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

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

10 September 2026

REF: APL-4446 [SHA/27002]

APPEAL AGAINST BEDFORDSHIRE, LUTON AND MILTON KEYNES ICB DECISION TO REFUSE AN APPLICATION BY PUTNOE AND LINDEN MEDICAL PARTNERSHIP FOR A RELOCATION OF PREMISES AFTER OUTLINE CONSENT HAS TAKEN EFFECT FROM LINDEN ROAD SURGERY, AVOCA HOUSE, MOLIVERS LANE, BEDFORD, MK43 8JT TO LINDEN ROAD SURGERY, 13 LINDEN ROAD, BEDFORD, MK40 2DQ UNDER REGULATION 55

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:

Putnoe and Linden Medical Partnership
PCSE on behalf of Luton and Milton Keynes ICB

NHS Resolution

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

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

REF: APL-4446 [SHA/27002]

APPEAL AGAINST BEDFORDSHIRE, LUTON AND MILTON KEYNES ICB DECISION TO REFUSE AN APPLICATION BY PUTNOE AND LINDEN MEDICAL PARTNERSHIP FOR A RELOCATION OF PREMISES AFTER OUTLINE CONSENT HAS TAKEN EFFECT FROM LINDEN ROAD SURGERY, AVOCA HOUSE, MOLIVERS LANE, BEDFORD, MK43 8JT TO LINDEN ROAD SURGERY, 13 LINDEN ROAD, BEDFORD MK40, 2DQ UNDER REGULATION 55

1 The Application

By application dated 13 November 2025, Linden Road Surgery ("the Applicant") applied to Bedfordshire, Luton and Milton Keynes ICB ("the Commissioner") for a relocation of premises after outline consent has taken effect from Linden Road Surgery, Avoca House, Molivers Lane, Bedford, MK43 8JT to Linden Road Surgery, 13 Linden Road Bedford, MK40 2DQ under Regulation 55. The application stated:

1.1 Insert the address of the premises for which premises approval was previously given:

1.2 "LINDEN ROAD SURGERY AVOCA HOUSE, MOLIVERS LANE BEDFORD MK43 8JT"

1.3 Please insert below the address of the premises for which you are now seeking premises approval:

1.4 "LINDEN ROAD SURGERY 13, LINDEN ROAD BEDFORD MK40 2DQ"

1.5 Please confirm which patient groups are accustomed to accessing the dispensing service at your current premises:

1.6 "The patients currently accustomed to accessing our dispensing service at the Bromham Branch Surgery are primarily those living in surrounding rural villages who meet the 1.6km eligibility rule for dispensing services. These patients generally travel by car to collect their medicines. There is an existing community pharmacy within Bromham village for residents who are not dispensing-eligible. The proposed relocation of the dispensary to our main Linden Road Surgery will not alter the dispensing boundary, patient eligibility, or the overall provision of pharmaceutical services within the HWB area. It simply transfers the service to a modern, accessible, and compliant site. We also provide a home delivery service for patients who are unable to attend the surgery in person due to mobility or transport issues. This service will continue unchanged following the proposed relocation, ensuring continuity of access for all dispensing patients."

1.7 Please use the box below to explain why you consider that the new premises are not significantly less accessible for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises.

1.8 “The premises at Linden Road Surgery are not significantly less accessible for any patient groups currently using the dispensary at our Bromham Branch. In fact, accessibility will be substantially improved. The existing Bromham premises are located on the first floor above a retail unit, with no lift access, meaning patients with limited mobility, those using walking aids or wheelchairs, and elderly patients often cannot access the dispensary. The site is also only open part of the week due to building constraints and CQC concerns regarding clinical suitability. By contrast, the Linden Road Surgery is a more modern, ground-floor facility with full disabled access, stepfree entry, ramp access, and designated disabled parking bays. The surgery is open during all contractual hours, ensuring consistent access. Most dispensing-eligible patients live in surrounding rural villages and travel by car; the Linden Road site has increased parking capacity and is conveniently located, providing excellent road access. There is also a bus stop just outside the surgery. Accordingly, the relocation will enhance accessibility for the majority of our dispensing patients, particularly those with mobility difficulties, and will not disadvantage any existing patient groups.”

1.9 Please use the box below to explain why you consider that granting the application will not result in a significant change to the arrangements that are in place for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or of local pharmaceutical services in any part of the HWB’s area or in a controlled locality in the area of a neighbouring HWB area where that controlled locality is within 1.6km of your proposed new premises.

1.10 “Granting this application will not result in a significant change to the existing arrangements for the provision of pharmaceutical services within the HWB area or any neighbouring controlled locality. The proposal involves relocating our dispensary from Bromham Branch Surgery to our main site at Linden Road Surgery. The move does not alter our dispensing boundaries, patient eligibility, or the size of our dispensing list, which is defined by geography and the 1.6km rule. The same patients who are currently eligible for dispensing services will continue to be eligible following the relocation. A community pharmacy already operates within Bromham village, meaning that most residents there are not entitled to receive dispensing services from us. This will remain unchanged, and therefore the relocation will not affect the provision of pharmaceutical services to these patients or impact the operation of any local pharmacies. The relocation simply transfers the dispensary function to a more accessible and compliant site without changing service scope, volume, or patient entitlement. Accordingly, no significant change to pharmaceutical service arrangements will occur as a result of this relocation.”

