

27 August 2026

REF: APL-4488 [SHA/26991]

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**APPEAL AGAINST DERBY AND DERBYSHIRE ICB
DECISION TO REFUSE AN APPLICATION BY PCT
HEALTHCARE LTD FOR CONSOLIDATION ONTO THE
SITE AT 9-11 PATCHWORK ROW, SHIREBROOK,
MANSFIELD, NOTTINGHAMSHIRE, NG20 8AL, OF PCT
HEALTHCARE LTD ALREADY AT SITE AND PCT
HEALTHCARE LTD CURRENTLY AT 18 MAIN STREET,
SHIREBROOK, MANSFIELD, NOTTINGHAMSHIRE,
NG20 8DG**

1 Outcome

- 1.1 The Pharmacy Appeals Committee (“Committee”), appointed by NHS Resolution, quashes the decision of the Commissioner and redetermines the application.
- 1.2 The Committee determined that the application should be granted.

A copy of this decision is being sent to:

PCT Healthcare Ltd
Community Pharmacy Derby
Derbyshire County Council
PCSE on behalf of Derby and Derbyshire ICB

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SHIREBROOK, MANSFIELD, NOTTINGHAMSHIRE,
NG20 8DG**

1 The Application

By application dated 5 December 2025, PCT Healthcare Ltd (“the Applicant”) applied to Derby and Derbyshire ICB (“the Commissioner”) in respect of a consolidation onto the site at 9-11 Patchwork Row, Shirebrook, Mansfield, Nottinghamshire, NG20 8AL, of PCT Healthcare Ltd already at site and PCT Healthcare Ltd currently at 18 Main Street, Shirebrook, Mansfield, Nottinghamshire, NG20 8DG. The application was made pursuant to Regulation 26A of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”). In support of the application it was stated:

“Background

- 1.1 Shirebrook is a town and civil parish in the Bolsover District of Derbyshire, England. The town is on the B6407 road and close to the A632 road which runs between the towns of Mansfield, Worksop and Bolsover. The town is close to the Bassetlaw and Mansfield Districts of Nottinghamshire.
- 1.2 PCT Healthcare Limited is applying under Regulation 26A (3)(a) consolidation of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 as both pharmacy Site 1 and pharmacy Site 2 are owned by PCT Healthcare Limited.
- 1.3 Both Site 1 and Site 2 are located within Derbyshire Health and Wellbeing Board.
- 1.4 PCT Healthcare Limited confirms that, consequent on the consolidation of the pharmacy at 9-11 Patchwork Row, Shirebrook, NG20 SAL (Site 1), the provision of pharmaceutical services from 18 Main Street, Shirebrook, NG20 8DG (Site 2) will cease.
- 1.5 Neither Site 1 nor Site 2 are distance-selling pharmacies or appliance contractor premises.

- 1.6 Both Site 1 and Site 2 are contracted to provide 40 core hours a week.
- 1.7 NOTE: PCT Healthcare Limited commits to increase the supplementary hours at Site 1 when the consolidation is actioned. Full details are advised in the Opening Hours after Consolidation Section within this document.

Opening Hours after Consolidation

- 1.8 To prevent a gap in provision of pharmaceutical services in Shirebrook.
- 1.9 PCT Healthcare Limited t/a Peak Pharmacy commits to the following increase in supplementary hours at 9-11 Patchwork Row, Shirebrook, NG20 BAL (Site 1) consequent to this consolidation application.
- 1.10 Site 1 current Core Hours (9-11 Patchwork Row, Shirebrook, NG20 BAL)
- 1.10.1 09:00 to 13:00 then 14:00 to 17:30 Monday, Tuesday, Thursday and Friday
- 1.10.2 09:00 to 13:00 then 14:00 to 17:00 Wednesday
- 1.10.3 09:00 to 12:00 on Saturday.

Opening Hours after Consolidation

- 1.11 Once the consolidation is actioned PCT Healthcare Limited commits to opening the following supplementary hours at Peak Pharmacy, 9-11 Patchwork Row, Shirebrook, NG20 BAL (Site 1).
- 1.12 PCT Healthcare Limited commits to never reduce these supplementary hours:
- 1.12.1 17:30 to 18:00 on Monday, Tuesday, Thursday, and Friday
- 1.12.2 17:00 to 18:00 on Wednesday
- 1.12.3 12:00 to 13:00 on Saturday

Total Opening hours after Consolidation:

- 1.13 After the consolidation total opening hours of the combined branch (Site 1):
- 1.13.1 09:00 to 13:00 then 14:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays. (40 core hours+ 4.0 supplementary hours= Total hours of opening 44 each week)

Pharmacy Locations

- 1.14 The distance between these two pharmacies is 91 m.
- 1.15 9-11 Patchwork Row, Shirebrook, NG20 BAL (Site 1) 18 Main Street, Shirebrook, NG20 8DG (Site 2)

- 1.16 For pedestrians
- 1.17 The shortest distance for pedestrians between the two pharmacies is 91 m, which takes 1 minute to walk.
- 1.18 This route is regularly walked by pedestrians along a flat, wide, well-lit pavement.
 - 1.18.1 from Peak pharmacy, 18 Main St, Shirebrook, Ma ... [sic] to 9-11 Patchwork Row, Shirebrook. Mansfield N ...[sic]
 - 1.18.2 1 min (91 m) via Patchwork Row
 - 1.18.3 Fastest route
 - 1.18.4 Peak pharmacy 18 Main St, Shirebrook, Mansfield NG20 8DG; Head east towards Patchwork Row (76 m); Turn left onto Patchwork Row; Destination will be on the right (15 m)
 - 1.18.5 9-11 Patchwork Row Shirebrook, Mansfield NG20 BAL
- 1.19 Public transport
- 1.20 The closest bus stop to Site 1 and Site 2 is the bus stop located on Main Street which is served by Buses 23 & 23b, these buses travel to Mansfield and Whaley Thorns Moorfield Lane.
- 1.21 Another bus stop is located on Market Place (Stop 3) the Bus Services at this location are the 23, 23A and 23b. These buses travel to Whaley Thorns West Street Turning Circle, Whaley Thorns Moorfield Lane.
- 1.22 Car drivers
- 1.23 For car drivers the distance between the two pharmacies is 91 m and takes 1 minute to drive.
- 1.24 See the map below [see Appendix A for Committee] for the route.
- 1.25 There is free car parking and disabled car parking available adjacent to both Site 1 and Site 2 and additionally throughout Shirebrook.
- 1.26 Please see the map on the following page [see Appendix A for Committee] indicating car parks and bus stops within Shirebrook.
- 1.27 Pharmaceutical Services in Shirebrook
- 1.28 This Regulation 26A consolidation is an excepted application and therefore, Section 129(2A) of the NHS Act 2006 does not apply.
- 1.29 Regulation 26A(5) states that a consolidation application must be refused if:

