



Title of meeting: Health and Wellbeing Board

Date of meeting: 28th June 2023

Subject: Pharmaceutical Needs Assessment

Report by: Matthew Gummerson, Head of Strategic Intelligence and Research, Public Health

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

1.1 The Health and Wellbeing Board (HWB) has a statutory responsibility to publish a statement of the needs for pharmaceutical services of the population in its area, referred to as a Pharmaceutical Needs Assessment (PNA). The current PNA was published in October 2022 and runs until 2025. In February 2023 the HWB agreed to consult on a revised PNA in light of a number of closures of pharmaceutical services¹. This report sets out the responses to the statutory consultation on the draft PNA (revised, 2023) and sets out options for the HWB to consider in response.

2. Recommendations

2.1 The HWB is asked to:

2.1.1 consider the consultation responses in section 4 and appendix A;

2.1.2 decide which of the options (A and B) set out in section 5.1 and 5.2 to pursue with option B being recommended;

2.1.3 if option B is chosen, decide whether to agree the proposal regarding Supplementary Statements set out in section 5.4.

3. Background

3.1 The PNA is a report on the local needs for pharmaceutical services. It is used to identify gaps in current services or improvements that could be made to current or future service provision. The map at Appendix B shows the location of pharmacies in Portsmouth as at the end of May 2023. The PNA needs to be seen

¹ HWB, February 2023: [Pharmaceutical Needs Assessment and wider pharmacy issues.pdf](https://www.portsmouth.gov.uk/sites/default/files/2023-02/Pharmaceutical%20Needs%20Assessment%20and%20wider%20pharmacy%20issues.pdf) ([portsmouth.gov.uk](https://www.portsmouth.gov.uk))

within the wider context of the role of community pharmacies in supporting the vision and priorities of the Integrated Care System (ICS).

- 3.2 The HWB decided to consult on a redrafted PNA in order to allow a gap in service to be identified in relation to the Elm Grove site that closed following the consolidation application approved by NHSE in November 2022. While the redrafted PNA identifies additional gaps in relation to other closures, these could be addressed through a Supplementary Statement without a new PNA. The issue specifically with the Elm Grove site was that the HWB did not identify it as creating a gap in August 2022 when the application was submitted, basing its decision on the 2018 PNA that was still in place at that time.
- 3.3. The statutory 60 days consultation for the revised 2023 PNA commenced on 28th March and closed on 17th May 2023. All organisations required to be notified were informed and a total of 9 responses were received. These are summarised in section 4 below. The DHSC Information pack for HWBs² states that "*Health and wellbeing boards (although in reality this will be the local authority) therefore face the risk of a judicial review should they ... fail to follow due process in developing their pharmaceutical needs assessment, e.g. by failing to consult properly or take into consideration the results of the consultation exercise undertaken*".
- 3.4 The HWB agreed an additional recommendation in February that the HWB would 'actively work with local pharmacy providers to fill gaps in provision'. A number of discussions with local and regional stakeholders including local pharmacies have taken place and the ICB are working on a pharmacy strategy for HIOW that addresses some of the challenges being seen locally. These discussions have informed the proposal in section 5.4.

4. Summary of consultation responses

- 4.1 Appendix A provides a summary of the responses to the consultation. Of the nine responses, around half of respondents disagreed with most aspects of the PNA including its overall conclusions. This is in contrast to the 2022 PNA where 100% of respondents agreed or strongly agreed with the PNA's conclusions.
- 4.2 A number of issues were raised by respondents in the free text, including:
- 4.2.1 That the focus should be on the quality of pharmaceutical services not the number of pharmacies, noting the workforce and training issues and unavailability of key products in some pharmacies.
- 4.2.2 That previous consolidations were granted on the basis that no gap was created and that, as the circumstances have not changed, these should not now be identified as gaps.
- 4.2.3 That the description of current services and gaps describes a desired provision of pharmaceutical services that does not form part of the Community Pharmacy Contractual Framework and may be unreasonable in its expectations of local

² [Pharmaceutical needs assessments: Information pack for local authority health and wellbeing boards](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/pharmaceutical-needs-assessments-information-pack-for-local-authority-health-and-wellbeing-boards.pdf) (publishing.service.gov.uk), p.9

providers, particularly in light of revised regulations that will effectively allow all 100-hour pharmacies to reduce their hours to 72 hours.