1.11 Please use the box below to explain why you consider granting the application would not cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the HWB’s area.

1.12 “Granting this application will not cause any significant detriment to the proper planning of pharmaceutical service provision within the HWB area. The proposed relocation of the dispensary from Bromham Branch Surgery to our

main Linden Road Surgery represents an operational move within the same practice and catchment area.

1.13 It does not expand the practice's dispensing boundary, alter the population eligible for dispensing, or affect the existing network of community pharmacies. The relocation supports good planning principles by consolidating services in a modern, accessible, and compliant facility that meets current CQC standards and the Equality Act 2010. It will improve efficiency, patient safety, and accessibility—particularly for those with limited mobility—without duplicating or displacing existing pharmaceutical services.

1.14 Accordingly, this proposal aligns with the proper and sustainable planning of pharmaceutical services within the HWB area."

2 The Decision

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

2.1 "Bedfordshire, Luton and Milton Keynes ICB has considered the above application and I am writing to confirm that it has been refused. Please see the enclosed report for full reasoning.

2.2 You have a right of appeal to the Secretary of State against Bedfordshire, Luton and Milton Keynes ICB's decision. Should you choose to appeal then you should send a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this letter to nhsr.appeals@nhs.net or:

2.3 Primary Care Appeals, NHS Resolution, 8th Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU."

Decision Report of the Pharmaceutical Services Regulations Committee.

[Any reference to 'Committee' in this section is not to be confused with the Pharmacy Appeals Committee of NHS Resolution.]

2.4 **"ME4083 - Putnoe and Linden Medical Partnership - ROAC - CAS-394728-N2Z2F1**

2.5 The Pharmaceutical Services Regulations Committee (hereafter referred to as "the Committee") considers all pharmaceutical services applications for the 6 Integrated Care Boards (ICB) within the East of England footprint. NHS Hertfordshire and West Essex ICB (HWE ICB) host the meeting on behalf of the 6 ICBs, in accordance with the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 as amended (hereafter referred to as "the Regulations").

2.6 **Relocation of practice premises after outline consent (ROAC) takes effect: Putnoe and Linden Medical Partnership, 13 Linden Road, Bedford, Bedfordshire, MK40 2DQ (E81060)**

2.7 The Committee considered this application for the ROAC that has taken effect in the Bedford Borough Health and Wellbeing Board (HWB) area under Regulation 55 of the Regulations.

2.8 The Committee noted that as of December 2025, Linden Road Surgery dispensed to 58 of its 6,302 patients.

2.9 **Regulation 55 - Premises approval: relocations of practice premises which are not significant after outline consent has taken effect**

2.10 The Committee noted that Dr S Kanungo (SK), Linden Road Surgery currently provides:

2.10.1 Pharmaceutical services from Bromham Road Surgery, Avoca House, Molivers Lane, Bedford, MK43 8JT which is included in the dispensing doctor list for the area of Bedford Borough HWB; and

2.10.2 Wishes to relocate and dispense from the main surgery, Lindon Road Surgery, 13 Linden Road, Bedford, MK43 8JT.

2.11 The Committee noted the application therefore meets the requirements of Regulation 55(1).

2.12 The Committee noted that the applicant had stated the following in their application:

2.12.1 *"The patients currently accustomed to accessing our dispensing service at the Bromham Branch Surgery are primarily those living in surrounding rural villages who meet the 1.6km eligibility rule for dispensing services. These patients generally travel by car to collect their medicines. There is an existing community pharmacy within Bromham village for residents who are not dispensing-eligible. The proposed relocation of the dispensary to our main Linden Road Surgery will not alter the dispensing boundary, patient eligibility, or the overall provision of pharmaceutical services within the HWB area. It simply transfers the service to a modern, accessible, and compliant site. We also provide a home delivery service for patients who are unable to attend the surgery in person due to mobility or transport issues. This service will continue unchanged following the proposed relocation, ensuring continuity of access for all dispensing patients."*

2.13 The Committee noted that the location of the address for which premises approval is being sought is Linden Road Surgery, 13 Linden Road, Bedford, MK40 2DQ.

2.14 The Committee noted that most patients living in Bromham are within 1.6km of Bromham Pharmacy, which is located within the same premises (Avoca House, Molivers Lane, Bromham, MK43 8JT) and so are not eligible to be dispensed to if registered with SK. Those patients who are dispensed to live in the rural areas to the north, west and south of Bromham.

2.15 The Committee noted that the distance between the two locations is approximately 3 miles, as shown in the Google Maps image shared with the Committee prior to the meeting, and that this distance is the same when travelling by car.

2.16 The Committee noted that the STRATA map images shared prior to the meeting showed the location of the current premises, the practice catchment

area, and the location of patients registered with the practice as of February 2026.

