

**SCHEME OF AUTHORISATIONS FOR NHS ENGLAND PHARMACY
CONSOLIDATION APPLICATIONS**

To: Health and Wellbeing Board

Meeting Date: 30th May 2019

From: Dr Liz Robin, Director of Public Health

Recommendation: The Health and Wellbeing Board is asked to:

- a) Note the statutory duty of the Health and Wellbeing Board to respond to “Excepted Applications” termed a “Consolidated Application”, and
- b) Delegate authority to the Director of Public Health in consultation with the Chair and Vice-Chair to respond to notifications from NHS England of “Excepted Applications” termed a “Consolidated Application” on behalf of the Board.

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PURPOSE

- 1.1 The purpose of this paper is to request the board delegate responsibility to the Director of Public Health, in consultation with the Chair and Vice Chair, for responding to notifications of pharmacy consolidations on behalf of the Health and Wellbeing Board, in order for the Board to fulfil its statutory duties.

2 BACKGROUND

- 2.1 Since 1 April 2013, every Health and Wellbeing Board (HWB) in England has had a statutory responsibility to publish and keep up-to-date a statement of the needs for pharmaceutical services for the population in its area, referred to as a 'pharmaceutical needs assessment' (PNA). It describes the pharmaceutical needs for the population of Cambridgeshire, which includes Cambridge City, East Cambridgeshire, Fenland, Huntingdonshire and South Cambridgeshire, but not Peterborough (a separate PNA is produced by the Peterborough Health and Wellbeing Board and a paper requesting a similar delegation is being taken to the Peterborough Board).
- 2.2 The Health and Wellbeing Board has a **statutory duty** to respond to applications for "consolidations", for all other applications the board has power to respond but not a duty. Consolidations are where two or more pharmacies apply to merge, which could result in a pharmacy closing and therefore could create a gap in pharmacy provision.
- 2.3 Applications for consolidations are not common, in the lifetime of the current PNA there has only been one consolidation notification, however with the frequency of board meetings it is unlikely to be able to bring a paper outlining a suggested response on behalf of the Board for approval within the prescribed response time of 45 days.

3. MAIN ISSUES

- 3.1 Amendments were made to the pharmacy *National Health Service (Pharmaceutical Services, Charges and Prescribing) Regulations* in December 2016ⁱ. One key change was a new regulation which describes the potential consolidation of two or more pharmacies onto one existing site. A new pharmacy would be prevented from stepping in straight away if a chain closes a branch or two pharmacy businesses merge and one closes which would protect two pharmacies that choose to consolidate on a single existing site – where this does not create a gap in provision. The Health and Wellbeing Board has a **statutory duty** to respond to applications for "Excepted Application" termed a "Consolidated Application". The Health and Wellbeing Board has 45 days to respond from the date of the notification.
- 3.2 *"Applications to consolidate will be dealt with as "excepted applications" under the 2013 Regulations, which means in general terms they will not be assessed against ... the pharmaceutical needs assessment ("PNA") produced by the HWB. Instead, they will follow a simpler procedure, the key to which is whether or not a gap in pharmaceutical service provision would be created by the consolidation..... If the NHSCB is satisfied that the consolidation would create a gap in pharmaceutical services provision, it must refuse the application. The opinion of the HWB on this issue must be given when the application is notified locally and representations are sought (regulations 12 and 13). If the application is granted and pharmacy premises are removed from the relevant pharmaceutical list, if the HWB does not consider that a gap in service provision is created as a consequence, it must*

publish a supplementary statement published alongside its pharmaceutical needs assessment recording its view (regulation 3)."

3.3 Following endorsement by the HWB, any supplementary statements or revised assessments will be published on the Cambridgeshire Insight website www.cambridgeshireinsight.org.uk, alongside the original 2017 PNA report. The steering group will write to all key stakeholders, who were involved in the development of the PNA, to inform them of the publication of any supplementary statements. Publication will be communicated to the public via the Cambridgeshire County Council website and social media accounts. Other members of the steering group will publicise the information via their websites and/or social media as they deem appropriate.

4.0 RECOMMENDATION

4.1 As outlined above the frequency of board meetings is unlikely to coincide with the statutory response times and therefore there is a need to delegate this authority to the Director of Public Health

Therefore the Health and Wellbeing Board is asked to:

- a) **Note the statutory duty of the Health and Wellbeing Board to respond to “Excepted Applications” termed a “Consolidated Application”, and**
- b) **Delegate authority to the Director of Public Health in consultation with the Chair and Vice-Chair to respond to notifications from NHS England of “Excepted Applications” termed a “Consolidated Application” on behalf of the Board.**

5. ALIGNMENT WITH THE CAMBRIDGESHIRE HEALTH AND WELLBEING STRATEGY

- 5.1 This paper is relevant to priorities (1, 2, 3, 4, 5, and 6) of the Health and Wellbeing Strategy:
- Priority 1: Ensure a positive start to life for children, young people and their families.
 - Priority 2: Support older people to be independent, safe and well.
 - Priority 3: Encourage healthy lifestyles and behaviours in all actions and activities while respecting people’s personal choices.
 - Priority 4: Create a safe environment and help to build strong communities, wellbeing and mental health.
 - Priority 5: Create a sustainable environment in which communities can flourish.
 - Priority 6: Work together effectively.

Source Documents	Location
Cambridgeshire Pharmaceutical Needs Assessment 2017	https://cambridgeshireinsight.org.uk/wp-content/uploads/2018/02/Cambridgeshire-Pharmaceutical-Needs-Assessment-2017-FULL-DRAFT-REPORT-FOR-CONSULTATION-v2_0.pdf

