



**STONEHOUSE**  
**TOWN COUNCIL**

**Members of the Town Environment Committee**

You are hereby summoned to attend a meeting of the Town Environment Committee to be held on Monday 30<sup>th</sup> September, 7pm at Stonehouse Library, High Street, Stonehouse, GL10 2NG.

**Committee Members:**

Councillors: Deborah Curtis (Committee Chair), Marcus Dixon, Neil Gibbs, Simon Macgregor, Val Randell (Committee Vice Chair), Theresa Watt

A period of up to 15 minutes will be set aside at the beginning of the meeting for members of the public to raise questions.

Carlos Novoth  
Town Clerk  
26<sup>th</sup> September 2024

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*Attendees are reminded that the Proceedings of this meeting may be filmed, photographed or recorded.*

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**A G E N D A**

**E/830** To receive apologies.

**E/831** Declarations of Interest

**E/832** To approve the minutes of the Town Environment Committee meeting held on Monday 2<sup>nd</sup> September.

**E/833** To receive the latest updated Environment Budget.

**E/834** To agree arrangements for the 2025/26 budget setting process.

**E/835** To comment on recent Planning Applications (Details in support papers)

**E/836** To receive a report on planning decisions received from Stroud District Council.

**E/837** To discuss and consider feedback to NHS Resolution in relation to the appeal against the NHS's decision to grant a further Pharmacy in the area

**E/838** To receive Working Groups updates.  
Communications,  
Stroudwater (Bristol Road) Station,

Transport and Highways,  
Public Rights of Way  
Recreation.

E/839 Date of next Environment Committee meeting: Monday 28<sup>th</sup> October 2024.





## STONEHOUSE TOWN COUNCIL

Minutes (subject to agreement at the next Committee meeting) of a meeting of the Town Environment Committee on Monday 2<sup>nd</sup> September 2024, 7pm at Stonehouse Library, High Street, Stonehouse, GL10 2NG.

**Present:**

Councillors: Deborah Curtis (Committee Chair), Marcus Dixon, Simon Macgregor, Val Randell (Committee Vice Chair).

**Also present:** Jacqui Sanders (Deputy Clerk), Ward and Town Cllr John Callinan, Ward Cllr John Parker, Ward and Town Cllr Carol Kambites and a member of the public

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*Attendees are reminded that the **Proceedings** of this meeting may be filmed, photographed, or recorded.*

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There were no questions or comments made from the attending member of the public

**E/814 To receive apologies.**

Apologies were received from Councillors Neil Gibbs and Theresa Watt

**E/815 Declarations of Interest**

There were no declarations of interest

**E/816 To approve the minutes of the Town Environment Committee meeting held on Monday 1<sup>st</sup> July.**

Committee APPROVED the minutes as a true and accurate record of the meeting

**E/817 To receive the latest updated Environment Budget.**

Committee RECEIVED the latest budget report detailing total Actual Net income of £410; a total Actual Net expenditure of £15,971.70; no reserve movements

**E/818 To comment on the first draft of the new management plan for Doverow Woods.**

Ward Cllr John Parker provided an overview of the draft management plan and explained its purpose.

The Chair highlighted the connection with agenda item E/823 by virtue of its link to the future management of the trees at Doverow and elsewhere within the town. The suggestion was that the management plan could be one of the first tasks to be considered by a new working party being considered later in the meeting. The Chair thanked Cllr Parker for his efforts and ongoing commitment in delivering the Woodland Management Plan for Doverow Hill Woods.





## **STONEHOUSE** **TOWN COUNCIL**

With Committee agreement, the Chair brought forward agenda item E/823 for discussion bearing in mind its connection with the previous agenda item. In addition agenda item E/824 was also brought forward.

### **E/823 To recommend the formation of a new Woodland & Outdoor Spaces Management sub-committee/working group.**

Ward and Town Cllr John Callinan was asked to speak to this issue in the absence of Town Cllr Neil Gibbs, the author of the proposal.

Cllr Callinan explained how the proposal would benefit the council and the community and in particular why it was now ever more necessary in light of the development and value placed on the urban Arboretum, including Doverow Hill Wood and, the community's green open spaces. As discussed in the previous agenda item (E/818), if approved, the working group would be asked to consider the draft woodland management plan for Doverow Hill Wood.

Ward Cllr John Parker suggested that the name of the working group change to Stonehouse Arboretum and Outdoor Spaces working group - this would more accurately reflect the remit of the group.

It was acknowledged that a Terms of Reference for the working group would need to be agreed but that this could be done once Cllr Membership was decided to be made open to all cllrs at the next full council meeting

Committee **APPROVED** the formation of the 'Stonehouse Arboretum and Outdoor Spaces Working group'. The working group to be formed once Cllr Membership has been determined and Terms of Reference **AGREED**.

### **E/824 To discuss the details on the proposed consultation for the planting of the Tree of Gernika.**

Once the exact location has been determined (proposed between the Pump and Flagpole) Committee **RESOLVED** to consult on the installation of the Tree of Gernika in the following ways:

- To erect a stake in the ground attaching a notice providing relevant information
- To write a letter to residents located immediately adjacent to the Green explaining the history and significance of the tree
- Inform the public through Social Media and the council's website

### **E/819 To provide a response on the Government's consultation on reforms to National Planning Policy Framework (NPPF).**





## **STONEHOUSE** **TOWN COUNCIL**

Committee **RESOLVED** to provide a response to the consultation in letter form to confirm the council's strength of feeling that its ability to comment on future planning applications to the current extent, should remain unaffected.

**E/820 To note the temporary road closure for Stroud Half Marathon 2024.**

Committee **NOTED** the closure

**E/821 To approve new signage for the Willow Tree Practice.**

The request was fully discussed. It was felt that the council would be setting a precedence for advertising on the Town Green should it approve the Medical Centre's request. It was also felt that the proposed location for one of the signs would potentially result in the damage to an established tree located immediately adjacent to the medical centre's access road.

Committee **RESOLVED** to **NOT APPROVE** the Medical Centre's request to erect signage on the Town Green

**E/822 To comment on and feedback to Stroud District Council on their Cultural and Delivery Action Strategy.**

Committee **RESOLVED** to respond to the consultation in letter form explaining that the town council could see the potential alignment within the Cultural and Delivery Action Strategy with the wide range of ideas currently under discussion for projects such as the development of the Ship Inn site.

**E/823 To recommend the formation of a new Woodland & Outdoor Spaces Management sub-committee/working group.**

Agenda item brought forward - see above for details

**E/824 To discuss the details on the proposed consultation for the planting of the Tree of Gernika.**

Agenda item brought forward - see above for details

**E/825 To recommend for council approval town council applications for both the Woolpack and Globe Public Houses to become 'Assets of Community Value'**

Due to its concern for the continued existence of both 'The Globe' and 'The Woolpack' as public houses, Committee **RECOMMENDED** council approve the submission of applications to Stroud District Council for both to be considered as 'Assets of Community Value'

**E/826 To comment on planning applications.**

S.24/1389/FUL Unit 1, Pear Tree Way, Stonehouse





## **STONEHOUSE** **TOWN COUNCIL**

Installation of a dust extraction unit on the north elevation (including filters, hopper & motor housing) & 4no. paint booth extracts on the southern elevation.

Respond by 3<sup>rd</sup> September.

Decision: 'Stonehouse Town Council objects to this planning application under the Material Planning Considerations of 'Noise or Disturbance'. This council is extremely concerned about the impact of the noise that would be generated, on nearby residential properties and especially the cumulative effect with the noise being produced from factories nearby'.

**E/827** To receive a report on planning decisions received from Stroud District Council.

Committee RECEIVED the update

**E/828** To receive Working Groups updates. Members may wish to note

any reports from the following:

Comms - A survey of local residents is currently being undertaken in relation to the council's newsletter through Facebook and In Person interactions in the town. The results to be provided to Committee

Stroudwater (Bristol Road) Station - The WG has not met recently

Canal Rejuvenation - Translocation of reptiles taking place over the next four weeks. Working to clear the site of vegetation in early October

Transport and Highways - Meeting to be convened by the Clerk to discuss approach to dealing with weed issue

Public Rights of Way - Nothing to report

Recreation - Meeting due later this week with planning officer to discuss Stagholt.

