

IN CONFIDENCE – FOR MEMBERS' INFORMATION ONLY

MINUTE: PPC/07/166

Minute of Meeting of the Pharmacy Practices Committee held on Friday 19th January 2007 in Committee Room 1, Lanarkshire Primary Care Division, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr Bill Sutherland

Present: Lay Members Appointed by the Board

Mrs Angela Dunbar
Mr William McConnell
Mrs Lynn Wilson

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr Edward H Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee

Mrs Janet Park

Attending: Officers from NHS Lanarkshire - Primary Care

Mr George Lindsay, Chief Pharmacist
Ms Andrea Harrison, Administration Team Leader
Ms Lea Ann Tannock, Personal Secretary

166 **APPLICATION BY MR P HARRIS, 1-3 MOTHERWELL ROAD, CARFIN, MOTHERWELL**

(a) There was submitted application by Mr Philip Harris, received 14th June, 2006, for inclusion in NHS Lanarkshire's Pharmaceutical List

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

E-mail received 19th June, 2006 from Areal Medical
Committee – GP Sub Committee
Letter received 27th June, 2006 from Alliance Pharmacy
Letter received 10th July, 2006 from The Pure Pharmacy
Company t/a New Stevenston Pharmacy
Letter received 13th July, 2006 from Area Pharmaceutical
Committee
Letter received 14th July, 2006 from Central Pharmacies (UK)
Ltd t/a McIntyre & Cairns

(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. 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 additional correspondence, relevant to the application and hearing.

The Chairman explained that the meeting was being convened to determine the application submitted by Mr P Harris in respect of 1-3 Motherwell Road, Carfin, Motherwell, ML1 4EB, according to the Statutory Test set out in Regulation 5(10) of The National Health Service (Pharmaceutical Services)(Scotland) Regulations, as amended (the Regulations)

The Chairman then continued to explain the procedures to be followed and ascertained that no member of the Committee had any interest in the application. The applicant Mr P Harris was in attendance with his representative Mr D Doyle. Interested parties who were entitled to and did attend the hearing were Alliance Pharmacy, Newarthill

represented by Mrs A Irving, The Pure Pharmacy Company, New Stevenston represented by Mrs C Stitt who was accompanied by Mrs C Bankier and McIntyre & Cairns, Wishaw represented by Mr A Sheik (“Interested Parties”)

(e) **Evidence Led**

The Chairman then invited Mr Harris to speak first in support of his application.

Mr Harris began his presentation by stating that he deemed the neighbourhood to be defined as the area of Carfin which he had highlighted in red on the two maps which he distributed to the Committee members and Interested Parties, as being the area bounded to the North by the railway line passing through Carfin Station, with the Western boundary travelling South from where the railway line crosses the A723 to the junction with New Stevenston Road, with the boundary then moving further West along New Stevenston Road as far as West Avenue and the grounds of Taylor High School, then travelling South where the boundary encircles the new estate of Carfin, formally Carfin Industrial Estate, which lies to the South of the New Stevenston Road until rejoining the A723 where it continues South to the new roundabout at the bottom of Motherwell Road. The Southern boundary is bordered to the West by the Ravenscraig Spine Road, to the South by the ravine which includes South Calder Water and to the East by a stream/drainage area which flows into South Calder Water. This stream also provides the Eastern boundary for the neighbourhood. Mr Harris then stated that he considered Carfin to be a community as it has a shops, food outlets, a pub, a garage, a bookmakers and a hairdressers, as well as 2 churches, a primary school, a community hall and a local community centre and it was also represented by its own Community Council. Mr Harris further stated that as well as the existing amenities, a further development of 12 retail units has commenced and these would include a mini-supermarket, a pub/restaurant, a bookmakers, a pizza fast food outlet and possibly a dentist’s surgery, and that an application had also been submitted by Lloyds Pharmacy to open a pharmacy in the retail unit. Furthermore a children’s nursery was to be constructed adjacent to this site. Mr Harris then went on to comment that due to the

regeneration and development of the Carfin neighbourhood over the recent years, with housing developments on the sites of the old Carfin Industrial Estate consisting of 487 houses and 113 flats, the greyhound racing track with 61 houses and 18 flats, and 250 homes already built and ongoing construction behind Carfin Grotto, and with the future development of the Ravenscraig site, where he stated consent had already been granted for the building of 650 houses, he would expect the population to have an increase approaching 5000 on top of the Census 2001 population figure of 1048.

