

DECISION-MAKER:	HEALTH AND WELLBEING BOARD		
SUBJECT:	PROCEDURE FOR RESPONSE TO PHARMACY CONSOLIDATION APPLICATION		
DATE OF DECISION:	26th July 2017		
REPORT OF:	DIRECTOR OF PUBLIC HEALTH		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
Not applicable			
BRIEF SUMMARY			
<p>Since 5th December 2016, the Health and Wellbeing Board ('H&WB') has a statutory duty to make a representation to NHS England on consolidation applications of community pharmacies in its area (i.e. where pharmacy businesses on two or more sites propose to consolidate to a single existing site). The H&WB must respond within 45 days.</p>			
<p>This briefing presents the proposed process for formulating a response to a consolidation application of community pharmacies as this may fall outside of the usual schedule of H&WB meetings.</p>			
RECOMMENDATIONS:			
	(i)	<p>To delegate authority to the Director of Public Health, following consultation with the Chair of the Health and Wellbeing Board and Ward Members to determine and make representations to NHS England on any pharmacy consolidation application which, at their discretion, is felt to be a non-contentious application.</p>	
	(ii)	<p>Where applications for pharmacy consolidation are deemed, at the discretion of the director of Public Health and the Chair of the Health & Wellbeing Board, to be contentious to delegate authority to the Director of Public Health following consultation with the Chair of the Health and Wellbeing Board, the Cabinet Member for Health & Sustainable Living, Ward Members and at least 2 other Members of the Health & Wellbeing Board comprising a representative of the Council and a representative of the CCG to determine and make representations to NHS England on any pharmacy consolidation application deemed to be contentious.</p>	

REASONS FOR REPORT RECOMMENDATIONS	
1.	As specified by the regulations, the H&WB is asked to provide its opinion on whether, if the application were granted, the proposed removal of premises from the pharmaceutical list <u>would or would not</u> create a gap in pharmaceutical services that could be met by a routine application (a) to meet a current or future need for pharmaceutical services, or (b) to secure improvements, or better access, to pharmaceutical services.
2.	The H&WB must respond to NHS England within 45 days of being notified of a pharmacy consolidation application. This may fall outside of the usual schedule of Health and Wellbeing Board meetings. In order to meet the statutory deadlines required for a response to be submitted, the functions of the H&WB are required to be delegated.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	An extraordinary meeting of the H&WB is scheduled to discuss and approve a response to a consolidation application (unless a scheduled date coincides with the required timescale).
4.	This is not recommended as extraordinary meetings should be reserved for exceptional purposes and are costly and difficult to manage within the timescales to ensure a quorum of members may be available to meet. It is not possible to forecast the number of pharmacy consolidations that Southampton City Council H&WB might be required to consider.
DETAIL (Including consultation carried out)	
Where the Director of Public Health, in consultation with the Chair of the H&WB, believe the application <u>not to be contentious</u>:	
5.	It is proposed that the Director of Public Health, following consultation with key members of the Board (more board members for more contentious applications) and ward members, is given delegated authority for making a decision on whether a proposed consolidation is likely to create a gap in pharmaceutical services that could be met by a routine application.
6.	This will be based upon information provided in the application and, where considered useful, spatial analysis undertaken by the Southampton City Council Intelligence and Strategic Analysis team to support identification of gaps in pharmaceutical provision.
7.	The ward members whose wards are impacted by the application will be consulted to inform the decision. The Chair of the Health Overview and Scrutiny Panel will also be informed that the proposed consolidation has been notified to the H&WB and of the final response. The Director of Public Health will be responsible for co-ordinating the response to NHS England.
Where the Director of Public Health, following consultation with the Chair of the H&WB believes the application <u>to potentially be contentious</u>:	
8.	It is proposed that the Director of Public Health will be responsible for electronically circulating relevant information, within 14 calendar days

	<p>of notification of the application, to:</p> <ul style="list-style-type: none"> - The Cabinet Member for Health & Sustainable Living - Relevant ward members - NHS Southampton City Clinical Commissioning Group - Public Health team, SCC - Planning Policy team, SCC - Chair of the Health Overview and Scrutiny Panel, SCC - Healthwatch Southampton - Other H&WB members as set out in recommendation (ii) above
9.	Information circulated will include that contained in the application and, where considered useful, spatial analysis undertaken by the Southampton City Council Intelligence and Strategic Analysis team to support identification of gaps in pharmaceutical provision together with the relevant Equality Impact Assessments.
10.	Those to whom the information is circulated will be invited to feedback on the proposed consolidation within 14 calendar days of the information being circulated.
11.	<p>If a clear response cannot be easily identified and agreed electronically, the above group will be invited to meet for further discussion.</p> <p>The Director of Public Health will be responsible for co-ordinating the response to NHS England.</p>
12.	As part of this process, all those consulted will be required to highlight any potential conflicts of interest which may arise in response to an application.
13.	NHS England will consider all representations that are received and will arrange an oral hearing to determine the application if a matter is identified on which further evidence is needed.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
14.	None
<u>Property/Other</u>	
15.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
16.	The NHS (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 requires the H&WB to make representations on consolidation applications to NHS England. This amendment came into effect on 5 th December 2016. Under the Terms of Reference of the H&WB, the board may delegate authority to an Officer of the Council in relation to any of the functions set out in s.196(2) of the Health & Social Care Act 2006. Such functions relate to the preparation and amendment of any strategic assessment of need relating to the partnering functions between the Local Authority and health bodies and will be deemed to include making representations on assessment of need in relation to pharmacy provisions within the Local Authority area and the extent to which an application for consolidation meets or fails to

	meet the strategic assessment of need for the area.
Other Legal Implications:	
17.	Any exercise of any delegation under these proposals will also require an Equality Impact assessment to be carried out in relation to the proposals to help inform the direct impact on strategic need in the area in accordance with the public sector equalities duties set out in the Equalities Act 2010.
RISK MANAGEMENT IMPLICATIONS	
18.	None
POLICY FRAMEWORK IMPLICATIONS	
19.	The proposals fully accord with the provisions of the Council's Policy Framework.
KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	None
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None