**E/829** Date of next Environment Committee meeting: Monday 30<sup>th</sup> September 2024.

Committee NOTED the date of the next meeting



Notes on Agenda items, Environment Committee, Monday 30<sup>th</sup> September 2024

<b>E/832 Minutes</b>	Minutes attached
<b>E/833 Budget report</b>	Report attached
<b>E/835 Planning Applications</b>	<p><b>S.24/1560/CPE</b> 5 Regency Close, Stonehouse Certificate of Lawful Development for an existing use as a dwelling (Class C3 b). Respond by 1<sup>st</sup> October. Click <a href="#">here</a></p> <p><b>S.24/1561</b> Ingleside, Browns Lane, Stonehouse Erection of a dormer extension and a covered walk way, extension to outbuilding, extend raised terrace and removal of chimney. Respond by 1<sup>st</sup> October. Click <a href="#">here</a></p> <p><b>S.24/1600/HHOLD</b> 27 Regent Street, Stonehouse Single storey rear extension Respond by 3<sup>rd</sup> October. Click <a href="#">here</a></p> <p><b>S.24/1683/HHOLD</b> 18 Haven Avenue Bridgend Stonehouse Gloucestershire GL10 2AS Erection of a two storey side and single storey side and front extension Respond by 11<sup>th</sup> October. Click <a href="#">here</a></p> <p><b>S.24/1665/FUL</b> Xograph House Ebley Road Stonehouse Gloucestershire GL10 2LU Erection of a Class B2 building and associated works Respond by 9<sup>th</sup> October. Click <a href="#">here</a></p> <p><b>S.24/1658/VAR</b> Xograph House Ebley Road Stonehouse Gloucestershire GL10 2LU Variation of condition 2 (approved plans) and 3 (Materials) from S.23/2538/FUL – alterations to the design of the building Respond by 8<sup>th</sup> October. Click <a href="#">here</a></p> <p><b>S.24/1615/FUL</b> Land at rear of 42 High street Stonehouse Gloucestershire Erection of a rear extension to enlarge existing café Respond by 16<sup>th</sup> October. Click <a href="#">here</a></p> <p><b>S.24/1600/HHOLD</b> 27 Regent Street Stonehouse Gloucestershire GL10 2AA Single Storey rear extension Respond by 3<sup>rd</sup> October. Click <a href="#">here</a></p>
<b>E/836 Report on Planning Decisions</b>	<p><b>S.24/1284</b> 15 Melbourne Close Stonehouse Erection of a two-storey side extension. <b>PERMITTED</b></p> <p><b>S.24/1217</b> Little Court, Bristol Road, Stonehouse Variation of Condition 2 (Approved Plans) Addition of 2 small rooflights over the garage structure from S.24/0253/FUL <b>PERMITTED</b></p> <p><b>S.24/1208/FUL</b> Stonehouse Court Hotel, Bristol Road, Stonehouse Replacement roof of the Caroline Suite and installation of solar panels. <b>PERMITTED</b></p> <p><b>S.24/1203/HHOLD</b> 20 Melbourne Drive, Stonehouse Erection of a two storey and single storey extension. Resubmission of S.24/0657/HHOLD</p>



	<p><b>APPLICATION WITHDRAWN</b></p> <p><b>S.24/1026/LBC</b> 12 Gloucester Road, Stonehouse</p> <p>Replace ground floor windows with custom made accoya frames of the same style with clear glass (except bathroom)</p> <p><b>APPROVED</b></p>
<b>E/837 Pharmacy</b>	See supporting paperwork
<b>E/838 Reports Working Groups</b>	Updates to be received at the meeting.



# Financial Budget Comparison

## for Town Environment Committee

Comparison between 01/04/24 and 26/09/24 inclusive. Includes due and unpaid transactions. Includes commitments.  
Excludes transactions with an invoice date prior to 01/04/24

	2024/2025	Reserve	Actual Net	Balance	Bal %age
<b>INCOME</b>					
<b>Town Environment Committee</b>					
200 Stonehouse in Bloom	£0.00	£0.00	£0.00	£0.00	0.00%
205 Event Income/Donations					
205/1 Events	£1,200.00	£0.00	£760.00	-£440.00	-36.67%
205/2 Donations	£0.00	£0.00	£0.00	£0.00	0.00%
205 Total	£1,200.00	£0.00	£760.00	-£440.00	-36.67%
210 Planting Sponsorship	£0.00	£0.00	£0.00	£0.00	0.00%
215 Grants	£0.00	£0.00	£0.00	£0.00	0.00%
Total Town Environment Committee	£1,200.00	£0.00	£760.00	-£440.00	-36.67%
<b>EXPENDITURE</b>					
<b>Town Environment Committee</b>					
1190 Amenity Areas					
1190/1 Grounds Maintenance (contract)	£27,500.00	£0.00	£14,250.00	£13,250.00	-48.18%
1190/2 Grounds Maintenance (in-house)	£2,000.00	£0.00	£0.00	£2,000.00	-100.00%
1190/3 Play Equipment maint/repairs/insp	£3,000.00	£0.00	£569.20	£2,430.80	-81.03%
1190/4 Public Space Improvements	£5,300.00	£0.00	£1,197.50	£4,102.50	-77.41%
1190/5 Tree & Hedge/boundary maintenance	£3,500.00	£0.00	£263.86	£3,236.14	-92.46%
1190/6 Waste Collection	£5,500.00	£0.00	£992.97	£4,507.03	-81.95%
1190 Total	£46,800.00	£0.00	£17,273.53	£29,526.47	-63.09%
2000 Christmas Lights	£2,000.00	£0.00	£0.00	£2,000.00	-100.00%
2005 Climate Change	£0.00	£0.00	£0.00	£0.00	0.00%



# Financial Budget Comparison

## for Town Environment Committee

Comparison between 01/04/24 and 26/09/24 inclusive. Includes due and unpaid transactions. Includes commitments.  
Excludes transactions with an invoice date prior to 01/04/24

	2024/2025	Reserve	Actual Net	Balance	Bal %age
2010 In Bloom					
2010/1 Contract Planting	£0.00	£0.00	£0.00	£0.00	0.00%
2010/2 Non-Contract Planting	£0.00	£0.00	£0.00	£0.00	0.00%
2010/3 Watering Services	£0.00	£0.00	£0.00	£0.00	0.00%
2010/4 Other	£0.00	£0.00	£338.17	-£338.17	100.00%
2010 Total	£0.00	£0.00	£338.17	-£338.17	100.00%
2050 Cultural Events & Studies					
2050/1 Goodwill	£6,000.00	£0.00	£785.00	£5,215.00	-86.92%
2050/2 Civic Awards	£300.00	£0.00	£0.00	£300.00	-100.00%
2050/3 Other	£3,000.00	£0.00	£735.00	£2,265.00	-75.50%
2050/4 Communications	£0.00	£0.00	£0.00	£0.00	0.00%
2050 Total	£9,300.00	£0.00	£1,520.00	£7,780.00	-83.66%
2080 Neighbourhood Plan Review	£0.00	£0.00	£0.00	£0.00	0.00%
2090 Planning Specialist Advice					
2090/1	£0.00	£0.00	£0.00	£0.00	0.00%
2090/2	£0.00	£0.00	£0.00	£0.00	0.00%
2090 Total	£0.00	£0.00	£0.00	£0.00	0.00%
<b>Total Town Environment Committee</b>	<b>£58,100.00</b>	<b>£0.00</b>	<b>£19,131.70</b>	<b>£38,968.30</b>	<b>-67.07%</b>



Our ref: SHA/ 26308

24 September 2024

8<sup>th</sup> Floor  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU

**Distributed to:**

Ms Claire Brittain (Boots UK Ltd)  
Mr Andrew Lane (Community Pharmacy Gloucestershire (LPC))  
Ms Jacqui Sanders (Stonehouse Town Council)

Tel: 0203 928 2000  
Email: [nhsr.appeals@nhs.net](mailto:nhsr.appeals@nhs.net)

**RE: SHA/ 26308 - CAREPLUS PHARMACY LIMITED - APPLICATION FOR INCLUSION IN THE PHARMACEUTICAL LIST OFFERING UNFORESEEN BENEFITS AT HIGH STREET, STONEHOUSE, GL10 2NA**

I am writing to inform you that the decision of the Commissioner on the above application, has been appealed to NHS Resolution. I am contacting you because NHS Resolution has been informed that you were among those notified of the decision in accordance with the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations").

