

**IN CONFIDENCE – FOR MEMBERS' INFORMATION ONLY**

**MINUTE: PPC/07/168**

Minute of Meeting of the Pharmacy Practices Committee held on Wednesday, 31<sup>st</sup> January 2007 in Committee Room 1, Primary Care Division Headquarters, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr Bill Sutherland

Present: Lay Members Appointed by the Board

Mrs May Nimmo  
Mrs Lynn Wilson

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr Ian Calder

Pharmacist Nominated by Area Pharmaceutical Committee

Mr David Sinclair

Attending: Officers from NHS Lanarkshire - Primary Care

Mr George Lindsay, Chief Pharmacist  
Mrs Gillian Forsyth, Administration Manager  
Miss Lea Ann Tannock, Personal Secretary

Prior to the commencement of the meeting Mr Sutherland, Chairman, acknowledged that this was the last meeting Mrs May Nimmo would attend as due to personal circumstances she requires to step down from the Committee. Mr Sutherland took the opportunity to thank Mrs Nimmo for the commitment and contribution she has made to the work of the Committee during her considerable service and wished her well for the future. Mrs Nimmo thanked Mr Sutherland for his kind words.

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**APPLICATION BY LLOYDS PHARMACY LTD t/a  
LLOYDSPHARMACY, HAMILTON INTERNATIONAL PARK,  
LIVINGSTONE BOULEVARD, HAMILTON, G72 0BP**

- (a) There was submitted application by Lloyds Pharmacy Ltd, received 31<sup>st</sup> May 2006, for inclusion on NHS Lanarkshire's Pharmaceutical List in respect of the abovementioned premises.

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

Letter received 14<sup>th</sup> June 2006 from Alliance Pharmacy Ltd

Letter received 15<sup>th</sup> June 2006 from A & A Gilbride Ltd

Letter received 21<sup>st</sup> June 2006 from Boots Chemist Ltd

Letter received 26<sup>th</sup> June 2006 from Munro Pharmacy Ltd

(c) **Procedure**

Prior to arrival of parties the Chairman asked Members to confirm that they had both received and considered the papers relevant to the meeting. The Chairman also asked Members to confirm that they had received the report on Pharmaceutical Services which was sent under separate cover of the agenda. Having ascertained that no members had any personal interest in the application the Chairman confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers.

(d) **Attendance of Parties**

The applicant and interested parties entered the meeting.

The Chairman introduced himself and the Members, as well as the officers in attendance from NHS Lanarkshire - Primary Care, and asked attendees to confirm that they had received all papers, and report on Pharmaceutical Services which was sent under separate cover of the agenda, relevant to the application and hearing.

The Chairman explained that the meeting was being convened to determine the application submitted by Lloyds Pharmacy Ltd, in respect of Hamilton International Park, Livingstone Boulevard, Hamilton, G72 0BP, according to the Statutory Test set out in Regulation 5(10) of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, as amended (the Regulations)

The Chairman then continued to explain the procedures to be followed and ascertained that no members of the Committee had any interest in the application. The applicant Lloyds Pharmacy Ltd was represented by Mr James McKeever who was unaccompanied. From the interested parties who were entitled to attend the hearing, Alliance Pharmacy Ltd was represented by Mrs A Irving, Boots Chemists Ltd was represented by Mr C

Tait, and A & A Gilbride Ltd was represented by Mr A Gilbride (“Interested Parties”), all of whom were unaccompanied.

(e) **Evidence Led**

The Chairman invited Mr McKeever to speak first on behalf of the application.

