

8<sup>th</sup> December 2009

**REF: SHA/15253**

**APPEAL AGAINST BERKSHIRE WEST PCT DECISION  
WITH REGARD TO THE RURALITY OF SWALLOWFIELD**

**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<sup>th</sup> November 2009 at The Mill House Restaurant & Hotel, Old Basingstoke Road, Swallowfield, Berkshire RG7 1PY.
- 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 Regulations 31 & 32 of the National Health Service (Pharmaceutical Services) Regulations 2005 (as amended).
- 3.3 The Committee also had regard to paragraphs 5.12 to 5.15 of the NHS (Pharmaceutical Services) Regulations 2005 - Information for Primary Care Trusts.
- 3.4 The Committee noted the various appendices referred to in the Oral Hearing Report. With the exception of Appendices 2 and 7, these had either previously been seen by the parties, or were not necessary to convey the decision in addition to the report, therefore these are not included as part of this decision letter.
- 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 Swallowfield and the surrounding area is rural (i.e. a controlled locality) within the boundaries shown on the map at Appendix 7. Accordingly the Committee dismisses the appeal.

**Abby Richards  
Appeal Officer**

A copy of this decision is being sent to:

Oral Hearing Panel Members  
Thames Valley PCA, on behalf of Berkshire West PCT  
Berkshire LPC  
Berks, Bucks & Oxon LMC  
Shinfield Parish Hall  
Barkham Parish Council  
Parish Office (Mortimer Library)  
Swallowfield Parish Council  
Manichem Ltd  
Swallowfield Medical Practice  
H Carson Ltd  
Assura Pharmacy Ltd  
Shinfield Surgery  
South Reading Surgery  
The Surgery, Whitley Wood Lane  
Oxfordshire & Berkshire Patient & Public Involvement in Health