**Matters to be considered**

In relation to Regulation 18(1), NHS Resolution will need to determine whether it is satisfied that granting the application (or granting it in respect of some only of the services specified in it) would secure improvements, or better access, to pharmaceutical services (or pharmaceutical services of a specified type) in the area of the Health and Wellbeing Board, in whose pharmaceutical needs assessment the improvements or better access have not been included.

Where you have evidence which is relevant to any of the following matters, it should be provided. Your representations should then deal with each matter in turn. NHS Resolution will proceed on the basis of the information provided by the parties and determine the appeal accordingly.

In relation to Regulation 31, the matters to which consideration will be given are whether:

*(1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.*

*(2) This paragraph applies where—*

- (a) a person on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services ("the existing services") from—*
  - (i) the premises to which the application relates, or*
  - (ii) adjacent premises; and*
- (b) NHS England is satisfied that it is reasonable to treat the services that the applicant proposes to provide as part of the same service as the existing services (and so the*

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*premises to which the application relates and the existing listed chemist premises should be treated as the same site).*

In relation to Regulation 18, the matters to which consideration will be given are whether:

- (a) *granting the application would cause significant detriment to -*
  - (i) *proper planning in respect of the provision of pharmaceutical services in the Health and Wellbeing Board area; or*
  - (ii) *the arrangements which NHS England has in place for the provision of pharmaceutical services in the Health and Wellbeing Board area;*
- (b) *notwithstanding that the improvements or better access were not included in the pharmaceutical needs assessment, granting the application would confer significant benefits on persons in the area (which were not foreseen when the pharmaceutical needs assessment was published), having regard to the desirability of -*
  - (i) *there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the Health and Wellbeing Board;*
  - (ii) *people who share a protected characteristic (as listed in section 149(7) of the Equality Act 2010 - age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity) having access to services that meet specific needs for pharmaceutical services that, in the area of the Health and Wellbeing Board, are difficult for them to access, or*
  - (iii) *there being innovative approaches taken with regard to delivery of pharmaceutical services.*

In addition to considering information as to whether there are unforeseen benefits (for the purposes of Regulation 18) the Committee will also consider:

- whether the application relates to premises in a controlled locality (as described in Regulation 40) and,
- whether the application relates to a reserved location (as described in Regulation 41) and,
- if not, whether granting the application would prejudice the proper provision of NHS pharmaceutical services, local pharmaceutical services or primary medical services in the area of the Health and Wellbeing Board or a neighbouring Health and Wellbeing Board (as described in Regulation 44).
- Any matters relevant to Regulation 50.

Regulation 40(2) requires that if NHS England receives an application (A1) to which paragraph (1) applies, it must refuse A1 (without needing to make any notification of that application under Part 3 of Schedule 2), where the applicant is seeking the listing of premises at a location which is-

- (a) *in an area in relation to which outline consent has been granted under these Regulations, the 2012 Regulations or under the 2005 Regulations within the 5 year period –*



- (i) *starting on the date on which the proceedings relating to the grant of outline consent reached their final outcome, and*
  - (ii) *ending on the date on which A1 is made; or*
- (b) *within 1.6 kilometres of the location of the proposed pharmacy premises (other than proposed distance selling premises) in respect of which-*
  - (i) *a routine application under these Regulations or the 2012 Regulations, or*
  - (ii) *an application to which regulation 22(1) or (3) of the 2005 Regulations (relevant procedures for applications) applied,*

*was refused within the 5 year period starting on the date on which the proceedings relating to the refusal reached their final outcome and ending on the date on which A1 is made, unless NHS England is satisfied that since the date on which the 5 year period started, there has been a substantial and relevant change of circumstances affecting the controlled locality.*

In relation to Regulation 41, the Committee will need to determine if the location was (on the day on which the application was received by the Commissioner) in a reserved location.

NHS Resolution is not aware of any other application offering to secure the same improvements or better access which has been submitted or which is subject to appeal.

The appeal will be determined in accordance with the regulations, although you may also wish to consult the guidance produced by the Department of Health, which can be accessed online at: <https://www.gov.uk/government/publications/nhs-pharmaceutical-services-assessing-applications>

Particular guidance can be found in Chapter 8.

## **Evidence**

The Commissioner will provide NHS Resolution with the HWB's most up-to-date Pharmaceutical Needs Assessment (or a link to it) but also expects the parties to refer to any appropriate sections and produce all relevant evidence including reference to any relevant supplementary statements to the PNA (whether in documentary or other form).

Plans and photographs are often particularly helpful. Where provided, these should be of good quality to ensure no loss of detail when they are scanned or photocopied. Any measurements (including the unit of measurement) should be clear.

## **Representations**

You have the opportunity to make representations in accordance with the Regulations. If you wish to make any representations these should be submitted to NHS Resolution within 30 days of the date on which this notice is sent (i.e. by 24 October 2024). You should draw attention to any aspects of the Assessment which you consider relevant to the decision to be made. You should be aware that NHS Resolution will circulate your representations to other parties.

Please note that this will be your only opportunity to submit new material. Anything new raised after this stage will have little or no weight placed upon it.



Further information regarding the process which NHS Resolution follows in dealing with appeals – including its approach to information provided by you – can be found in the Guidance Note at <https://resolution.nhs.uk/resources/>. Parties will be expected to have read this guidance.

### Oral hearings

Your attention is drawn to the provisions of Paragraph 8 of Schedule 3 to the Regulations which sets out those persons who will be permitted to attend any oral hearing that may be convened. **A failure to comply with these provisions will result in you not being invited and thus not allowed to make oral representations.**

#### 8.— Oral hearings

(1) If the Secretary of State does decide to hear oral representations, the Secretary of State must give not less than 14 days notice of the time and place at which the oral representations are to be heard to (those then listed and) any additional presenters, and they (or their duly authorised representatives) are to be the only persons entitled to make oral representations at the hearing.

(2) For these purposes, a person (P) is an “additional presenter” if—


(a) P was notified of the appeal under Part 2 and has made written representations in accordance with paragraph 3(2), 4(3) or 5(3), and

(b) the Secretary of State is satisfied that P made a reasonable attempt to express P's views on the appeal adequately in P's written representations.

### Future communications

During the appeal process NHS Resolution would prefer to communicate with parties electronically. Please provide us with an up to date email address to which we can correspond. **(There is no need to provide hard copies of electronic correspondence).** If you choose to make submissions by email, we will in future correspond with you by email even if we have not done so before. In this regard, any future correspondence you send as part of the appeal process must be signed and on company/organisation letterhead paper.

Yours faithfully



pp

**Rachel White**

**Technical Case Manager, Primary Care Appeals**

Enclosures: Letters of appeal  
Map & Index  
Guidance Leaflet





10-12 Barnes High Street  
Barnes  
London  
SW13 9LW

**Tel:** 020 8878 3007

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Primary Care Appeals  
NHS Resolution  
8<sup>th</sup> Floor  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU

09 September 2024

**Re: Application offering unforeseen benefits at High Street Stonehouse GL10 2NA by Careplus Pharmacy Limited**

I act for Shaunaks Limited and have been instructed to submit this appeal against the decision of the ICB to approve the above application. The decision was communicated to my client by letter dated 14 August 2024.

As the Committee will note the application is for Unforeseen Benefit with a best estimate address in Stonehouse, Gloucestershire and was prompted by the closure of the Lloyds Pharmacy located at Sainsbury, Dudbridge Street, GL3 3HG.