Mr McKeever began by thanking the Committee for the opportunity to attend the Oral Hearing and make representation in support of Lloyd Pharmacy Ltd's application in respect of Hamilton International Park, Livingstone Boulevard, Hamilton, G72 0BP. He then advised that Lloyds Pharmacy Ltd believe that the granting of the contract is necessary to secure adequate Pharmaceutical Services and that his submission would be brief as the bulk of the argument is based on the definition of the neighbourhood and the remaining factor of adequacy within the Statutory Test. Mr McKeever stated that he would like to define the neighbourhood, as Lloyds Pharmacy Ltd believe the neighbourhood should be defined as the West Craigs area of Hamilton including Hamilton International Park. Mr McKeever then went on to give an extension of the geographical area to that provided within their supporting statement, which he advised as to the North the A725/Hillhouse Road (a natural boundary given the busy dual carriageway and underpass with associated access difficulties between one side to the other), the West being Sydes Brae and Parkneuk Road to circle the development, the South boundary being the area of West Craigs Estate and Hamilton Heights, and to the East the extent of the estate joining at the small footpath to Brankholm Brae, Townhill Road travelling up to Hillhouse Road and joining Earnock, excluding Dunscore Brae. It was at this point that Members of the Committee asked for clarification regarding the geographical boundaries as it was evident that the map to which he was referring displayed an additional element of the West Craigs Development not displayed on the map provided by NHS Lanarkshire. Accordingly Mr McKeever referred to the map provided with the papers to define his understanding of the neighbourhood for the Committee's purposes. Mr Sutherland confirmed that the Applicant and Interested Parties should not take this as the Committee establishing the neighbourhood at this present moment in time, it was merely to clarify the applicant's definition and provide an understanding for later consideration. Having clarified his definition of the boundary Mr McKeever then went on to state that it was clear that the neighbourhood was defined by two distinct parts, Hamilton International Park and also the West Craigs Housing Development in which numerous house builders had completed

1200 new homes with the last phase due for completion August 2007, and that working from the basic assumption that the majority of houses were 4/5 bedroom homes each with 3 residents would lead to the West Craigs area having approximately 3600 residents. That the proposed retail development would contain a supermarket of the "express" type, a Greggs bakers, a coffee shop, a crèche, a Sub-way sandwich shop, and a pharmacy, all of which were required to support the neighbourhood and commercial zone - an integral part of the planning process within an area which is part of a European Regeneration Programme. The adjoining Hamilton International Park currently has 3500 employees which is expected to increase to 7000 by the year 2010. Mr McKeever then stated that there were currently no Pharmaceutical Services being delivered within the neighbourhood therefore there was a clear necessity for an additional Pharmaceutical Contract. He has stated that objectors may highlight that there is currently no medical service within the neighbourhood, however Lloyds Pharmacy Ltd argue that this provides more evidence as to why patients should have pharmaceutical advice available. Furthermore within West Craigs the residents are affluent and have high car ownership and therefore the objectors may presume that they are transient, however affluency should not discriminate against the needs of that population for Pharmaceutical Services, given that there are high numbers of young families who would benefit from the services available under the new contract. Indeed he is of the belief that a collection and delivery service to a neighbourhood does not constitute a full Pharmaceutical Service and fails to capture the spirit of the new Pharmaceutical Contract and associated service e.g. eMAS. Mr McKeever also stated that Lloyds Pharmacy Ltd contend that as most of the employees require to commute to the area and were a transient population objectors could imply that they could incorporate a visit to a local Pharmacy on their way home, however Lloyds Pharmacy Ltd contend that the majority of workers would be full-time and would want to access services during work hours e.g. lunch time, and it would be unacceptable asking them to travel outwith the neighbourhood to do so. He remarked that at the time of application Lloyds Pharmacy did not fully appreciate the spirit of the new contract and the services and benefits to patients of eMAS and emergency supplies etc, thus if the contract was awarded they intend to increase their opening hours on Saturday to full-day which they would honour. Mr McKeever then gave a summary of his representation to date by stating that the neighbourhood was clearly defined with no Pharmaceutical Services within, that the population is large enough to sustain a pharmacy boosted by the workers within

the commercial area, that the development within the neighbourhood would provide additional services to support the 1200 houses and encourage the residents to travel between areas to access services not currently available to them, and advised the Committee that the National Appeal Panel had just granted a contract as necessary in Drumsagard and Fallside, Cambuslang with approximately the same number of houses and that the analogy with this application is clear. Thus Lloyds Pharmacy Ltd believe that the Committee should grant the contract as it is necessary to secure adequate Pharmaceutical Services in the neighbourhood.