5. Options for HWB to consider

- 5.1 Option A is for the HWB to continue with the revised draft PNA as consulted. This could include some amendments to address the issues set out in 5.3.2 and 5.3.3 below. However, as the consultation responses have highlighted, this risks making it more difficult to sustain a strong and effective pharmacy offer in the city, with potentially destabilising effects on remaining pharmacy providers. There are also financial risks associated with the cost of addressing any challenges to the findings of the PNA.
- 5.2 Option B is for the HWB to withdraw the redrafted 2023 PNA and revert to the previously agreed PNA published in October 2022. This would recognise the issues raised and strength of feeling expressed in the consultation responses, and create an opportunity to continue the positive dialogue with a range of stakeholders around how to support the local community pharmacy offer going forward so that it best meets the needs of local residents. The conclusions of the 2022 PNA have already been used by the HWB to oppose the consolidation application by Rowlands Pharmacy in February 2023 to close the site on London Road and consolidate onto the site at 92 Kingston Crescent. The recommendation of the Director of Public Health is to pursue option B.
- 5.3 If option B is agreed then the HWB will need to agree whether a Supplementary Statement to the 2022 PNA is required in relation to the closures that have subsequently taken place. Supplementary Statements are statements of fact that update the existing PNA to explain changes that have taken place.
- 5.3.1 Option B part 1: the HWB is required to issue a Supplementary Statement confirming that the closing of the Elm Grove pharmacy "*does not create a gap that could be met by an application offering to meet a need for, or secure improvements or better access to, pharmaceutical services*". This provides the continuing pharmacy with regulatory protection for the remaining lifetime of the PNA (i.e. until 2025).
- 5.3.2 Option B part 2: the HWB can decide whether or not to issue a Supplementary Statement in relation to the closure of the Lloyds in Sainsbury's on Fitzherbert Road. The DHSC Information pack for HWBs (p.64) notes that "*one way of doing that is to consider whether, when the pharmaceutical needs assessment was written, if the pharmacy had not been there would it have been identified as a gap in the provision of pharmaceutical services?*" It could be argued that, given the limited number of scripts issued, low numbers of nearby residential units, and continued presence of a pharmacy serving the Drayton and Farlington community, that specific location would not have been identified as a gap when the PNA was drafted if the pharmacy had not been there.
- 5.3.3 Option B part 3: the 2023 revised PNA identified a gap for a pharmacy offering the 'out of hours' services (as provided by a 100-hour pharmacy) operating in the North locality, following the closure of the Drayton Community Pharmacy on 15th February 2023.

- 5.3.3.1 Responses to the consultation and discussions with key stakeholders have highlighted that the same provider is working out of the Drayton Prime Pharmacy at 274 Havant Road and is engaged in discussions with the ICB and Local Pharmaceutical Committee about how best to secure the out of hours provision desired by the local health and care system. They have recently confirmed to NHSE their revised Supplementary Hours which totals 68 hours and includes evenings Monday to Friday and opening on Saturdays and Sundays.
- 5.3.3.2 New regulations have been laid since the revised draft PNA was issued that will effectively allow all 100-hour pharmacies to reduce their hours to 72 hours. They will be required to maintain Monday to Saturday evening opening hours until 9pm and also Sunday opening hours.³ Identifying a gap for the coverage provided by a 100-hour pharmacy could therefore be considered unreasonable when it is not covered by the Community Pharmacy Contractual Framework nor by the regulations (as likely to be amended in 2023).
- 5.4 It is proposed that a supplementary statement is issued noting the closure of the Elm Grove site, and the updated supplementary hours being provided at the Drayton Prime pharmacy at 274 Havant Road. An updated map of pharmaceutical services that includes the closure of the Lloyds Sainsburys will also be issued. Primary care commissioners will continue to work with local pharmacies via the LPC to support the maintenance of the local community pharmacy offer including provision of out of hours services.

6. Reasons for recommendations

- 6.1 PNAs are relevant when deciding if new pharmacies are needed, in response to applications by businesses, including independent owners and large pharmacy companies. Applications are contested by applicants and existing NHS contractors and can be open to legal challenge if not handled properly. They also inform commissioning decisions by local commissioning bodies. The content of PNAs is set out in Schedule 1 to the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. There is a regulatory duty (NHS (Pharmaceutical & Local Pharmaceutical Services) Regulations 2013 No 349: Part 2: Reg 8) to have a 60-day consultation about the contents of the assessment it is making, and any revised PNA must have considered the responses to the consultation appropriately.
- 6.2 Option B (section 5.2) is the recommended option because it provides the best opportunity to secure the outcomes that the HWB wishes to see in terms of people being able to access an effective local pharmacy offer, in light of the changing regulations and challenging financial position for pharmacies in Portsmouth and the wider region. The proposal in section 5.4 builds on this to effect the change in a way that is sensitive to the issues described in section 5.3.