The Committee is clearly well aware of the legal test that the Applicant must satisfy. In summary, the Applicant is required to satisfy the Committee that the granting of their application would secure improvements or better access to pharmaceutical services and;

(b) whether, notwithstanding that the improvements or better access were not included in the relevant pharmaceutical needs assessment, it is satisfied that, having regard in particular to the desirability of—

- (i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also the NHSCB's duties under sections 13I and 13P of the 2006 Act F109 (duty as to patient choice and duty as respects variation in provision of health services)),
- (ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also the NHSCB's duties under section 13G of the 2006 Act F110 (duty as to reducing inequalities)), [F111or]
- (iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also the NHSCB's duties under section 13K of the 2006 Act F112 (duty to promote innovation)),



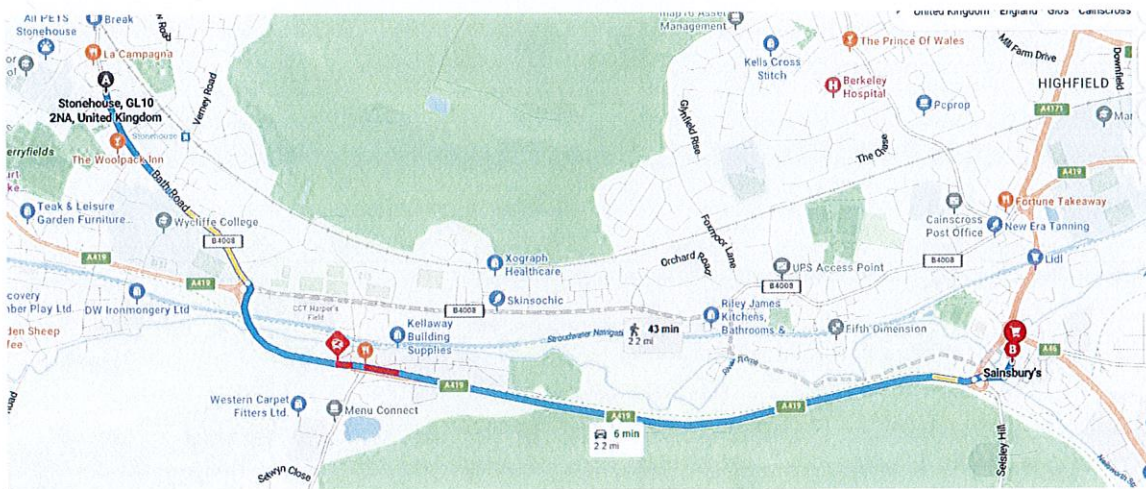
granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published;

In this case we submit that the application does not meet the requirements of the legal test for the reasons set out below.

## Location

We note that the Applicant and ICB are happy to declare and accept that this application has been made due to the closure of the Lloyds Pharmacy previously located within Sainsburys.

As the Committee will note however, the application is not for the area around the Sainsburys store and is in fact for the area of High Street in Stroud which is over 2 miles from where the Sainsburys is located as shown below.



Whilst the application is presented as being required to replace the previously closed Lloyds, the real reason for the application becomes obvious when the best estimate location chosen by the Applicant is looked at in more detail.

The best estimate of "High Street, Stonehouse, GL10 2NA" is the same location as my client's pharmacy and of Stonehouse Medical Centre as shown below.





The Applicant has specified the postcode “GL10 2NA” on their application form. Whilst the Applicant also provides a map with a line drawn along High Street, the GL10 2NA postcode is a very small area and includes only a few properties that are both on High Street and have the post code of GL10 2NA as shown below (area in red line).



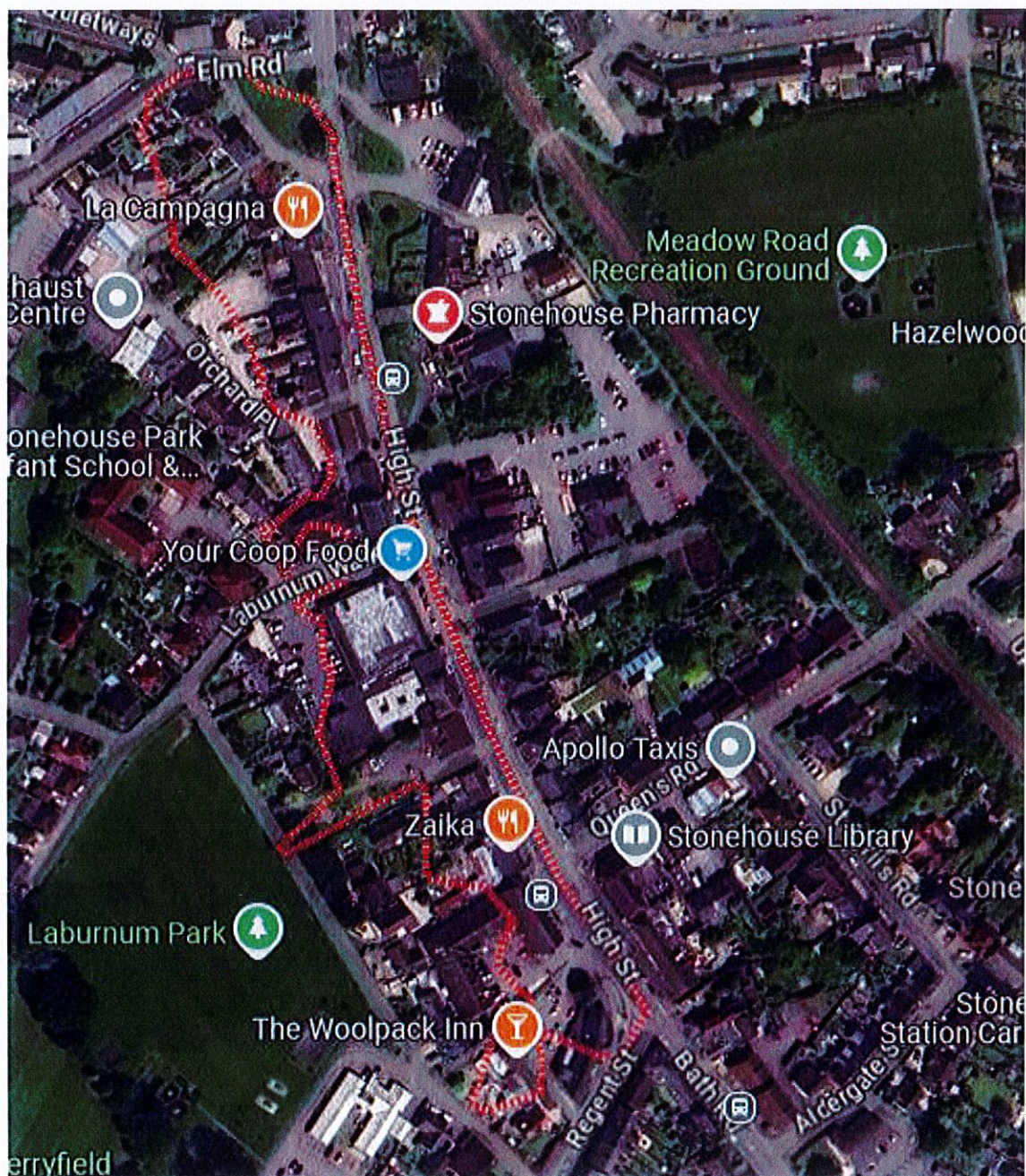


FIGURE 1

The Application must therefore be judged in its real context. It is not an application that would seek to replace services previously provided by Lloyds over 2 miles away and is simply an opportunistic attempt to open a pharmacy within a few metres of my client's existing pharmacy and the nearby medical centre.

Similarly, whilst the previous Lloyds was open for long hours within Sainsburys, the Applicant has offered minimal core hours. The Applicant is represented by consultants who have no doubt advised them that they can remove supplementary hours by giving notice to do so.



Whilst this appeal is a *de novo* consideration of the application, analysis of the ICB decision shows that the ICB mis-directed itself with regards to the legal test. To demonstrate this we deal with each of the points listed by the ICB for approving the application.