Mr Harris then went on to comment on the existing services in the area stating that the two nearest pharmacies were located outwith the neighbourhood in Newarthill and New Stevenston, and that although both provided collection and delivery services this did not constitute offering a full pharmaceutical service to the community. Mr Harris then went on to consider the adequacy of the service, stating that as residents of Carfin would have to travel distances of just over 1 mile to Newarthill and 1.4 miles to New Stevenston, and that census figures indicated that over 55% of Carfin householders did not own a car, although this figure may have fallen due to the population influx, it still indicated that many people, in particular the elderly, would have to rely on public transport to access pharmaceutical services, and that journeys on foot would be difficult because of the long and relatively steep hill to Newarthill and the length of the journey to New Stevenston, therefore, the population of Carfin, especially the frail and ill should not have to depend on either option to access pharmaceutical services. He then commented that North Lanarkshire has a poor record in terms of general health and social deprivation when compared with the overall statistics for Scotland, and that Carfin along with New Stevenston forms part of North Lanarkshire's Social Inclusion Partnership, a Scottish Executive initiative for deprived and socially excluded areas, and therefore, the residents of Carfin would be expected to be higher than average users of NHS facilities, including those of a community pharmacy, and that this, in conjunction with the recent increase in population, would mean that the provision of pharmaceutical services locally would be the only way of guaranteeing the adequacy of pharmaceutical provision for the neighbourhood.

Furthermore, the Government's policy document 'The Right Medicine' proposes a policy which encourages the provision of services on a local basis, and along with the recent implementation of the new pharmacy contract designed to ensure that patients have convenient access to a full range of pharmaceutical services at a local level, and only the provision of a pharmacy contract locally would ensure this for Carfin residents. Mr Harris then went on to say that it was his belief that the increasing demand for pharmaceutical services could not be met by the existing pharmacies, stating that he was aware that the Newarthill pharmacy was an extremely busy shop and that having consulted with local people to assess attitudes to the proposed pharmacy, it was not uncommon for patients to experience long waiting times for prescriptions to be filled, due mainly to the heavy workload experienced by the pharmacy, and that in some cases people presenting prescriptions later in the evening were asked to collect them the next day. Mr Harris further stated that he was aware that the pharmacies were full to capacity in relation to the provision of Community Trays or Monitored Dosage Systems for vulnerable members of the community who have difficulty in taking their medicine, and that to be provided with this service patients had to join a waiting list until a space became available, a situation which would only be exacerbated by the population increase. Mr Harris then stated that in the document "Range of Pharmaceutical Services within the Carfin Area' provided to the Committee by the Chief Pharmacist for Lanarkshire, Newarthill Pharmacy does not participate in any of the local Patient Group Directions, and that whilst it stated on the document that participation was not mandatory, in 2007 it is reasonable for patients to expect ready access to these services. Mr Harris then concluded by stating that Carfin was a neighbourhood in its own right, which was poorly served in terms of the provision of pharmaceutical services and this situation would only worsen with the imminent, further increase in population and for these reasons it was necessary and desirable to grant the application.

The Chairman then invited questions from Interested Parties to Mr Harris

Mrs C Stitt asked Mr Harris to describe the A723 road which goes down the centre of his map. Mr Harris stated that it

goes from Motherwell to Airdrie. Mrs Stitt then asked whether Mr Harris agreed that the area to the left hand side of the road was New Stevenston and that the road was built as a by-pass to Carfin and Newarthill. Mr Harris disagreed stating that the residents of this area define it as Carfin, as do the estate agents in their literature. Mrs Stitt disagreed and stated that the area to the left hand side was New Stevenston and that this was the natural boundary, and also that the new development which Mr Harris had referred to in his map as Carfin was in fact registered as Carfin Village not Carfin. Mr Harris disagreed and stated that the Manor Lane site was Carfin. Mrs Stitt then asked Mr Harris if he knew that there were still business premises in that area and that the addresses of these businesses were locally known as New Stevenston to which Mr Harris stated that he couldn't disagree because he didn't have that information but that residents there still consider it to be Carfin. Mrs Stitt then stated that she considered to the left of the map to be New Stevenston which means this would effectively remove the new homes indicated on Mr Harris's map from the Carfin neighbourhood. Mrs Stitt then asked Mr Harris if he was aware of the Lidl site and if he considered it to be part of Carfin or New Stevenston. Mr Harris replied that he did and that he considered it part of New Stevenston. Mrs Stitt then stated that although the Lidl store has a New Stevenston address Mr Harris shows it as part of Carfin. Mrs Stitt then asked Mr Harris if he accepted that everything west of the A723 should be known as New Stevenston. Mr Harris disagreed. Mrs Stitt then stated that she agreed with the Census 2001 population figure of just over 1000, then continued by asking Mr Harris if he knew when the 61 homes and 18 flats had been built. Mr Harris stated that he did not. She then asked if he knew when the 487 homes and 118 flats had been built. Mr Harris stated that as of 2001, 178 houses and 38 flats had been granted planning permission, with another 28 houses added after 2001 and that 51 houses and 75 flats were presently being built. Mrs Stitt then stated that some of the ones to the left of the A723 which had been included in Mr Harris' map had been built before 2001 making the population less than Mr Harris stated. Mr Harris answered that he had based his population calculation on 1680 homes, estimating the figure based on 3 residents per house and 2 residents per flat, and that planning permission for 600 homes had been granted

