**12 January 2010**

**REF: SHA/15334**

**APPEAL AGAINST TRAFFORD PCT DECISION TO REFUSE AN APPLICATION BY MR DAVID ROSS ON BEHALF OF PHARMACY DIRECT FOR INCLUSION IN THE PHARMACEUTICAL LIST AT 135 FLIXTON ROAD, URMSTON, MANCHESTER, M41 5ZZ**

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 Thursday 17 December 2009 at Trafford PCT, 2nd Floor Oakland House, Talbot Road, Old Trafford, Manchester, M16 0PQ.

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.

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
Mr D Ross on behalf of Pharmacy Direct
Lostock Pharmacy
Boots UK Ltd
Lloyds Pharmacy Ltd
The Co-operative Pharmacy
BMB Associates on behalf of Clearcourt Pharmacy (t/a Reeds Chemist)
Trafford PCT