28. The SW Committee noted travel distance to the next alternative pharmacy provision is significant and requires a car or public transport.

Stonehouse Pharmacy is open from 9am to 6pm Monday to Friday and from 9am to 5.30pm on Saturday. These are longer opening hours than the core hours proposed by the Applicant other than an extra 30 minutes at the end of each day from Monday to Friday. No evidence has been presented about any need for pharmaceutical services between 6pm and 6.30pm Monday to Friday and my client already stays open later than their normal closing time if they receive a request to do so (for example from the surgery).

It must be remembered that there is already a pharmacy in Stonehouse and therefore the issue of an alternate provider relates to the question of “reasonable choice” rather than patients in Stonehouse requiring access to a pharmacy.

Whilst we would accept that patients are unlikely to walk 2 miles to the nearest alternate pharmacy (Cairncross Pharmacy), the number 64 bus goes from the Applicant’s proposed site to Cairncross Pharmacy every 30 minutes with a total journey time of 12 minutes (including walking time). Car journeys take 8 minutes.

Patients do also use pharmacies located in Stroud, such as Tesco, Superdrug, and Boots which can be accessed in 21 minutes using the same 64 bus route or 18 minutes using the train.

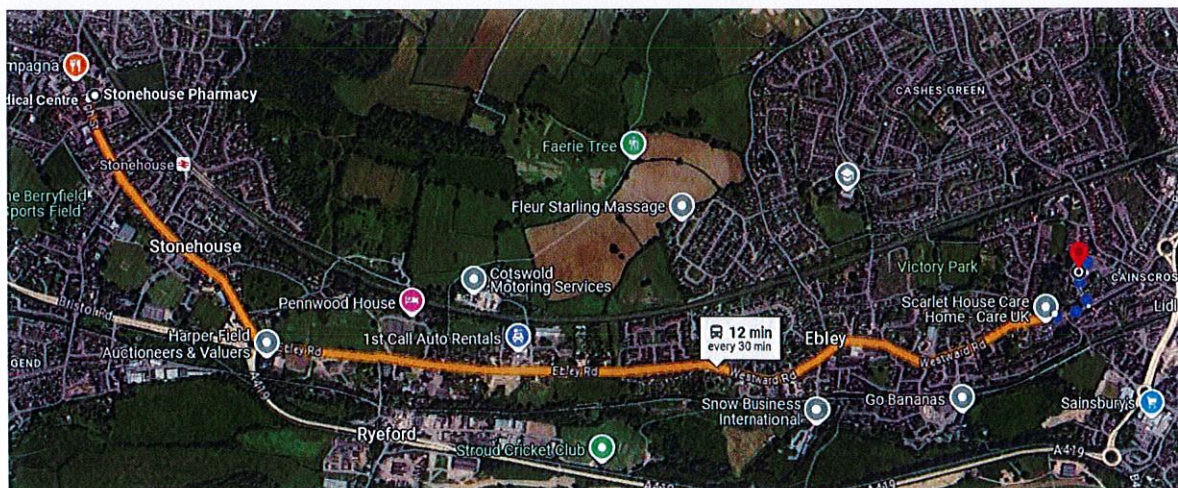


FIGURE 2

29. The SW Committee noted the population of Stonehouse is a discreet and separate population to the surrounding area. Provision in Stonehouse was considered to be serving the wider rural catchment area.

This is a somewhat muddled statement. The reality is that whilst there are medical centres in Stonehouse, almost all prescriptions are sent electronically, so most patients do not visit



their doctor's surgery prior to accessing a pharmacy. For those who live in Stonehouse they have a pharmacy in the town centre. For those who live outside Stonehouse they have access to my client's pharmacy and all the other pharmacies listed above as well as distance selling pharmacies. Patients use all of these pharmacies and this demonstrates that they are exercising their right to choose the pharmacy and location that works best for them.

*30. The SW Committee considered that pharmacies offering of 30 extra minutes opening in the morning and afternoon, as well as increased Saturday opening hours, would be of benefit to the community, increasing choice and improving accessibility.*

Offering an extra 5, 10 or 30 minutes opening time is likely to be helpful to a small number of patients at a particular time. However, the Regulations quite rightly set the bar much higher than this and require any benefit to be "significant" and that is not the case here.

*31. The SW Committee noted that Stonehouse Pharmacy has reported a loss in nominations. They also noted that the premises is small and does not provide many additional services.*

In terms of nominations, my client had 11,493 nominations in April 2024. In June they had 11,440 nominations and in August they had 11,472 nominations. These are very stable. Item numbers have remained between 20,000 and 25,000 items per month for the last 2 years, with a very gradual increase over time.

Whilst these are significant item numbers, my client services 5 nursing homes and has 300 patients using MDS prescriptions. These items are dispensed at a 2<sup>nd</sup> dispensary located on the first floor of the building. Therefore, whilst the item numbers are significant, my client uses their entire building with 2 dispensaries. MDS and care home patients account for circa 6,000 items per month and as MDS patients are on weekly prescriptions, they receive 4 items for every 1 "normal" item which makes the figures look higher than they really are.

The ICB appears to simply not be aware of any of this.

Similarly, my client offers all nationally commissioned services, has 2 full time pharmacists and a pre-registration pharmacist as well as an ACT and counter assistants and provides above average numbers of services such as blood pressure checks and NMS. In summary, it is a busy and very well staffed and run pharmacy which properly services the local community.

32. The SW Committee noted that additional homes are being built in the Stonehouse area, creating increased demand for pharmaceutical services. A new surgery may also be constructed to the west of the town further increasing demand.

33. The SW Committee noted that current travel times to alternative pharmacies hinders patient choice. While the travel distance would not be walkable, public transport is available.



34. The Closure of the nearby Lloyds pharmacy in will have resulted in a need for the additional hours to maintain choice and reduce demand on urgent care services in the area.

There is simply no evidence to support this assertion. It is also notable than when referring to Lloyds the ICB state is was “nearby” despite the fact that is was located 2.2 miles from the proposed application site. However, when referring to alternate providers that are similar distances away, the ICB feels these are significant journeys. As we have already stated, the Applicant is not even proposing to open the same hours that Lloyds used to open, but even this does not really matter as they would not even be located where Lloyds was providing the service from.

If the ICB has undertaken a review of need for increased pharmacy hours then they can direct one of the many local pharmacies to open for these required hours, but they have not done so. This may be because Tesco Pharmacy (which is located much closer to the previous Lloyds site) is open 7 days per week and until 9pm Monday to Saturday as shown below.