before 2001. Mrs Stitt then stated that she was happy that the housing areas marked with green and red stickers on Mr Harris's map fell within the Carfin area but that the builders had not started the ground work for these houses and asked Mr Harris where he had gotten his information for the 250 homes to be built. Mr Harris stated that he had gotten the information from the Planning Department and the developers. Mrs Stitt then stated that Barrett had informed her that the total was 71 houses. Mr Harris answered that 200 houses had already been built and the 71 were additional. Mrs Stitt then asked Mr Harris if he accepted that the 650 homes he had indicated on his map, formed part of the Ravenscraig regeneration site. Mr Harris agreed that he did and that this part of the area was defined within the regeneration site and development plans referred to it as Ravenscraig Village, Carfin and that it was sited in the area behind the proposed pharmacy premises. Mrs Stitt then asked Mr Harris whether planning permission had been granted for these houses. Mr Harris answered that planning permission had been granted for the homes but that the road layout had still to be decided and this was delaying the process. Mrs Stitt then asked Mr Harris if he agreed that this was housing for the future and that this area did not form part of Carfin and also that Ravenscraig would be its own separate neighbourhood. Mr Harris said he disagreed and that this area formed part of Carfin with the existing road designed to join onto Carfin, and also that he had included future housing developments in his population figures. Mrs Stitt then stated that the Ravenscraig regeneration was to be developed over a 20 year period. Mr Harris answered that the development of this part of the regeneration would commence this year and that residents shouldn't have to wait for pharmacy provision. Mrs Stitt again stated that permission hadn't been granted yet. Mr Sutherland then asked Mr Harris how far into the future would these houses be built and occupied. Mr Harris answered 1 year. Mrs Stitt then continued by asking Mr Harris what pharmaceutical services he thought were not being provided to the area and what services and facilities he would intend to provide. Mr Harris said he would provide EMAS, dispensing of prescriptions, a consulting area and any other services stated in the new contract. Mrs Stitt asked Mr Harris if he thought that the service currently being provided was inadequate. Mr Harris stated that he thought services were

inadequate because they were situated in a separate neighbourhood. Mrs Stitt then asked Mr Harris to describe the proposed location of the pharmacy. Mr Harris stated that it was located at old Carfin Cross at the traffic lights. Mrs Stitt then asked Mr Harris if he agreed that it was located at a busy road junction with controlled traffic lights and barriers from the traffic lights along Motherwell Road and past the shop. Mr Harris agreed. Mrs Stitt then asked Mr Harris where shop customers would park. Mr Harris answered that he was trying to come to an agreement with the landlord to utilise the parking spaces from the old mosque site so that customers would park behind the shop coming in from Chapelknowe Road. Mrs Stitt then stated that she had spoken to some residents of the area and they were unaware that parking was available, and that the parking spaces behind the shop were for residents of the flats above the premises. She then continued by asking Mr Harris if he thought customers would tend to park on the busy road. Mr Harris stated that he was not responsible for where customers parked but that he would make customers aware that parking was available behind the shop. Mrs Stitt then continued by asking Mr Harris how the elderly or mothers with young children would access the pharmacy. Mr Harris answered that it would be easier for them to access the proposed pharmacy than the existing pharmacies. Mrs Stitt stated that customers would have to cross two busy roads to access the pharmacy. Mr Harris stated that New Stevenston Road was not a busy road and that the other road had a pedestrian crossing and was monitored by traffic lights. Mrs Stitt then asked Mr Harris if he agreed that residents from Taylor Avenue could access the Newarthill Pharmacy just as quickly. Mr Harris disagreed and said that residents would have to climb a steep hill which was difficult on foot and argued that although he wouldn't dispute that some areas were closer to Newarthill and New Stevenston, residents in the defined area were still closer to the proposed pharmacy. Mrs Stitt then asked Mr Harris whether he accepted that the general area was not easy to access and that some amenities, e.g. Post Office, pub and mosque, along Motherwell Road had all closed within the last 18 months, suggesting locals found it difficult to access this area. Mr Harris answered that he did not accept that it was to do with access as Post Offices were closing in general, the pub had re-opened as another business and the mosque had

