

15 January 2010

REF: SHA/15327

**APPEAL AGAINST NORTH TYNESIDE PCT'S DECISION TO ALLOW STATUSPLACE LTD APPLICATION FOR MINOR RELOCATION OVER 500 METRES FROM 11 COAST ROAD, WALLSEND NE28 9HP TO UNITS 5, 6 OR 12 BATTLE HILL SHOPPING CENTRE, BATTLE HILL, WALLSEND**

**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 18 December 2009 at Bevan House, Great Park, Newcastle.
- 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 6(1) of the National Health Service (Pharmaceutical Services) Regulations 2005 (as amended) ("the Regulations") which states:  
  
'In the case of any application under regulation 5(1)(b), where the applicant intends to change within the neighbourhood the premises from which he provides pharmaceutical services, being the same services as he intends to provide from the new premises, and the Primary Care Trust is satisfied that the change is a minor relocation; and, the provision of pharmaceutical services will not be interrupted (except for such period as the Primary Care Trust may for good cause allow), the PCT shall grant the application, subject to regulations 9(2) and 21(10) (and accordingly regulations 11 to 20 shall not apply).'
- 3.3 The Committee also had regard to the Department of Health Information for PCT's.
- 3.4 The Committee noted paragraph 2.2 of the OH report, and that it was the neighbourhood of the existing pharmacy site which had to be considered. The Committee was satisfied the panel had regard to this, and considered that the existing and proposed sites are in the same neighbourhood.
- 3.5 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 change of premises was not a minor relocation. Accordingly the Committee allows the appeal.

**Ray Bushell**  
**Appeal Officer**

A copy of this decision is being sent to:

Mr M Cox, Lloyds Pharmacy Ltd – Appellant  
Mr J Randeva, Coast Road Pharmacy – Applicant  
Mr P Chapman – North East FHSA (on behalf of the PCT)  
Oral Hearing Panel Members