

**Pharmaceutical Services Regulations Committees meeting in common for:
Kent & Medway ICB, Surrey Heartlands ICB & Sussex ICB**

Annex 7 to the minutes of the meeting held via MS Teams Meeting on Thursday 2nd February 2023

Agenda Item 7

Edenbridge Medical Practice – Premises approval: relocations of practice premises which are not significant after outline consent has taken effect

- **CAS-166479-F3J5M2**
- **From: Station Road, Edenbridge, Kent, TN8 5ND**
- **To: Edenbridge Memorial Health Centre, Four Elms Road, Edenbridge, Kent.**
- **Kent HWB**
- **Kent ICB**

1. THE APPLICATION

- 1.1. An application from Edenbridge Medical Practice for a relocation of practice premises which are not significant after outline consent has taken effect was received on 16th August 2022. The Applicant was proposing to relocate from Station Road, Edenbridge, Kent, TN8 5ND to Edenbridge Memorial Health Centre, Four Elms Road, Edenbridge, Kent.
- 1.2. The Committee was now required to consider the application in accordance with Regulations 55 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended.

2. CONSIDERATION

The Committee considered the following:

- 2.1. The NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended.
- 2.2. The application form provided by the Applicant
- 2.3. Maps and images of the current premises.
- 2.4. Representations made by Boots UK LTD, Kent ICB, Surrey & Sussex LPC, Kent Healthwatch, Kent County Council and Surrey County Council, – noting that there are no objections to the application.
- 2.5. All additional information, including location and distances of surrounding pharmacies GP Practices and their opening times.
- 2.6. Department of Health – Regulations under the Health and Social Care Act 2012: Market Entry by means of Pharmaceutical Needs Assessments – Chapter 10.
- 2.7. The Committee noted the proposed location is in a non-controlled locality.
- 2.8. The Committee decided it was not necessary to hold an oral hearing before determining the application.

Regulation 55(2) – Premises approval: relocations of practice premises which are not significant after outline consent has taken effect

- 2.9. The Committee had regard to Regulation 55(2), which requires the following conditions to be met:

Regulation 55(2) Subject to paragraph (3), the NHSCB must grant that application if it is of the type described in this paragraph, that is to say if the NHSCB is satisfied that -

- (a) for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible;*
- (b) granting the application would not result in a significant change to the arrangements that are in place for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or of local pharmaceutical services—*
 - (i) in any part of the area of the relevant HWB, or*
 - (ii) in a controlled locality in the area of a neighbouring HWB, where that controlled locality is within 1.6 kilometres of the premises to which the applicant is seeking to relocate; and*
- (c) the NHSCB is satisfied that granting the application would not cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB.*

Regulation 55(3) The NHSCB must, unless it has good cause not to do so, refuse an application under paragraph (1) if an application under—

- (a) that paragraph*
- (b) regulation 55(1) of the 2012 Regulations (premises approval: relocations of practice premises which are not significant after outline consent has taken effect); or*
- (c) regulation 65(4)(a) of the 2005 Regulations (premises approval: additional and new premises after outline consent has taken effect),*
has been granted to D during the 12 months before the application was submitted under paragraph (1).

Regulation 55(2)(a)

- 2.10. The applicant had broadly defined the patient groups accustomed to accessing pharmaceutical services at the existing premises in their response to representations. Those being from the rural areas surrounding Edenbridge.
- 2.11. The Committee noted the proximity of the current premises and the proposed premises. The distance between the two premises is 0.3 miles/1 min drive or 0.2 mile/5 min walk.
- 2.12. The Committee noted that to be eligible as a dispensing patient you must live more than 1 mile from the nearest pharmacy. Due to the geographical area of Edenbridge and the location of the pharmacies, patients currently accessing pharmaceutical services would not reside in Edenbridge town. The current premises are located a short distance from the main shopping area of Edenbridge, the proposed premises are located just off the main road that passes through the town. Access to the

proposed premises would be via main roads and in less busy areas of the town than the current premises.

- 2.13. The Committee noted that for those travelling by car there is adequate parking including disabled parking in the carpark outside the proposed premises. Taking into account that patients accessing dispensing services would need to travel into Edenbridge from the surrounding areas to either site, the Committee was satisfied that the location of the new premises is not significantly less accessible for the patient groups accustomed to accessing pharmaceutical services at the existing premises.

Regulation 55(2)(b)

- 2.14. The Committee had no evidence or information to suggest that granting the application would result in a significant change to arrangements for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or of local pharmaceutical services.

- 2.15. The Committee was satisfied that the relocation would not result in a significant change to the arrangements for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or of local pharmaceutical services.

Regulation 55(2)(c)

- 2.16. The Committee considered the locations of existing pharmacies as well as the proposed site and medical practices within the area and that there were no plans that would be affected. No information had been provided by interested parties suggesting there would be significant detriment to proper planning. The Committee was therefore satisfied that granting the application would not cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area.

- 2.17. The Committee was satisfied that the provisions of Regulation 55(3)(a)–(c) do not apply.

- 2.18. The Committee determined that conditions under Regulation 55(2)(a), (b), and (c) are satisfied.

3. DECISION

- 3.1. The Committee determines the application as follows –

3.1.1. the Committee was satisfied that the location of the new premises is not significantly less accessible for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises.

3.1.2. the Committee was satisfied that the relocation would not result in a significant change to pharmaceutical services or dispensing services.

3.1.3. the Committee was satisfied that granting the application would not cause significant detriment to proper planning

- 3.2. The Committee determined to **grant** the application.

4. THIRD PARTY RIGHTS OF APPEAL

- 4.1. The application is granted so the Applicant does not have rights of appeal

- 4.2. The Committee decided not to grant third party right of appeal to the decision of NHS England and NHS Improvement to any of the parties that responded during the consultation period, because no grounds of objection had been raised.