**The Chairman then invited questions from Interested Parties to Mr McKeever.**

Mrs Irving, Alliance Pharmacy, was first to ask questions of Mr McKeever, and asked if he had any idea how the retail parade is marketed on the Hamilton International Park website, to which he replied it was to enhance amenities for the workforce. She then asked why Lloyds Pharmacy Ltd included the housing developments of West Craigs within their neighbourhood to which he advised that it was part of a European Union Initiative and the commercial district was included in the planning application and zoned for Hamilton International Park, and that there is only one way out of West Craigs and patients require to travel through that neighbourhood to Hamilton or Blantyre. This led Mrs Irving to ask how Mr McKeever anticipated residents of West Craigs accessing the unit, and was advised that this would be through Livingstone Boulevard. Mrs Irving then responded by stating that plans she had obtained from the Developers the morning of the meeting confirmed that there was no access through this route and that it was for service vehicles only. Mr McKeever stated that he was not given this information and therefore could not comment and that he could only refer to the information given to Lloyds Pharmacy Ltd by the Developer. Mrs Irving then asked Mr McKeever for clarification as to what was available within South Alford Avenue and he advised that the housing ends there however he had incorporated that within the definition of his neighbourhood shown on the map for a clearer boundary. Mrs Irving then asked that if the apex of the southern boundary ends there, where the nearest Pharmacy would be. Mrs McKeever replied that it would be A & A Gilbride Ltd which was possibly one mile from the proposed site, to which Mrs Irving confirmed that it was a mere 700 metres and requested that Mr McKeever acknowledge this fact.

Mr Tait, Boots Chemist was next to question Mr McKeever and asked that whilst he had drawn a neat boundary how did he feel

that residents would exit the estate e.g. would they walk, use a car or bus. Mr McKeever said that he didn't know but he was sure that the statistics indicated that there was a high percentage of car ownership. Mr Tait then asked that if they were exiting by car they would only be two minutes away from A & A Gilbride Ltd exiting through Alford Road. Mr Tait then went on to question Mr McKeever whether the dual carriageway underpass is a natural boundary and so would discourage residents from walking around the area: Mr McKeever disagreed. Mr Tait then stated that it would take less time to drive to A & A Gilbride than the West Craigs residents having to access the proposed site and park. Mr Tait then asked why should Hillhouse Road be considered a boundary rather than East Kilbride Road and Mr McKeever replied that Priestfield Cemetery was a contributing factor.

Mr Gilbride, A & A Gilbride Pharmacy, stated that his Pharmacy currently serves the new population and could Mr McKeever give an approximation of how long the journey would be by car. Mr McKeever replied that it would approximately 2 to 3 minutes to the proposed site once the access road had been agreed, and that it would be an additional 2 minutes travelling time to A & A Gilbride making an approximate 6 minute journey time.

**The Chairman then invited questions from Members of the Committee to Mr McKeever.**

Mr Sinclair was first to question Mr McKeever and asked for clarification as to the exact site of the unit as he was still unclear of its location despite his site visit. Mr McKeever replied that it was the unit at the end. Mr Sinclair asked what stage of construction the unit was at and the anticipated timescale. Mr McKeever advised that the shell was constructed with supporting steel work and roof. Mr Sinclair asked if they had received a confirmed opening date or date for occupation from the Developers. Mr McKeever said that they had received confirmation that it would be within a few months but couldn't remember the specific date. Mr Sinclair remarked that this was a very important factor and Mr McKeever confirmed that it definitely was within a six month timescale. Mr Sinclair questioned if this had been a strong confirmation and one which Lloyds would not expect to be extended. Mr McKeever replied that it was, however if it was not then they would ensure that a temporary Pharmaceutical Unit was provided at the site until such times as the building was complete. Mr Sinclair asked if this was the same time limit for the other units and was advised that it was. His final question to Mr McKeever was to ask how he believed the residents of West Craigs currently access services.