2.17 **Regulation 55(2)(a) – consideration**

2.18 The Committee noted that the Regulations do not require the applicant to identify the patient groups that are accustomed to accessing pharmaceutical services at the current premises of Bromham Branch Surgery, Avoca House, Molivers Lane, Bedford, MK43 8JT, and agreed that the Committee must give consideration to them in order to be satisfied that the location of the proposed premises is not significantly less accessible.

2.19 The Committee noted that the applicant had stated within their application:

2.19.1 *"The premises at Linden Road Surgery are not significantly less accessible for any patient groups currently using the dispensary at our Bromham Branch. In fact, accessibility will be substantially improved. The existing Bromham premises are located on the first floor above a retail unit, with no lift access, meaning patients with limited mobility, those using walking aids or wheelchairs, and elderly patients often cannot access the dispensary. The site is also only open part of the week due to building constraints and CQC concerns regarding clinical suitability. By contrast, the Linden Road Surgery is a more modern, ground-floor facility with full disabled access, step free entry, ramp access, and designated disabled parking bays. The surgery is open during all contractual hours, ensuring consistent access. Most dispensing-eligible patients live in surrounding rural villages and travel by car; the Linden Road site has increased parking capacity and is conveniently located, providing excellent road access. There is also a bus stop just outside the surgery.*

2.19.2 *Accordingly, the relocation will enhance accessibility for the majority of our dispensing patients, particularly those with mobility difficulties, and will not disadvantage any existing patient groups".*

2.20 The Committee noted that there are likely to be two patient groups that are accustomed to accessing pharmaceutical services at the current premises:

2.20.1 Those who have had an appointment with a healthcare professional at the practice, and

2.20.2 Those who access the current premises to collect dispensed medication.

2.21 The Committee noted that these patient groups would travel to the current premises either by car or public transport. As the practice cannot dispense to people who live within 1.6km of Bromham Pharmacy, it is unlikely that many or any people in these groups will walk to the current premises.

2.22 The Committee referred to the image taken from Google Maps shared with the Committee prior to the meeting. The Committee noted that according to Google Maps, the distance between the current and proposed premises by car is approximately 3 miles, which takes 9 minutes to drive and 24 minutes using

public transport. It is unlikely that patients would walk the distance as this would take approximately 1 hour as they would have first walked to Bromham.

2.23 When considering those patients who may use public transport, the Committee noted that whilst the applicant had stated there is a bus-stop outside the premises on Linden Road, this is for the Bedford-Brickhill 22 service which does not go to Bromham. The bus route that includes Bromham is the Bedford to Northampton 41 service and the closest bus stop to Linden Road is on Chaucer Road, 0.4 miles from Linden Road Surgery taking around 10 minutes to walk. The journey on the bus takes 25 or 26 minutes and is hourly.

2.24 The Committee were concerned that those that use public transport have approximately an additional 6 miles to travel to access their medicines at the main site in Bedford. Public transport options were limited and the bus stops referenced in the application were not on the relevant route. The Committee noted that those patients who did not have appointments at the branch surgery would need to travel from their homes to the main site and then return, creating a significantly longer journey. It was noted that the main road into Bedford could be congested at peak times, further complicating access. The Committee concluded that those who used public transport would find the proposed premises significantly less accessible.

2.25 The Committee determined that due to the distance between the two sites, those patients that access the dispensary at the current premises by car would not find accessing pharmaceutical services from the proposed premises significantly less accessible.

2.26 The Committee noted that there is one patient group that is accustomed to accessing pharmaceutical services from the current premises – those who have their dispensed medication delivered to them by the practice.

2.27 The Committee noted that Linden Road Surgery/Bromham Surgery has 6,302 registered patients.

2.28 The Committee referred to the data shared with the Committee prior to the meeting; Linden Road Surgery prescribed 10,130 prescriptions in October 2025. 28% were dispensed by Kay's Chemist, Bedford (FP598), 12.0% by Smarta Healthcare, Bedford, 6.4% by Bedford Pharmacy, Bedford and the surgery dispensed or personally administered 5.6%.

2.29 Additionally, the data showed that patients accessed a further 54 pharmacies or dispensing appliance contractor premises to have their prescriptions dispensed.

2.30 When considering Regulation 55(2)(b)(i) and (ii), the Committee noted that there was no evidence to suggest that granting this application would result in a significant change to the arrangements that are in place for the provision of pharmaceutical services (including by a person included on a dispensing doctor list) or of local pharmaceutical services in the area of Bedford Borough HWB. The only change would be that instead of dispensing at or from Bromham Surgery the applicant proposes to dispense to the same patients from Linden Road Surgery.