been re-built in a different area. Mrs Stitt then suggested again that the site was not user friendly and stated that there had previously been a pharmacy in the village which had closed because residents had not supported it, and asked why Mr Harris thought residents would be support it now. Mr Harris answered that the previous pharmacy was there over 25 years ago and that the increase in population since then means the service would now be supported and utilised. Mrs Stitt then stated that the only new housing nearby was the Firs estate and asked Mr Harris if he accepted that most of the residents who lived there worked and would utilise services elsewhere. Mr Harris answered that he disagreed and that new mothers, those with young families and the retired would use the facilities. Mrs Stitt then said that Mr Harris had stated that the existing pharmacies had long waiting times for prescriptions and no spare capacity for Dosette boxes, but stated that this was not the case and asked Mr Harris if he would accept this. Mr Harris answered yes.

Ms Irving was next to put her questions to Mr Harris and sought evidence from him to back his claim that the pharmacies in Newarthill and New Stevenston had significant waiting times and no capacity for community trays. Mr Harris responded that he had taken the information from feedback from residents when petitioning for the new pharmacy and that he had phoned both pharmacies and been told that spare capacity for community trays was not available. Ms Irving then asked whether Mr Harris had carried out a survey or a petition. Mr Harris stated that he had wanted to find out whether people would use a pharmacy and had called at some local houses and had also left a petition in retail outlets. Ms Irving then asked if she could have a copy of the petition. Mr Harris answered yes and read out the petition to the Committee. Ms Irving then stated that there was nothing in the petition to differentiate those signatures which had been solicited to those which had not, and asked Mr Harris if he would agreed that most people would say they wanted a pharmacy if asked this question, to which Mr Harris responded yes. Mrs Irving then asked Mr Harris about the health statistics he had quoted for Carfin. Mr Harris stated that the statistics he had quoted were for the Lanarkshire area in general not Carfin. Ms Irving then asked

Mr Harris when he intended opening his pharmacy to which he responded within the timescale of the regulations.

Mr A Sheik was next to question Mr Harris and asked what services he intended to provide, to which Mr Harris responded that he intended to provide a needle exchange service, methadone dispensing service and any other services within Health Board recommendations.

The Chairman then invited questions from Members of the Committee to Mr P Harris

Mr Mallinson asked what scale of alterations were required to the premises as Mr Harris stated that he intended to open in 6 months. Mr Harris responded that the premises required a total internal refit to be suitable for purpose but that the outside of the premises did not require work. Mr Mallinson then asked if he required building warrants for any of the work to be carried out, to which Mr Harris responded that he did not. Mr Mallinson then asked whether access to the premises was DDA compliant. Mr Harris answered that he would take this into account in the refit. Mr Mallinson then queried whether the premises was actually two units joined as the address was 1-3 Motherwell Road. Mr Harris replied that it was a single unit. Mr Mallinson then asked him what his basic service provision would be to which Mr Harris replied that he would supply all the services required in the new contract and any further services as required by the Health Board. Mr Mallinson further queried whether he intended to provide a collection/delivery service and if so where the boundaries would be. Mr Harris answered that he did and would be happy to go to Motherwell Town Centre.

