



*Although a formal committee of Brighton & Hove City Council, the Health & Wellbeing Board has a remit which includes matters relating to the Clinical Commissioning Group (CCG), the Local Safeguarding Board for Children and Adults and Healthwatch.*

Title: Pharmaceutical Needs Assessment – Suspension of Pharmacy contract- Boots 119-120 London Road

Date of Meeting: 10<sup>th</sup> September 2019

Report of: Alistair Hill, Director of Public Health

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Wards Affected: ALL

#### **FOR GENERAL RELEASE**

#### **REASONS FOR LATENESS**

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency given the changing circumstances surrounding the provision provided by Boots in the London Road, Brighton. These changes impact on the Pharmaceutical Needs Assessment of the city which is a key responsibility of the Board. Given the previous content in chairs communications at the July HWB (made in good faith with the information known at that time) we wanted to ensure that the Board had the most up to date information.

#### **Executive Summary**

The Health & Wellbeing Board has to ensure that there is an up to date Pharmaceutical Needs Assessment for the city in place. The Board are aware that in July 2019 the Board were informed that Boots in the London Road was moving premises from its current address to across the London Road.

A summary of the changes were included in the Chairs Communications giving the information of the move and assessment of impact. Since then the Board have been informed of changes to the original application of change of address to temporary suspension of services. This report provides the details that we have to

date.

## **1. Decisions, recommendations and any options**

1.1 That the Board agrees to the following.

1.1.1 It is recommended that the HWB agrees that the Council should publish an updated supplementary statement (Appendix 2) to reflect that there will be no gap in service due to the temporary closure of Boots at 119-120 London Road, Brighton.

1.1.2 That the Board is kept informed of future changes as they occur and any change in our Pharmaceutical Needs Assessment.

## **2. Relevant information**

2.1 The Health & Social Care Act 2012 stated that the Health & Wellbeing Board (HWB) should ensure there is a Pharmaceutical Needs Assessment (PNA) of its area in place and that the assessment reflected the needs of the area. Any changes should be reviewed and the necessary report provided to NHS England. The PNA is overseen by the Public Health Team and the PNA steering group on behalf of the Health and Wellbeing Board.

2.2 The PNA is a comprehensive statement of the need for pharmaceutical services of the population in its area. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”) set out the legislative basis and requirements of the Health and Wellbeing Board for developing and updating the PNA as well as the responsibility of NHS England in relation to “market entry”.

2.3 The provision of NHS Pharmaceutical Services is a controlled market. If an applicant wants to provide NHS pharmaceutical services, they are required to apply to NHS England (NHSE) to be included on a pharmaceutical list. Since April 2013 pharmaceutical lists are compiled and held by NHSE. This is commonly known as the NHS “market entry” mechanism. NHSE will use the PNA when making decisions on applications. Such decisions are appealable and decisions made on appeal can be challenged through the courts.

2.4 PNAs can also be used by the Local Authority and the NHS locally in making decisions on which Local Authority and NHS funded services could be provided by local community pharmacies e.g. Chlamydia Screening, Emergency Hormonal Contraception Service, smoking cessation

2.5 HWBs have the responsibility to carry out and publish a PNA for its population at least every three years and publish supplementary statements stating any changes to local pharmaceutical services. These should be published as soon as is reasonably practical after identifying significant changes to the

availability of pharmaceutical services since the publication of its PNA; unless it is satisfied that making a revised assessment would be a disproportionate response to those changes.

