

Legislation and Regulatory Affairs Minutes

Date: 31 January 2024

Time: 11:00 am

Location: CPE Office, Hosier Lane, London

Members present: Ian Cubbin (Chair), Marc Donovan (from 11.30 am), Lindsey Fairbrother, Ifti Khan, Stephen Thomas.

In attendance: David Broome, Jas Heer, Tricia Kennerley, Beran Patel, Jay Patel, Adrian Price, Jack Creswell (Funding Strategy Manager), Mike Dent (Director of Pharmacy Funding), Daniel Fladvad (Member and LPC Engagement Officer), Gordon Hockey (Director, Legal), Rob Thomas (Funding Delivery Manager), Katrina Worthington (Regulations Officer).

Apologies: There was none.

Conflicts of interest: No additional conflicts declared. Adrian and Ifti confirmed that they are members of the Supervision Practice Group.

Minutes of the last meeting: The minutes of the meeting held in November 2023 were approved by the subcommittee with two amendments:

Para 2: As hub volumes grow, they may deal with more stock than some wholesalers, *and others consider (not the subcommittee) that this may mean consideration of wholesale regulatory controls.*

Para 12: Improvements to the LFPSE reporting system would also require engagement with contractors and Community Pharmacy England.

Matters arising: There were no matters arising. The actions were noted.

Item 5: ----

(Confidential)

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ACTION: -----

Item 6: -----

(Confidential)

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ACTION: -----

Item 7: Market Entry

8. The Director, Legal advised that there is a backlog of applications to PCSE due to various reasons and indicated that half of the delays are due to applicants, the other half due to PCSE or ICBs.
9. He also indicated that we have offered to help contractors and are liaising with PCSE, NHSE, and Primary Care Commissioning (which advises both). We have also published guidance for contractors, setting out the common errors with applications.
10. As part of this process, there seems to be more appetite than before for change to the regulations. The limited success in changing the regulations previously was noted.
11. Discussion followed and included:
 - The former regulatory arrangement of 'home PCTs' – it was suggested that this could be introduced as a home ICB. It was noted that this is like the proposal for one national list.
 - Buyers need to get relevant information from purchasers and one Committee member indicated they used a standard form for this purpose and agreed to share this with the regulations team.
12. There was also discussion about applications to change core opening hours. It was noted there had been some recent appeal cases. These were seen as unhelpful. Some members commented that certain ICBs were being helpful in their decision-making, allowing contractors to change core hours. It was agreed to share these cases with the regulations team who could consider a briefing note from these. The Director, Legal was asked to contact Primary Care Appeals.
13. The subcommittee agreed that CPE should be pursuing the proposed changes to the fitness information provisions, which are:

First: Remove the fitness requirement for referees. The rules are complex and the value of a referee selected by an applicant is limited. It is suggested there is no value in



references for these purposes when checks are made with NHS Protect, the GPhC and others.

Second: Move to one national list of those persons (the legal entity) who are fit to own an NHS pharmacy. This would still mean individuals continuing to provide fitness information when becoming a director or a superintendent of a legal entity on a pharmaceutical list.

Third: Exempt contractors from the requirement to provide fitness information, provided that changes of directors and the superintendent pharmacist have been notified and fitness information provided and all other relevant fitness notifications have been made, if required.

ACTION: Recommend to the Committee the proposed changes to the PLPS. [These were agreed later the same day.]

Item 8: ----

(Confidential)

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ACTION: ----

Reports

Item 9: Update on Regulatory Discussions with DHSC

20. The Director, Legal briefly outlined the paper and indicated it would be helpful if the subcommittee could give a view on whether hub and spoke and DSP negotiations should be part of the main negotiations. There were arguments for and against each option.



21. The subcommittee was of the view that discussions in the main negotiations gave the best leverage to achieve the Committee's aims but noted that the potentially quicker timeframe of the main negotiations and the need for additional funding might mean these regulatory discussions have to be conducted separately.

AOB

22. There was none.