

CHAPTER 12A

Procedure – Consolidation onto an existing site

Chapter aims and objectives

1. The purpose of this chapter is to ensure that consolidation onto an existing site applications are dealt with in line with the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended (the Regulations).
2. Applications are to be determined within 4 months of receipt unless the Commissioner has good cause to take longer.
3. This chapter must be read in conjunction with the Regulations. This chapter does not apply to contractors who hold LPS contracts as they are unable to submit this type of application.
4. A template application form is provided at Annex 1.
5. The information in the template form at Annex 1A must be included in all routine and excepted applications for inclusion in a pharmaceutical list

Procedure

Action	Complete?	Notes
1.		
2.		

Action	Complete?	Notes
<p>(set out in Chapter 3) for a preliminary refusal (Annex 1B). This should be done if any of the missing information indicates that either of the premises are distance selling premises or appliance contractor premises.</p> <p>Check whether there are any enhanced services that are currently being provided from site 2, the closing site, that have not been included on the application form in the list of services to be provided from the consolidated site.</p>		
<p>3. Where the application is fully completed and all relevant information, documentation and undertakings have been provided send an acknowledgement of receipt of the application (Annex 3) to the applicant.</p> <p>Where the applicant will be required to provide enhanced services, enclose copies of the specifications for these services with the acknowledgement.</p>		
<p>4. Where there are any enhanced services that are currently being provided from site 2, the closing site, that have not been included in the list of services to be provided from the consolidated site, prepare the Initial Consolidation Application Report (Annex 2).</p> <p>Liaise with the decision maker to decide whether further undertakings are required for the provision of enhanced services. If there are move to step 12.</p>		
<p>5. Where the application is fully complete, move to step 16.</p> <p>Where there is missing information and/or documentation in the application, move to step 6.</p> <p>Where there are missing undertakings in</p>		

Action	Complete?	Notes
<p>6. Where there is missing information and/or documentation in the application send to the applicant the acknowledgement of receipt of application and request for further information (Annex 4).</p> <p>The timescales to be set out in the request to provide the missing information are:</p> <ul style="list-style-type: none"> • payment of the relevant fee – 5 working days; and • the information required by paragraph 1, Schedule 2 of the Regulations but not supplied – 5 working days. <p>Timescales for any other missing information/documentation requested must be within the timescales above provided that such timescales are reasonable.</p>		
<p>7. Diarise the date for the missing information/documentation to be submitted.</p>		
<p>8. If the applicant requests a review of the request for missing information/documentation, forward this to the decision-maker (set out in Chapter 3) for a decision to be made.</p>		
<p>9. If the outcome of the review is that the information/documentation is to be provided, send to the applicant notification of the outcome of the review and request for information (Annex 5). The timescales for providing the information are as set out in step 6 above. If the information is provided, go to step 10. If the information is not provided go to step 11.</p> <p>If the outcome of the review is that the information/documentation is not to be</p>		

Action	Complete?	Notes
<p>provided, send to the applicant notification of the outcome of the review and withdrawal of the original request (Annex 6). Go to step 16.</p>		
<p>10. On receipt of the information/documentation, send to the applicant an acknowledgement of receipt of missing information (Annex 7).</p> <p>Where the applicant is required to provide enhanced services, enclose with the acknowledgement copies of the specifications for these services if this has not already been provided.</p>		
<p>11. If the missing information/documentation isn't received by the due date send to the applicant confirmation that the information/documentation has not been received and the application is therefore being treated as withdrawn (Annex 8).</p>		
<p>12. Where there are missing undertakings in the application, complete then send to the applicant the acknowledgement of receipt of application and request for missing undertakings (Annex 9).</p> <p>The timescale to be set out in the request to provide the undertakings required by paragraph 9, Schedule 2 of the Regulations is 5 working days.</p> <p>Where there are further undertakings required following step 4 (provision of enhanced services) then send to the applicant the acknowledgement of receipt of application and request for undertakings under paragraph 9(2), Schedule 2 of the Regulations (Annex 9A)</p> <p>The timescale to be set out in the request to provide the undertakings required by paragraph 9(2), Schedule 2 of the Regulations is 5 working days.</p>		