Mrs Dunbar then asked Mr Harris if he was not required to apply for change of use or planning permission for the premises, to which Mr Harris responded no. Mrs Dunbar then enquired about wheelchair access from the pavement and asked if Mr Harris would provide this if required. Mr Harris agreed that he would need to apply for planning permission to change the pavement for wheelchair access but that he had not yet gone through this process. Mrs Dunbar then reiterated that this was an important issue which needed to be considered. She then went on to raise concerns about the car parking at the back of the premises

and asked how many car parking spaces were available. Mr Harris explained that there were approximately 10-12 spaces, 15 maximum, and that although it was not in the good condition at the moment due to lack of use, he would anticipate cleaning it up jointly, with the landlord. Mrs Dunbar then asked if there would be any possibility of access to the car parking from the main road, to which Mr Harris replied no. Mrs Dunbar then asked whether there would be space in the premises for private consultation and methadone dispensing areas to which Mr Harris replied that they would be included. Mrs Dunbar then continued by asking why he had proposed shorter Saturday opening hours. Mr Harris replied that the GP surgeries were now closed on a Saturday as part of their new contract and it was, therefore, not viable to open all day.

Mr McConnell pointed out that there was no GP surgery in the area and asked Mr Harris if he knew what the take up rate for prescriptions would be, to which Mr Harris replied that the pharmacy would be a "stand alone" enterprise and would not be relying solely on prescription uptake. Mr McConnell then asked if Mr Harris if he knew how the population would make use of the service as existing patterns of usage might be maintained. Mr Harris replied that he realised not everyone would use it but that he would be providing a service designed to attract people to it.

Mrs Wilson asked if the landlord would be prepared to resurface and maintain the car park. Mr Harris replied that it would not be expensive to do and that he had had discussions with the landlord who is keen for the space to be utilised.

Mr Sutherland asked if there would be separate parking spaces for the residential accommodation above the premises. Mr Harris replied that both the retail units and residential accommodation had the same landlord and that residential tenants would not have exclusive parking rights. Mr Sutherland then asked, once parked would customers would have to access the premises via Cleland Road. Mr Harris explained that there was a path running along the side of the building which customers could use. Mr Sutherland then asked how many signatures Mr Harris had collected on his petition, to which Mr Harris responded 370.

Mr Sutherland then enquired whether they had all been in support of the pharmacy application, to which Mr Harris replied yes, if you signed the petition you were in support of the pharmacy.

Mrs Dunbar then asked Mr Harris if he had consulted with the Community Council. Mr Harris responded by saying that he had consulted with the local Councillor and had ascertained that another pharmacy application had been made for one of the new retail units being built. He continued by saying that the Councillor had been in support of a pharmacy in the area but wouldn't support this particular application, however he had spoken to the Chairman of the Community Council who was in support of redevelopment.

The Chairman, having ascertained that there were no further questions to Mr Harris, then asked that no one had any objection to questions being put to the Interested Parties after all had made their presentations in turn. After ascertaining that there were no objections to this the Chairman invited the Interested Parties to state their representations in turn

Mrs C Stitt, Pure Pharmacy Co Ltd, New Stevenston was first to make her representations. Before she began, however, she stated that she had spoken to the Chairman of the Community Council who had stated that although he would support a new pharmacy, he thought the pharmacies at Newarthill and New Stevenston would still continue to be used by residents. Mrs Stitt then began her representation by contesting Mr Harris' definition of the neighbourhood and stated that she would demonstrate that there were a further three adjacent neighbourhoods which provided adequate pharmaceutical service to the relatively small population of Carfin. Mrs Stitt then presented a map to the Committee which outlined her definition of the Carfin neighbourhood as being an area bounded on the North by the railway line, the West by the A723 down to the roundabout, then a line crossing Chapelknowe Road before, and therefore excluding Dalziel Park, along to the burn which marks the Eastern boundary and runs north to the railway line. Mrs Stitt continued by stating that the A723 road, on which the national speed limit applies, was constructed to allow traffic