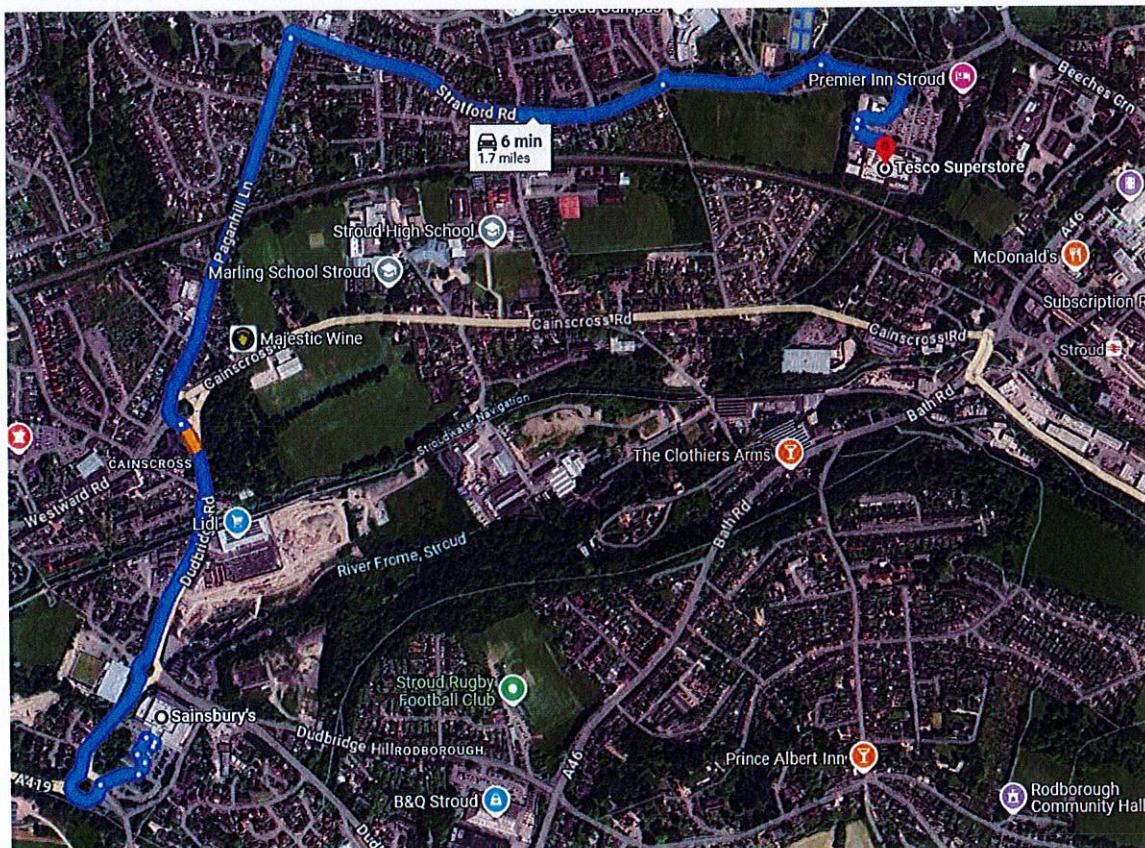


FIGURE 3

35. The SW Committee noted that pharmaceutical provision in the area has changed since the publication of the PNA and since previous applications were submitted in the Stonehouse area.



This is technically correct, but not of itself the basis upon which an application may be granted.

*36. The SW Committee noted that granting this application is not a performance management mechanism for Stonehouse Pharmacy. No Complaints have been received regarding Stonehouse Pharmacy.*

The ICB confirms here that there has not been a single complaint about pharmacy services and yet they grant the application. Similarly, the Applicant cannot point to a single complaint about pharmacy services yet describes the current service as “dire”.

### **The Applicant's Supporting Information**

The Applicant's supporting information contains multiple errors or unsupported assumptions.

The Applicant is correct that Stonehouse has 8,299 residents and of course there is my client's pharmacy located in Stonehouse to cater for those residents and those who come into the village from further afield.

The Applicant then lists the combined patient lists of the 3 surgeries in Stonehouse as 15,023 and then seeks to add in the patient list size of a surgery in Frampton on Severn which is located 5 miles away from Stonehouse. The Applicant cannot explain why a surgery located 5 miles from their application site is considered relevant, whilst pharmacies located significantly less distance away from their application site are considered too difficult to access.

The Applicant “extrapolates” their figure but simply chooses to ignore all the pharmacies within 5 miles of their proposed location. Had the Applicant carried out a reasonable assessment they would have had a figure of 6 pharmacies serving this 20,000 reliant population rather than the 1 pharmacy that they claim services this population and this is shown below.

- Result for STONEHOUSE PHARMACY

FY942

PHA

This organisation is 0 miles away

This pharmacy is currently:

Open

Opening times:

- 9am to 6pm



Address for this organisation is High Street Medical Ctre, 31 High Street, Stonehouse, Gloucestershire, GL10 2NG

Phone number for this organisation is 01453823184

- Result for Cainscross Pharmacy

This organisation is 1.7 miles away

This pharmacy is currently:

Open

Opening times:

- 9am to 1pm
- 1:30pm to 6pm

Address for this organisation is 16 Cashes Green Road, Cainscross, Stroud, Gloucestershire, GL5 4JG

Phone number for this organisation is 01453759205

- Result for TESCO INSTORE PHARMACY

This organisation is 2.5 miles away

This pharmacy is currently:

Open

Opening times:

- 8am to 8pm

Address for this organisation is TESCO SUPERSTORE, STRATFORD ROAD, STROUD, GLOUCESTERSHIRE, GL5 4AG

Phone number for this organisation is 03456779633

- Result for STROUD FAMILY PHARMACY

This organisation is 2.7 miles away

This pharmacy is currently:

Open

Opening times:

- 9am to 6:30pm

Address for this organisation is ROWCROFT MEDICAL CENTRE, ROWCROFT RETREAT, STROUD, GLOUCESTERSHIRE, GL5 3BE

Phone number for this organisation is 01453764513

- Result for Boots

This organisation is 2.8 miles away

This pharmacy is currently:

Open

Opening times:

- 9am to 5:30pm

Address for this organisation is 57 HIGH STREET, STROUD, GLOUCESTERSHIRE, GL5 1AS

Phone number for this organisation is 01453764292

- Result for SUPERDRUG PHARMACY

This organisation is 2.8 miles away

This pharmacy is currently:

Open

Opening times:

- 9am to 5:30pm

Address for this organisation is 60-61 HIGH STREET, STROUD, GLOUCESTERSHIRE, GL5 1AS

In summary, whilst my client operates a busy pharmacy, their dispensing volumes appear high due to the number of weekly prescriptions and nursing homes served. Whilst patients would always prefer for service to be quicker and for stock to always be available, my client is affected by the same issues that affect all

The Applicant has provided information that is misleading and shows a lack of understanding of the work my client does from their pharmacy. Whilst the premises may appear small from



the outside, the Applicant and ICB fail to recognise that there are two dispensaries within the building and my client provides an excellent service to their patients.

We look forward to hearing from you in due course.

Yours faithfully,

A handwritten signature in purple ink, appearing to read 'C Daly', with a stylized flourish at the end.

**Conor Daly**

**Partner**

**For and on behalf of Rushport Advisory LLP**



## SOUTH WEST PHARMACEUTICAL SERVICES REGULATIONS COMMITTEE (PSRC)

### Decision report

4 July 2024

<b>Case reference</b>	CAS-284886-G3M1R0
<b>Name of applicant</b>	Careplus Pharmacy Ltd
<b>Application type</b>	Application for inclusion in a pharmaceutical list: routine application offering to secure unforeseen benefits
<b>Address of proposed premises</b>	High Street Stonehouse GL10 2NA

#### The SW Committee noted:

1. The application is for Unforeseen Benefit with a best estimate address in Stonehouse, Gloucestershire.
2. There was a Lloyds Pharmacy in Sainsburys at Dudbridge Road, Stroud, GL3 3HG which closed on 7 June 2023 under the Market Exit process. –

#### PRELIMINARY ISSUES

##### Summary of the application:

3. The applicant is proposing to open Monday to Saturday for 49 Core Hours with an additional 9.5 Supplementary Hours. The hours proposed are indicated below from section 3.1 and 3.2 of the application form:

##### 3.1 Proposed core opening hours<sup>3</sup>

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
08:30-13:00 14:00-18:30	08:30-13:00 14:00-18:30	08:30-13:00 14:00-18:30	08:30-13:00 14:00-18:30	08:30-13:00 14:00-18:30	09:00-13:00		49

##### 3.2 Total proposed opening hours<sup>4</sup>

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
08:30-18:30	08:30-18:30	08:30-18:30	08:30-18:30	08:30-18:30	09:00-17:30		58.5

4. The applicant proposes to provide Essential services, advanced services and enhanced services at section 4 of the application form.
5. The applicant states a floor plan for the proposed pharmacy will follow once the premises have been secured and will be registered with the GPhC.
6. The applicant provides supporting information with the application form describing the unforeseen benefit they are offering to secure, concluding:

## Conclusion

In our view, the growing population, construction, and the closure of the nearby Sainsbury's pharmacy has meant that pharmaceutical provision in Stonehouse is no longer sufficient to support the reliant population.

Residents would benefit significantly from having another pharmacy located on the High Street, with alternative options clearly not offering reasonable choice to all facets of pharmaceutical provision.

Granting this application would secure better access to pharmaceutical services, especially during GP surgery opening times. It would also introduce reasonable choice of a different pharmaceutical provider for those in the local area.

