

# **Appendix C – Representations on Unforeseen Benefits Application, Newbury Town Centre**

Our Ref: CAS-246897-K9Z7F5  
To be quoted on all future correspondence

Primary Care Support England  
PCSE Enquiries, P O Box 350  
Darlington, DL1 9QN  
Email [pcse.marketentry@nhs.net](mailto:pcse.marketentry@nhs.net)  
Phone 0333 014 2884

**To Applicant & All Interested Parties  
who made representations during  
the 45 day consultation**

10<sup>th</sup> January 2024

Dear Sir/Madam,

**Re: Application offering unforeseen benefits at 1-154 Bartholomew Street (Including Kennet Shopping Centre), 5-19 Market Street, 1-29 Market Place, 1-41 Cheap Street by CA-Health Ltd.**

Further to my letter of **21<sup>st</sup> November 2023**, please find enclosed copies of the written representations that we have received regarding the above application.

If you wish to make any comments on these representations, they should be sent to me at the above address within 14 days of the date of this letter i.e. by **24<sup>th</sup> January 2024**. Please note that any new information that you submit at this stage will have little or no weight placed upon it unless it can be demonstrated that you are presenting it in response to representations submitted by another party that you believe are not true or are incorrect.

Yours sincerely,

*Stamatina Sarafoglou*

Stamatina Sarafoglou  
Pharmacy Market Administration Services Officer

NHS England's [Privacy Notice](#) describes how we use personal data and explains how you can contact us and invoke your rights as a data subject. We will protect your information in line with the requirements of the Data Protection Act 2018.



21 December 2023

Arton Xhemajli  
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**Your ref: CAS-246897-K9Z7F5**

Dear Arton

**Re: Application offering unforeseen benefits at 1-154 Bartholomew Street (Including Kennet Shopping Centre), 5-19 Market Street, 1-29 Market Place, 1-41 Cheap Street by CA-Health Ltd**

Thank you for your letter dated 21st November informing us of the above application.

On behalf of Day Lewis Plc, who provide pharmaceutical services from premises at Access House, Strawberry Hill, Newbury RG14 1GE, I wish to object to this application and make the following comments in response:

As a preliminary matter we note that the applicant refers in the application form to attaching a satellite image and copies of Google reviews. We do not appear to have received these attachments so it may be that the applicant has forgotten to supply them, or they have not been circulated with the application. We also note that the link provided by the applicant to a television broadcast does not appear to work.

If the applicant's case is reliant on this supporting evidence, the ICB will not be in a position to take the matters raised into account without seeing this evidence.

Addressing the other matters raised by the applicant in part 6 of the application form:

- i. Whilst it may be the case that, like many similar sized towns, there is residential development underway in Newbury, the developments highlighted are not within the town centre where the applicant proposes to open its pharmacy. There are several pharmacies in Newbury that are spread evenly throughout the town, so residents of these new developments will have a choice of pharmacies close to home.
- ii. The applicant acknowledges that there is already pharmaceutical services provision within the town centre that is provided by Boots, so its application will not meaningfully improve the accessibility of pharmaceutical services. However, it fails to mention our pharmacy on Strawberry Hill at the northern end of the town centre, less than 10 minutes' walk away from Boots.
- iii. The applicant provides selective demographic information which ignores the fact that Newbury is an affluent town with high levels of car ownership and a mobile and healthy population.

- iv. Several comments are made about service levels at Boots but there has been no evidence provided to back up these comments. Furthermore, there is no evidence of any shortfall in provision at our pharmacy or any other pharmacy in Newbury for that matter.
- v. The applicant states that “if Boots are not able to fulfil the prescription within a timely manner, the patients have no choice but to travel to Newbury Retail Park”. This is simply not true. As discussed earlier our pharmacy is short walk away and there are several other pharmacies less than 2 miles away.
- vi. The applicant refers to innovation, but nothing discussed within this application is innovative in the context of Regulation 18(2)(b)(iii).

Importantly, the applicant has provided no evidence whatsoever that there is currently any shortfall in the provision of pharmaceutical services in the area it intends to open a pharmacy.

The burden of proof rests with the applicant when making an application for inclusion in the pharmaceutical list but the applicant has actually provided very little relevant information.

In conclusion, this application falls a long way short of providing any evidence that might lead the ICB to conclude that granting it would secure improvements or better access to the provision of pharmaceutical services in the area. For that reason, the application should be refused.

Should the ICB decide to hold an oral hearing I can confirm that either I or my appointed representative would wish to attend.

Yours sincerely  
For and on behalf of Day Lewis Plc

**Catherine Reid**  
Pharmacy Contracts Coordinator

19 December 2023

PCSE Enquiries  
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DL1 9QN

West Berkshire District Council  
Council Offices  
Market Street  
Newbury  
RG14 5LD

Our Ref: PNA-2023-12-01  
Your Ref: CAS-246897-K9Z7F5  
Tel:  
e-mail:

Dear Mr Xhemajli,

**Re: Application offering unforeseen benefits at 1-154 Bartholomew Street (Including Kennet Shopping Centre), 5-19 Market Street, 1-29 Market Place, 1-41 Cheap Street by CA-Health Ltd**

Thank you for consulting the West Berkshire Health and Wellbeing Board in relation to the above application. The Board wishes to make written representations as follows.

When the Pharmaceutical Needs Assessment (PNA) was approved in October 2022, there were seven pharmacies in Newbury. Since then, we have lost two pharmacies – Lloyds in Sainsbury's Superstore, Hectors Way and Superdrug, 81/82 Northbrook Street. There have also been reductions in operating hours at some of the other remaining pharmacies.