wishing to access M8 motorway to bypass the residential areas which makes it a natural boundary. She then went on to define the three adjacent neighbourhoods as New Stevenston to the West, Holytown and Newarthill to the South, explaining that the definitions had been provided by the local councillor and were consistent with the local perspective. Mrs Stitt then stated that she did not think the application was desirable or necessary as the Carfin population of 907 (figure provided by North Lanarkshire Council on 22/12/06) were adequately served by the existing pharmaceutical services provided from the pharmacies in New Stevenston (0.9 miles from the proposed site on foot) and Newarthill pharmacy (1 mile from the proposed site), which was reinforced by the fact that NHS Lanarkshire had received no complaints regarding pharmaceutical services within the neighbourhoods. Mrs Stitt then went on to explain that the New Stevenston Pharmacy had been in situ for more than 100 years and had recently undergone a full refit which included expanding into the neighbouring premises, doubling the size of the dispensary area and adding a consultation room and a private area for patients on supervised medication and also had disabled access for patients. Mrs Stitt also stated that the pharmacy provided a collection and delivery service to all four neighbourhoods, and collected prescriptions from 14 different surgeries, with delivery to patients available throughout the day, 6 days a week, with compliance aid assessments, minor ailment service, urgent supply patient group direction services also available. Mrs Stitt commented that in the last year they had applied to the Health Board to carry out a needle exchange scheme and provide oxygen, and that this year they planned to utilise their consultation room to introduce blood pressure monitoring, and cholesterol and diabetes checks. Mrs Stitt then went on to voice concerns about access to the proposed premises and the lack of parking in the vicinity, stating that there were no such problems in accessing her own premises which offered direct access at pavement level with no barriers to mothers with children or to the elderly. Mrs Stitt continued by stating that there were many and frequent transport links between the 4 neighbourhoods and also to the surrounding areas of Motherwell, Bellshill and Glasgow, with a Dial-A-Bus service also in operation, and most local services were either free or inexpensive. She then stated that as the general facilities in

Carfin are limited, it has become part of the established routine for most residents to travel in order to access services elsewhere. Ms Stitt then went on to establish the community links between the 4 neighbourhoods, stating that the 4 areas hold a joint gala day each year, and that secondary school pupils from Carfin walk to the schools in New Stevenston, and Newarthill as buses are not provided due to the close proximity of the schools to Carfin. Mrs Stitt concluded by pointing out that the Area Pharmaceutical Committee had also reached the conclusion that the application was neither necessary nor desirable.

Ms A Irving, Alliance Pharmacy, Newarthill was next to make her representations and began by saying that Mr Harris had stated that he did not require planning permission, but she argued that in order to be DDA compliant and install a wheelchair ramp, planning permission would be required. Ms Irving continued that she agreed with the neighbourhood as defined by Mrs Stitt and continued by stating that of the new homes indicated on Mr Harris' map, only 71 homes of the 250 indicated on the Firs estate had been built, 91 homes and 12 shop units had not been started yet, the 650 new homes had not yet been started and of the 487 homes and 113 flats the majority were in the New Stevenston area and that those in the Old Carfin Industrial Estate had a New Stevenston post code. Ms Irving then continued by reiterating that pharmaceutical services to the Carfin neighbourhood are currently provided by the New Stevenston Pharmacy and by Alliance Pharmacy, Newarthill, both of which are under 1.5 miles from the proposed site. Ms Irving then stated that the population of Carfin from the Census 2001 was 907 and since then there have been some further houses built, with the 71 homes built on the Firs estate situated behind Carfin Grotto, giving an increase of approximately 284 people using a calculation of 4 heads per household and that this estate was equidistant between the proposed site and the Newarthill Pharmacy. Ms Irving then went on to list the bus and train services from Carfin to the surrounding neighbourhoods, concluding that the transport links were also good to areas further a field such as Wishaw, Airdrie, Bellshill and Motherwell. Ms Irving further stated that both pharmacies in New Stevenston and Newarthill provide a full and comprehensive range of pharmaceutical services to the residents of Carfin and pointed out that

although the information provided in the "Range of Pharmaceutical Services Available to the Carfin Area" stated otherwise, Alliance Pharmacy in Newarthill did actually provide PGDs for Urgent Supply, Chloramphenicol and Fluconazole services. The Pharmacy also provides a collection and delivery service. Ms Irving concluded her presentation by stating that the pharmaceutical services provision in the area was adequate and that the application for the proposed site was neither necessary nor desirable.

Mr A Sheik, McIntyre & Cairns, Wishaw was third to make his representations to the Committee. He registered McIntyre & Cairns objection to the application and stated that they felt that there were already sufficient pharmaceutical services within the area and that there had been no complaints registered with NHS Lanarkshire to indicate otherwise. Furthermore, there had been no changes to the medical services available in the area raising the question whether there was a need for another pharmacy in within the area. Mr Sheik continued by questioning whether the premises would be ready to open in 6 months as the applicant had made no plans for the premises as yet concerning disability access and car parking. Mr Sheik concluded his presentation by stating that he felt the distribution of pharmacies in the area in relation to residents and surgeries sufficiently met the needs of the patients and therefore, an additional pharmacy was of no required benefit.

The Chairman then invited questions from the Applicant, to the interested parties.

