

**Report to:** Health and Wellbeing Board

**Date of meeting:** 27 June 2023

**By:** Director of Public Health

**Title:** Pharmacy closures in East Sussex-update for the Board

**Purpose:** To receive updates on recent changes in pharmacy provision in East Sussex and approve recommendations of the Pharmaceutical Needs Assessment Steering Group regarding supplementary statements.

**RECOMMENDATIONS:** The Health and Wellbeing Board is recommended to:

- 1) Approve the removal of the Supplementary Statement posted regarding Lloyds Pharmacy (in Sainsburys) St Leonards;
- 2) Agree that no supplementary statement will be required regarding Lloyds Pharmacy (in Sainsburys) Hampden Park; and
- 3) Approve the issue of a Supplementary Statement for Lloyds Pharmacy in Sainsburys in Newhaven.

## 1 Background

1.1 This update to the board is provided to:

- Clarify the current situation regarding changes to pharmacy provision for the Lloyds pharmacies in East Sussex and also any other relevant changes to contract and commissioning arrangements.
- Confirm the role of the Pharmaceutical Needs Assessment (PNA) when considering changes to pharmacy provision.
- Update the board on work that has been undertaken since the last Health and Wellbeing Board.
- Approve the recommendations from the PNA Steering Group regarding the issuing of Supplementary Statements.

## 2 Latest position

2.1 The Health and Wellbeing Board (HWB) have been notified of the following changes.

Pharmacy Name [Code]	Location	Status As at 6/06/2023	Date of notification to HWB	Date of changes
Lloyds Pharmacy in Sainsburys [FF388]	John Macadam Way, St Leonards, TN37 7SQ	Closed	6/2/2023	06/03/23
Lloyds Pharmacy in Sainsburys [FGW00]	The Drove, Newhaven, BN9 0AG	Closing	6/2/2023 9/5/2023	Original closure date: 23/07/23 Now closing: 13/06/23
Lloyds Pharmacy in Sainsburys [FVH64]	Broadwater Way, Hampden Park, Eastbourne, BN22 9PW	Closing	6/2/2023 9/5/2023	Original closure date: 23/07/23 Now closing: 13/06/23
Lloyds Pharmacy [FG055]	The Green, Newick, BN8 4LA	Transferred ownership to Waremass*	19/04/23	19/04/23
Lloyds Pharmacy [FJQ76]	Turkey Road, Sidley, Bexhill-on-Sea, TN39 5HE	Transferred ownership to HealthyMed*	14/04/23	17/03/23

\*The new owners have confirmed they will provide the same services as the previous owner.

2.2 The following Lloyds pharmacies in East Sussex remain open and we have received no notifications of changes as of 6<sup>th</sup> June 2023.

Pharmacy Name	Location
Lloyds Pharmacy [FAF25]	Anchor Fields, Ringmer, BN8 5QN
Lloyds Pharmacy [FE086]	The Square, Forest Row, RH18 5ES
Lloyds Pharmacy [FN068]	Battle Road, St Leonards, TN37 7AN

2.3 The issue regarding the palliative care medicines hub in Lloyds Pharmacy Newhaven, supporting the palliative care locally commissioned service, as raised at the March HWB meeting, has been resolved. Other nearby pharmacies [Boots in Newhaven and pharmacies in Seaford] have been contracted by the Integrated Care Board to provide this service.

2.4 Whilst contractors are required to give notice of closures, they are not required to give a reason. The contractor is required to give 3 months' notice to the relevant Integrated Care Board unless the pharmacy is a 100-hour pharmacy and in which case 6 months' notice is required.

2.5 At the previous Health and Wellbeing Board, concerns were raised about 100-hour contracts and potential changes to those contracts. The 100-hour contracts were issued under the former "exemption from control of entry test". This allowed them to open without the same level of entry requirements as other contractors. The 2013 Pharmacy Regulations (as amended) do not contain that exemption, therefore no further 100-hour contracts can be issued. However, there are pharmacies offering more than 40 core hours. These additional hours will be supplementary hours and agreed with NHS England.