- 2.6 Changes have also been made to the market entry regulations to facilitate the consolidation of pharmacies. These require the HWB to comment on whether or not a gap in pharmaceutical service provision would be created by the proposal for consolidation. If the application is granted and pharmacy premises are removed from the relevant pharmaceutical list, and the HWB does not consider that a gap in service provision is created as a consequence, it must publish a supplementary statement alongside its PNA recording its view.
- 2.7 This report to update the HWB on the situation concerning Boots Pharmacy at 119-120 London Road, which was reported as relocating to 5 -8 London Road at the July 2019 HWB meeting. Public Health advised this meeting that this relocation did not represent a gap in provision because the relocation was 100 metres across the same road and would provide the same level of service and opening hours.
- 2.8 Since July 2019 the situation has changed. NHSE informed the city Public Health team on 28<sup>th</sup> August 2019 that Boots has requested a temporary suspension from NHSE for the provision of its pharmaceutical services at 119-120 London Road, due to problems in obtaining alternative premises before the lease on their current premises is due to expire. They have made this request under Section 29.4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulation 2013. NHSE have granted Boots a temporary suspension of provision for up to 6 months whilst they seek alternative premises, which is expected to be at a different address. The Boots at 119-120 London Road will be closing on September 20<sup>th</sup> 2019.
- 2.9 It is recommended that the Council issues an updated Supplementary Statement to the PNA and Equality Impact Assessment (EIA) to reflect these changes (see appendices 1 and 2).
- 2.10 The EIA shows that although the temporary closure of London Road Boots will create a period of inconvenience for patients it is not considered to create a significant gap in services. This is because there are other pharmacies nearby that can provide the specialist services currently provided by Boots, largely within the same opening hours and with disabled access. The main negative impact could be a delay in the dispensing of medicines at other pharmacies due to the increased demand however this may not happen as the local pharmacies have been asked to implement contingency plans to cover any increased business. This may be a particular issue for Well Pharmacy due to its close proximity to Boots in Oxford Street.
- 2.11 NHSE continue to work to ensure residents have access to the pharmaceutical services they need. They have been working closely with Boots to organise an alternative premises for their store. We have been

informed by NHSE that Boots is currently exploring a number of options for alternative premises and that they will continue to work closely with NHSE as a matter of the utmost urgency until there is clarity about the situation.

- 2.12 To mitigate the impact of the closure of the current store and suspension of the contract, Boots have developed a closure plan and patients have been advised since the last few weeks in August that the store will be closing on 20<sup>th</sup> September. Patients have been contacted with respect to uncollected medicines and medicines the pharmacy in the first instance was not able to supply but had ordered; should these not be collected they will be transferred to a nearby Boots pharmacy (details of where yet to be confirmed). Patients that visit the pharmacy are being advised of the closure, and are invited to change their nomination with Boots for where they would like to collect their medicines from in the future. Any prescriptions that are not collected before closure will remain within the patient's electronic record within the NHS system so that it can be dispensed by another pharmacy. All pharmacies are able to use the prescription tracker within the electronic prescription service to identify where a particular prescription is and at what stage it is at, for example it might be downloaded by the pharmacy, but not yet marked as dispensed. Pharmacies can access patients' summary care records to see relevant information with regards to medication prescribed. Boots have contacted the GP Practices in the area so that they are aware of the situation and are working to alleviate any issues once they have closed.

### **3. Important considerations and implications**

#### **3.1 Legal**

As referred to in the report, the Health and Social Care Act 2010 sets out the legislative basis and requirements of the Health and Wellbeing Board to review closures of pharmacies and to develop and update pharmaceutical needs assessments (PNAs) . The proposals set out in this paper are consistent with the requirements of the Health and Wellbeing Board.

Lawyer consulted: Elizabeth Culbert Date: 06.09.19

#### **3.2 Finance**

There are no direct financial implications arising from this report

Finance Officer consulted: Sophie Warburton Date: 06/09/2019

#### **3.1 Equalities**

Equality Act 2010 requirements were incorporated within the full PNA document published March 2018. During the PNA process we took into consideration protected characteristics and vulnerable groups at each stage of the process and details relating to how services affect different groups are in the main report.

An Equalities Impact Assessment has been completed in relation to this temporary closure of Boots services as part of the Supplementary Statement process and is included as Appendix 1. The equalities issues include that disability access is not significantly affected as two other pharmacies within

0.3 miles have comparable access. All specialist services are available at pharmacies within 0.5 miles. If the waits for dispensing is increased this may have a detrimental impact on older and disabled people. There is some reduction of provision over weekends, which may affect people who work full-time.

Equalities Officer consulted, Sarah Tighe-Ford

Date: 050919

## **Supporting documents and information**

Appendix 1: Equalities Impact Assessment: Boots London Road

Appendix 2: Supplementary Statement

