



England

Primary Care Support England
(formerly Thames Valley Primary Care Agency)

7-9 Cremyll Road

Reading

Berkshire

RG1 8NQ

TO: ALL ON THE ATTACHED LIST

Email : tvpcap PharmacyApplications@nhs.net

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21 September 2015

Dear Colleague

Re: Application offering unforeseen benefits within 100 metres of 95B Bean Oak Road, Wokingham, RG40 1RJ by Mr Sunil Chandarana

NHS England has considered the above application and I am writing to confirm that it has been refused.

The Committee considered the following:

- The NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended
- The application form provided by the applicant –
 - The Committee noted that the applicant was proposing to provide several advanced and enhanced services including MUR, NMS, EHC, Supervised Consumption and Smoking Cessation
 - The applicant had indicated that a floor plan would be provided upon obtaining a premises
 - The applicant was of the view that Regulation 31 did not apply to this application
 - Applicant's comments in support of the application as to description of the 'unforeseen benefits you are offering to secure' and how it will 'secure improvements or better access to pharmaceutical services'
- Map of the area showing the proposed premises in relation to other pharmacies and GP Surgeries in the area
- Regulation 31 – the Committee was satisfied there is no pharmacy providing pharmaceutical services at the same or adjacent premises. The application did not therefore need to be refused in accordance with Regulation 31
- Representations made by Thames Valley Local Pharmaceutical Committee, Boots UK Limited, Wokingham Health and Wellbeing Board and Manichem Limited – the Committee noted that there were several objections to this application
- The applicant's response to the representations received during the consultation period
- The report and annexes prepared by TVPCA –
 - The Committee noted that the applicant's fitness to practise had been previously considered and approved

- The Committee observed that the best estimate address stated on Page 2 of TVPCA's report was incorrect and noted that the correct best estimate address is as stated on Page 1 of the report, i.e. within 100 metres of 95B Bean Oak Road, Wokingham RG40 1RJ
- The Committee considered the deferral report and noted that its preliminary views would be reconsidered at this meeting
- All additional information, including location, opening times and distances of surrounding pharmacies and GP surgeries were considered. The Committee observed that Cedar House Surgery had been included by TVPCA on the list of GP Surgeries within 1 mile radius of the proposed premises. The Committee was aware that Cedar House Surgery was no longer in operation nor at the address provided but had merged with Finchampstead Surgery earlier in the year
- The information provided by an NHS England Officer in regard to the best estimate location and the Wokingham area –
 - The Committee had regard to information provided by the NHS England officer with extensive local knowledge of the area. The Committee was informed that several businesses operated from the shopping parade on Bean Oak Road, including a hair salon, dental practice and newsagents. There was space for parking available to customers. The area within 100 metres of 95B Bean Oak Road was mainly residential, with large houses in 1960s/70s style, it is a well-established residential estate with frequent local transport to and from the town centre
- Department of Health guidelines on market entry by means of pharmaceutical needs assessment – Chapter 8 – Unforeseen Benefits
- The Committee noted that the proposed pharmacy location is within 1.6km of a controlled locality and there were 24 dispensing patients living within 1.6km radius of the proposed best estimate address, therefore the Committee was required to consider the discontinuation of arrangements for the provision of pharmaceutical services by doctors to the affected patients
- The Committee agreed that if the application is approved, it was of the view that the service provided by the dispensing doctors to the affected patients should be discontinued, and that the discontinuation should be postponed for a period of one month in order to give the doctors reasonable notice of the discontinuation
- The Committee decided that it was not necessary to hold an oral hearing before determining the application.

DECISION

Having considered the application, representations received and all additional information, the Committee determined to **refuse** the application.

REASONS FOR DECISION

The reasons for this decision are as follows:

Pharmaceutical Needs Assessment (PNA)

- The PNA for the Wokingham Borough for the period of 2015 – 2018 was published in April 2015
- The Committee noted that the Health and Wellbeing Board had commissioned an assessment of the current capacity of pharmacies in the areas of known housing growth within the borough (i.e. Wokingham Town centre pharmacies and pharmacies around Arborfield Garrison), in order to estimate the impact on pharmacy access and capacity with regard the increasing population as a result of house building across the borough
- The conclusion as stated on Page 36 of the PNA is as follows - “the current view is that the range of pharmacies, in the areas most affected by significant housing development, has sufficient capacity to meet the current needs of the population”. Also, “due to the timeframes of the developments there is no future gap in service provision within the lifetime of the PNA”
- The Committee noted that the applicant had in its response to the representations submitted during the consultation period, referred to the above mentioned housing developments, which had already been considered in the PNA. The Committee noted that the applicant had not provided any evidence that a significant change beyond what was already contemplated in the PNA, has occurred in the area since the date the PNA was published
- The Committee was not satisfied that the application had identified any gap in service provision in the area

Regulation 18 – Unforeseen benefits applications: additional matters to which the NHSCB must have regard