³ [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)



7. Integrated impact assessment

7.1 An Integrated Impact Assessment (IIA) was undertaken on the PNA in 2022. An updated IIA will be undertaken if the HWB decides to proceed with a revised PNA in 2023.

8. Legal implications

8.1 The report outlines the legal framework relevant to the process focussing upon consultation as an appropriate mitigation to risk associated with Judicial Review or the decisions outlined in this paper being challenged. Additionally, the paper sets out the reasoning and background relevant to the issues of "provision gap". The report refers to the correct statutory framework within paragraph 6.1 above.

9. Director of Finance's comments

9.1 There are no direct financial implications arising from the recommendations within this report.

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Signed by:

Appendices:

- Appendix A - summary of Consultation responses
- Appendix B - map of current pharmacy provision in Portsmouth

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:



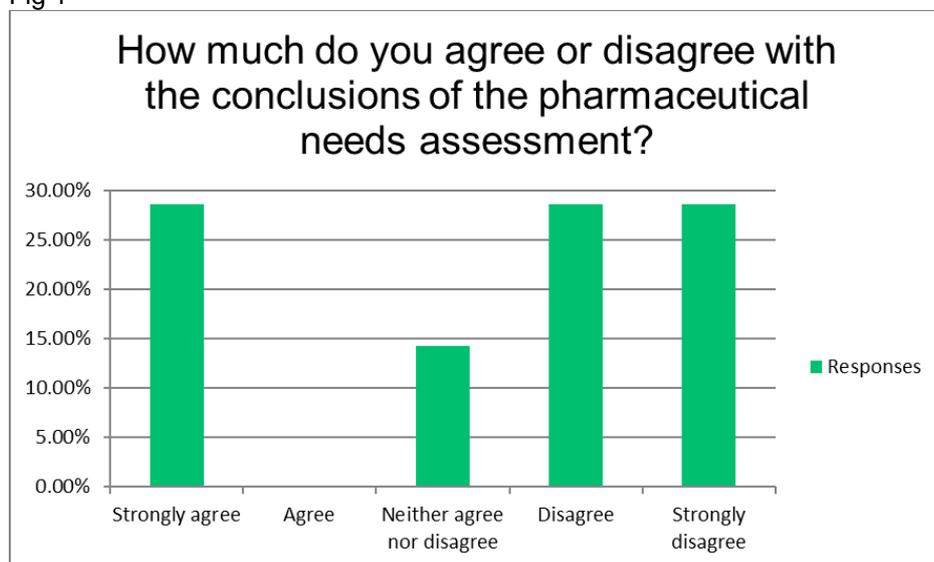
Appendix A Summary of PNA Consultation Responses 2023

Consultation was undertaken with the statutory consultees. The consultation was on the PNA page of the PCC website and so was open to the public, but was not promoted to the public as the bulk of the PNA remained unchanged from that consulted on widely in 2022.

9 responses were received: 1 from a pharmacist responding in a personal capacity, 1 other (not specified), and 7 from organisations such as the Local Pharmaceutical Committee, Local Medical Committee or neighbouring HWBs.

Overall, 2 respondents strongly agreed with the conclusions of the PNA. 4 respondents disagreed or strongly disagreed with the conclusions of the PNA.

Fig 1



One of the responses disagreeing with the conclusions summarised their position as follows:

"This is not in the spirit of the provision for, and protection of, consolidations and is not helpful for the remaining contractors. Pharmacies are being forced to close due to the extreme level of financial pressure resulting from the failure of the Government to take decisive action and invest appropriately in the community pharmacy network."