2.31 The Committee noted that there is no neighbouring HWB that is within 1.6km of the proposed premises.

2.32 The Committee noted that the applicant had stated within their application:

2.32.1 *"Granting this application will not result in a significant change to the existing arrangements for the provision of pharmaceutical services within the HWB area or any neighbouring controlled locality. The proposal involves relocating our dispensary from Bromham Branch Surgery to our main site at Linden Road Surgery. The move does not alter our dispensing boundaries, patient eligibility, or the size of our dispensing list, which is defined by geography and the 1.6km rule. The same patients who are currently eligible for dispensing services will continue to be eligible following the relocation. A community pharmacy already operates within Bromham village, meaning that most residents there are not entitled to receive dispensing services from us. This will remain unchanged, and therefore the relocation will not affect the provision of pharmaceutical services to these patients or impact the operation of any local pharmacies. The relocation simply transfers the dispensary function to a more accessible and compliant site without changing service scope, volume, or patient entitlement. Accordingly, no significant change to pharmaceutical service arrangements will occur as a result of this relocation".*

2.33 The Committee agreed it was not required to refuse the application under the provisions of Regulation 55(2)(b)(i) and (ii).

2.34 **Regulation 55(2)(c)**

2.35 This Committee noted that the applicant had stated within their application:

2.35.1 "*Granting this application will not cause any significant detriment to the proper planning of pharmaceutical service provision within the HWB area. The proposed relocation of the dispensary from Bromham Branch Surgery to our main Linden Road Surgery represents an operational move within the same practice and catchment area. It does not expand the practice's dispensing boundary, alter the population eligible for dispensing, or affect the existing network of community pharmacies. The relocation supports good planning principles by consolidating services in a modern, accessible, and compliant facility that meets current CQC standards and the Equality Act 2010. It will improve efficiency, patient safety, and accessibility—particularly for those with limited mobility—without duplicating or displacing existing pharmaceutical services. Accordingly, this proposal aligns with the proper and sustainable planning of pharmaceutical services within the HWB area."*

2.36 This Committee noted that there was no evidence to suggest that granting the application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of Bedford Borough HWB.

2.37 The Committee agreed it was not required to refuse the application under the provisions this Regulation.

2.38 **Representations**

2.39 The full representations were within the 'Representations' section on page 7 embedded within the Committee Report and shared prior to the meeting.

2.40 The Committee noted that the applicant did not respond to the representations made.

2.41 The Committee noted the representations from Westbourne Pharmacy Ltd t/a Janssen's Pharmacy regarding the location of pharmacies within 1.6km of the proposed premises, and "the 1.6km rule". The Committee noted that the fact the proposed premises are within 1.6km of one or more pharmacies is not applicable to applications for premises approval submitted under Regulation 55, only those submitted under Regulation 51. The Committee agreed that if granted, the applicant would continue to dispense to the same eligible patients, just from different premises. There would, therefore, be no impact on the existing pharmacies.

2.42 **Decision**

2.43 The Committee agreed to refuse the application:

2.43.1 The Committee agreed that patients would face an additional six-mile round trip to collect medicines from the proposed new site in Bedford.

2.43.2 The Committee agreed that many patients live in rural villages surrounding Bromham, meaning the journey would be longer than travelling to the current branch surgery.

2.43.3 The Committee agreed that the bus stops referenced in the application were not on the relevant routes used by patients travelling from their villages.

2.43.4 The Committee agreed that the nearest usable bus stop was approximately a 10- minute walk from the new surgery and that bus services were hourly, meaning for those who use public transport, the proposed premises could be significantly less accessible.

2.43.5 The Committee agreed that some patients may not regularly attend the branch surgery but would still be required to travel additional distance solely to collect medicines, increasing travel burden.

2.43.6 The Committee agreed that the proposed location would be significantly less accessible than the current branch surgery for the 58 patients who rely on dispensing services.

2.43.7 The Committee was satisfied that, although delivery services and the presence of a pharmacy at the new site were noted, the regulatory assessment focuses on ease of access, and the distance and transport barriers were therefore considered prohibitive.

2.44 The Committee agreed that appeal rights are granted to the applicant Putnoe and Linden Medical Partnership."

3 The Appeal

In a letter dated 14 May 2025 [sic] received 14 May 2026 addressed to NHS Resolution, the Applicant appealed against the Commissioner's decision. The grounds of appeal are:

3.1 "We write to appeal the decision of the Pharmaceutical Services Regulations Committee dated 15 April 2026 refusing our application for premises approval under Regulation 55.

3.2 We respectfully submit that the Committee placed disproportionate emphasis on theoretical transport difficulties affecting a small number of patients using public transport, whilst failing to properly consider the substantial overall improvements in accessibility, equality, safety, and continuity of service that the relocation would provide.

3.3 The proposed relocation is from Bromham Branch Surgery, a first-floor premises above a retail unit with no lift access, to our main surgery at Linden Road, a modern ground-floor premises with disabled access, ramp access, disabled parking bays, and full opening hours.

3.4 The current Bromham dispensary premises are inherently unsuitable for many patients with reduced mobility. Patients who use walking aids, wheelchairs, mobility scooters, or who are unable to climb stairs face significant barriers accessing the existing dispensary. These concerns were central to our application and are directly relevant to accessibility considerations under Regulation 55 and the Equality Act 2010.

