays. This ensures that patients who require urgent pharmaceutical advice or services outside the proposed hours would continue to have access within the wider local area.

4.10 In accordance with Schedule 4, Part 3, Paragraph 26(2) and Paragraph 22B of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, I respectfully submit that the information provided demonstrates that patients who are accustomed to accessing pharmaceutical services at Crescent Pharmacy are more likely, overall, to access those services during the proposed core opening hours than during the existing hours. The proposed change reflects current patient demand, improves accessibility earlier in the day, and addresses barriers faced by some patients in accessing services later in the evening. I therefore respectfully request that the decision be reconsidered in light of the additional information provided and the regulatory test set out within the Regulations.

4.11 Evidence Summary Supporting the Appeal:

4.11.1 Patient footfall data indicates greater demand earlier in the day compared with the period after 18:00, when the pharmacy typically sees only one or two patients.

4.11.2 The recent closure of Central Pharmacy (Ashington), which previously provided Sunday services between 10:00 and 17:00, has increased demand for earlier access to pharmaceutical services in the area.

4.11.3 Prescriptions dispensed on Sundays are primarily from out-of-hours services and therefore overall demand later in the evening is limited.

4.11.4 Some elderly residents have expressed concerns about travelling after dark and therefore prefer to collect medication earlier in the day for safety reasons.

4.11.5 Crescent Pharmacy will be conducting a public survey and gathering signatures from local residents to demonstrate community support for the pharmacy opening earlier on Sundays.

4.11.6 Information sourced from Google highlights the busy period in Crescent Pharmacy on a Sunday during the current opening times (12:00-20:00). As displayed the majority of patients that access the pharmacy do so between 12:00-18:00. This data was last confirmed as of 10th March 2026. Please see below Annex 1.

4.11.7 Patient survey collecting data from 5th January 2026. Please see results below Annex 2.

4.12 In light of the above information, I respectfully request that the decision be reconsidered and that the proposed amendment to the pharmacy's core opening hours be approved.

4.13 Should any further information or supporting evidence be required, I would be happy to provide this."

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.

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 Applicant proposes to:

6.2.1 Open Sunday from 10am to 6pm instead of 12pm to 8pm.

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

6.4 Paragraph 26(1) states:

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

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

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

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

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

6.6 I note that the application form includes information relating to both paragraph 24(1) and paragraph 26(2ZB). I also note that the Commissioner's decision letter refers to paragraph 26(2ZB), and that the application was refused on that basis. In addition, in its appeal the Applicant stated that it wished the application to be determined under paragraph 26(2ZB) of Schedule 4. I have therefore considered the appeal on that basis.

6.7 Paragraph 26(2ZB) reads as follows:

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

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

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

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

- 6.8 I will consider the application of paragraph 26(2ZB) and whether the proposed hours are likely to benefit the people who are accustomed to accessing pharmaceutical services at the pharmacy premises, such that they would be more likely to access those services during the proposed opening hours.
- 6.9 To properly assess the application against paragraph 26(2ZB), I need to determine the level of demand for pharmaceutical services at the pharmacy premises. I then need to consider whether patients accustomed to accessing those services would be more likely to access services at the pharmacy premises during the proposed opening hours rather than the existing opening hours.
- 6.10 I therefore need to be provided with sufficient information to understand a range of matters. I consider a core question to be the benefit created because of increased availability to existing users. This can be broken down into three key elements: the first being that the change must be beneficial; the second being that the new hours are more accessible, and the last, which unpins both aspects, is that this must be measured by the impact on people who are accustomed to accessing the pharmacy, not new users.
- 6.11 As a starting point I note that the language of paragraph 26(2ZB) relates to why a change in hours is being requested. The reason for the change must at the very least include that those individuals who already use the pharmacy will be more likely to do so during the changed hours. The Regulations do not explain how this should be established but I consider that it must form at least part of the explanation and evidence provided by the Applicant.
- 6.12 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.
- 6.13 In its appeal, the Applicant states that it conducted a 30-day patient survey beginning on 5 January 2026 and recorded the responses of participants. A

total of 247 people took part. I note that the survey was “*completed by individuals who entered the pharmacy and were asked whether they wished to participate.*” The results indicated that 11% of people preferred the current pharmacy opening hours, 57% would prefer the proposed opening hours, 4% preferred later opening hours and 28% did not visit the pharmacy on Sundays.

