



# Community Pharmacy England's Response to the NHS Constitution Consultation

January 2025

## About Community Pharmacy England

**We are the voice of community pharmacy in England, representing all 10,000+ community pharmacies across the country.**

We champion community pharmacies across the country – representing our members and giving them the support they need, negotiating the best deal with the Government and NHS, and influencing positive change.

We represent community pharmacy businesses of all sizes in England and are responsible for negotiating the NHS Community Pharmacy Contractual Framework (CPCF), under which all community pharmacies operate, with the Government and the NHS.

We are recognised by the Secretary of State for Health and Social Care as the body that represents NHS pharmacy contractors. We work closely with Local Pharmaceutical Committees (LPCs) to support their role as the local NHS representative organisations.

We work closely with everyone in the community pharmacy sector to meet our goals and to promote the value of community pharmacy. Because everyone in society needs community pharmacy to thrive.

Our goal is to develop the NHS community pharmacy service, to enable community pharmacies to offer an increased range of high-quality and fully funded services that meet the needs of their local communities and provide value and good health outcomes for the NHS and the public.

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Community Pharmacy England is the operating name  
of the Pharmaceutical Services Negotiating Committee.



## Proposal Introduction from the Environment Agency

*This consultation includes proposed new regulatory charges for certain waste activities. These charge proposals are designed to fund regulatory work targeting waste crime. We want to:*

- *increase our enforcement presence to reduce poor performance in the waste sector*
- *stop illegal activities that are undercutting legitimate businesses*

*We also propose to revise our time and materials charges (hourly rates) relating to a range of sectors.*

### **Waste crime and the waste management industry**

*Illegal waste activity harms communities, the environment and the economy. It is estimated to cost nearly £1 billion to the taxpayer and legitimate industry. In the most recent waste crime survey, we found that 18% of waste (34 million tonnes per year) may be managed illegally at some point in the waste cycle.*

*Waste crime is often committed by serious criminals, with organised crime gangs increasingly entering this sector, drawn by high returns and limited levels of enforcement. Waste crime can involve:*

- *illegal waste sites*
- *illegal dumping*
- *landfill tax avoidance*
- *abuse of waste permits and exemptions*
- *illegal exports*

*There are clear benefits to gain from investing in enforcement against waste crime.*

*The waste management industry is worth almost £7 billion per year. Investing in enforcement against waste crime will support legitimate waste businesses to grow. This will also:*

- *reduce environmental damage*
- *help communities suffering from illegal waste operations and related criminality*

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## Our response to the consultation.

### Consultation questions

#### **Question 1: Do you agree or disagree with our proposed charge for the registration of waste exemptions?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly Disagree**
- Don't know
- Not Applicable

#### **Our response:**

Strongly Disagree –

NHS community pharmacies are experiencing significant financial pressures due to chronic government underfunding and the current economic climate.

In addition, they have no ability to pass on costs to their NHS patients. While other businesses are entitled to increase their charges to the public for services they offer, community pharmacies are not able to do this. NHS services are funded by the NHS/the Government.

NHS community pharmacies are not able to cope with any additional burdens unless they are funded by the NHS and agreed with the Government.

The introduction of these charges would put further pressure on a sector that is already at breaking point.



**Question 2: Do you agree or disagree with the waste exemptions included within our proposed 'common on-farm' compliance charge?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable



### **Question 3: Do you agree or disagree with our proposed 'common on-farm' compliance charge?**

The common on-farm compliance charge will be at a reduced rate because we can integrate waste exemption compliance activity with other reasons for on-farm compliance. This will reduce time spent by officers preparing for site visits, travelling to site, and reporting on outcomes.

We propose a common on-farm compliance charge of £88. If the total cost of compliance charges for waste exemptions to be registered is lower than the 'common on-farm' compliance charge, the lower of these total charges would apply.

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

#### **Our response:**

Not Applicable



**Question 4: Do you agree or disagree with the waste exemptions included within the proposed band 1 (see table 2) for waste exemptions?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable

**Question 5: Do you agree or disagree with the waste exemptions included within the proposed band 2 (see table 3) for waste exemptions?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable



**Question 6: Do you agree or disagree with the waste exemptions included within the proposed band 3 (see table 4) for waste exemptions?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly Disagree**
- Don't know
- Not Applicable

**Our response:**

Strongly Disagree –

We do not agree that the T28 exemption in Band 3 should apply to NHS community pharmacies because:

- Community pharmacy registration with the Environment Agency is unnecessary since all community pharmacies are already registered with the General Pharmaceutical Council (GPhC), which regulates the retail pharmacy businesses; and in addition are listed with the NHS as a requirement of the NHS 'contract' which each NHS pharmacy must have to provide NHS pharmacy services. There is an existing register and a list of the premises.

So, registration is not required.

- The compliance costs are significantly less for community pharmacies because the GPhC inspects pharmacies on a regular basis, identifying and addressing issues as they arise, and in addition the NHS also visits pharmacies and carries out audit and compliance activities. This means that the Environmental Agency will have less need to visit NHS pharmacies.



So, the risks associated with NHS community pharmacies should be lower meaning that routine visits are not required, and the number of compliance visits should be minimal, another of the justifications for a charge

- Community pharmacies must register for the T28 exemption to meet the NHS Terms of Service. Collection of medicines by community pharmacy is part of removing or reducing risks for patients, households and the public and this should not be undermined by additional charges.

So, if any charge is to be levied funding allocation should be discussed to ensure that NHS community pharmacies can meet the charge.

- There are other waste activities carried out by community pharmacies that do not require registration (Non-Waste Framework Directive (NWFD) exemption) and all waste exemptions, including the use of the T28 exemption, can be carried out without the registration.

The proposed charge appears to be arbitrary within the context of waste legislation.





**Question 7: Do you agree or disagree with the waste exemptions included within the proposed upper band (see table 5) for waste exemptions?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable

**Question 8: Do you agree or disagree with our proposed compliance charges for waste exemptions, as shown in table 6?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable –



**Question 9: Do you agree or disagree with our proposed additional compliance charges for multiple waste exemptions, as shown in table 7?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable –

**Question 10: Do you agree or disagree with our view on affordability?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly Disagree**
- Don't know
- Not Applicable

**Our response:**

Strongly Disagree –

NHS community pharmacies are experiencing significant financial pressures due to chronic government underfunding and the current economic climate.



In addition, they have no ability to pass on costs to their NHS patients. While other businesses are entitled to increase their charges to the public for services they offer, community pharmacies are not able to do this. NHS services are funded by the NHS/the Government.

NHS community pharmacies are not able to cope with any additional burdens unless they are funded by the NHS and agreed with the Government.

The introduction of these charges would put further pressure on a sector that is already at breaking point.



**Question 11: Some waste exemptions are registered by charities or trusts. Do you think operators using exemptions for charitable purposes should pay for them?**

In this question “charitable purposes” has the meaning given in section 2 of the [Charities Act 2011](#).

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable



**Question 12: Do you agree or disagree with our proposal to offer operators who transition to an environmental permit a partial refund of the compliance element of the charge?**

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know
- **Not Applicable**

**Our response:**

Not Applicable

**Question 13: Please share any additional comments that you think may help us improve our current proposals for waste exemptions.**

No response.