3.5 The Committee acknowledged that the proposed Linden Road premises would improve accessibility for patients travelling by car and for those with mobility difficulties. However, the application was refused primarily because the Committee considered that some patients using public transport may experience a longer journey. We respectfully submit that this conclusion was not supported by evidence demonstrating that any significant proportion of the 58 dispensing patients rely upon public transport to access dispensing services.

3.6 Importantly:

3.6.1 We consulted all 58 dispensing patients regarding the proposed relocation.

3.6.2 No dispensing patient objected to the move.

3.6.3 The majority of patients expressed support for the relocation due to the improved accessibility, longer opening hours, improved parking, and step-free access.

3.6.4 Many patients specifically welcomed the move because the current first-floor dispensary is difficult to access.

3.7 The Committee's conclusion that the proposed site would be "significantly less accessible" for dispensing patients therefore appears inconsistent with the views of the dispensing patients themselves.

3.8 The Committee also accepted that most dispensing patients live in surrounding rural villages and generally travel by car. As rural dispensing patients are geographically dispersed, private vehicle use is unsurprising and reflects the practical realities of rural dispensing services.

3.9 Furthermore, the practice already operates a home delivery service for patients unable to attend the surgery in person. This service has been an established part of our dispensing arrangements and will continue unchanged following relocation. We respectfully submit that continued home delivery materially mitigates any potential transport concerns.

3.10 In addition, Bromham Pharmacy is located on the ground floor within the same building as the current branch surgery premises. Patients who wish to continue collecting medicines from the Bromham location can readily access pharmaceutical services there. The practice would fully support any patient wishing to nominate Bromham Pharmacy for future dispensing arrangements.

3.11 This is therefore not a situation in which pharmaceutical access within Bromham village would be removed. Pharmaceutical services would remain available at the same location through the existing community pharmacy.

3.12 The Committee further accepted that:

3.12.1 the relocation would not significantly alter pharmaceutical service arrangements;

3.12.2 there would be no adverse impact on local pharmacies;

3.12.3 there would be no detriment to proper planning of pharmaceutical services.

3.13 The sole basis for refusal was therefore accessibility. We respectfully submit that when accessibility is considered holistically, the Linden Road premises are plainly more accessible overall than the current first-floor branch surgery. The proposed premises provide:

3.13.1 step-free access;

3.13.2 disabled access compliance;

3.13.3 disabled parking bays;

3.13.4 longer opening hours;

3.13.5 improved parking availability;

3.13.6 safer and more modern premises;

3.13.7 full-time operational capability;

3.13.8 continued home delivery services.

3.14 By contrast, the current premises are only partially open, are located on the first floor without lift access, and create substantial barriers for elderly and mobility-impaired patients.

3.15 We therefore respectfully request that the appeal be upheld and that approval be granted for relocation of dispensing services to Linden Road Surgery."

4 Summary of Representations

This is a summary of representations received on the appeal.

4.1 THE COMMISSIONER

4.1.1 "Please note that from the 1 April 2023, community pharmacy contracting and commissioning has been delegated to Integrated Care Boards (ICBs). Central East (CE) ICB are hosting the function on behalf of the three East of England ICBs. The three ICBs have formed one Pharmaceutical Services Regulations Committee (PSRC) which is also hosted by CE ICB.

4.1.2 Thank you for your letter dated 27 May 2026 advising that Putnoe and Linden Medical Partnership (Appellant) have submitted an appeal against a decision made by CE ICB to refuse their application for a relocation of premises after outline consent has taken effect.

4.1.3 Having reviewed the appeal submitted by the Appellant, their main ground for appeal is that the PSRC (the Committee) placed disproportionate emphasis on theoretical transport difficulties affecting a small number of patients using public transport, whilst failing to properly consider the substantial overall improvements in accessibility, equality, safety, and continuity of service that the relocation would provide.

4.1.4 The Appellant states *"The Committee acknowledged that the proposed Linden Road premises would improve accessibility for patients travelling by car and for those with mobility difficulties. However, the application was refused primarily because the Committee considered that some patients using public transport may experience a longer journey. We respectfully submit that this conclusion was not supported by evidence demonstrating that any significant proportion of the 58 dispensing patients rely upon public transport to access dispensing services.*" (Page 2 and 3, Appeals letter).

4.1.5 The Committee determined that due to the distance between the two sites, those patients that access the dispensary at the Bromham premises by car would not find accessing pharmaceutical services from the proposed premises at Linden Road significantly less accessible.

4.1.6 However, the Committee had regard to all patient groups and recognised that not all users of the dispensary will travel by car. These patients would therefore rely on walking or public transport, which would mean an additional 6 mile round trip to the proposed premises at Linden Road. This would be significantly less accessible. The Committee noted that this would affect a total of 58 patients.

