

16 December 2009

REF: SHA/15256

**APPEAL AGAINST DONCASTER PCT DECISION TO GRANT J M  
McGILL LTD's APPLICATION FOR PRELIMINARY CONSENT  
PRIOR TO INCLUSION IN THE PHARMACEUTICAL LIST IN THE  
VICINITY OF THE SANDFORD ROAD, & PEMBROKE AVENUE  
JUNCTION, DONCASTER**

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

**2 Oral Hearing**

2.1 An Oral Hearing was therefore held on 12 November 2009 at Doncaster Race Course.

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 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.

3.5 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 pharmacy was desirable, to secure the adequate provision of services in the neighbourhood. Accordingly the Committee dismisses the appeal.

**Ray Bushell**

**Appeal Officer**

A copy of this decision is being sent to:

Mr I Cowan – Rowlands Pharmacy - Appellant

Mr J M McGill, J M McGill Ltd – Applicant

Ms L Durrans – Doncaster PCT

Mr N Hunter – Doncaster LPC

Oral Hearing Panel Members