

Pharmacy Application Guide

If someone wishes to provide NHS pharmaceutical services to the public, they need the permission of the Health Board (HB) and submit an application to join the HB's Pharmaceutical List. Applications can only be made by people eligible under the conditions specified within the Medicines Act.

Potential applicants to the pharmaceutical list contact the HB to enquire about opening a pharmacy or relocating an existing pharmacy; the Board has no ability to proactively seek applications.

There are two important stages before an application can be submitted and processed for consideration. These are the Pre-Application Stage and Joint Consultation process.

The Pre-application Stage

This stage is intended to make sure that the potential applicant and the HB engage with each other from the start of the process. There is a statutory requirement for the applicant and HB to meet to discuss the applicant's case for the proposed pharmacy, or relocation of existing pharmacy.

There is no pre-judgement of the likelihood of the application being approved or rejected during the meeting as the HB remains strictly neutral throughout the whole application process. There is a special committee (the Pharmacy Practices Committee (PPC)) which decides whether the application is successful or not and it does this by assessing it against what is known as the "statutory test".

In order to determine the scope of the proposed application during the pre-application meeting, the applicant is required to outline the neighbourhood in which the proposed premises will be located, the intended opening times and the pharmaceutical services to be provided.

This information will allow discussions to focus on current services in the area, as well as any perceived unmet demand for pharmaceutical services, any potential improvements of local services e.g. such as increased access, the range of services that might be provided, the added value of these services to patients, and any benefits to other local NHS and social services.

The information gained from this meeting is very important as it will help the applicant decide whether there is merit in proceeding with the proposal. If so, the applicant and HB are required to undertake a joint consultation exercise to seek the views of the local population which would be served by the proposed pharmacy.

Joint Public Consultation Process

Following the completion of the pre-application stage, the joint consultation process gets underway in order to raise awareness of the potential of a new pharmacy opening or one seeking to relocate its premises (unless this is a minor relocation). The public consultation is a very important part of

the application process as it allows the HB and applicant to assess the opinion of residents on whether they currently have adequate access to the level of pharmacy services that the applicant intends to provide within their neighbourhood, and establish the level of support of residents within that neighbourhood.

The joint consultation lasts 90 working days and it is important that people respond within this timescale in order that their views can be taken into account.

To comply with regulations NHS Boards advertise the intention of the applicant to open a new pharmacy in the local newspaper covering the area of the proposed pharmacy.

When it is a pharmacy looking to relocate a poster is displayed within the existing pharmacy premises (when the proposed premises are already constructed we also display a poster there).

Both the advert and poster give details on how people can take part in the relevant consultation survey by either visiting NHS Boards's public website or have a paper copy posted to them if they prefer. The survey is open for the duration of the 90 working day consultation period. Each consultation survey is specific to the type of application being proposed and the area the pharmacy would be located.

The minimum list of points we are required to consult upon includes the NHS pharmaceutical services to be provided, any perceived gaps in the existing pharmacy provision, the impact on other NHS services in the neighbourhood and, the level of support for the application by the local community. Information provided during the pre-application meeting with any proposed applicant will be contained within the consultation questionnaire.

Joint Consultation Analysis

- Following the public consultation process the HB and applicant meet to produce a factual consultation analysis report (CAR). The CAR contains details on how the consultation was undertaken, the list of questions asked and responses to them, the number and category of respondents; and the level of support of residents in the proposed neighbourhood.
- If following the production of the CAR the applicant decides not to go ahead with the application, the process ends here and a notification to this effect posted on the HB's website.

If the applicant chooses to proceed, the CAR is given to the committee who will consider the application. The committee is required to make sure that it takes into account the information contained within the CAR and demonstrate this within its decision making. This is why it is important that people respond to any consultation within the advertised time period; it really is important that potential users of, or those affected by the possible service, are able to submit their views (positive or negative) regarding any proposals.

The Application Process

Applications must be submitted within 90 days of the public consultation process finishing. When the applicant submits their formal application, it is checked to ensure the details comply with the requirements of the regulations.

The application is then subject to another consultation process which includes seeking the views of

the existing pharmacy contractors in the area, the area medical committee, area pharmaceutical committee, and the nominated community representative.

Notice is also given to any neighbouring HB whose boundary is within two kilometres of the proposed premises. This consultation lasts for 30 days.

After this consultation process the application is considered by the HB's statutory committee called the Pharmacy Practices Committee (PPC) which decides if an application is successful. The PPC membership includes lay members of the HB and is chaired by a non executive director of the Board. The PPC applies the statutory test to decide whether granting the application would be *"necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the pharmaceutical list"*.

In order to apply this test the PPC will give consideration to a range of factors including (but not restricted to):

- What are the boundaries of the neighbourhood (the local area) surrounding the proposed pharmacy premises location?
- What pharmaceutical services are currently provided to/within that neighbourhood by existing community pharmacies?
- The content of the HB's Pharmaceutical Care Services plan.
- The content of the Consultation Analysis Report.
- Representations received during the second consultation exercise.
- The likely long term sustainability of the pharmaceutical services proposed by the applicant

Consideration of the factors outlined above will allow the PPC to determine:

- Whether the current provision of pharmaceutical services to/within the neighbourhood is adequate.
- If the current provision is not adequate, whether it is necessary to grant the application in order to secure an adequate pharmaceutical service within the neighbourhood.
- If the current provision is not adequate, whether it is desirable to grant the application in order to secure an adequate pharmaceutical service within the neighbourhood.

There is no set criteria to define each factor. It is the role of the PPC as an expert panel to base its decision on the information available to it as well as presented during the hearing.

Once a decision is reached it is notified in accordance with the regulations and the minute of the hearing published on NHS Tayside's public website.

Whilst the decision of the PPC can be appealed the persons who can appeal are limited to those parties consulted and who responded during the second consultation exercise

Your Response

If you participate in the public consultation survey your response will be included in the CAR, which is shared by all parties in the application process. You will be given the opportunity to specify the level of personal information disclosed and shared.