

8 December 2009

REF: SHA/15290

APPEAL AGAINST PETERBOROUGH PCT DECISION TO REFUSE AN APPLICATION BY REPEAT PRESCRIPTION ORDER LINE LTD FOR PRELIMINARY CONSENT PRIOR TO INCLUSION IN THE PHARMACEUTICAL LIST WITHIN NORTH BANK/EASTGATE AREA OF PETERBOROUGH

1 Preliminary Consideration

- 1.1 The Pharmacy Appeals Committee appointed by the Family Health Services Appeal Unit of the NHS Litigation Authority ("the Committee") had before it the papers considered by the PCT, together with a plan of the area showing existing pharmacies and doctors' surgeries and the site of the proposed pharmacy. It also had before it the responses to the Authority's own statutory consultation.
- 1.2 The Committee was of the view that an Oral Hearing should be held before the appeal was determined.

2 Oral Hearing

- 2.1 An Oral Hearing was therefore held on 9 November 2009 at NHS Peterborough, 2nd Floor, Town Hall, Peterborough, PE1 1FA.
- 2.2 A copy of the Oral Hearing report is attached.

3 Further Consideration by the Committee

- 3.1 Each member of the Committee had read the Oral Hearing report in full which was considered together with all the other documents previously referred to.
- 3.2 The Committee had regard to Regulation 12(1), the necessary or desirable test, and in considering that test, had regard in particular to 12(2) of the National Health Service (Pharmaceutical Services) Regulations 2005 (as amended) ("the Regulations").
- 3.3 The Committee dealt with the application by way of reconsideration of all the issues.
- 3.4 The Committee noted the various appendices referred to in the Oral Hearing Report. As these had either previously been seen by the parties, or were not necessary to convey the decision in addition to the report, these are not included as part of this decision letter except for the map at Appendix 2.
- 3.5 The Committee noted the Oral Hearing recommendation for the definition of the neighbourhood, made after a site visit. The Committee adopted this definition for the purpose of this application.
- 3.6 The Committee decided to accept the recommendation from the Oral Hearing for the reasons given in the oral hearing report.

4 Decision

The Committee was of the view that the proposed pharmacy was neither necessary nor desirable to secure the adequate provision of services in the neighbourhood. Accordingly the Committee dismisses the appeal.

Jill Jackson
Appeal Officer

A copy of this decision is being sent to:

Oral Hearing Panel Members
Charles Russell on behalf of Repeat Prescription Order Line Ltd
Green Pharmacy Consultants on behalf of Alfa Chemist Ltd
Boots UK Ltd
Cambridgeshire and Peterborough LPC
Anglia Support Partnership on behalf of Peterborough PCT