On the evidence outlined above, we believe that a new pharmacy contract should be granted.

## **PUBLIC INVOLVEMENT / REPRESENTATIONS**

7. The SW Committee noted full details of the applicant's proposals were notified to various parties in accordance with the Regulations. Representations were received from:

- Boots UK Ltd have noted:  
As the ICB will be aware, the closure of a pharmacy within an area does not automatically create a gap in provision and should a gap have arisen as a consequence of a closure, then the PNA should be updated to reflect this.
- Stonehouse Pharmacy (Shaunaks) states their belief that the applicant has failed to evidence the relevant requirements in a meaningful way. They reference similar previous application(s) that have been refused in the past in 2014 and 2018 and that they are unaware of any issues residents currently face in accessing pharmaceutical provision. They have noted there has been some movement in nominations, indicating that residents must be accessing provision elsewhere. These previous applications would have predated the closure of the Lloyds in Sainsbury.

## Conclusion

**We conclude that there is already reasonable choice of pharmaceutical provision in Stonehouse and those who have protected characteristics already have sufficient access.**

- Community Pharmacy Gloucestershire provided a detailed response making a number of observations regarding the application, including in relation to the PNA, Choice, Location, Services, Choice on Premises, Access, Reasonable Choice and Protected Characteristics and Innovation. They comment that the applicant is not proposing to offer any additional or innovative services beyond those already available locally and that there is already sufficient choice

**After careful consideration and review of the details provided in the public documentation, we are of the opinion that the establishment of another pharmacy in this area would not serve the best interests of the local community and the application should not be granted.**

The PNA- published in 2022 and with a supplementary statement published after the 4 Lloyds in Sainsburys closures in 2023 -states that there are no gaps in pharmaceutical provision in the Stonehouse area, so there are no unmet needs identified in the PNA.

To make a routine application under regulation 18 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (the Regulations) offering unforeseen benefits, the applicant will need to show that granting the application would confer significant benefits on people in the HWB area. **We do not feel that this application has met the threshold for granting additional benefits.**



8. In their response to the representations, the applicant specifically refutes the CP Gloucestershire assessment of pharmaceutical provision, including the table stating that there are two pharmacies in Stonehouse and a pharmacy within Frampton. They also note that dispensing GP practices are not an adequate substitute for pharmaceutical provision. They reflect on the comments from Stonehouse Pharmacy, including on DSPs and their belief these do not provide reasonable choice to pharmaceutical provision for patients, concluding:

#### **Conclusion**

In conclusion, granting this application would secure better access and improvements to pharmaceutical services for residents of Stonehouse and the surrounding villages.

There is a need for another pharmacy in Stonehouse when we consider the poor access to alternative pharmaceutical provision; the ageing population; the extensive housing being built; and the poor access to a car/van for some residents.

Granting this application would also provide reasonable choice to a different pharmaceutical provider within Stonehouse.

Hence, regulation 18 has been met and this application should be granted.

9. **The SW Committee agreed that it is not necessary to hold an oral hearing to determine the application.**

#### **Regulation 31 (same or adjacent premises)**

*31.— (1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies*

*(2) This paragraph applies where—*

*(a) a person on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services ("the existing services") from—*

*(i) the premises to which the application relates, or*

*(ii) adjacent premises; and*

*(b) the NHSCB is satisfied that it is reasonable to treat the services that the applicant proposes to provide as part of the same service as the existing services (and so the premises to which the application relates and the existing listed chemist premises should be treated as the same site).*

10. There are no other contractors currently providing pharmaceutical services within the best estimate provided. The nearest pharmacy is 0.5 mile (Stonehouse Pharmacy, distance dependent on where in the best estimate you measure from) away. However, Stonehouse pharmacy is within the applicant's best estimate though they are clearly 2 different contractors. **The SW Committee is satisfied it is not required to refuse the application by virtue of Regulation 31.**

11. The SW Committee was aware that, if the application were granted, the successful applicant would - in due course - have to confirm to the Commissioner the precise location of its premises (in accordance with paragraph 31 of Schedule 2). Such a notification would be invalid (and the applicant would not be able to commence provision of services) if the location then provided would (had it been known now) have led to the application being refused under Regulation 31.

## **CONTROLLED LOCALITY ISSUES**

12. The application does not relate to a controlled locality.

## **UNFORESEEN BENEFITS**

### Reg 18(1)(b) – Improvements or better access not included in the Pharmaceutical Needs Assessment

13. Regulation 18 concerns 'Unforeseen Benefits' applications, which are applications where the improvements or better access that would be secured were or was not included in the relevant PNA. The current Gloucestershire PNA can be found here: [Pharmaceutical needs assessment | Gloucestershire County Council](#). Page 91-94 details the provision at the point the PNA was published.
14. Pages 112-114 summarise the pharmaceutical provision and that there were no gaps in provision and make note about future housing changes:

### **9.1 Current provision**

In this PNA, Gloucestershire HWB have considered the current provision of pharmaceutical services across the county, as well as the identified and expressed needs of the local population. Using a travel time standard of 10 minutes for urban areas and 20 minutes for rural areas, 99.9% of Gloucestershire residents can access a community pharmacy or dispensing GP practice within 20 minutes (and over 98% within 10 minutes). While access to community pharmacies is more limited in rural compared to urban areas of the county, the Gloucestershire districts containing rural areas also have dispensing GP practices to support access to pharmaceutical services in these areas. All community pharmacies are open after 17.00 on weekdays, and the vast majority (89%) also open on a Saturday. Fewer community pharmacies open on a Sunday, largely in the more urban areas of the county with the highest population density.

This PNA is required to consider whether there is sufficient choice with regard to obtaining pharmaceutical services in Gloucestershire. Gloucestershire is classified as a predominantly rural county, but with several large urban areas. The choice of pharmaceutical providers is greatest in these urban areas, with less choice available for those accessing pharmacies in more rural parts of the county. However, the growing provision of distance-selling (internet) pharmacies provides increased choice for patients to access essential pharmaceutical services online and have dispensed items delivered. All Gloucestershire residents has the choice of using any of the 379 distance selling pharmacies available to them in England. It is also important to consider the increasing diversity of Gloucestershire's population when considering choice. Differences in culture, health systems and language skills may impact on the choice of appropriate health care services, including community pharmacies, and services need to respond to this.



## 9.4 Future gaps in provision

This PNA has outlined the planned increases in housing provision across Gloucestershire in the coming five years. The Gloucestershire HWB do not anticipate that this increase in housing will significantly impact provision of, or access to, pharmaceutical services in the county and therefore conclude that no additional pharmaceutical provision will be required, beyond the current need outlined above. However, this will be reviewed on an ongoing basis in accordance with the recommendations in the legislation, and supplementary statements will be published where necessary.

15. There has been 1 Supplementary statement to the PNA issued (14 August 2023) – this noted a number of closures and changes of ownership and an upcoming consolidation in Cheltenham. The closures noted were as follows:

1. Lloyds in Sainsbury's, Gallagher Retail Park, Tewkesbury Road, Cheltenham GL51 9RR
2. Lloyds in Sainsbury's, Dudbridge Road, Stroud GL5 3HG
3. Lloyds in Sainsbury's, Barnett Way, Barnwood GL4 3RT
4. Lloyds in Sainsbury's, St Ann Way, Gloucester Quays GL2 5SA

16. The applicant states within the supporting information:

### **Conclusion**

In our view, the growing population, construction, and the closure of the nearby Sainsbury's pharmacy has meant that pharmaceutical provision in Stonehouse is no longer sufficient to support the reliant population.

Residents would benefit significantly from having another pharmacy located on the High Street, with alternative options clearly not offering reasonable choice to all facets of pharmaceutical provision.

Granting this application would secure better access to pharmaceutical services, especially during GP surgery opening times. It would also introduce reasonable choice of a different pharmaceutical provider for those in the local area.

On the evidence outlined above, we believe that a new pharmacy contract should be granted.