Mr Harris stated that he disputed the area to the West of the A723 road, which he regarded as part of Carfin and asked Mrs Stitt if it was indeed New Stevenston why did all the estate agent's literature state that it was Carfin. Mrs Stitt responded by saying that it was a marketing ploy and that residents who live there know it as New Stevenston, as do the business listings and bus timetables. Mrs Stitt continued that she had pictures of the road signage in the area which showed it as New Stevenston, and that she had clarified the boundaries with the local councillor for the purposes of her map. Mr Harris then stated that no new housing developments had been included in the Southern end of the

map and asked Mrs Stitt if she agreed that it should be included in the Carfin neighbourhood. Mrs Stitt stated that the area to the South of Mr Harris' map was part of the Ravenscraig development and was near but not part of Carfin. Mr Harris then stated that he would dispute this point and added that although it was part of the Ravenscraig development, it was also part of Carfin. He then went on to state that he was not disputing the 71 homes built on the Firs estate but said that this was phase 2 and that the 200 homes referred to had been phase 1 of that development. Mrs Stitt accepted this but said that they were closer to the Newarthill Pharmacy. Mr Harris asked her if she agreed that they still fall into the neighbourhood of Carfin, to which Mrs Stitt agreed. Mr Harris then asked Mrs Stitt if she felt that young mothers, the elderly and infirm should have to use public transport to access pharmaceutical services. Mrs Stitt stated that collection and delivery services were available to residents if required. Mr Harris asked if the driver of the service was a pharmacist, to which Mrs Stitt answered no but that the person had 17 years experience and that her pharmacy had 2 pharmacists working so that one of them could deliver to a patient if necessary. Mr Harris then asked if public transport offered disabled access to users. Ms Irving asked to respond to this and said that Dial-A-Bus was full equipped for disabled passengers. Mr Harris argued that this was not a regular service and that other services don't have facilities for disabled passengers.

No further questions were posed to the Interested Parties by the Applicant

The Chairman then invited questions from the Members of the Committee to the Interested Parties

Mr Mallinson said Mrs Stitt had mentioned that 85% of her prescriptions were received through the collect and delivery service and asked her if they were the same 85% she had stated were repeat prescriptions. Mrs Stitt replied no and that the numbers was coincidental. Mrs Park then asked Mrs Stitt what capacity her pharmacy had left to supply methadone and Buprenorphine services to her patients to which Mrs Stitt replied that they had spare capacity to supply these services. Ms Irving and Mr Sheik also confirmed that their pharmacies had spare capacity in

relation to these services. Mr Sutherland then asked Mrs Stitt to confirm that the housing to the left on the map which Mr Harris had presented was yet to be built. Mrs Stitt confirmed that this was correct. Mr Sutherland then asked Mrs Stitt why she considered the area in the Ravenscraig development which was called Carfin would not form part of Carfin. Mrs Stitt replied that it had never been considered part of Carfin and had always been part of Ravenscraig. He then asked if this was the case why it was called Carfin. Mrs Stitt replied that the developers had decided to call it Carfin. Mr Sutherland then enquired whether anyone had anything else they wished to add, and Ms Irving said she would like to dispute Mr Harris' claim that there would be 650 homes on the this site which she considered was still part of the Ravenscraig regeneration site.

Having ascertained that there were no further questions, the chairman then invited each of Interested Parties to sum up their representations in turn

Ms Irving was first to give her summation and stated that no evidence had been provided by the applicant to suggest that that an additional contract was necessary or desirable and that the application should therefore, be rejected. Mr Sheik was next to speak and said that there had been no evidence presented by the applicant to suggest that new housing would be built in the near future and that he had concerns that firstly no plans had as yet had been drawn up by the applicant for the proposed site and secondly regarding the car parking situation and therefore, he did not think the premises would be ready to open in 6 months. He concluded by saying that he did not think an additional pharmacy was necessary or desirable. Mrs Stitt was next to speak and said that there were already 3 existing pharmacies within close proximity of the proposed site and that no evidence had been provided to suggest that the services within the Carfin neighbourhood were inadequate or that the proposed service would in any way enhance the services currently provided. She then went on to state that there were excellent public transport links to all the other pharmacies in the area and that the existing contractors adequately served the Carfin population by delivering a comprehensive range of pharmaceutical services, and that

NHS Lanarkshire had received no complaints regarding either access to or the level of service provided. Mrs Stitt concluded by stating that a neighbourhood does not necessarily have to have a pharmacy if these services are available in adjacent neighbourhoods and that she believed the application was neither necessary nor desirable and should therefore be rejected.