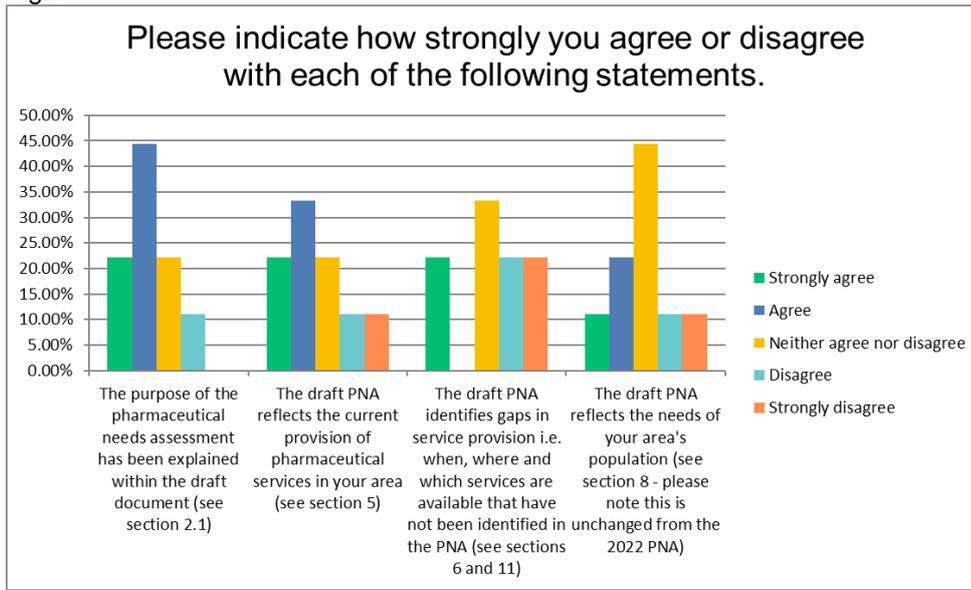
Responses were split as to whether the draft PNA reflects local need and provision of pharmaceutical services (see fig 2 below). 44% (n5) of respondents disagreed or strongly disagreed that the PNA identifies gaps in provision. The free text responses highlighted three issues in particular:

- a) That the focus should be on the quality of pharmaceutical services not the number of pharmacies, noting the workforce and training issues and unavailability of key products in some pharmacies.



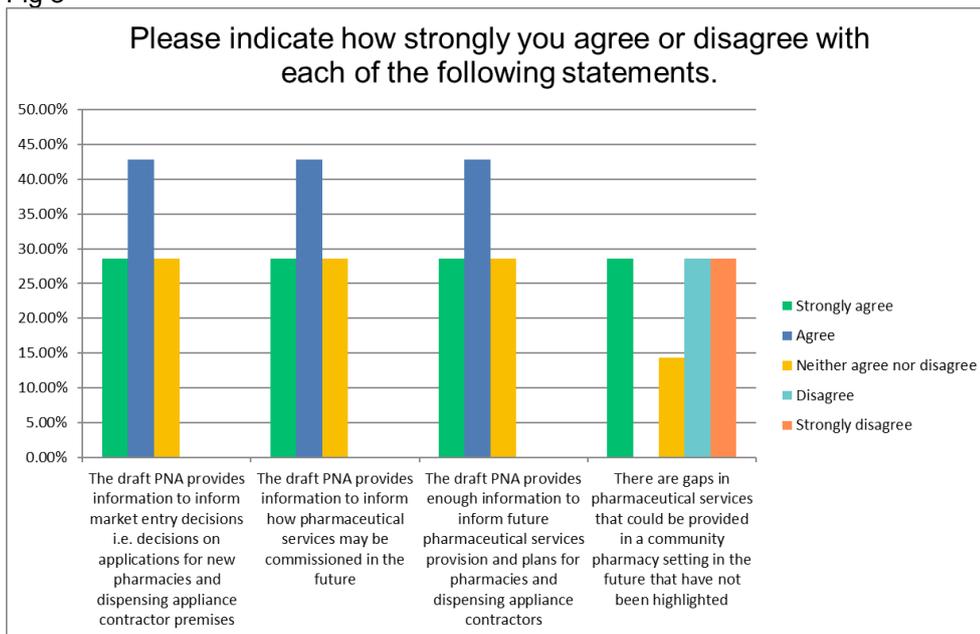
- b) That previous consolidations were granted on the basis that no gap was created and that, as the circumstances have not changed, these should not now be identified as gaps.
- c) The description of current services and gaps describes a desired provision of pharmaceutical services that does not form part of the Community Pharmacy Contractual Framework.

Fig 2



Respondents agreed that the PNA provides information to inform decisions on new applications and to inform future decisions. 57% (n4) of respondents who answered this question disagreed or strongly disagreed that there are gaps that could be provided and which have not been highlighted.

Fig 3



Appendix B - Current map of pharmacies in Portsmouth

