

17 December 2009

REF: SHA/15278

**APPEAL AGAINST SURREY PCT DECISION TO REFUSE  
BOOTS UK LTD APPLICATION FOR MINOR RELOCATION  
UNDER 500 METRES, FROM 21 STAINES ROAD WEST,  
SUNBURY ON THAMES TW16 7AB TO SUNBURY CROSS  
SHOPPING CENTRE, STAINES ROAD WEST, SUNBURY ON  
THAMES TW16 7AZ**

**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 decided an Oral Hearing should be held before the appeal was determined.

**2 Oral Hearing**

- 2.1 An Oral Hearing was therefore held on 13 November 2009 at the offices of Surrey Primary Care Trust, Pascal Place, Randalls Research Park, Randalls Way, Leatherhead KT22 7TW.
- 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 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, which is defined on the map attached to the report. 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 change of premises was not a minor relocation. Accordingly, the Committee dismisses the appeal.

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

A copy of this decision is being sent to:

Mrs J Watson, Boots UK Ltd – Applicant/Appellant  
Mrs A Ruske, PCSS – Surrey – on behalf of the PCT  
Ms C Jarrett – Lloyds Pharmacy Ltd  
Oral Hearing Panel Members