Mr McKeever replied that he didn't know however it was probably via Hamilton or East Kilbride or wherever they came from as they may not know of the location of A & A Gilbride Pharmacy. Mr Calder then asked if Mr McKeever knew of the exact parking facilities available for the units. Mr McKeever replied that there would be off road parking for the retail units which could be accessed from Technology Road and Livingstone Boulevard. Mr Sutherland asked for clarification and timescale for the other developments and was advised that it was one unit sub-divided to individual units therefore they were all operating to the same timescale. Mr Sutherland then asked whether the premises would be offered for let or buy and Mr McKeever advised that they have agreement for a 140 square metre unit and that he couldn't comment on the other leasing arrangements for independent businesses. Mr Sutherland asked whether the other retailers to which Mr McKeever had referred had actually confirmed their leases, he advised that as far as he was concerned there would be a Subway sandwich shop, a Greggs bakers, a crèche, a coffee shop and a supermarket of the "Express" type. Mr Calder then stated that it was important that access should be built into any lease agreement and could Mr McKeever establish this today. Mr McKeever said that given the new information he would be checking this as soon as he left the hearing however he had not received any information to state that there was a difference to the access arrangements previously intimated off Technology Road and Livingstone Boulevard, and that they would argue that until such times as they were notified otherwise there is no change to the outline position.

**The Chairman, having ascertained that there were no further questions to Mr McKeever, invited Mr Charles Tait, Boots Chemist Ltd, to state his representation.**

Mr Tait thanked the Committee for the opportunity to present Boots Chemist Ltd's objections to the application. He then began by stating that Boots would question the concept of the neighbourhood defined by Lloyds Pharmacy Ltd as he strenuously believed that people in West Craigs would not consider themselves to reside within the neighbourhood of Hamilton International Park, and that the residents would have no difficulty accessing A & A Gilbride Pharmacy. Furthermore they could also access other existing Pharmaceutical Contractors within the Hamilton area. Boots also contend that the parade of proposed shops within the retail unit would not become a designated "travel to" area by residents of West Craigs, given that their nature is specific to the supply of facilities to employees within Hamilton International Park - residents

requiring services would exit from the Technology Park area to access wider choice and utilities for day to day living not provided within this small retail area.

Mr Sutherland took this opportunity to ask Mr Tait if he was asking the Committee to accept that residents would not use the small supermarket and that Boots Chemist Ltd were of the opinion that the contract was neither necessary or desirable for residents of West Craigs or elsewhere. Mr Tait replied that it would surely be the Developer's intention for residents to use the retail facility but he could not confirm that this would be the case.

**The Chairman then invited Mr McKeever to pose questions to Mr Tait. Having ascertained that neither Mr McKeever or any of the other Interested Parties in attendance had any questions for Mr Tait, the Chairman invited questions from Members of the Committee to Mr Tait.**

**Having ascertained that Members did not have any questions for Mr Tait, the Chairman then invited Mr Gilbride to state his representation.**

Mr Gilbride thanked the panel for the opportunity to present his objections to the application. He stated that it is clear that the development is aimed at the Hamilton International Park employees given the nature of the proposed shops within the retail unit e.g. 2 lunch and coffee places, and that it speaks volumes that Tesco, a major retailer, has backed out of their earlier intentions. Within the application Lloyds Pharmacy Ltd state that the local population would use the new Pharmacy as opposed to the pharmacies currently serving them, namely A & A Gilbride Ltd or Alliance Pharmacy, and that the applicant does not propose to provide any additional services that this population is not currently receiving. Therefore he is of the firm opinion that it is neither necessary or desirable for an additional contract. In addition to this Lloyds Pharmacy Ltd also assume that the residents and people in the catchment area within the neighbourhood they define would use a car to travel rather than walk and that the travel time by car has been demonstrated to be the same between both the existing A & A Gilbride Pharmacy and the proposed Lloyds Pharmacy, therefore there is no argument to support that an additional contract would provide easier or quicker access to Pharmaceutical Services than those currently being provided and accessed by residents of West Craigs and employees within Hamilton International Park.