4.1.7 As the Appellant did not provide any information or evidence within its application to support and demonstrate that the relocation would not be significantly less accessible for those patient groups accustomed to accessing pharmaceutical services at the Bromham premises, the Committee looked at the travel options for this cohort of patients which included travelling to the Linden Road practice by public transport. The Committee noted that the bus stops referenced within the Appellant's application were not on the relevant routes used by patients travelling from their villages as well as noting that the nearest usable bus stop was approximately a 10-minute walk from the Linden Road surgery and that bus services were hourly.

4.1.8 The Appellant states *"Importantly:*

4.1.8.1 *We consulted all 58 dispensing patients regarding the proposed relocation.*

4.1.8.2 *No dispensing patient objected to the move.*

4.1.8.3 *The majority of patients expressed support for the relocation due to the improved accessibility, longer opening hours, improved parking, and step-free access.*

4.1.8.4 *Many patients specifically welcomed the move because the current first-floor dispensary is difficult to access.*

4.1.9 *The Committee's conclusion that the proposed site would be "significantly less accessible" for dispensing patients therefore appears inconsistent with the views of the dispensing patients themselves."* (Page 2, Appeals Letter)

4.1.10 It is noted that no information has been provided on the consultation. No details have been provided on the methodology (how, when and by whom) to consult with the 58 patients. It is unclear why this information was not included in the original application. Including this information on appeal, suggests the consultation was only instigated in response to the decision to refuse the relocation of premises after outline consent application by the Committee.

4.1.11 The Appellant states: *"The Committee also accepted that most dispensing patients live in surrounding rural villages and generally travel by car. As rural dispensing patients are geographically dispersed, private vehicle use is unsurprising and reflects the practical realities of rural dispensing services."* (Page 2, Appeals letter)

4.1.12 The Committee considered that patients accessing pharmaceutical services that live in the rural villages surrounding Bromham, would find the relocation of premises less accessible as the journey would take longer, particularly for those that use public transport.

4.1.13 Whilst it is noted that the Appellant states *"the practice already operates a home delivery service for patients unable to attend the surgery in person. This service has been an established part of our dispensing arrangements and will continue unchanged following relocation. We*

respectfully submit that continued home delivery materially mitigates any potential transport concerns." (Page 2, Appeals letter). It could be considered that the provision of a delivery service could assist those people who, if this application was granted, would no longer be able to access a dispensing service. However, this does not alter the fact the proposed premises at Linden Road are significantly less accessible for this patient group.

4.1.14 The Appellant states: *"This is therefore not a situation in which pharmaceutical access within Bromham village would be removed. Pharmaceutical services would remain available at the same location through the existing community pharmacy."* (Page 2, Appeals letter)

4.1.15 Whilst the ICB agree that the Appellants application is not to remove pharmaceutical access within Bromham village, Regulation 55 requires the Committee to be assured *"that for the patient groups that are accustomed to accessing pharmaceutical services at or from the existing premises, the location of the new premises is not significantly less accessible*" (The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Part 8, Regulation 55(2)(a)) (the Regulations).

4.1.16 The Appellant uses bullet points to list the premises improvements on pages 2 and 3 of the appeal letter. Whilst the Committee had sight of these improvements and recognised the holistic approach described by the Appellant, the Committee is required to assess an application against the Regulations. The Regulations do not allow for the Committee to determine an application based on, for example, the premises being more modern.

4.1.17 **The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013**

4.1.18 **Regulation 55(1)(a)(b)**

4.1.19 The Committee noted that the application was submitted by Putnoe & Linden Partnership who are a dispensing practice that wished to relocate and dispense from Linden Road premises in relation to the area for which they have outline consent.

4.1.20 **Regulation 55(2)(a)**

4.1.21 The Committee had regard to the patients groups that are accustomed to accessing pharmaceutical services at the Bromham premises. The Committee agreed that patients would face an additional six mile round trip to collect medicines from the proposed site in Bedford (Linden Road) as well as public transport difficulties for those who would need to use this mode of transport. The Committee further noted that that the proposed location would be significantly less accessible than the current branch surgery for the 58 patients who rely on dispensing services.

4.1.22 **Regulation 55(2)(b)**

4.1.23 The Committee were satisfied that granting the application would not result in a significant change to the arrangements that are in place for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or of local pharmaceutical services—

4.1.23.1 in any part of the area of the relevant HWB, or

4.1.23.2 in a controlled locality in the area of a neighbouring HWB, where that controlled locality is within 1.6 kilometres of the premises to which the applicant is seeking to relocate; and

4.1.24 **Regulation 55(2)(c)**

4.1.25 The Committee agreed that there was no evidence to suggest granting the application would cause significant detriment to proper planning in the area and for any arrangements the ICB has in place for the provision of pharmaceutical services in the area.

4.1.26 **Conclusion**

4.1.27 In summary, it is considered that the decision reached was appropriate based on the information available to the Committee at the time of its meeting. The application should be refused."

5 Observations

5.1 THE COMMISSIONER

5.1.1 "Please accept this email as confirmation that there are no further observations we wish to make."

6 Consideration

6.1 The Pharmacy Appeals Committee ("Committee") appointed by NHS Resolution, had before it the papers considered by the Commissioner, together with the responses to NHS Resolution's own statutory consultations. On the basis of this information, the Committee considered it was not necessary to hold an oral hearing.

