

**Dentistry, Optometry and Pharmacy
Commissioning Hub – London**

Hosted by NHS North East London ICB
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Mike Derry
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BY EMAIL

30th July 2024

Dear Mike

RE: Richmond Pharmacy Application

I write in response to your letter dated 16th July 2024.

Before I respond on the specifics of the application in question, I would like to clarify that the Pharmacy Services Regulations Committee (PSRC) oversees all Pharmacy applications in London. PSRC previously functioned under the auspices of NHSE (London Region), however following the delegation of Dentistry, Optometry and Pharmacy commissioning responsibilities to ICBs in April 2023, this formed part of the portfolio to be undertaken by the function now hosted by North East London ICB. The PSRC process is unchanged, following delegation, and retains the same membership and officer input as it did previously.

Therefore, it is important to, categorically, confirm that pharmacy application decisions are **not** determined by North East London ICB, as has been inferred, but by the delegated PSRC function. PSRC is the statutory instrument for the consideration of all Community Pharmacy applications in London and officers administering the process remain neutral in respect of both the management of applications and outcome decisions.

In respect of the points raised regarding the specific application I have summarised these accordingly:

- Whilst there is guidance in respect of the nominal timescales by which applications should be determined, the regulations do state that PSRC can take longer where there is good cause.
- Alongside any pharmacy application, fitness to practice (FTP) must be granted. In respect of the Richmond application in question, FTP was not confirmed until May 2024, therefore the application could not have been determined before this date.
- An application is assessed against the most recent Pharmaceutical Needs Assessment (PNA) and any supplementary statements at the time of the determination, as laid down in regulation. It is not PSRC's responsibility to procure or encourage new pharmacy applications. Pharmacy applications are market driven and there is nothing that obligates a local health commissioner to identify a replacement provider, if an existing pharmacy closes. Whilst local stakeholders can make representations, these do not, and cannot influence the decision making of the PSRC.

- The regulations are clear in respect of how applications are determined, there is **NO** local discretion. It is not PSRCs role to communicate with applicants as to whether their application will be successful or not.
- The application in question was considered and processed according to the regulations and was subsequently refused. The applicant has appealed, and this is currently in process. Appeal rights are granted to the applicant and anybody whose comments on the application are deemed to be substantive, hence the neutrality of officers administering the process is paramount. The appeals process is separate to PSRC and is managed by Primary Care Appeals and I am unable to comment on their timescales for deciding on the appeal.
- Both the closures referenced were notified to the ICB in the usual way along with other stakeholders, including the HWBB; the process for notifying stakeholders remains unchanged following delegation and I am unable to comment as to why nobody appears to have been aware of the closures, despite notifications being sent.
- The new application is still early in its trajectory and is, therefore, unlikely to be ready for determination at the August PSRC

I hope the above provides you with a level of clarification in respect of how pharmacy applications are managed on behalf of all London ICBs and whilst I do understand the frustration regarding the loss of local pharmacy provision, this does not obligate PSRC to remedy that. Therefore, I would be grateful if there was an acknowledgement that when decisions are made, these are made by officers discharging their duty, to the best of their ability with complete impartiality.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Wallman', written over a horizontal line.

Jeremy Wallman
Head of Primary Care Commissioning; Dentistry Optometry and Pharmacy
On behalf of PSRC – London