- 1.29.1 *either of the premises are distance selling premises (DSP) or DAC premises; or*
- 1.29.2 *the commissioner is satisfied that granting the application would create a gap in pharmaceutical services provision that could be met by a routine application to meet a current or future need for pharmaceutical services or to secure improvements, or better access, to pharmaceutical services.*
- 1.30 With regards to bullet point one, PCT Healthcare Limited confirms that neither Site 1 or Site 2 are distance selling premises (DSP) or DAG premises.
- 1.31 PCT Healthcare Ltd strongly believes this application will not create a gap in pharmaceutical provision as:
- 1.31.1 The two sites are only a short walk apart of 91 m taking 1 minute to walk and 1 minute to drive. (as shown in the above maps).
- 1.31.2 The same enhanced services provided at Site 1 and Site 2 should be provided without interruption consequent to the consolidation.
- 1.31.3 Within Shirebrook consequent to the consolidation a pharmacy shall be open from 8.45 am until 4 pm on a Saturday (FQA70)
- 1.31.4 Consequent to this consolidation there will be eight pharmacies within three miles of Site 2 (the closing pharmacy). These pharmacies are operated by independent community pharmacies and large chains.
- Conclusion:
- 1.32 Regulation 26A(1), PCT Healthcare Limited is already included in the pharmaceutical list for Derbyshire Health and Wellbeing Board.
- 1.33 Regulation 26A(2), this is a statement of fact.
- 1.34 Regulation 26A(3), PCT Healthcare Limited owns and operates both pharmacy premises 9- 11 Patchwork Row, Shirebrook, NG20 SAL (Site 1) and the proposed closing site 18 Main Street, Shirebrook, NG20 8DG (Site 2).
- 1.35 Regulation 26A(4) is not relevant in this application.
- 1.36 Regulation 26A(5)a: According to NHS.UK Find a pharmacy - NHS there are 8 pharmacies within 3 miles of the closing pharmacy Site 2.
- 1.37 Due to the number of pharmacies and choice of pharmacy provider there shall be no gap in in pharmaceutical service provision as a result of this consolidation under Regulation 26A (3)(a) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.
- 1.38 There will be no gap in pharmaceutical service provision for the reasons given above."

2 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 15 April 2026 states:

- 2.1 “Derby and Derbyshire ICB has considered the above application and I am writing to confirm that it has been refused. Please see the enclosed report for the full reasoning.”

Extract from the Decision Report

- 2.2 “PCT Healthcare Ltd – Consolidation onto existing site 1 (Remaining Site) at 9-11 Patchwork Row, Shirebrook Mansfield, Nottinghamshire, NG20 8AL and Site 2 (Closing site) PCT Healthcare Ltd, 18 Main Street, Shirebrook, Mansfield, Nottinghamshire, NG20 8DG

- 2.3 Re:

Site 1 – Remaining site

- 2.4 FQA28 - 9-11 Patchwork Row, Shirebrook, Mansfield, Nottinghamshire, NG20 8AL

Site 2 – Closing Site

- 2.5 FWG50 - 18 Main Street, Shirebrook, Mansfield, Nottinghamshire, NG20 8DG

Regulation 26A – consolidation onto an existing site

- 2.6 **Regulation 26A(1)** The applicant is already included in the relevant pharmaceutical list and both pharmacy premises listed in the application are “listed chemist premises”. Therefore, this application does not need to be considered

- 2.7 **Regulation 26A(2)** – The applicant is already included in the relevant pharmaceutical list and has submitted a consolidation application for inclusion in respect of the premises at site 2 which are not already listed in relation to it. Section 129(2A) of the NHS Act 2006 therefore does not apply to the application. Therefore, this application does not need to be considered.

- 2.8 **Regulation 26A(3)** The consolidation was received from PCT Healthcare Ltd in relation to the pharmacy premises at:

2.8.1 Site 1: 9-11 Patchwork Row, Shirebrook, Mansfield, Nottinghamshire, NG20 8AL currently owned by PCT Healthcare Ltd and;

2.8.2 Site 2: 18 Main Street, Shirebrook, Mansfield, Nottinghamshire, NG20 8DG currently owned by PCT Healthcare Ltd

- 2.9 PCT Healthcare Ltd is included in the relevant Pharmaceutical List in respect of both sites. There were no grounds to refuse the application under this provision.

- 2.10 **Regulation 26A(4)** does not apply as owners of site 1 and 2 are the same.
- 2.11 **Regulation 26A(5)(a)** This regulation was considered by the committee, as to whether granting this application would create a gap in pharmaceutical services that could be met by a routine application to meet a current or future need for pharmaceutical services or to secure improvements, or better access, to pharmaceutical services.
- 2.12 The most recent PNA published in 2025 stated that whilst current access to pharmacy provision is in line with the national average there has been a decrease in the number of community pharmacies. The population in the county has grown over the last decade and projected increases in population are anticipated in Derbyshire.
- 2.13 Areas of growth should be kept under review to ensure that the provision remains adequate to meet the future needs of the populations in these areas.
- 2.14 Of the residents within Derbyshire, 97% can reach a pharmacy by car within 5-10 minutes. However, due to rural geography and wider population spread only 78% of the population can walk to a pharmacy within 20minutes.
- 2.15 74% of residents live within a 10-minutes using public transport journey of a pharmacy or dispensing GP surgery. Public and community transport is important to support access in certain areas, particularly the rural of the county.
- 2.16 Essential services are well provided throughout Derbyshire and there are no gaps in provision. The delivery of advanced services is at a higher percentage than the England average, with the majority of pharmacies providing Pharmacy First, NMS and seasonal flu vaccination, reducing pressure on GP services.
- 2.17 Within the scope of the document, the PNA concludes that community-based pharmacies are meeting the current needs of the Derbyshire population, for essential, and where offered, advanced services. The consistency and quality of the advanced services should be continually reviewed, and the uptake of services should be increased wherever possible.
- 2.18 **Regulation 26A(5)(b)** as neither site 1 nor site 2 are distance selling premises or appliance contractor premises there were no grounds to refuse the application under this provision.
- 2.19 **Regulation 26A(6)(a)** There were no grounds to refuse the application under this provision as none of the services being provided are enhanced services.
- 2.20 **Regulation 26A(6)(b)** does not apply as owners of site 1 and 2 are the same.
- 2.21 **Regulation 26A(6)(c)** does not apply as regulation 26A(3)(b) does apply to the application.
- 2.22 **Regulation 26A(7)** does not apply as regulation 26A(4) does not apply to this application.

