

## HOW WE WILL INVOLVE PATIENTS IN DECISIONS ON PHARMACY APPLICATIONS

When we receive an application to move an existing pharmacy or to open a new pharmacy we must consult:

- nearby pharmacies
- in some cases, nearby doctors' surgeries
- the Health & Wellbeing Board which is a committee of the county or city council
- the local Healthwatch organisation, which exists to represent local patients in general

We consult them by sending them a copy of the application and inviting them to make comments within 45 days. Comments can be made by letter or email.

In addition, the law requires us to involve patients in our decision-making. We will do this by sending copies of pharmacy applications to:

- city/district and county councillors covering the area involved
- the town or parish council covering the area. In areas which do not have a town or parish council we will contact prominent community, neighbourhood or residents' groups
- patient representative groups attached to nearby doctors' surgeries.

They will also be invited to make comments within 45 days.

When we send them a copy of an application we will also send notes to explain:

- what the application is about
- why they are being asked for comments
- what we will consider when making a decision
- what happens next after a decision is made.

Applications are not confidential. If they want, councillors or patient groups may share details with local people, so they can also make comments within the same 45 day period.

Any comments we receive will be sent to the pharmacy applicant. They will have a chance to respond to us about those comments.

Most applications are decided using written information, including any comments received.

In general, we will not hold public meetings about pharmacy applications. This is because an applicant cannot be made to attend to respond directly to any questions from members of the public.

However, we may hold a hearing if we need more information before making a decision. Where written comments from councillors or patient groups suggest that local people hold strong views, we will invite those councillors or patient groups to attend the hearing.

The hearing will be held in public so that (although members of the public will not be able to ask questions) they will be able to hear the arguments for and against the application. These will include any comments made by their representatives and the responses received.

All comments at the meeting will be taken into account in making a final decision on the pharmacy application.

**EXPLANATORY NOTES REGARDING A 'CONSOLIDATION APPLICATION'  
RELATING TO DAY LEWIS PHARMACIES IN PAIGNTON**

**Q1. What is this application for?**

Day Lewis Pharmacy operate the pharmacies at 237 Torquay Road and at Pembroke House Surgery, 266-276 Torquay Road, Paignton.

Day Lewis is applying to NHS England to merge the pharmacies onto one site at Pembroke House Surgery, 266-276 Torquay Road, and so close the pharmacy at 237 Torquay Road.

These notes explain the process we follow when deciding whether to give permission.

**Q2. Why have I been sent a copy of the application?**

NHS England is sending a copy of the application to bodies it thinks may wish to make comments before a decision is made. It is being sent to:

- Local pharmacies and GP surgeries
- Devon Local Pharmaceutical Committee
- Devon Local Medical Committee
- Pembroke House Surgery Patient Group
- South Devon & Torbay Clinical Commissioning Group
- Torbay Health and Wellbeing Board
- Torbay Healthwatch
- Torbay Council councillors for Preston Ward
- Preston Community Partnership

You are being invited to make comments on the application before NHS England takes a decision on whether the changes can go ahead. Any comments must be received before the end of the 45-day period mentioned in the letter.

Applications are not confidential. If you want, you may share details with anyone else who might be interested. They can also make comments within the same 45-day period.

Any comments we receive will be sent to Day Lewis. They will have a chance to respond to us about those comments.

When it comes to make a decision, NHS England will consider any comments it receives and any response to those comments from Day Lewis.

NHS England will consider comments received (and the responses to those comments) as part of its decision-making process.

**Q3. What will NHS England consider when making a decision?**

NHS England will need to consider whether granting the application would lead to a gap in pharmaceutical services. To put it another way, if the two pharmacies merged onto the Pembroke House Surgery site and the pharmacy at 237 Torquay Road closed, would the needs for pharmacy services of all the patients currently using both sites still be met? Or

would it result in a need for a new pharmacy to open, or for other improvements to services? You are particularly invited to comment on this issue.

The Health and Wellbeing Board is specifically required to give NHS England its opinion on whether a gap would be created.

Factors that may be relevant include:

- whether the opening hours offered at the continuing pharmacy are sufficient,
- whether the same services will be provided at the continuing pharmacy as are provided in the existing pharmacies,
- whether there would be a loss of facilities (e.g. access for wheelchairs, disabled parking, etc).

Other factors may also be relevant.

If NHS England decides that a gap would be created, then it must refuse the application.

NHS England must also refuse the application if there would be an unjustified interruption in the delivery of services.

#### **Q4. What would happen if the application is approved?**

If the application is approved then Day Lewis will have six months (extendable to nine months) from the date of the decision, or from the date any appeal is decided, in which to implement the changes. If that deadline is not met then the approval expires.

#### **Q5. Could another pharmacy apply to open in this area instead?**

No, not directly as a consequence of the closure of a pharmacy as part of a consolidation application.

If NHS England and the Health and Wellbeing Board agree that no gap in services would be created by approving a consolidation application then the Health and Wellbeing Board will publish an amendment to the Pharmaceutical Needs Assessment stating that no gap has been created, and so no applications claiming that there is a gap could be considered.

#### **Q6. Can NHS England's decision be appealed?**

If the application is approved then any local pharmacies which opposed the application could appeal to the Secretary of State for Health. If it is refused then Day Lewis would be able to appeal.

The Health and Wellbeing Board, local councillors, community associations and members of the public do not have a right of appeal.

Any appeals are dealt with by the Family Health Service Appeals Unit of NHS Resolution, a separate NHS body which is based in Leeds.

#### **Q7. Where can I find more information?**

See annex 19A of the following document (starting on page 48):

[www.england.nhs.uk/wp-content/uploads/2017/12/pharmacy-manual-chapter-12-a-addenda.pdf](http://www.england.nhs.uk/wp-content/uploads/2017/12/pharmacy-manual-chapter-12-a-addenda.pdf)