2.6 NHS England and the Department of Health & Social Care have published the [Community Pharmacy Contractual Framework 5-year deal: year 5 \(2023 to 2024\) update for contractors](#). This change will allow, if requested, current contractors of 100 hour pharmacies to reduce their hours to 72 per week, whilst maintaining agreed core hours.

2.7 On 9<sup>th</sup> May 2023, the Government announced a plan involving the introduction of pharmacy prescribing to improve patient access and alleviate pressure on general practices. [What the Prime Minister's Primary Care Recovery Plan means for you - GOV.UK \(www.gov.uk\)](#)

### 3 Role of PNA in considering changes in pharmacy provision

3.1 If a person (a pharmacy or a dispensing appliance contractor) wants to provide pharmaceutical services, they are required to apply to the relevant Integrated Care Board to be included in the pharmaceutical list for the Health & Wellbeing Board's area in which they wish to have premises. In general, their application must offer to meet a need that is set out in the Health and Wellbeing Board's PNA, or to secure improvements or better access similarly identified in the PNA.

3.2 However, there are some exceptions to this, such as applications offering benefits that were not foreseen when the PNA was published, known as 'unforeseen benefits applications'.

3.3 Every Health and Wellbeing Board (HWB) in England has a statutory responsibility to publish every three years, and keep up to date, a statement of the need for pharmaceutical services in its area, otherwise referred to as a Pharmaceutical Needs Assessment (PNA).

3.4 The NHS Sussex Integrated Care Board is responsible for managing the Community Pharmacy Contractual Framework and is expected to refer to the PNA when making decisions about Market Entry for new service providers, as well as in the commissioning of enhanced services from pharmacies. The required content for PNAs is set out in Schedule 1 to the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.

3.5 If there is a change to the availability of pharmaceutical services, the Health and Wellbeing Board would need to consider whether the change is relevant to the granting of an application for inclusion in the pharmaceutical list. One way of doing that is to consider whether, when the Pharmaceutical Needs Assessment was written, if that pharmacy had not been there, would there have been a gap identified in the provision of pharmaceutical services.

- 3.6 When considering changes there are three options available.
- **Option 1** – No gap identified, ensure up-to-date map is available with PNA showing latest provision. No need to issue a Supplementary Statement.
  - **Option 2** - Gap identified, PNA to be re-written and full consultation undertaken. In the meantime, issue a Supplementary Statement once the change has occurred. This is a statement of fact that provision has changed. Also ensure up-to-date map is available with PNA showing latest position.
  - **Option 3** - Gap identified but a re-write of the PNA seen as disproportionate. Issue a Supplementary Statement once the change has occurred. This is a statement of fact that provision has changed. Also ensure up-to-date map is available with PNA showing latest position.
- 3.7 Implications for each option
- **Option 1** – No implications on market entry.
  - **Option 2** – May lead to applications to meet a current need that would be inferred by the publication of the Supplementary Statement. This gap would be clear in the publication of an updated PNA.
  - **Option 3** – May lead to applications to meet a current need that would be inferred by the publication of the Supplementary Statement.

#### 4 Work undertaken since last Health and Wellbeing Board

4.1 The PNA steering group met on 26<sup>th</sup> April 2023 to discuss the recent changes in pharmacy provision and consider the three options available for the Lloyds changes.

The steering group attendees included:

- **Chair** – Head of Public Health Intelligence, Public Health, ESCC
- Project Lead, Public Health Practitioner, Public Health, ESCC
- Consultation and Insight Officer, Adult Social Care, ESCC
- Admin Support Officer, Public Health, ESCC
- Senior Pharmacy & Commissioning Manager, Pharmacy & Optometry Team, NHSEI SE Region
- Chief Executive Officer, Community Pharmacy Surrey & Sussex, & East Sussex Local Pharmaceutical Committee (LPC)
- GP Interim Medical Director, Surrey & Sussex Local Medical Committee (LMC)
- Lay Member, Healthwatch, East Sussex

4.2 The steering group considered the following three changes.

#### **Lloyds Pharmacy in Sainsburys [FF388], St Leonards**, closed on 6<sup>th</sup> March 2023

4.3 There has been a loss of pharmacy services for some residents of Hastings and St. Leonards as a result of the closure. A national scheme, the Pharmacy Access Scheme, has been subsidising this pharmacy with the funding coming from the Community Pharmacy Contractual Framework. The scheme is designed to capture the pharmacies where patient and public access would be materially affected should they close.