6.2 The Committee noted the application had been made in accordance with Regulation 55(1) (Premises approval: relocations of practice premises which are not significant after outline consent has taken effect) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations").

6.3 Regulation 55 reads:

55.—(1) A dispensing doctor (D) who—

(a) is providing pharmaceutical services at or from listed dispensing premises; and

(b) wishes to relocate and dispense from new medical practice premises in relation to the area for which D has outline consent,

may apply in writing to NHS England for premises approval for the new medical practice premises at or from which D wishes to dispense.

(2) Subject to paragraph (3), NHS England must grant that application if it is of the type described in this paragraph, that is to say if NHS England is satisfied that—

(a) for the patient groups that are accustomed to accessing pharmaceutical services at or from the existing premises, the location of the new premises is not significantly less accessible;

(b) granting the application would not result in a significant change to the arrangements that are in place for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or of local pharmaceutical services—

(i) in any part of the area of the relevant HWB, or

(ii) in a controlled locality in the area of a neighbouring HWB, where that controlled locality is within 1.6 kilometres of the premises to which the applicant is seeking to relocate; and

(c) NHS England is satisfied that granting the application would not cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB.

(3) NHS England must, unless it has good cause not to do so, refuse an application under paragraph (1) if an application under—

(a) that paragraph;

(b) regulation 55(1) of the 2012 Regulations (premises approval: relocations of practice premises which are not significant after outline consent has taken effect); or

(c) regulation 65(4)(a) of the 2005 Regulations (premises approval: additional and new premises after outline consent has taken effect),

has been granted to D during the 12 months before the application was submitted under paragraph (1).

(4) NHS England must notify its decision in relation to the application under paragraph (1)to the persons to whom it notified the application who made representations in relation to it under regulation 52(4), and it must include with the notification of its decision an explanation of—

(a) the reasons for the decision; and

(b) if the person notified is a person with rights of appeal under regulation 63(1)(c) or (d), an explanation of how those rights may be exercised.

6.4 The Committee noted that the Applicant currently has premises approval for Linden Road Surgery, Avoca House, Molivers Lane, Bedford MK43 8JT and

wishes to relocate dispensing services to Linden Road Surgery, 13 Linden Road, Bedford MK40 2DQ.

6.5 The Committee considered the requirements of Regulation 55(2).

6.6 In relation to Regulation 55(2)(a), the Committee considered the map submitted by the Commissioner, which showed the location of the existing premises and the proposed premises.

6.7 The Committee considered the information with regard to the patient groups who are accustomed to accessing pharmaceutical services at or from the existing premises. The Committee considers that it must seek to identify the patient groups who would potentially be affected by the relocation based upon the information provided by the parties.

6.8 In this case, the Applicant has identified the patient groups as:

6.8.1 primarily those living in surrounding rural villages who meet the 1.6km eligibility rule and generally travel by car to collect their medicines.

6.8.2 Those who use the home delivery service for patients unable to attend in person.

6.9 The Commissioner also identified the following patient groups:

6.9.1 Those who have had an appointment with a healthcare professional at the practice, and

6.9.2 Those who access the current premises to collect dispensed medication.

6.10 The Commissioner noted that because of the distance between the current premises and proposed premises, patients were unlikely to walk between the two sites in order to collect medication. This has not been disputed by the Applicant. Therefore, the Committee will consider those travelling by car and public transport.

6.11 The Committee concludes that the patient groups who are accustomed to accessing pharmaceutical services at or from the existing premises are those set-out below.

Those who use the home delivery service

6.12 In relation to pharmaceutical services being provided from the premises, the Committee noted the Applicant's undisputed statement "*we also provide a home delivery service for patients who are unable to attend the surgery in person due to mobility or transport issues. This service will continue unchanged following the proposed relocation, ensuring continuity of access for all dispensing patients*." The Committee was therefore satisfied that for those patients accessing pharmaceutical services from the current premises, by way of a delivery service, that pharmaceutical services would not be significantly less accessible from the new premises.

Those living in the surrounding rural villages who meet the 1.6km dispensing rule (58 dispensing patients)

6.13 In relation to pharmaceutical services being provided at the premises, the Committee noted the Applicant's statement that the 58 dispensing patients were "*primarily those living in surrounding rural villages who meet the 1.6km eligibility rule*" and that "*these patients generally travel by car to collect their medicines*". This was consistent with the Commissioner's statement that those patients who are dispensed to "*live in the rural areas to the north, west and south of Bromham*" and that, for patients travelling by car, the distance between the current and proposed premises was approximately 3 miles. The Committee also noted the Commissioner's conclusion that patients accessing the current premises by car "*would not find accessing pharmaceutical services from the proposed premises significantly less accessible*".