**The Chairman then invited Mr McKeever to pose questions to Mr Gilbride. Having ascertained that neither Mr McKeever or any of the interested parties in attendance had any questions for Mr Gilbride, the Chairman invited questions from Members of the Committee to Mr Gilbride.**

**Having ascertained that there were no further questions, the Chairman invited Mrs Irving, Alliance Pharmacy, to state her representation.**

Mr Irving thanked the Committee for the opportunity to attend the Oral Hearing and present Alliance Pharmacy Ltd's objections to the application. Mrs Irving began her representation by stating that Alliance Pharmacy Ltd offer a different definition of the neighbourhood to that defined by Lloyds Pharmacy Ltd as they firmly believe that the neighbourhood is the area of Hamilton International Park only, and that residents of West Craigs are not part of the Business Park Development Area. Indeed she checked the Technology Park's Website prior to the meeting which quite clearly advertises the retail parade as "to further enhance the amenities for the employees at the Park" and that the website also describes the park as "Scotland's most sought after business location". Mrs Irving then provided a plan taken from the website accompanied by an aerial photograph in order to evidence her understanding of the planned access route to the Retail Development, and used this to confirm to all in attendance that access to the retail parade would be from Technology Avenue with service only access from Livingstone Boulevard which would therefore make it more difficult for residents within West Craigs to access the retail parade and encourage them to travel outwith the area as they are in the habit of doing. Mrs Irving used the sketch plan to give a fullsome account of the internal travel routes and location of existing buildings and housing developments to reaffirm this view point. It was at this point that Mr Sutherland asked if Mrs Irving was stating that there was no access to the end of the retail unit from Livingstone Boulevard coming from Westpark Avenue up towards them. Mrs Irving replied that there was access but only if you came out onto Hillhouse Road.

This led Mrs Irving onto discussing the existing Pharmaceutical Provision and services available to residents of West Craigs and utilised by the employees of Hamilton International Park. She stated that there are currently 11 Pharmaceutical Contracts within Hamilton and that the nearest one is just over one mile away, being Alliance Pharmacy in Hillhouse Road with a GP Surgery attached, and that there is also one contract even

closer than this, within half a mile of the proposed site, located within High Blantyre being A & A Gilbride Ltd. Furthermore from the report provided from Mr George Lindsay detailing Pharmaceutical Services within the township of Hamilton and surrounds that there is an excellent range and breadth of Pharmaceutical Services available within this area as a whole, and quite clearly shows that services are equipped not only for present time but with an eye for the future, and available during wide ranging hours of service. Indeed given that there is no inadequacy within this area there is no need for a contract within a business location and that Lloyds Pharmacy Ltd has conveniently included the residents of West Craigs as a common population, however given the types of housing, low deprivation and car ownership within this area is most likely to include a commuting population which would not be located within the area during normal working hours, and thus unlikely to use the services of an additional pharmacy. Furthermore that the pharmacy located within the retail development would only look to attract a lunchtime trade, a fact confirmed by the website, and that given that there is currently a small Spar convenience store and ATM the Park employees would be unlikely to depart from their routine to travel further to access coffee shops, a small supermarket and pharmacy. To conclude Mrs Irving stated that Alliance Pharmacy contend that there is no inadequacy of pharmaceutical services currently and that residents of West Craigs and Hamilton International Park already have bountiful supplies located in very close proximity within Hamilton and Blantyre.