<https://www.gov.uk/government/publications/community-pharmacy-contractual-framework-2019-to-2024/2021-to-2022-pharmacy-access-scheme-guidance>

4.4 Nonetheless, there is not sufficient loss of services to refer to this as a 'gap' in terms of NHS Market Entry rules. The group agreed that no gap would have been identified had it not been open at the time of the PNA. This is because there are four alternative pharmacies located nearby, in addition to a 100-hour pharmacy at Asda within reasonable travel time.

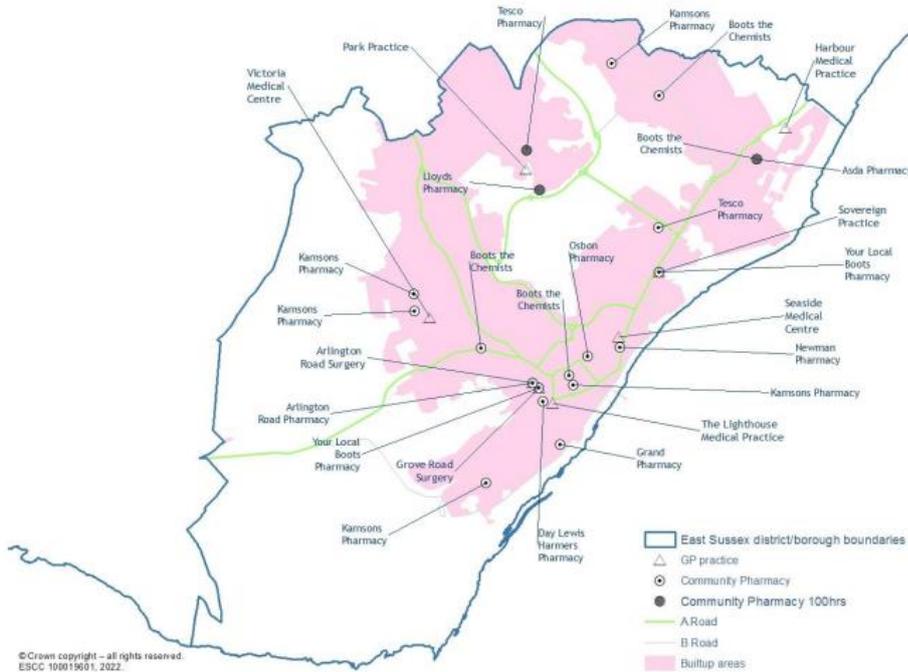
Map showing Lloyds pharmacy in the north of the Borough (figure 18 in PNA)



**Lloyds Pharmacy in Sainsburys [FVH64], Hampden Park, closed on 13<sup>th</sup> June 2023**

4.5 There has been a loss of pharmacy services for some residents of Eastbourne as a result of the closure. Nonetheless, there is not sufficient loss to refer to this as a 'gap' in terms of NHS Market Entry rules. The group agreed that no gap would have been identified had it not been open at the time of the PNA. This is because there is a 100-hour pharmacy open at Tesco very nearby.

Map from PNA showing Lloyds pharmacy in the central north of the Borough (Figure 17 in PNA)



**Lloyds Pharmacy in Sainsburys [FGW00], Newhaven, closed on 13<sup>th</sup> June 2023**

4.6 There has been a loss of pharmacy services for some residents in Lewes district as a result of the closure. There are two pharmacies open nearby whose opening hours between them include weekdays until 6:30, and all day on Saturday. However, neither are open on a Sunday. The nearest pharmacies open on a Sunday are located at Brighton Marina, Lewes town or Eastbourne. The steering group requested further information be gathered on public transport travel times to any pharmacy following the closure. There are no access problems for those who have access to a car.