- 6.14 I note that I do not know details of who responded to the survey and whether those who were asked were habitual users or whether they were one-off users of the pharmacy. In this regard I must be mindful that paragraph 26(2ZB) refers to those who are accustomed to accessing services at the pharmacy premises.
- 6.15 I note the Applicant’s submission that demand for pharmacy services is greater earlier on Sundays, particularly following the closure of Central Pharmacy in Ashington, “*which previously provided Sunday opening hours between 10:00 and 17:00*”. The Applicant contends that, since that closure, patients have increasingly sought pharmaceutical services from alternative providers earlier in the day. It is further submitted that amending Crescent Pharmacy’s core hours would allow it to respond more effectively to this demand and improve earlier access to prescriptions, advice, and urgent pharmaceutical care. However, the material provided does not clearly explain why opening earlier on Sundays would increase accessibility for patients who are accustomed to using Crescent Pharmacy. In addition, the assertion that “*patient footfall data indicates greater demand earlier in the day compared with the period after 18:00, when the pharmacy typically sees only one or two patients*” is unsupported by evidence. Furthermore, the proposed change would not benefit the 11% of respondents to the patient survey who indicated a preference for the existing Sunday opening hours of 10am to 8pm.
- 6.16 The Applicant submits that demand later in the day is limited, “*after 18:00 the pharmacy typically sees only one or two patients in the remaining two hours until closure.*” The Applicant further states that prescriptions are primarily issued through out of hours services and that the “*volume of prescriptions dispensed during the later evening period is generally low.*” I also note the Applicants comment that “*elderly patients have expressed concerns regarding personal safety when travelling after dark, particularly during the winter months.*” However, I consider that changing the opening hours from 12pm to 10am on a Sunday would not affect whether elderly patients need to access services in the evening.
- 6.17 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.
- 6.18 I note that the Applicant states that patients who are accustomed to accessing Crescent Pharmacy during its evening opening hours would be able to access Asda Pharmacy in Ashington until 4pm, with “*other nearby pharmacies, including Coast Road Pharmacy (11 Coast Rd, Wallsend, NE28 9HP) and Boots in Blyth (60-62 Maddison St, Blyth, Northumberland, NE24 1EY), both of*

which remain open until 20:00 on Sundays.” It is unclear from both the application and the appeal whether the new hours will benefit these people in any meaningful way.

- 6.19 I consider that without such information the base assumption must be that this change is not likely to benefit those who are accustomed to accessing the pharmacy, and, if anything, it would appear to be to their detriment as they would have to travel to Wallsend or Blyth to access pharmaceutical services after 6pm.
- 6.20 The Applicant has stated that there are other pharmacies open during the hours its proposes to close that pharmacy users could instead visit. However, this information is more relevant to the considerations under paragraph 24(1), which the Applicant has opted not to rely on. I consider that in the context of paragraph 26(2ZB); however, such information is detrimental to the Applicant. When read contextually, the inclusion of this information suggests that the proposal is not aimed at providing better access to services at the pharmacy for those that are accustomed to using the pharmacy during the hours which it is proposing to close and instead, the intention appears to be that they will seek the provision of services elsewhere.
- 6.21 I am mindful that 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. I am of the view that I have not been provided with sufficient information to demonstrate how the proposed opening hours are likely to benefit those accustomed to accessing pharmaceutical services at the pharmacy premises.

7 Determination

- 7.1 Based on the information provided, I am not 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, therefore the Applicant cannot rely on paragraph 26(2ZB).
- 7.2 The action taken by the Commissioner to refuse the application is confirmed.

**Head of Appeals
NHS Resolution**