- 2.23 **Regulation 26A(8)** does not apply as the application was not considered together with another consolidation application.

Regulation 65 – core opening hours conditions

- 2.24 This regulation does not apply as site 1 only has 40 core opening hours.
- 2.25 **Regulation 66** – conditions relating to providing directed services The pharmacy has provided a declaration in section 6.1 of the application to state that they will provide the same services as those provided by the current owner.
- 2.26 **Regulation 66(4)** therefore applies if the application is to be granted, and the inclusion of the applicant and the pharmacy premises in the Pharmaceutical List for the area of Derbyshire Health and Wellbeing Board would be subject to the condition set out in regulation 66(5).
- 2.27 The condition is that, at the pharmacy premises, the applicant must:
- a) Provide the directed services mentioned in the application and
 - b) Not withhold agreement to a service specification for those services unreasonably
- 2.28 If the ICB commissions the services from the applicant within three years of the date of either the grant of the application or, if later, the listing in relation to the applicant of the pharmacy premises, unless thereafter the ICB ceases to commission the services (if it has commissioned them).
- 2.29 For the services commissioned by the ICB and NHS England, If the application is granted, the Committee is to consider whether or not to specify a date by which the condition to provide these services is to take effect.
- 2.30 This regulation applies as the pharmacy has listed that the remaining site will provide the advanced services that the closing site provided and additional advance services, the services that will be provided are.

Reason for Refusal

- 2.31 This regulation was considered by the committee, as to whether granting this application would create a gap in pharmaceutical services that could be met by a routine application to meet a current or future
- 2.32 The committee refused the application pursuant to Regulation 26A(5)(a) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 as amended as this would create a gap in pharmaceutical service provision that this application would leave, if approved, for the population served in the evening and possible weekends.

Appeal Rights:

- 2.33 Appeal rights are given to the applicant.”

3 The Appeal

In a letter dated 30 April 2026 addressed to NHS Resolution, the Applicant appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 "PCT Healthcare Limited have been notified by NHS England in a letter dated 15 April 2026 that the above application has been refused.
- 3.2 A copy of the NHS England letter and decision report are attached to this appeal.
- 3.3 PCT Healthcare Limited wish to appeal against the decision of NHS England to refuse this application under Regulation 26A(1) as we believe their reasonings for refusal to be flawed.
- 3.4 For ease, a copy of the original application and supporting information is attached [see Section 1 above].

Background

- 3.5 This is the closing pharmacy (Site 2) [see Appendix B for Committee] which is constricted for space due to being located within the GP surgery. The lack of space is preventing the expansion of services to our patients.
- 3.6 Site 1 is a much larger community pharmacy, with 2 consultation rooms and the facilities to offer all existing patient services and future national services to more patients. Recently this pharmacy was refitted to future proof the premises. The layout of Site 1 is far better to meet the future pharmaceutical needs of Shirebrook patients. (Plan of pharmacy included in application) PCT Healthcare wish to consider the representations from interested parties regarding this consolidation application under Regulation 26A.
- 3.7 There were only two replies from interested parties.

1. Community Pharmacy Derbyshire commented:

"Community Pharmacy Derbyshire are happy that the application meets all the regulations and requirements for a consolidation application and there are no concerns regarding loss of services in the area due to the consolidation of the above pharmacies."

2. Derbyshire County Council commented:

"It is the representation of the Derbyshire County Health and Wellbeing Board that at the time of this application, there were no gaps in provision in this area. We consider that this consolidation would be unlikely to create a gap in provision in this area."

- 3.8 To summarise there were no objections from interested parties to this consolidation under Regulation 26A – consolidation onto an existing site.

- 3.9 PCT Healthcare Limited shall now review each of the ICB decision points from their decision letter.
- 3.9.1 Regulation 26A(1) – not disputed by any party.
- 3.9.2 Regulation 26A(2) – statement of fact.
- 3.9.3 Regulation 26A(3) – in the decision letter the ICB acknowledge that PCT Healthcare Limited is included in the relevant Pharmaceutical List in respect of both sites.
- 3.9.4 Regulation 26A(4) – no dispute as both sites (Site 1 and Site 2) are owned by PCT Healthcare Limited.
- 3.10 Below are extracts from the ICB decision letter, dated 15th April 2026 regarding these points:
- 3.11 Regulation 26A - consolidation onto an existing site
- 3.12 Regulation 26A(1) The applicant is already included in the relevant pharmaceutical list and both pharmacy premises listed in the application are "listed chemist premises". Therefore, this application does not need to be considered Regulation 26A(2) - The applicant is already included in the relevant pharmaceutical list and has submitted a consolidation application for inclusion in respect of the premises at site 2 which are not already listed in relation to it. Section 129(2A) of the NHS Act 2006 therefore does not apply to the application. Therefore, this application does not need to be considered.
- 3.13 Regulation 26A(3) The consolidation was received from PCT Healthcare Ltd in relation to the pharmacy premises at:
- 3.13.1 Site 1: 9-11 Patchwork Row, Shirebrook, Mansfield, Nottinghamshire, NG20 SAL currently owned by PCT Healthcare Ltd and;
- 3.13.2 Site 2: 18 Main Street, Shirebrook, Mansfield, Nottinghamshire, NG20 8DG currently owned by PCT Healthcare Ltd
- 3.14 PCT Healthcare Ltd is included in the relevant Pharmaceutical List in respect of both sites. There were no grounds to refuse the application under this provision.
- 3.14.1 We shall comment on Regulation 26A(5)a later in this appeal letter.
- 3.14.2 Regulation 26A(5)(b) – neither pharmacy is a distance selling pharmacy nor an appliance contractor premises.
- 3.14.3 Regulation 26A(6)(a) PCT Healthcare Limited advises that consequent to this consolidation the same advanced and enhanced services provided at Site 1 and Site 2 shall continue to be provided at Site 1. We advise that there will be no interruption in service provision.