Mr Harris was then invited to sum up in relation to his application

Mr Harris began his summation by stating that he felt his application was both necessary and desirable in an expanding area. He continued by saying that area that was in dispute was the area divided by the A723 between New Stevenston and Carfin but that he had provided evidence to prove that it was part of Carfin, and that the site for the building of 650 homes in the Ravenscraig regeneration site would also form part of Carfin when the homes had been completed in the next year. Mr Harris then stated that he agreed that the Census figures showed a relatively small population but that he had shown that all the developments mentioned previously had been granted planning permission, and that those developments not already started, would be within the next 12-18 months. Mr Harris concluded by saying that the population had expanded rapidly in the last 4/5 years and even if the Committee decided that the area in dispute was New Stevenston that covered only a figure of 1500 people and the population had still experienced a large increase.

(f) **Retiral of Parties**

The Chairman then invited the Applicant and Interest Parties to confirm that they had received a fair hearing, and that there was nothing further they wished to add.

Having being advised that all parties were satisfied, the Chairman then informed the Applicant and Interested Parties 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 visits to the proposed site and surrounding areas independently
- (ii) the location existing Pharmacies in New Stevenston and Newarthill to the site of the proposed pharmacy
- (iii) prescribing statistics of the Doctors within Motherwell from the period May-July 2006
- (iv) the dispensing statistics of the existing Pharmacies in Motherwell for the period May-July 2006
- (v) demographic information on Motherwell, New Stevenston, Newarthill and Holytown taken from the 2001 Census
- (vi) Comments received from Interested Parties including existing Pharmaceutical Contractors in Motherwell
- (vii) Information containing the range of Pharmaceutical Services provided by existing contractors within Carfin

(h) **Decision**

THE COMMITTEE

then discussed at length the oral representations of both the Applicant and the Interested Parties, and the content of the supplementary submissions received, prior to considering

the following factors in the 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

following lengthy deliberation concurred with the definition of the neighbourhood as being an area bounded on the North by the railway line, the West by the A723 down to the roundabout, then a line crossing Chapelknowe Road before and therefore excluding Dalziel Park, along to the burn which marks the Eastern boundary and runs north to the railway line. In reaching its definition of the neighbourhood, Members considered that these were natural boundaries which separated the areas of Carfin, New Stevenston and Newarthill, and that residents on the other side to the A723 road to the West would consider themselves residents of New Stevenston and not Carfin. The Committee further agreed that although it is important to take into consideration future developments within the neighbourhood, development plans for the Ravenscraig site were unclear at this time and, therefore, could not be taken into consideration.

(ii) Existing Services

THE COMMITTEE

noted that there were no existing forms of Primary Medical Services located within the defined neighbourhood, and that residents would have to go outside the neighbourhood to access Primary Medical Services. However, it was noted that there were two existing Pharmacies, one in New Stevenston and one in Newarthill which were both within approximately 1 mile of the proposed site. Indeed from the report outlining the range of Pharmaceutical Services provided within the surrounding areas of Motherwell, New Stevenston and Newarthill, a comprehensive range of services were available to the residents of Carfin. It was also agreed that there were no barriers to accessing such services given the strong road links and regular, local bus services.

(iii) Adequacy

THE COMMITTEE

in considering adequacy paid due regard to the following factors:

- that there had been no objections or complaints received by NHS Lanarkshire concerning the lack of provision Pharmaceutical Services by residents of the neighbourhood or surrounding areas.
- that there had been no objective evidence provided by the applicant to suggest that services to the neighbourhood were not adequate.
- New Stevenston Pharmacy, New Stevenston and Alliance Pharmacy, Newarthill which were in close proximity to the proposed site, provided a full range of services, which were complemented by other services provided within the town centre of Motherwell, and that such services accessible to residents of the neighbourhood are consistent with the breadth and standards of service delivery which can reasonably be expected in 2007.

Thus the services available to patients within the neighbourhood could be considered adequate.

(iv) Necessity

In discussing the necessity for an additional Pharmaceutical Contract

THE COMMITTEE

reviewed the existing, comprehensive Pharmaceutical Provision and standards 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 for an additional Pharmaceutical Contract:

THE COMMITTEE

were conscious that services were deemed adequate and accessible, and acknowledged that the applicant had not produced any documented evidence to suggest otherwise. 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 Mrs J Park, 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

agreed unanimously that an additional 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.

Mrs J Park returned to the meeting