17. **The SW Committee was satisfied that, as the improvements or better access which the applicant is proposing to secure were not identified in the PNA, an 'unforeseen benefits' application is the correct type of application.**

Reg 18(2)(a) – Would granting the application cause significant detriment to the proper planning or arrangements in place for provision of pharmaceutical services in this area

18. The ICB has no particular plans regarding pharmaceutical services in the area, so there can be no detriment to such plans. There has not been any evidence presented that there would be significant detriment to the arrangements already in place.
19. The SW Committee noted no evidence has been provided detailing the detrimental effect granting this application will have on existing providers. The representations received for this application hint at a possible detriment however no evidence has been provided to support this case.

20. The SW Committee was satisfied that granting the application would not cause significant detriment to the proper planning or arrangements in place for provision of pharmaceutical services.

Regulation 18(2)(g) – Whether the application presupposes that a gap in pharmaceutical services provision has been or is to be created as a result of a consolidation application

21. As no consolidation applications have been made relating to this part of Gloucestershire the SW Committee was not required to refuse the application under regulation 18(2)(g).

Reg 18(2)(b)(i) – Significant benefit: Reasonable choice with regard to obtaining pharmaceutical services

22. The SW Committee noted a map showing the location of existing pharmacies in the area.
23. The SW Committee noted a list of pharmacies within 3 miles of the best estimate showing their opening hours and distances. A map of the nearest pharmacy and the best estimate map which shows where the former Lloyds pharmacy was located.
24. The applicant suggests access to the pharmacy in Stonehouse cannot be considered as reasonable choice due to the number of residents and limited capacity within the pharmacy itself. They make the assertion that there is no room to expand and that the opening hours do not match the GP opening hours and that they, the applicant, are offering to be open on a Saturday.
25. Stonehouse pharmacy in response to the application contend that they would be willing to deliver additional hours if required (under direction), however they are unaware of any complaints regarding the current service and provision and believe that there is currently sufficient access and reasonable choice of opening hours from the range of contractors including Tesco who open later in the evening.
26. The Lloyds pharmacy that exited in June 2023 dispensed on average 4500 items per month. The table below shows the 2023-24 data prior to the closure. Also shown below is some data for the advanced services for the former Lloyds pharmacy for 2022-23.

INTEGRATED_CARE_BOARD_CODE	(All)	▼	
INTEGRATED_CARE_BOARD_NAME	(All)	▼	
CONTRACTOR_CODE	FMT24	▼	
			Sum of NUMBER_ EPS_ITEM
Row Labels	▼ Sum of TOTAL_DISPENSED_ITEMS	S	
202304	4739		4618
202305	1273		1208
202306	58		57
Grand Total	6070		5883



ODS	FMT24	
Pharmacy	(All)	
Row Labels	Sum of NMS NUM	
202204	0	
202205	0	
202206	0	
202207	3	
202208	0	
202209	3	
202210	0	
202211	6	
202212	7	
202301	0	
202302	3	
202303	0	
<b>Grand Total</b>	<b>22</b>	

ODS	FMT24	
Pharmacy	(All)	
Row Labels	Sum of CPCS consult	
202204	0	
202205	0	
202206	0	
202207	70	
202208	0	
202209	40	
202210	0	
202211	38	
202212	38	
202301	26	
202302	0	
202303	0	
<b>Grand Total</b>	<b>212</b>	

27. The SW Committee noted that a revised PNA is due October 2025.
28. The SW Committee noted travel distance to the next alternative pharmacy provision is significant and requires a car or public transport.
29. The SW Committee noted the population of Stonehouse is a discreet and separate population to the surrounding area. Provision in Stonehouse was considered to be serving the wider rural catchment area.
30. The SW Committee considered that pharmacies offering of 30 extra minutes opening in the morning and afternoon, as well as increased Saturday opening hours, would be of benefit to the community, increasing choice and improving accessibility.
31. The SW Committee noted that Stonehouse Pharmacy has reported a loss in nominations. They also noted that the premises is small and does not provide many additional services.
32. The SW Committee noted that additional homes are being built in the Stonehouse area, creating increased demand for pharmaceutical services. A new surgery may also be constructed to the west of the town further increasing demand.
33. The SW Committee noted that current travel times to alternative pharmacies hinders patient choice. While the travel distance would not be walkable, public transport is available.
34. The Closure of the nearby Lloyds pharmacy in will have resulted in a need for the additional hours to maintain choice and reduce demand on urgent care services in the area.
35. The SW Committee noted that pharmaceutical provision in the area has changed since the publication of the PNA and since previous applications were submitted in the Stonehouse area.
36. The SW Committee noted that granting this application is not a performance management mechanism for Stonehouse Pharmacy. No Complaints have been received regarding Stonehouse Pharmacy.

37. **The SW Committee was of the view that because of the accessibility and proximity of the existing pharmacies by car or by bus that granting the application would confer a significant benefit by way of access to, or choice of, pharmaceutical services.**

Reg 18(2)(b)(ii) – Significant Benefit: Patients with a protected characteristic

38. In the supporting information the applicant references patients confined to mobility scooters having to leave these outside the premises. The applicant suggests that this application would secure more accessible pharmaceutical services on the basis of the hours that will be offered, and that current provision is inadequate/ overwhelmed. The supporting information states that the applicant's belief that granting this application would secure better access to pharmaceutical services and would introduce reasonable choice:

We note that points on reasonable choice; protected characteristics; and innovation are desirable, however, they are merely supporting considerations when determining whether in fact the overarching test in regulation 18(2)(b) has been met: an application should be granted should it provide *improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB's area.*

39. **The SW Committee determined that granting the application would not confer significant benefits on people sharing a protected characteristic.**

Reg 18(2)(b)(iii) – Significant Benefit: Innovative approaches to delivery of pharmaceutical services

40. No information has been provided by any party on this matter.

41. **The SW Committee determined that granting the application would not lead to significant benefits by virtue of innovation.**

**Decision**

1. **The SW Committee determined the application SHOULD BE GRANTED as conferring a significant benefit, because:**
  - It is not necessary to refuse the application under Regulation 31.
  - The improvements or better access which the applicants are proposing to secure were not identified in the PNA,
  - Granting the application would not cause significant detriment to the proper planning or arrangements in place for provision of pharmaceutical services,
  - The application does not presuppose that a gap in pharmaceutical services provision has been or is to be created as a result of a consolidation application,
  - There is not already a reasonable choice with regard to obtaining pharmaceutical services,
  - There is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services

Regulation 65 – conditions relating to opening hours

2. The applicant has proposed more than 40 Core hours, a direction will be required for the additional Core hours.
3. The SW Committee specified that the direction should require additional core hours to be dispersed between Monday – Friday and not on the weekend.



Regulation 66 – conditions relating to providing directed services

4. The applicant has given an undertaking to provide a number of directed services. Therefore, it should be a condition of the granting of the application that the contractor must provide those services if commissioned, and not withhold agreement to a service specification for those services unreasonably.

Appeal Rights

**The SW Committee determined Shaunaks Ltd and Boots UK Ltd should be granted appeal rights as they provided reasoning for opposing the application.**

**Case Ref: CAS-284886-G3M1R0**

To be quoted on all future correspondence

Primary Care Support England

PCSE Enquiries, P O Box 350

Darlington, DL1 9QN

Email [PCSE.marketentry@nhs.net](mailto:PCSE.marketentry@nhs.net)

Phone 0333 014 2884

Sent via email to all interested parties on  
distribution list

14/08/2024

Dear Sir/Madam

**Re: Application offering unforeseen benefits at High Street Stonehouse GL10  
2NA**

Gloucestershire ICB has considered the above application and I am writing to confirm that it has been granted. Please see the enclosed report for the full reasoning.

You have a right of appeal to the Secretary of State against Gloucestershire ICB's decision. Should you choose to appeal then you should either complete the online form available on the [NHS Resolution website](#) or send a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this letter to [nhsr.appeals@nhs.net](mailto:nhsr.appeals@nhs.net) or:

Primary Care Appeals  
NHS Resolution  
8<sup>th</sup> Floor  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU

Yours sincerely

*Bradley Munemo*

Pharmacy Market Administrative Services Officer

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