- 3.15 The statement by the ICB is incorrect, regarding Regulation 26(6)(a) as both Site 1 and Site 2 offer Supervised Administration Service and Site 1 shall continue to offer Needle and Syringe Exchange Service after the consolidation, both of these services are enhanced services.
- 3.16 Regulation 26A(6)(b) & Regulation 26A(6)(c) are not relevant as PCT Healthcare Limited operates both NHS contracts and consents to the removal of Site 2, consequent to this consolidation.
- 3.16.1 Regulation 26A(7)- does not apply as regulation 26A(4) does not apply to this application.
- 3.16.2 Regulation 27A(8) does not apply as there are no other consolidation applications being considered together with this application.
- 3.16.3 Regulation 26A(5)(b) as neither site 1 nor site 2 are distance selling premises or appliance contractor premises there were no grounds to refuse the application under this provision.
- 3.16.4 Regulation 26A(6)(a) There were no grounds to refuse the application under this provision as none of the services being provided are enhanced services.
- 3.16.5 Regulation 26A(6)(b) does not apply as owners of site 1 and 2 are the same.
- 3.16.6 Regulation 26A(6)(c) does not apply as regulation 26A(3)(b) does apply to the application.
- 3.16.7 Regulation 26A(7) does not apply as regulation 26A(4) does not apply to this application.
- 3.16.8 Regulation 26A(8) does not apply as the application was not considered together with another consolidation application.
- 3.17 Regulation 65 - core opening hours conditions
- 3.18 This regulation does not apply as site 1 only has 40 core opening hours.
- 3.18.1 Regulation 26A(5)a
- 3.19 PCT Healthcare Limited shall now return to Regulation 26A(5)a. We firmly believe that the information given within our supporting document is sufficient to meet the requirements of Regulation 26A(5)a.
- 3.20 We believe that following the closure of Site 2 (18 Main Street, Shirebrook, Mansfield NG20 8DG) a routine application would not secure improvement or better access within Shirebrook. From the ICB decision letter on page 1:
- “Regulation 26A(5)(a) This regulation was considered by the committee, as to whether granting this application would create a gap in pharmaceutical services*

that could be met by a routine application to meet a current or future need for pharmaceutical services or to secure improvements, or better access, to pharmaceutical services.

The most recent PNA published in 2025 stated that whilst current access to pharmacy provision is in line with the national average there has been a decrease in

3.21 On page 2 of the decision letter:

“the number of community pharmacies. The population in the county has grown over the last decade and projected increases in population are anticipated in Derbyshire.

Areas of growth should be kept under review to ensure that the provision remains adequate to meet the future needs of the populations in these areas.

Of the residents within Derbyshire 97% can reach a pharmacy by car within 5-10 minutes. However, due to rural geography and wider population spread only 78% of the population can walk to a pharmacy within 20 minutes.

74% of residents live within a 10-minute journey of a pharmacy or dispensing GP surgery. Public and community transport is important to support access in certain areas, particularly in the rural of the county.

Essential services are well provided throughout Derbyshire and there are no gaps in provision. The delivery of advanced services is at a higher percentage than the England average, with the majority of pharmacies providing Pharmacy First, NMS and seasonal flu vaccination, reducing pressure on GP services.

Within the scope of the document, the PNA concludes that community-based pharmacies are meeting the current needs of the Derbyshire population, for essential and where offered, advanced services. The consistency and quality of the advanced services should be continually reviewed, and the uptake of services should be increased wherever possible.”

Pharmacy Needs Assessment

3.22 The relevant PNA for this application is Derby and Derbyshire Pharmaceutical Needs Assessment 2025-28 [Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028](#)

3.23 Please find below both the conclusion (from page 22) and the final Statements of Pharmaceutical Need (from page 204) indicating there are no gaps in pharmaceutical services across Derbyshire.

“Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028

Conclusion

Based on the analysis, the current provision of community pharmaceutical services adequately meets the pharmaceutical need in both the Derby and Derbyshire Health and Wellbeing Board areas.

Overall, provision is strong with good accessibility to pharmacies (particularly in more densely populated areas), full uptake of essential services, and high participation and delivery of advanced services across Derby and Derbyshire. Almost all of the population can reach a pharmacy a 20-minute travel time."

- 3.24 From page 204 of [Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028](#)

- 3.25 Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028

"Statements of Pharmaceutical Need

Following the analysis of population health and care needs, analysis and geographical mapping of pharmaceutical services, feedback from public and contractor surveys and wider consideration of the PNA Steering Group including factors such as the ongoing viability of existing pharmacies, it is considered that the current pharmacy provision adequately meets the pharmaceutical need in both Derby and Derbyshire.

Derbyshire

It is considered that the current provision of community pharmaceutical services adequately meets the pharmaceutical need in the Derby Health and Wellbeing Board area."

- 3.26 There are currently three pharmacies within Shirebrook serving a population of 10,559 in the town.

- 3.27 From - [2021 CENSUS FOR SHIREBROOK PARISH](#)

- 3.28 Both Site 1 and Site 2 are only a short distance apart from each other, 91 metres which can be undertaken in a 1 minute walk across a flat well-lit pavement.

- 3.29 Above is Site 2 (At the end of this road & pavement is the remaining pharmacy)
Above is Site 1 [see Appendix B for Committee].

- 3.30 There is no physical barrier for any patients wishing to access Site 1 who normally attend Site 2.

Patient Choice

- 3.31 This is a map indicating the locations of existing community pharmacies including the three existing pharmacies in Shirebrook. (Pharmacies are indicated by blue dots)

- 3.32 Source - [Postcode IMD Decile Mapper 2025 - IMD2025](#)

- 3.33 Excluding the pharmacies from this application, there is another pharmacy within Shirebrook located only 3 minutes' walk from Site 1.
- 3.34 There are 11 pharmacies within 6 miles of Shirebrook in addition to Site 1 & Site 2. Two of these pharmacies are extended hour pharmacies offering opening hours into the late evening and on weekends.
- 3.35 With regard to out of hours pharmaceutical provision, currently the closest pharmacy open after 18:00 to Shirebrook is:
- 3.35.1 Day and Night Pharmacy, 24 Townend, Bolsover, Chesterfield S44 6DT which opens 09:00 until 21:00, weekdays and Saturday. This pharmacy is located 4.6 miles from Site 1.
- 3.36 Additionally, there is another extended hour pharmacy open 7 days each week.
- 3.36.1 Asda Pharmacy, Old Mill Lane, Forest Town, Mansfield, NG19 0HA which is open Monday to Saturday the hours shown below. This pharmacy is 5.9 miles from Site 1.
- 9am to 12:30pm
1pm to 4:30pm
5pm to 9pm
Sunday hours Sunday: 10am to 4pm
- 3.37 Consequent to this consolidation the closest pharmacy providing evening pharmaceutical services shall remain as Day and Night Pharmacy, 24 Townend, Bolsover, Chesterfield S44 6DT which opens 09:00 until 21:00, weekdays and Saturday. This pharmacy is located 4.6 miles from Site 1.
- 3.38 Access to late-night pharmacy provision does not alter consequent to this consolidation.
- 3.39 These pharmacies, as they are operated by different pharmacy owners offer patient choice. Details of pharmacies from NHS.uk Link = [Find a pharmacy](#)
- 3.40 NHS Distances from Google maps Link = https://www.google.com/maps/dir///@53.2414464,-1.327104,13z?entry=ttu&q_ep=EgoyMDI2MDQyMi4wIKXMDSOASAFQAw%3D%3D

