

# HAMPSHIRE COUNTY COUNCIL

## Report

<b>Decision Maker:</b>	Health and Wellbeing Board
<b>Date:</b>	15 March 2018
<b>Title:</b>	Hampshire Pharmaceutical Needs Assessment and Procedure for response to pharmacy consolidation applications
<b>Report From:</b>	Dr Sallie Bacon, Director of Public Health

**Contact name:** Sallie Bacon Director of Public Health  
Simon Bryant Associate Director of Public Health

**Tel:** 02380 383326      **Email** [simon.bryant@hants.gov.uk](mailto:simon.bryant@hants.gov.uk)

### 1. Recommendation(s)

- 1.1. To approve the Pharmaceutical Needs Assessment 2018 for Hampshire for publication.
- 1.2. To delegate authority to the Director of Public Health, to make representations to NHS England about pharmacy consolidation applications.

### 2. Executive Summary

- 2.1. The purpose of this paper is to enable the Board to sign off the Pharmaceutical Needs Assessment (PNA) and to delegate authority for pharmacy consolidations to the Director of Public Health, in consultation with the chair of the Health and Wellbeing Board.
- 2.2. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 set out the requirement for each Health and Wellbeing Board to assess needs for pharmaceutical services in its area, and publish a statement of its first assessment and of any revised assessment. The PNA is a statement of the pharmaceutical needs of the population within the local area. The purpose of the Hampshire PNA is to identify the need and provision of pharmaceutical services (Community Pharmacy) for the Hampshire population.
- 2.3. The Health and Wellbeing Board 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 Board must respond within 45 days. This paper outlines a proposed process for delegating authority to the Director of Public Health with regard to pharmacy consolidations where it is considered from the PNA analysis

### 3. Finance

- 3.1. There are no financial implications from the paper.

#### **4. Pharmaceutical Needs Assessment**

- 4.1. The pharmaceutical needs assessment has been undertaken inline with the regulations. It is a statement of the pharmaceutical needs of the population within the local area in relation to community pharmacy, distance selling pharmacy and appliance dispensing. The purpose of the PNA is to identify the need and provision of pharmaceutical services for the Hampshire population
- 4.2. This will be used by NHS England to ascertain the need for new community pharmacy services. This examines
  - a. the population and population growth for Hampshire
  - b. the proposed housing developments
  - c. the health of the population
- 4.3. For the purposes of the PNA the pharmaceutical services are included are;
  - a. Essential services
  - b. Advanced services
  - c. Enhanced services
  - d. Local pharmaceutical services (LPS)
  - e. Locally commissioned services
  - f. Dispensing service provided by medical practices
- 4.4. The needs assessment is set out in Appendix 1.
- 4.5. Following approval the PNA will be published on Hampshire County Council website and will include an up-to-date interactive map this enables people to search the areas of Hampshire to identify the location of pharmacy and appliance dispensing services.

#### **5. Pharmacy consolidation**

- 5.1. The Health and Wellbeing Board 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).
- 5.2. This duty is set out in The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016.
- 5.3. This briefing sets out a proposal for meeting this duty
- 5.4. As specified in the regulations, the Board must provide an opinion to NHS England on whether, if the application were granted, the proposed removal of premises from the pharmaceutical list would or would not create a gap in pharmaceutical services. The decision is informed by the information in the PNA.
- 5.5. The Health and Wellbeing Board must respond to NHS England within 45 days of being notified of a pharmacy consolidation application. This period may fall outside the usual schedule of Health and Wellbeing Board meetings.
- 5.6. In order to meet the statutory deadlines for submitting a response, it is proposed that the functions of the Health and Wellbeing Board with regard to pharmacy

consolidation are delegated to the Director of Public Health, in consultation with the Chair of the HWBB.

- 5.7. Where the Director of Public Health, in consultation with the Chair of the Health and Wellbeing Board, believe the application does not create a gap in provision it is proposed that the Director of Public Health 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.
- 5.8. This will be based upon information provided in the application and in the PNA.
- 5.9. Where the Director of Public Health, following consultation with the Chair of the Health and Wellbeing Board, believes the application to potentially be create a gap it is proposed that the Director of Public Health will be responsible for electronically circulating relevant information, within 14 calendar days of notification of the application, to:
  - a) The Executive Member for Public health
  - b) The Chair of the Health and Wellbeing Board
  - c) Relevant ward members
  - d) Relevant Clinical Commissioning Group lead
  - e) Health Watch
- 5.10. The Director of Public Health will be responsible for co-ordinating the response to NHS England in consultation with the chair of the Health and Wellbeing board to meet he statutory timescales.
- 5.11. 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.
- 5.12. 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.

## **6. Consultation and Equalities**

- 6.1. A consultation took place on the Pharmaceutical Needs Assessment for 60 days as set out in the regulations between 27<sup>th</sup> October 2017 and the 31<sup>st</sup> December 2017. The consultation was open to everyone but was particularly aimed at professionals with an interest in pharmaceutical provision.
- 6.2. A total of 8 responses were received from organisations and individuals with the comments mainly in agreement that all needs and provision had been correctly.
- 6.3. Further information, about additional services that are provided in pharmacies that was provided as part of the consultation, was added to the needs assessment . . This is not required as part of the regulations.
- 6.4. The needs assessment has been amended in line with the comments received

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	no
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Other Significant Links**

<b>Direct links to specific legislation or Government Directives</b>	
The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013	2013
The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016.	2016

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

1.3. Not applicable

### **2. Impact on Crime and Disorder:**

2.1. Not applicable

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption? Not applicable
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? Not applicable