**The Chairman then invited Mr McKeever to pose questions to Mrs Irving.**

Mr McKeever highlighted to Mrs Irving "For Let" information was still posted on the Hamilton International Park website and that given that most shops were now under some sort of lease agreement would it be reasonable to accept it meant that the website was somewhat out of date. Mrs Irving replied that maybe this was the case however the information was still active on the website and that given that it is the only current one available you have to believe that the information regarding access and travel routes is correct. Mr McKeever then questioned how long it takes to travel in a car from Alford Avenue to Alliance Pharmacy. Mrs Irving replied that Westerpark Avenue was approximately 0.7 miles to International Avenue and that the roundabout to the Pharmacy was under one mile so probably 1.5 miles all in by car, travelling by footpath she was unclear the distance from Earnock Road and Newhousemill Road and therefore could not give an exact distance. Mr

McKeever then stated that Alliance Pharmacy Ltd appeared to be under the impression that most of the houses have two professional people residing within and therefore he asked whether they are aware of the house styles. Mrs Irving replied that they contend that this is the case and showed examples of house types from Bett Homes' Marketing Schedules showing large detached homes with double garages which are not dissimilar to those types of homes being marketed by Bryant and Keir. Mr McKeever pursued this argument and asked if Mrs Irving truly believed that four bedroom detached houses with double garages and some three bedroom detached homes would have only two people within, and Mrs Irving replied that she believed this to be the case and gave an example of a Bett 5 bedroom home and that given the price it would be unlikely to be an affordable market for single income families.

**Having ascertained that none of the other Interested Parties wishes to question Mrs Irving, the Chairman invited questions from Members of the Committee to Mrs Irving.**

Mr Sinclair was first to question Mrs Irving and asked that looking at the map that she had provided with exit and entry details and the proposed retail units does she think that it would make a significant difference to where people would access Pharmaceutical Services. Mrs Irving replied that it makes it clear that the facilities are being built for employees only and would make a difference for residents as they would enter past the cemetery which is so close to A & A Gilbride Pharmacy. Mr Sinclair then asked if she would agree that if the Committee agreed with her contention that the shop units are for employees only then could we not still consider the transient resident population to be within the neighbourhood. Mrs Irving replied that she contends that the neighbourhood is the business park only and does not include West Craigs Housing Development which is a complete and separate unit with different identity and purpose. Mr Sinclair then asked Mrs Irving to confirm for the location of the existing Spar shop.

Mr Calder was then next to ask questions of Mrs Irving and asked for confirmation as to why she did not think that both neighbourhoods could come together and residents of West Craigs consider themselves neighbours with the employees of Hamilton Technology Park. Mrs Irving replied that she did not think that West Craigs Residents would consider themselves neighbours of employees of HSBC Call Centre or Firstbank Direct etc. Mr Calder queried if this was a subjective or an objective viewpoint and Mrs Irving responded by stating that in a

neighbourhood you would normally expect to see facilities associated with the fabric of daily life e.g. Dentists, Banks, Libraries being facilities for all purposes, this however is not the case and residents would need to go to Hamilton or Blantyre to access such services and that the way the housing developments and access are configured supported this.

Mrs Nimmo asked Mrs Irving for clarification as to the fastest way to access Hamilton from the Housing Developments. Mrs Irving advised that it would depend on whether residents would go and join the East Kilbride Expressway to access pharmaceutical services at Burnbank Road, Burnbank Centre or Hillhouse Road to Alliance Pharmacy or Blantyre to A & A Gilbride. Mr Sutherland was the final member of the Committee to ask questions of Mrs Irving and asked whether the interested parties agreed with the applicant's statement that there were 1200 new homes built, or under completion, within the West Craigs Development. Mrs Irving agreed that there were approximately 1000 homes by three developers currently built and being lived in, the other interested parties in attendance agreed. Mr Sutherland then asked if there was any access out of the area other than that of Westpark Road or International Road to Hillhouse Road and was advised that it was accessible by car only. Mr Sutherland asked if there was not any access via Sydes Road and Mrs Irving confirmed that the only way out was past International Avenue, which helped Mr Sutherland confirm that all cars had to travel via International Avenue to Hillhouse Road.