6.14 The Committee considered the Commissioner's concern that the proposed premises would be significantly less accessible for patients relying on public transport. The number 22 Bedford–Brickhill service stopped outside the proposed premises but did not serve Bromham. Patients travelling from Bromham could use the number 41 Bedford–Northampton service, which operated hourly and took approximately 25 to 26 minutes, with a further walk of approximately 0.4 miles, or 10 minutes, from the Chaucer Road stop to Linden Road Surgery. However, neither the Applicant nor the Commissioner had identified how many of the 58 dispensing patients relied on public transport, although the Applicant stated that dispensing patients generally travelled by car. The Committee was of the view that the term 'generally' meant that there might be some bus users. The Committee considered an hourly bus service in a rural setting to be normal and there would always be a need to walk to a bus stop. The Committee was mindful that not all patients would be coming from the Surgery and so a 10 minute walk might not apply to all patients. The Committee also had regard to the Applicant's evidence that the proposed premises provide "*full disabled access, step free entry, ramp access, and designated disabled parking bays*". The Committee also noted the Applicant's view that the proposed premises would be more accessible for patients with reduced mobility and for those travelling by car.

6.15 The Committee further noted the Applicant's appeal submissions that all 58 dispensing patients had been consulted, that no dispensing patient objected to the proposed relocation, and that the majority expressed support due to improved access, longer opening hours, improved parking and step-free access. However, the Committee also noted the Commissioner's representation that no details had been provided about the methodology, timing or outcome of that consultation, and that this information had not been included in the original application.

6.16 Considering all the information provided on appeal, the Committee accepted that the proposed premises would be less convenient for any dispensing patients who relied on public transport but this did not mean it was significantly less accessible. Eligible patients generally travelled by car and the Commissioner's own finding identified that car users would not find the proposed premises significantly less accessible. There is an hourly bus service too. Having made that journey, there was improved physical accessibility at the proposed premises. Therefore, the Committee was satisfied that the location

of the proposed premises was not significantly less accessible for those living in the surrounding rural villages who meet the 1.6km dispensing rule.

Those who have an appointment at the branch surgery at Avoca House

6.17 The Committee noted that patients attending an appointment at Avoca House would no longer be able to collect their dispensed medication during the same visit. However, the Applicant stated that dispensing patients "*generally travel by car*" and that Linden Road offers "*increased parking capacity*", "*step free entry*" and "*full disabled access*". The Commissioner noted that the premises are approximately three miles apart and concluded that patients travelling by car "*would not find accessing pharmaceutical services from the proposed premises significantly less accessible*". The Committee accepted that public transport was less convenient: the number 22 Bedford–Brickhill service stopped outside the proposed premises but did not serve Bromham, while the number 41 Bedford–Northampton service served Bromham and operated hourly, with a journey of approximately 25 to 26 minutes and a further walk of approximately 0.4 miles, or 10 minutes, from the Chaucer Road stop. The Committee considered an hourly bus service in a rural setting to be normal and there would always be a need to walk to a bus stop. The Committee also noted that the wider practice population accessed a further 54 pharmacies or dispensing appliance contractor premises. It therefore concluded that the loss of convenience did not make the proposed premises significantly less accessible for this patient group.

Overall assessment

6.18 In the circumstances, the Committee was satisfied that, for patient groups who are accustomed to accessing the current premises, the proposed premises are not significantly less accessible.

6.19 The Committee therefore concluded that Regulation 55(2)(a) was met.

Regulation 55(2)(b)

6.20 In relation to Regulation 55(2)(b), the Committee noted that the dispensing boundary and patient eligibility would remain unchanged and that there was no controlled locality in a neighbouring HWB within 1.6km of the proposed premises. The Commissioner stated that there was "*no evidence to suggest that granting this application would result in a significant change*" to the existing arrangements and that "*the only change*" would be that the Applicant would dispense to the same patients from Linden Road Surgery rather than Bromham Surgery. The Committee agreed and was satisfied that granting the application would not result in a significant change to the arrangements for the provision of pharmaceutical or local pharmaceutical services. It therefore concluded that Regulation 55(2)(b) was met.

Regulation 55(2)(c)

6.21 In relation to Regulation 55(2)(c), the Committee noted the decision of the Commissioner in respect of condition (c) that the granting of the relocation would not lead to significant detriment to proper planning in respect of the pharmaceutical services in the area. The Committee noted that this had not been disputed by any party either on appeal or in subsequent representations.

On the information provided the Committee was of the opinion that the granting of the application would not cause a significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of HWB1 and therefore concluded that condition (c) is met.

Regulation 55(3)(a) to (c)

6.22 The Committee was also satisfied that there was no requirement to refuse the application under these provisions.

6.23 The Committee may:

6.23.1 confirm the decision of the Commissioner;

6.23.2 quash the decision of the Commissioner and redetermine the application; or

6.23.3 quash the decision of the Commissioner and remit the matter to it for it to redetermine the application, subject to such directions as it considers appropriate.

7 Decision

7.1 For the reasons given above, the Committee quashes the decision of the Commissioner and redetermines the application.

7.2 The Committee determines that the application for a relocation of premises after outline consent has taken effect should be granted.

Case Manager
Primary Care Appeals