Pharmacy Details	Postcode	Distance from Site 1
Site 1 – 9 – 11 Patchwork Row, Shirebrook, Mansfield	NG20 8AL	(Site 1 – remaining site)
Site 2 – Main Street, Shirebrook Mansfield	NG20 8DG	91 metres = 1 minute walk (Site 2 – closing site)
56-60 Victoria Street Shirebrook, Mansfield	NG20 8AQ	240 metres = 3 minutes walk
6 Sherwood Street, Warsop Mansfield	NG20 0JN	1.4 miles = 5 minutes drive

80 Main Road, Langworth Nether Langwith, Mansfield	NG20 9BH	2.2 miles = 7 minutes drive
6 Poplar Drive, Pleasley, Mansfield	NG19 7TA	3.4 miles = 9 minutes drive
29a/29b Church Street, Warsop, Mansfield	NG20 0AU	3.7 miles = 10 minutes drive
Shop 3, Ossington Close, Meden Vale, Mansfield	NG20 9PZ	4.1 miles = 11 minutes
Town End, Bolsover Chesterfield	S44 6DT	4.6 miles = 12 minutes
Day-Night Pharmacy, 24 Townend, Bolsover	S44 6DT	4.6 miles = 12 minutes
38 High Street, Mansfield Woodhouse	NG19 8AN	4.7 miles = 13 minutes
14 Church Street, Mansfield, Woodhouse	NG19 8AH	4.7 miles = 13 minutes
Asda Pharmacy, Old Mill Lane, Forest Town, Mansfield	NG19 0HA	5.9 miles = 17 minutes

- 3.41 There have been no NHS complaints with regards to accessing pharmaceutical care within Shirebrook.

Drivers

- 3.42 There is free car parking located between Site 1 and Site 2 this car park is used by patients from both Site 1 and Site 2 pharmacies currently. Disabled parking spaces are also available closer to Site 1.
- 3.43 Consequent to the consolidation this would still be the case.

Public Transport

- 3.44 As indicated in our application patients accessing Site 2 by public transport will use the same bus stop to access Site 1.
- 3.45 The full details of local bus routes to and from Shirebrook are provided, patients shall continue to use the same bus stops on Main Street after the consolidation. [see Appendix B for Committee].
- 3.46 Derbyshire County Council operates a free “Gold Card” for older people and people with certain disabilities.

Shirebrook GP Surgery

- 3.47 The surgery in Shirebrook is 91 metres from Site 1 utilising the same car park and bus stops as the existing users of Site 1 and Site 2. There are no complaints from patients accessing the surgery.
- 3.48 The catchment area as indicated on Shirebrook Surgery website [New Patients - Shires Healthcare](#) for new patients is shown below.

- 3.49 The surgery catchment area includes the towns of Shirebrook, Church Warsop, Warsop Vale Upper Langworth, Nether Langworth. [see Appendix B for Committee].
- 3.50 Preventing a gap in opening hours consequent to consolidation
- 3.51 The opening hours of the three existing pharmacy contractors within Shirebrook are:

Pharmacy Address	Weekday opening	Saturday opening
Site 1 – NG20 8AL	Monday, Tuesday, Thursday & Friday 09:00 – 13:00 & 14:00 – 17:30 Wednesday 09:00 – 13:00 & 14:00 – 17:00	09:00 – 12:00
Site 2 – NG20 8DG	09:00 – 13:00 & 14:00 – 18:00	Closed
Pharmacy 3 – NG20 8AQ	09:00 – 17:00	08:45 – 16:00

- 3.52 As indicated in our original application, to prevent a gap in provision of pharmaceutical services in Shirebrook.
- 3.53 Site 1 current Core Hours (9-11 Patchwork Row, Shirebrook, NG20 8AL)
- 3.53.1 09:00 to 13:00 then 14:00 to 17:30 Monday, Tuesday, Thursday and Friday
- 3.53.2 09:00 to 13:00 then 14:00 to 17:00 Wednesday
- 3.53.3 09:00 to 12:00 on Saturday.
- 3.54 Opening Hours after Consolidation
- 3.55 Once the consolidation is actioned PCT Healthcare Limited commits to opening the following supplementary hours at Peak Pharmacy, 9-11 Patchwork Row, Shirebrook, NG20 8AL (Site 1).
- 3.56 PCT Healthcare Limited commits to never reduce these supplementary hours:
- 3.56.1 17:30 to 18:00 on Monday, Tuesday, Thursday, and Friday
- 3.56.2 17:00 to 18:00 on Wednesday
- 3.57 Total Opening hours after Consolidation:
- 3.58 After the consolidation total opening hours of the combined branch (Site 1):
- 3.58.1 09:00 to 13:00 then 14:00 to 18:00 Monday to Friday
- 3.58.2 And 09:00 to 12:00 on Saturdays.

3.58.3 (40 core hours + 3.0 supplementary hours = Total hours of opening 43 each week)

- 3.59 NOTE: in our original application there was confusion around the Saturday supplementary hours post consolidation, which may have influenced the ICB decision. The correct increased supplementary hours, consequent to this consolidation are indicated above.

Pharmaceutical Service and Future Population Growth

- 3.60 To cope with the increased workload PCT Healthcare Limited shall be relocating the trained pharmacy team from Site 2 into Site 1 consequent to this consolidation to ensure staffing levels are in place for the increased workload at Site 1.
- 3.61 From the existing Pharmacy Needs Assessment [Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028](#) on page 169 Shirebrook is identified for future housing. Link: [Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028](#)
- 3.62 Future housing plans
- 3.63 The current position in terms of future housing numbers in the district of Bolsover is 5,723 dwellings to be delivered between 2014 and 2033. This is the position in the Adopted Local Plan (2020). As of April 2024, 3,680 houses have been completed between 2014 and 2024.
- 3.64 Planning permission has been 11 granted for a further 1,904 dwellings, made up as follows:
- 3.64.1 Towns - Bolsover 446, Clowne 43, Shirebrook 253, South Normanton 74
- 3.64.2 Large Villages - Creswell 308, Barlborough 15, Pinxton 86, Tibshelf 25, Whitwell 475
- 3.64.3 Small Villages - Blackwell 27, Glapwell. Bramley Vale and Doe Lea 47, Hodthorpe 49, Langwith 1, Newton 8, Pleasley 6, Scarcliffe 1, Shuttlewood 1, Westhouses 2, Whaley Thorns 18, Hilcote 1
- 3.64.4 Countryside locations – 19
- 3.65 Within Shirebrook currently there is a development advertised by Linden Homes. [Pleasley View, Shirebrook by Linden Homes](#), 3- and 4-bedroom houses priced between £215k and £280k. [see Appendix B for Committee]
- 3.66 This development is on the Shirebrook bus routes.
- 3.67 Below are the current EPS nominations for all three existing pharmacies within Shirebrook from the NHS England Electronic Prescription Service (EPS) Release 2 Nominated Patient Count dated 24 April 2026. Link to website: Statistics - NHS England Digital