- **Regulation 18(2)(a)(i)** - whether or not granting the application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services. The Committee was not aware of any plans that would be affected and did not consider that granting the application would have an adverse effect on any future plans. None of the submissions included any comment or evidence in regard to this matter
- **Regulation 18(2)(a)(ii)** - whether or not granting the application would cause significant detriment to the arrangements in place for the provision of pharmaceutical services. None of the submissions included any evidence on this question and the Committee take the view that a pharmacy in the proposed vicinity would not significantly affect arrangements for pharmaceutical services in the area
- The Committee did not find any significant detriment to proper planning or to the arrangements in place for the provision of pharmaceutical services and therefore was not obliged to refuse the application under Regulation 18(2)(a)
- **Regulation 18(2)(b)(i) – reasonable choice with regard to obtaining pharmaceutical services in the area of the HWB** - The Committee was aware that there are two GP Surgeries (Wokingham Medical Centre and Burma Hills Surgery) within 1 mile radius of the proposed pharmacy location and particularly that Rose Pharmedics Ltd is a 100 hour pharmacy (open on Saturday and Sunday) and co-located on the same premises as one of the GP Surgeries (Wokingham Medical Centre). Rose Pharmedics Ltd is approximately 10 minutes away by car (due to a one way system) and 13 minutes on foot from the

proposed location and is open from 07:00 to 22:30 Monday to Friday, 08:00 to 21:00 Saturdays and 09:00 to 18:30 Sundays

- The Committee noted that, in all, there are four pharmacies within approximately one mile radius of the proposed location including the 100 hour pharmacy at Tesco Stores Limited on Finchampstead Road, Wokingham, which was 5 minutes' drive from the proposed location
- The Committee noted that there is a high rate of car ownership in Wokingham, however residents who are less able to drive have access to the local bus service from the vicinity of the proposed location to the town centre; the bus service runs at intervals of 15 minutes. Pharmacies in the town centre, including Boots Pharmacy at 40 Market Place and Manichem Ltd at 33 Broad Street are open from Monday to Saturday. Boots pharmacy is also open Sunday between 10:00 and 16:00
- The Committee also noted that Wokingham had a total of 23 pharmacies (including four 100 hour pharmacies) and 3 dispensing practices
- The Committee was not persuaded by the applicant's argument that "*reasonable choice is not secured in terms of either physical access to a pharmacy or access to pharmaceutical services*"
- The Committee was satisfied that the people living within the area already have a reasonable choice with regard to obtaining pharmaceutical services
- **Regulation 18(2)(b)(ii) – the desirability of people who share protected characteristics having access to services that meet specific needs for pharmaceutical services that are difficult for them to access (duty as to reducing inequalities)** – the Committee considered the applicant's comments regarding those who share protected characteristics, particularly 'health and mobility issues'. The applicant refers to a projected rise of 85% by year 2030 in the population of older people with mobility problems
- The Committee noted that the applicant had heavily relied on the statistics provided in the PNA to draw its inferences and seemed to overlook that the same statistics had been used by the local authorities to arrive at the conclusions in the PNA
- According to the PNA, in terms of access, 78% of providers have wheelchair accessible consultation facilities. Also, "*many patients with long term conditions have ongoing medication requirements, for them collection and delivery services may be crucial for accessing their prescriptions – 100% of pharmacies in Wokingham offer free prescription collection from surgery services. In addition 78% of community pharmacies offer free delivery to patients, when requested, usually to patients with limited mobility. An additional 6% of pharmacies will offer this service but will charge for the service*"
- The Committee therefore concluded that the people sharing a protected characteristic already have access to services that meet specific needs
- **Regulation 18(2)(b)(iii) – the desirability of there being an innovative approach with regard to the delivery of pharmaceutical services** – The Committee was of the opinion that the applicant had made no claim that in any way suggested an innovative approach would be taken

- The Committee noted the applicant's claim that it would provide the full range of locally commissioned services. The Committee was aware that those services are directly commissioned by Public Health within the Council and not by NHS England. Page 47-48 of the PNA indicates that the local authorities are aware of the need to extend locally commissioned pharmaceutical services and intend to negotiate directly with existing pharmacies
- **Regulation 18(2)(c)-(f)** - The Committee had previously determined that there was no need to defer the application under Regulation 18(2)(c) to (f)
- The Committee was not convinced that the applicant had identified any particular issue that was not foreseen when the PNA was produced
- The Committee concluded that Regulation 18(2)(b) had not been met because:
 - There is already reasonable choice with regard to obtaining pharmaceutical services
 - There is no evidence of people sharing protected characteristics having difficulty in accessing pharmaceutical services, and
 - There is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services
- The Committee was not satisfied that granting the application would confer significant benefits or secure improvements and better access to pharmaceutical services
- The Committee concluded that the application should be refused

Yours sincerely

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Carol Hart
Pharmaceutical Contracts Adviser

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<p>FAO: Elizabeth Allison Professional Services Co-ordinator Manichem Ltd 47 Boulton Road Reading Berkshire RG2 0NH</p>	<p>FAO: Carol Trower Chief Officer Thames Valley LPC 31 Home Close Wootton Oxfordshire OX13 6DD</p>