**Having ascertained that there were no further questions to Mrs Irving, the Chairman invited Mr Charles Tait, Boots Chemist Ltd to sum up his representation.**

Mr Tait intimated that in summing up he wished it to be clear that the boundaries given by the applicant seemed to be a bit doctored and were too convenient solely for the purpose of giving the impression of ease of access from the proposed site by residents of West Craigs, and given that this application was bounded in such spurious reasons the Contract should not be granted.

**Mr Gilbride, A & A Gilbride Ltd was next to be invited to sum up his representation.**

Mr Gilbride stated that he had not much more to say other than that a new population will require access to pharmaceutical services and he could see why Lloyds Pharmacy Ltd would wish to argue this to make it desirable. However the location within a retail development was not appropriate given that it was aimed

solely at the employees within the Hamilton Technology Park which was insufficient to sustain a pharmacy and would have a negative impact on established contractors close by. He would argue that the residents and employees are already serviced by the existing pharmaceutical contractors providing a wide range and breadth of services, therefore it was neither necessary or desirable to have an additional contract.

**Mrs Irving, Alliance Pharmacy Ltd was the last interested parties invited to sum up her representation.**

Mrs Irving stated that the neighbourhood was a distinct and separate unit from the residents of West Craigs, who were currently serviced by existing pharmaceutical contracts in close proximity within Hamilton and Blantyre. Furthermore that there was no evidence of inadequacy of pharmaceutical services to those residents, and the services were also easily accessible to employees within the Hamilton Technology Park. Indeed from the evidence provided it was clear that the retail units are being created solely as amenities for employees of Hamilton Technology Park which is a relatively small transient population during working hours, therefore the application should be rejected as it is neither or desirable to secure adequate pharmaceutical services within the neighbourhood.

**Finally, Mr McKeever gave his summary in relation to the application.**

Mr McKeever began his summation in the form of a review of the Statutory Test. Lloyds Pharmacy Ltd believe the neighbourhood to include the West Craigs Housing Development with 4 to 5 bedroom villas making a low estimation of the population to 3600 people. Given that an average pharmacy can be expected to provide services to 4,500 patients this is sufficient to support and additional contract. Furthermore the business and housing developments are part of a European initiative and that plans include a retail development to serve the whole neighbourhood. Indeed by the year 2010 the population within the neighbourhood is expected to rise to 10,000 people and that to quote Mrs Irving saying that expecting the residents to leave the neighbourhood and use the Expressway by car is unreasonable and does not indicate easy access to services. And that Interested Parties stating that there are no services within the neighbourhood provides more reason to support the necessity to grant an additional contract. Mr McKeever's final statement was to draw an analogy with a recent application by Lloyds Pharmacy Ltd within Drumsagard which the National Appeal Panel deemed was necessary for a

pharmaceutical contract, and that he would ask that NHS Lanarkshire's Pharmacy Practices Committee agree

(f) **Retiral of Parties**

The Chairman then invited the Applicant and Interest Parties to confirm whether or not they had received a fair hearing, and that there was nothing further they wished to add.

Having being advised that all parties present were satisfied, the Chairman then informed them that the Committee would consider the application and their representations and make a determination, and that a written decision with reasons would be prepared, and a copy sent to them as soon as possible. Parties were also advised that anyone wishing to appeal against the decision of the Committee would be informed in the letter as to how to do so and the time limits involved.