Pharmacy details	Address 1	Postcode	Current Active nominations
Site 1	9-11 Patchwork Ros	NG20 8AL	4936
Site 2	18 Main Street	NG20 8DG	4789
3 rd Pharmacy in Shirebrook	56 – 60 Victoria Street	NG20 8AQ	2323

3.68 Site 1 will have sufficient staffing capacity, space and time to support the increased patients within Shirebrook from the anticipated new housing, as PCT Healthcare Limited operates a hub and spoke dispensing model at all our pharmacies to enhance efficiency and patient care. This dispensing model has freed up time in our pharmacies enabling our pharmacists and their team to have extra capacity for consultations and clinical care. The hub and spoke model will ensure capacity is in place to cope with future population growth and an increased demand for pharmaceutical services from the anticipated 253 homes listed in the current PNA.

3.69 PCT Healthcare Limited firmly believe there is no gap in pharmaceutical service provision consequent to this consolidation which could be met by a routine application to meet a current or future need.

3.70 There will still be two pharmacies within Shirebrook after this consolidation that are located 3 minutes' walk apart.

Conclusion

3.71 The decision made by the ICB is flawed and we respectfully request NHS Resolution to grant this consolidation application under Regulation 26A(1), PCT Healthcare Limited believe this application meets the necessary regulatory tests.

3.72 PCT Healthcare Limited commits to increasing the supplementary hours at Site 1 to prevent a gap in opening hours, consequent to this consolidation as advised within this appeal.

3.73 Total Opening hours after Consolidation:

3.74 After the consolidation total opening hours of the combined branch (Site 1): 09:00 to 13:00 then 14:00 to 18:00 Monday to Friday and 09:00 to 12:00 on Saturdays.

3.75 (40 core hours + 3.0 supplementary hours = Total hours of opening 43 each week)

3.76 The relevant PNA for this application is Derby and Derbyshire Pharmaceutical Needs Assessment 2025-28 [Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028](#). Which states there is no gap in provision identified within Derbyshire, including the town of Shirebrook.

“Derbyshire

It is considered that the current provision of community pharmaceutical services adequately meets the pharmaceutical need in the Derby Health and Wellbeing Board area.

“Derby and Derbyshire Pharmaceutical Needs Assessment 2025-2028

Statements of Pharmaceutical Need

Following the analysis of population health and care needs, analysis and geographical mapping of pharmaceutical services, feedback from public and contractor surveys and wider consideration of the PNA Steering Group including factors such as the ongoing viability of existing pharmacies, it is considered that the current pharmacy provision adequately meets the pharmaceutical need in both Derby and Derbyshire.”

- 3.77 Should this consolidation be granted in Shirebrook, Site 1 the remaining pharmacy and the pharmacy located on Victoria Street both have capacity to deal with the required pharmaceutical services necessary to meet the needs of the existing and future population within the town.
- 3.78 PCT Healthcare Limited respectfully request NHS Resolution to grant this application under Regulation 26A(1).
- 3.79 PCT Healthcare Limited would wish to attend an Oral Hearing should one be deemed necessary.”

4 Summary of Representations

This is a summary of representations received on the appeal.

4.1 DERBYSHIRE COUNTY COUNCIL

- 4.1.1 “There is nothing further to add from a HWB perspective. I have re-attached the original Derbyshire HWB submission, signed by our Director of Public Health Ellie Houlston for information.”

In a letter to PCSE dated 12 January, Derbyshire County Council stated:

- 4.1.2 “Thank you for your letter of 17 December 2025 advising of the above application.
- 4.1.3 It is the representation of the Derbyshire County Health and Wellbeing Board that at the time of this application, there were no gaps in provision in this area. We consider that this consolidation would be unlikely to create a gap in provision in this area.
- 4.1.4 I would be grateful if you would keep us informed of the progress of this application.”

5 Late representations

5.1 COMMUNITY PHARMACY DERBYSHIRE

- 5.1.1 “Thank you for sending the appeal documents for the above consolidation application. Community Pharmacy Derbyshire committee reviewed the appeal information and wish to make the following comments
- 5.1.2 On the basis of the application and the information provided, Community Pharmacy Derbyshire considers that there is no difference in the provision of services or opening hours. It appears that PCSE may have misinterpreted the hours stated in the original application. Accordingly, Community Pharmacy Derbyshire is of the view that the consolidation application should not have been refused.
- 5.1.3 Community Pharmacy Derbyshire would like the opportunity if it arises, to be able to comment further and attend any hearings, as well as be kept informed of progress. Thank you.”

6 Observations

The following observations were received by NHS Resolution in response to the representations received on appeal.

6.1 THE APPLICANT

- 6.1.1 “PCT Healthcare Limited wish to thank you for circulating the representations from interested parties on the above application in an email dated 24 June 2026.
- 6.1.2 As the original submission dated 12 January 2026 from Derbyshire HWB signed by [EH], Director of Public Health was re-submitted.
- 6.1.3 PCT Healthcare Limited t/a Peak Pharmacy respectfully requests NHS Resolution to grant this application under Regulation 26A(1).
- 6.1.4 PCT Healthcare Limited would wish to attend an Oral Hearing should one be deemed necessary.”

