

**South East Pharmacy, Optometry and Dentistry Commissioning Hub
Working on behalf of the Integrated Care Boards in the South East Region**

Decision on Change of Ownership Application

From: Day Lewis PLC t/a Day Lewis pharmacy (FWE28), Chessel Practice Sullivan Road
Southampton SO19 0HS

To: Sholing Pharma Ltd

CAS No: CAS-276514-R1L0K3 / ME3196

ICB: Hampshire & Isle of Wight ICB

Regulation 26 states:

(1) Section 129(2A) of the 2006 Act(1) (regulations as to pharmaceutical services) does not apply to an application from a person who is not included in a pharmaceutical list for inclusion in the list, or from a person included in a pharmaceutical list for inclusion in that list also in respect of other premises than those already listed in relation to that person, if—

- (a) the applicant (X) is undertaking to provide pharmaceutical services at premises—
 - (i) that are already listed chemist premises, and*
 - (ii) at which another person (Y) is providing pharmaceutical services;**
- (b) X is proposing to carry on at the listed chemist premises, in place of Y, the business in the course of which Y is providing pharmaceutical services at those premises;*
- (c) X is undertaking to provide the same pharmaceutical services as those that Y is providing; and*
- (d) the provision of pharmaceutical services at the premises will not be interrupted (except for such period as the NHSCB may for good cause allow).*

(2) Section 129(2A) of the 2006 Act does not apply to an application from a person who is not included in a pharmaceutical list for the area of a HWB (HWB1) for inclusion in that list, or from a person included in a pharmaceutical list for inclusion in that list also in respect of other premises than those already listed in relation to that person, if—

- (a) the applicant (X) is undertaking to provide the pharmaceutical services that another person (Y)—
 - (i) is providing at listed chemist premises (“Y’s premises”), whether in the area of HWB1 or a neighbouring HWB, or*
 - (ii) has provided at Y’s premises but Y is no longer able to provide pharmaceutical services at those premises for reasons that the NHSCB accepts are good cause;**
- (b) X is proposing to carry on, in place of Y, the business in the course of which Y is providing, or has provided, pharmaceutical services at Y’s premises;*
- (c) X is undertaking to provide the same pharmaceutical services as Y is providing or has provided at Y’s premises, but at different premises (“X’s premises”);*
- (d) if Y had applied to move to X’s premises, that application would have been granted under regulation 24; and*
- (e) if pharmaceutical services—
 - (i) are being provided at Y’s premises, the provision of pharmaceutical services will not be interrupted (except for such period as the NHSCB may for good cause allow) by the move of the business from Y’s premises to X’s premises, or*
 - (ii) are not being provided at Y’s premises, the provision of pharmaceutical services will commence at X’s premises within the period that the NHSCB**

considers is an acceptable period for the interruption of the provision of pharmaceutical services by the business that X is taking over.

Consideration by the Pharmacy Contract Manager

Regulation 26(1)(a) to (d) are met.

Regulation 26(2)(a) to (e) do not apply.

Fitness to Practise

Fitness to practise for Sholing Pharma Ltd was approved by Hampshire & Isle of Wight ICB on 26th June 2024

Decision

As the application was completed satisfactorily, fitness to practise completed and relevant regulations met, the Pharmacy Contract Manager approved the application on 5th July 2024.

Appeal Rights

Following a review of the pharmacy manual, it has been noted that NHS England does not consider Contractors included in a pharmaceutical list (paragraph 28(3)(c)(iv)) and Persons entitled to be included in a pharmaceutical list (paragraph 28(3)(c)(iv)) might be significantly affected by the grant of this type of application and therefore, the interested party list has been reviewed and is as follows: LPC, LMC, HWB, HealthWatch.