Action	Complete?	Notes
13. Diarise the date for the missing undertakings to be submitted.		
14. On receipt of the missing undertakings, send to the applicant acknowledgement of receipt of missing undertakings (Annex 10). Where the applicant is required to provide enhanced services, enclose with the acknowledgement copies of the specifications for these services if not already provided.		
15. If the missing undertakings aren't received by the due date, send to the applicant confirmation that the missing undertakings have not been received and that the application is being treated as withdrawn (Annex 11).		
16. Interested parties must be notified of the application. Annex 12 will assist to identify certain (but not all) parties to be notified – more particularly, those who would be significantly affected by the grant of the application / who might have a significant interest in the outcome of the application.		
17. Notify the interested parties (except the HWB) of the application (Annex 13) enclosing a copy of the application. Do not include any fitness to practise or personal information. Notify the HWB of the application (Annex 13A) and enclose a copy of the application. Liaise with the decision maker to see if a discussion is required with the HWB to confirm awareness and understanding of the requirement for the HWB to make representations for consolidation applications.		

Action	Complete?	Notes
<p>Diarise a reminder letter (Annex 13B) to be sent to the HWB 10 days before the 45 day deadline for representations.</p> <p>If the HWB has not provided representations by the deadline, send Annex 13C as soon as practicable. Follow this up with Annex 13D 10 days later if no representations are received.</p> <p>If pursuant to sending Annexes 13A to 13D, the HWB responds, the pharmacy contracts manager must review the HWB's representations. If it is reasonable to conclude that the HWB has not addressed the issue that it was required to address (as set out in the third paragraph of Annex 13A), then send to the HWB Annex 13E</p>		
<p>18. During the 45-day notification period ensure that payment has cleared. If payment hasn't cleared send a request for payment (Annex 14) to the applicant.</p>		
<p>19. If the second attempt at payment does not clear, send to the applicant notification that the payment has not cleared and the application is being treated as being withdrawn (Annex 15).</p> <p>The application cannot be determined until payment has cleared.</p>		
<p>20. At the end of the 45-day notification period circulate representations to the applicant and those interested parties who responded using the notification of circulation of comments (Annex 16).</p> <p>Where the HWB's representations have been received after the 45 day notification period, such that they were not included in the representations circulated pursuant to the paragraph above, the HWB's representations should be circulated to all parties to which the other representations were circulated and 14 days should be</p>		

Action	Complete?	Notes
<p>given from the date the HWB's representations were sent for comments. Please see Annex 16A.</p> <p>This may mean the original 14 day timescales for comments on the circulated representations is extended or, if the 14 day timescale has already passed, a new 14 day timescale will apply but only for comments on the HWB's representations.</p>		
<p>21. Send copies of the representations to the decision-maker (set out in Chapter 3) and ask for a decision on whether oral representations are to be heard and if so, who it wishes to invite as additional presenters.</p>		
<p>22. Annex 16B provides further information on deciding whether oral representations are to be heard.</p>		
<p>23. If an oral hearing is to be held, confirm arrangements with the applicant (Annex 17) and any additional presenters (Annex 18) that the decision-maker (set out in Chapter 3) wishes to hear from.</p> <p>At least 14 days' notice must be given.</p>		
<p>24. Prepare a report (Annex 19) on the application to the decision-maker (set out in Chapter 3).</p>		
<p>25. Refer to Annex 19A for guidance on the determination of applications.</p>		
<p>26. After the meeting, prepare the relevant decision referring to Annex 20 for information on third party rights of appeal.</p> <p>The application granted decision letters are:</p> <ul style="list-style-type: none"> • Granted – to the applicant (Annex 21); 		

Action	Complete?	Notes
<ul style="list-style-type: none"> • Granted – to a third party with no appeal rights (Annex 22); and • Granted – to a third party with appeal rights (Annex 23). <p>The application refused decision letters are:</p> <ul style="list-style-type: none"> • Refused – to the applicant (Annex 24); and • Refused – to a third party (Annex 25). <p>When the letters are completed, send to the officer responsible for signing decision letters.</p> <p>If granted, complete as far as possible the notice of consolidation.</p> <p>Once the decision letters are signed distribute to the applicant and interested parties enclosing the notice of consolidation where relevant with the applicant's letter.</p>		
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Action	Complete?	Notes
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Action	Complete?	Notes
<ul style="list-style-type: none">• Commissioner of enhanced services;• Local Authority commissioner of public health services• 111 Directory of Services• Relevant contracts manager and/or whomever is tasked with maintaining the pharmaceutical list;• NHS BSA;• the company that collects and disposes of unwanted medicines for the closing premises; and• any other interested parties.		