7 Consideration

- 7.1 The Pharmacy Appeals Committee (“Committee”) appointed by NHS Resolution, had before it the papers considered by the Commissioner.
- 7.2 It also had before it the responses to NHS Resolution’s own statutory consultations.
- 7.3 On the basis of this information, the Committee considered it was not necessary to hold an Oral Hearing.
- 7.4 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).
- 7.5 Regulation 26A states:

- “1. A person already included in a pharmaceutical list may make an application pursuant to this paragraph (“a consolidation application”) in respect of the consolidation onto the site (S1) of listed chemist premises in the area of the relevant HWB (HWB1) of the provision of pharmaceutical services provided at or from S1 and other listed chemist premises (S2) in the area of HWB1.*
- 2. Section 129(2A) of the 2006 Act (regulations as to pharmaceutical services) does not apply to a consolidation application by a person already included in a pharmaceutical list for inclusion in respect of premises not already listed in relation to that person.*
- 3. Subject to paragraph (4), a consolidation application—*
 - (a) must be made by the person (P1) included in the pharmaceutical list in relation to S1; and*
 - (b) if different persons are listed in relation to S1 and S2, must include as part of the application an application by P1 to change the ownership of S2.*
- 4. If different persons are listed in relation to S1 and S2, and the person (P2) listed in relation to S2 is seeking to become the person listed in relation to S1, a consolidation application—*
 - (a) must be made by P2; and*
 - (b) must include as part of the application an application by P2 to change the ownership of S1.*
- 5. NHS England must refuse a consolidation application—*
 - (a) if it is satisfied that granting the application would create a gap in pharmaceutical services provision that could be met by a routine application—*
 - (i) to meet a current or future need for pharmaceutical services, or*
 - (ii) to secure improvements, or better access, to pharmaceutical services; or*
 - (b) if either S1 or S2 are distance selling premises or appliance contractor premises.*
- 6. In the case of an application to which paragraph (3) applies, NHS England must refuse the application unless it is satisfied—*
 - (a) if NHS England intends to commission from P1 at or from S1 enhanced services which P2 provides at or from S2 but which P1 has not been providing at or from S1, that the provision of those services will not be*

interrupted except for such period as NHS England may for good cause allow

(b) in the case of an application to which paragraph (3)(b) applies, that—

(i) P2 consents to the change of ownership of S2, and

(ii) P1 and P2 consent to S2 ceasing to be listed chemist premises as a consequence of the application; and

(c) in the case of an application to which paragraph (3)(b) does not apply, that P1 consents to S2 ceasing to be listed chemist premises as a consequence of the application.

7. In the case of an application to which paragraph (4) applies, NHS England must refuse the application unless it is satisfied—

(a) that P2 is proposing to carry on at or from S1, in place of P1, the business in the course of which P1 is providing pharmaceutical services at or from S1;

(b) that P2 is undertaking to provide the same pharmaceutical services as those that P1 is providing (whether or not P2 is also to provide other services that P2 is providing at S2);

(c) that the provision of pharmaceutical services at or from S1 is not to be interrupted, except for such period as NHS England may for good cause allow;

(d) if NHS England intends to commission from P2 at or from S1 enhanced services which P2 provides at or from S2 but which P1 has not been providing at or from S1, that the provision of those services will not be interrupted except for such period as NHS England may for good cause allow; and

(e) that—

(i) P1 consents to the change of ownership of S1, and

(ii) P1 and P2 consent to S2 ceasing to be listed chemist premises as a consequence of the application.

8. If two or more consolidation applications are being considered together, as regards the issue of a gap in provision, as mentioned in paragraph (5)(a), each application may be refused on the basis of the cumulative effect on provision of all the applications being considered together.”

7.6 In relation to Regulation 26A(1), the Committee noted the Commissioner's comments that the Applicant is included in the relevant pharmaceutical list and that both pharmacy premises are “*listed chemist premises*” and further that this had not been disputed by any party.

- 7.7 In relation to Regulation 26A(2), the Committee noted that this was a statement of fact and did not require any determination.
- 7.8 In relation to Regulation 26A(3), the Committee noted that there is no dispute that the Applicant, PCT Healthcare Ltd, owns both premises in relation to the consolidation application. The Committee therefore determined that this application was not an application to which Regulation 26A(3)(b) applied.
- 7.9 In relation to Regulation 26A(4), the Committee noted that it related to a situation where different persons were listed on the pharmaceutical list for each site. As the Applicant owned both sites, the Committee determined that this application was not an application to which Regulation 26A(4) applied.
- 7.10 In relation to Regulation 26A(5)(a), the Committee was mindful that it must refuse a consolidation application if it is satisfied that granting the application would create a gap in pharmaceutical services provision that could be met by a routine application to:
- 7.10.1 meet a current or future need for pharmaceutical services, or
 - 7.10.2 to secure improvements or better access to pharmaceutical services.
- 7.11 The Committee noted that paragraph 19(5) of Schedule 2 of the Regulations provides that, where a Health and Wellbeing Board ("HWB") is notified of a consolidation application, the HWB must make representations under paragraph 19(4) of Schedule 2 (representations in writing about the application) which, in addition to any other matter about which it may wish to make representations indicate whether, if the application were granted, in the opinion of the HWB the proposed removal of premises from its pharmaceutical list would or would not create a gap in pharmaceutical services provision that could be met by a routine application:
- 7.11.1 to meet a current or future need for pharmaceutical services, or
 - 7.11.2 to secure improvements or better access to pharmaceutical services.
- 7.12 The Committee noted that Derbyshire HWB had been invited by the Commissioner to comment on the application within the 30 day consultation period and had responded. The Derbyshire HWB had also been invited to comment on the appeal and representations were received.
- 7.13 The Committee noted that, in addition to the remaining pharmacy (site 1) there was another pharmacy located within Shirebrook and that there were a total of 10 further pharmacies located within 6 miles of Shirebrook, all of which are located within the HWB area.
- 7.14 The nearest pharmacy to the closing site is located at 56-60 Victoria Street, Shirebrook which, according to the Applicant, is located approximately 240 metres from site 1, the remaining site. The Committee noted that this had not been disputed.

- 7.15 The Committee noted, from the information provided by the Applicant, which is not disputed, that:
- 7.15.1 the closing site has 40 core opening hours per week and is open 9am to 1pm and 2pm to 6pm Monday to Friday with no hours, either core or supplementary, on a weekend;
 - 7.15.2 “Pharmacy 3” (FQA70) at 56-60 Victoria Street, Shirebrook, is currently open 9am to 5pm Monday to Friday and 8:45am to 4pm Saturday; and
 - 7.15.3 the remaining site at 9-11 Patchwork Row, Shirebrook, which is located 91 metres away from the closing site, currently provides 40 hours a week, all of which are core hours. The remaining site is currently open 9am to 1pm and 2pm to 5:30pm on a Monday, Tuesday, Thursday and Friday; 9am to 1pm and 2pm to 5pm on a Wednesday and 9am to 12noon on a Saturday.
- 7.16 The Committee noted the information provided by the Applicant with its original application which had been expanded upon on appeal. The Committee noted that for those patients who access services on foot, the distance between the two sites was relatively short (91 metres) and that the journey was along flat, wide, well-lit pavements and further noted the photographs provided by the Applicant showing both site 1 and site 2. The Committee was of the view that there was no evidence that those who could and were able to access alternative pharmacies on foot would have difficulties in doing so. The Committee noted the information provided with regard to the bus services in the area and that the same bus stop was used to access both site 1 and site 2. For those who had access to private transport, the Committee noted the information regarding parking in the area around both the closing and remaining site. The Committee was of the view that for those who had used either private or public transport, there were no access issues.
- 7.17 The Committee noted the substantive information provided by the Applicant, which had not been disputed that whilst there would be a reduction in the number of pharmacies in Shirebrook this would not significantly alter travel times and access for the resident population. The Committee agreed with the Applicant and found the Commissioner’s reference to journey times especially for those in more rural areas as odd. The Committee noted the information regarding the volume of prescriptions dispensed at the pharmacies in Shirebrook as well as the comments from the Applicant that it would be *“relocating the trained pharmacy team from Site 2 into Site 1 consequent to this consolidation to ensure staffing levels are in place for the increased workload at Site 1.”*
- 7.18 The Committee noted the Applicant’s comments that it would be adjusting its supplementary hours at the remaining site to meet any demand for pharmaceutical services that may arise following the closure of site 2. The Committee further noted that the closing site did not have any opening hours, either core or supplementary, on a Saturday however the remaining site currently has core hours on a Saturday morning, which will continue after the consolidation.