At the Chairman's request the Applicant and Interested Parties withdrew from the meeting

(g) **Supplementary Submissions**

Following consideration of the oral evidence

**THE COMMITTEE**

noted:

- (i) that members of the Committee had elected to undertake their visit to the proposed site independently at a time most convenient for them
- (ii) map of Blantyre displaying site of proposed Pharmacy and location of Blantyre Health Centre and existing Pharmaceutical Contractors
- (iii) prescribing statistics of the Doctors within Blantyre, Bothwell, Hamilton and East Kilbride practices during quarter ended 31<sup>st</sup> July 2006
- (iv) dispensing statistics of the Pharmacies located within Blantyre, Bothwell, Hamilton and East Kilbride for the quarter ended 31<sup>st</sup> July 2006
- (v) demographic information on Blantyre, Bothwell, East Kilbride and Hamilton taken from the 2001 Census

- (vi) comments received in writing from Interested Parties during the consultation period
- (vii) information containing the range of Pharmaceutical Services provided by contractors within Blantyre, Bothwell, East Kilbride, and Hamilton

(h) **Decision**

**THE COMMITTEE**

discussed at length the oral representations of both the Applicant and the Interested Parties, prior to considering the following factors in order of the statutory test contained within Regulation 5(10) of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995, as amended

(i) **Neighbourhood**

**THE COMMITTEE**

discussed at length the location of the proposed site and the commercial nature of Hamilton International Park (HIP) juxtaposed with the housing developments in West Craigs (WC), as it was deemed necessary to decide whether or not the residents of HIP would consider themselves neighbours of the residents of WC. Having considered the access routes within the area as a whole, the Committee agreed that the neighbourhood was Hamilton International Park - a self contained area which excluded the resident population of West Craigs.

(ii) **Existing Services**

It was noted that there were no existing forms of Primary Medical Services or Pharmaceutical Services located within Hamilton International Park. The Committee however was mindful that the residents of the neighbourhood were transient and only migrated there to work thus were highly mobile. Paying due regard to the commuting nature of the workforce, the Committee agreed that once they had reached their place of work within the neighbourhood, they would be able to access the existing Pharmaceutical Services provided within the townships of Hamilton and Blantyre, especially given the close proximity of A& A Gilbride Ltd, 275 Main Street, High Blantyre, and Alliance Pharmacy, 2a Hillhouse Road, Hamilton.

(iii) **Adequacy**

in considering adequacy

**THE COMMITTEE**

acknowledged that there had been no objections or complaints received by NHS Lanarkshire concerning the lack of provision of Pharmaceutical Services by residents of the neighbourhood. The Committee also paid due regard to the working status of the residents who would be unlikely to experience any socio economic difficulties. Also, given their mobility, the residents would be more than able to access the range and breadth of existing services e.g. as provided by A&A Gilbride in Blantyre and Alliance Pharmacy in Hillhouse Road, Hamilton. Accordingly, the Committee deemed that services available to patients within the neighbourhood could be considered adequate.

(iv) **Necessity**

In considering the factor of necessity

**THE COMMITTEE**

reviewed the existing comprehensive Pharmaceutical Provision, and standards, deemed easily accessible to residents of the neighbourhood, against the criteria for adequacy, and was of the opinion that it was not necessary to provide a new contract in order to provide an adequate Pharmaceutical service.

(v) **Desirability**

In considering the factor of desirability

**THE COMMITTEE**

in considering the factor of desirability were conscious that services were deemed adequate and accessible. Members were also mindful to ensure that they differentiated between the concept of desirability for adequacy, not convenience, and that existing Pharmaceutical provision could be judged adequate.

Following the withdrawal of Mr D Sinclair, in accordance with the procedure on applications contained within Paragraph 6,



Schedule 4 of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, as amended, the Committee voted unanimously that the award of a Pharmaceutical contract was neither necessary nor desirable to secure adequate Pharmaceutical Services within the neighbourhood, and agreed to reject the application subject to the right of appeal as specified in Paragraph 4.1, Schedule 3 of the National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, as amended.

**Mr D Sinclair returned to the Meeting.**