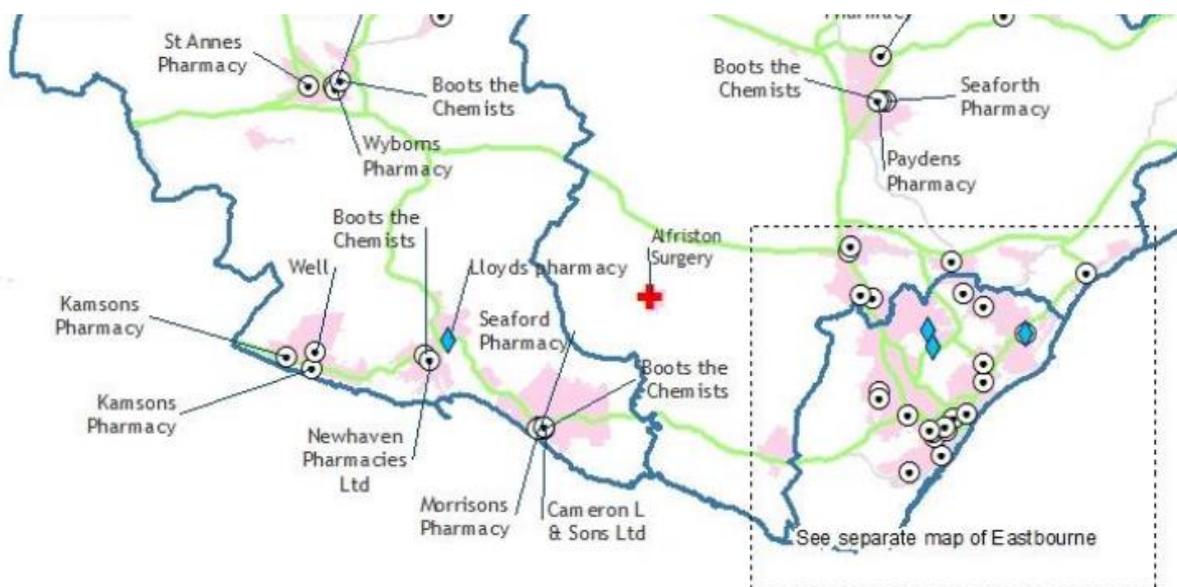
4.7 Some additional travel analyses [included with this paper in Appendix 1] were provided to the steering group after the meeting. Members of the steering group responded offering differing opinions in their feedback. Two members have stated no gap, and two others stated there would be a gap in services on Sundays.

*Summary of steering group organisations views regarding Newhaven:*

LPC	No gap
Medicines Management, Sussex ICB	No gap
Healthwatch	Gap
LMC	Gap [with reservations about new analyses]
Public Health, ESCC	Gap

4.8 Therefore, the majority opinion from the steering group is that there is a gap in access to services in Newhaven on a Sunday.

Map from PNA showing Lloyds pharmacy in Newhaven Town and neighbouring area (Figure 16 in PNA)



## 5 Conclusions and recommendations

5.1 At the last HWB meeting on 7<sup>th</sup> March [Item 39] the Board was asked to approve the issuing of a Supplementary Statement following the closure of the Lloyds pharmacy in St Leonards. Following the PNA steering group meeting and clarification of the basis for issuing a Supplementary Statement, it was recommended that the Supplementary Statement for Hastings and St. Leonards was not required and should be removed.

5.2 The Board is recommended to approve the recommendations from PNA steering group of 26<sup>th</sup> April 2023 which were:

- No Supplementary Statement was required for Lloyds in Sainsburys, St Leonards. Therefore, agree to the retraction of the Supplementary Statement.
- No Supplementary Statement will be required for Lloyds in Sainsburys, Eastbourne.
- Approval of the Board for the issue of a Supplementary Statement for Lloyds in Sainsburys in Newhaven based on the majority opinion from the PNA steering group.

5.3 The Board is asked to note that there may be changes in service provision as a consequence of the amended [NHS Pharmaceutical Regulations](#) with regard to the opening hours of 100-hour pharmacies from 25th May 2023.

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### BACKGROUND DOCUMENTS

None.

### Appendices

Appendix 1 - Travel Analyses undertaken in May 2023, provided to PNA Steering Group after April meeting.