- 7.19 The Committee noted the representations made by the HWB in response to the Applicant's initial application, which were reiterated in response to the appeal, that *"at the time of this application there were no gaps in provision in this area"* and further *"we consider that this consolidation would be unlikely to create a gap in provision in this area."*
- 7.20 The Committee noted that Community Pharmacy Derbyshire supported the application and stated *"Community Pharmacy Derbyshire considers that there is no difference in the provision of services or opening hours. It appears that PCSE may have misinterpreted the hours stated in the original application. Accordingly, Community Pharmacy Derbyshire is of the view that the consolidation application should not have been refused."*
- 7.21 The Committee went on to consider whether it is satisfied that granting the application would create a gap in pharmaceutical services that could be met by a routine application to meet a current or future need for pharmaceutical services or to secure improvements, or better access, to pharmaceutical services.
- 7.22 The Committee considered that the wording of Regulation 26A(5)(a) sets a threshold that must be met in order to refuse an application. In order to do so, the decision maker must be satisfied that granting the application "would" create a gap in pharmaceutical service provision that could be met by a routine application. This is clearly a higher standard than would be the case if it stated that the application must be refused if granting it "might", "may" or "could" create such a gap. It suggests that there is at least a high probability, if not a certainty, that granting the application will cause a gap.
- 7.23 The Committee was of the view that the HWB comments on whether such a gap would be created, which it is legally obliged to provide, carry significant weight on this point. The Committee noted that the HWB is of the view that *"this consolidation would be unlikely to create a gap in provision in this area."*
- 7.24 The Committee considered that the Applicant had addressed this issue of whether or not granting the application would create a gap in pharmaceutical provision that could be met by a routine application. The Applicant has referred to the short distance between the closing and remaining site, the ease of access between them and the availability of other pharmacies nearby and has stated that there will be no change in the services provided by granting the application. The Committee noted that the Commissioner had not sought to expand upon its view in its decision as to why the application should not be granted and had provided no response to the appeal.
- 7.25 Taking all of the information before it into account, the Committee determined that it was not required to refuse the application under Regulation 26A(5)(a) on the basis that it was satisfied that granting the application would not create a gap in pharmaceutical service provision that could be met by a routine application to meet a current or future need for pharmaceutical services or to secure improvements, or better access, to pharmaceutical services.

- 7.26 In relation to Regulation 26A(5)(b), the Committee was mindful that it must refuse a consolidation application if either sites of the consolidation application are distance selling premises or appliance contractor premises.
- 7.27 The Committee noted that the Commissioner, in its decision letter, states that neither pharmacy is a distance selling or an appliance contractor, which had not been disputed by any party. Therefore, the Committee determined that it was not required to refuse the application under Regulation 26A(5)(b).
- 7.28 In relation to Regulation 26A(6)(a) the Committee noted the Applicant states that *“consequent to this consolidation the same advanced and enhanced services provided at Site 1 and Site 2 shall continue to be provided at Site 1”*, which has not been disputed by any party. The Applicant further states that there will be no interruption in service provision. Therefore the Committee determined that it was not required to refuse the application under Regulation 26A(6)(a).
- 7.29 The Committee was mindful that, if the application is to be granted, and the consolidation proceeds, it will be the responsibility of the Commissioner, in line with Regulation 66 to ensure that the advanced and enhanced services continue to be provided.
- 7.30 In relation to Regulation 26A(6)(b) and Regulation 26A(6)(c), the Committee was of the view that this criteria is not relevant as the Applicant owns both premises and consents to the pharmacy at 18 Main Street, Shirebrook ceasing to be listed chemist premises as a consequence of the application. The Committee determined that it was not required to refuse the application under Regulation 26A(6)(b) or 26A(6)(c).
- 7.31 In relation to Regulation 26A(7), the Committee noted that this only applies if Regulation 26A(4) applies. The Committee had already determined that this was not an application to which Regulation 26A(4) applied and so the Committee determined that it was not required to refuse the application under Regulation 26A(7).
- 7.32 In relation to Regulation 26A(8), the Committee noted that this application was not being considered with any other consolidation applications and therefore Regulation 26A(8) did not apply.
- 7.33 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 7.33.1 confirm the Commissioner’s decision;
 - 7.33.2 quash the Commissioner’s decision and redetermine the application;
 - 7.33.3 if it considers that there should be a further notification to the parties to make representations, quash the Commissioner’s decision and remit the matter to the Commissioner.

- 7.34 As the Committee has reached a different conclusion to that of the Commissioner, the Committee determined that the decision of the Commissioner must be quashed.
- 7.35 The Committee went on to consider whether there should be a further notification to the parties detailed at paragraph 19 of Schedule 2 of the Regulations to allow them to make representations if they so wished (in which case it would be appropriate to remit the matter to the Commissioner) or whether it was preferable for the Committee to redetermine the application.
- 7.36 The Committee noted that representations on Regulation 26A had already been made by parties to the Commissioner, and these had been circulated and seen by all parties as part of the processing of the application by the Commissioner. The Committee further noted that when the appeal was circulated representations had been sought from parties on Regulation 26A.
- 7.37 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

8 Decision

- 8.1 The Pharmacy Appeals Committee (“Committee”), appointed by NHS Resolution, quashes the decision of the Commissioner, for the reasons given above, and redetermines the application.
- 8.2 The Committee determined that the application should be granted.

Case Manager Primary Care Appeals