The Health and Wellbeing Board did not consider that the above closures / changes had created a gap in the provision of pharmaceutical services that was sufficient to justify a review of the PNA or publication of a Supplementary Statement, since there were no additional households placed outside a 1 mile / 20 minute travel time to their nearest pharmacy as a result of the closures, and it was judged that there was sufficient capacity at the remaining pharmacies to be able to process the displaced activity. However, patients have since reported issues with long queues at the remaining pharmacies, as confirmed by Healthwatch West Berkshire. Therefore, the Board would welcome an additional pharmacy within Newbury Town Centre as means of further helping to increase capacity and choice for patients and to improve the overall resilience of the pharmacy sector within West Berkshire.

The proposed pharmacy would enhance accessibility for patients. The existing Boots pharmacy at 4-5 Northbrook Street is located within the pedestrianised area of the town centre, so it is difficult for residents who have mobility issues to park nearby while the access restrictions are in force (10am to 5pm). Buses are also excluded from the pedestrianised area, and the nearest bus stop is around 300m away. The proposed location for the new pharmacy would be close to existing car parks and areas of on-street parking, and it would also be closer to local bus routes.

In summary, the Board is supportive of the application and believes that it will deliver significant additional benefits for patients. The Board does not foresee any significant negative effects as a result of the proposal.

Although broadly supportive of the application, the Board would like to highlight some errors in the supporting evidence as follows:

- The population of Newbury is only around 44,000 (mid-2020 estimate). The application repeatedly refers to the population as being 113,400, which is nearly double the population of Newbury and Thatcham combined.
- Although Boots is the only other pharmacy within the town centre, the Day Lewis Pharmacy is located a short distance away at Strawberry Hill (approximately 600m to the north of Boots). This is not mentioned in the application. Newbury is served by five pharmacies in total, three of which offering extended opening hours on weekday evenings and four are open on Saturdays, and three on Sundays.

If you have any queries in relation to the above, then please let us know.

Yours sincerely,

**Councillor Alan Macro**

Chairman of West Berkshire Health & Wellbeing Board

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Phone 0333 014 2884

28 November 2023

Dear Sir/Madam

Your reference: CAS-246897-K9Z7F5

**Re: Application offering unforeseen benefits at 1-154 Bartholomew Street (Including Kennet Shopping Centre), 5-19 Market Street, 1-29 Market Place, 1-41 Cheap Street by CA-Health Ltd**

The LPC is pleased to have the opportunity to comment on this application. An application offering to secure unforeseen benefits must be judged against the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 having particular concern to regulations 18 and 19. This current application is being submitted as a routine application. An application under these regulations needs to meet certain criteria including:

1. **Evidence of how granting the application would secure unforeseen benefits** – The LPC does not believe the applicant has demonstrated this. There is no evidence that the pharmacy will provide additional services that are not available elsewhere.

The 2022 PNA does not identify a gap in provision in Newbury

The LPC would therefore encourage NHS England to refuse this application.

I trust the LPC views will be of interest to NHS England and we would ask to be kept informed at all stages in the process.

Yours sincerely,

**David Dean**  
Chief Executive Officer  
[chiefofficer@cptv.org.uk](mailto:chiefofficer@cptv.org.uk)

**Community Pharmacy Thames Valley**  
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NG90 1BS.

CAS-246897-K9Z7F5

19<sup>th</sup> December 2023

Arton Xhemajli  
Pharmacy Market Administration Services  
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P O Box 350  
Darlington  
DL1 9QN

**Re: Application offering unforeseen benefits at 1-154 Bartholomew Street (including Kennet Shopping Centre), 5-19 Market Street, 1-29 Market Place, 1-41 Cheap Street by CA-Health Ltd.**

Thank you for your letter dated 21<sup>st</sup> November 2023 advising us of the above application. Boots UK Limited have the following comments to make.

Whilst we accept that the application is based on benefits not foreseen when drafting the Pharmaceutical Needs Assessment (PNA), it is clear that this application is based on the closures of a Lloyds pharmacy within Sainsburys & Superdrug.

As the ICB will be aware, the closure(s) of a pharmacy within an area does not automatically create a gap and should a gap have arisen as a consequence of such a closure(s), then the PNA should be updated to reflect this.

The pharmacies closed many months ago now, so there has been plenty of time for the production of supplementary statements and the amendment of the PNA to have taken place if there was a requirement to do so.

Lloyds have closed many pharmacies, standard 40-hour contracts as well as the 100-hour ones and we have seen PNAs updated since if gaps in pharmaceutical provision have been created. It is of note that, the applicant has not applied to offer any core hours at the weekend and only supplementary hours on Saturday morning, which can be withdrawn with 5 weeks' notice. The applicant has not offered any commissioned services that are not already provided here either.

We believe that patients also have access to Day Lewis Pharmacy at Strawberry Hill Medical Centre, which the applicant has failed to mention.





As the ICB will be aware, we have also recently increased our opening times at our Northbrook Street Pharmacy that is open 7 days a week. Our pharmacy at Newbury Retail Park is also open extended hours & 7 days a week and is located 1.2 miles away. Both pharmacies also offer a delivery service

The applicant has not provided any evidence of any specific patient groups that are experiencing difficulty when accessing pharmaceutical provision. We are unaware of any patients submitting a complaint since the closure of the Lloyds or Superdrug to us or NHS England with regards to accessibility or any concerns regarding services or opening hours.

We believe that patients have already access to providers and choice in the area and do not believe that the applicant is offering to secure any innovation by way of services or delivery.

For these reasons we respectfully urge the ICB to refuse this application.

Please be aware that we may wish to make further representations at a later stage and attend any oral hearing that may be held in relation to the application. We would therefore be most grateful if you could keep us informed of the progress of this application.

Yours sincerely

**Claire Brittain**  
**NHS Contracts Lead**