

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

**MINUTE: PPC/07/172**

Minute of Meeting of the Pharmacy Practices Committee held on Wednesday 24<sup>th</sup> October, 2007 in Overtown Community Centre, Main Street, Overtown.

Chairman: Mr Bill Sutherland

Present: Lay Members Appointed by the Board

Mr Alistair Baird  
Mr William McConnell  
Professor Gordon Wilson

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr Edward H Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee

Mrs Janet Park  
Mr David Sinclair

Attending: Officers from NHS Lanarkshire - Primary Care

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

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**APPLICATION BY MRS ELAINE AGGLETON, 125 MAIN STREET, OVERTOWN**

(a) There was submitted application by Mrs Elaine Aggleton, received 21<sup>st</sup> March, 2007, for inclusion in NHS Lanarkshire's Pharmaceutical List

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

Letter received 4<sup>th</sup> April, 2007 from Alliance Pharmacy

Letter received by fax and e-mail 19<sup>th</sup> April, 2007 from Area  
Pharmaceutical Committee

Letter received by fax 19<sup>th</sup> April, 2007 from Lloyds Pharmacy

Letter received by fax 20<sup>th</sup> April, 2007 from Central  
Pharmacies (UK) Ltd t/a MacIntyre & 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 Mrs E Aggleton, 125 Main Street, Overtown, Wishaw, ML2 0QF, according to the Statutory Test set out in Regulation 5(10) of The National Health Service (Pharmaceutical Services)(Scotland) Regulations, as amended (the Regulations), and confirmed that the members of the Committee had carried out a site visit of the proposed neighbourhood and surrounding areas including the proposed premises, GP surgeries and local pharmacies.

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 Mrs E Aggleton was accompanied by Mrs L Miller. Interested parties who were entitled to and did attend the hearing were Lloyds Pharmacy, Wishaw represented by Mrs L Scott, Central Pharmacies t/s McIntyre & Cairns, Craigneuk

represented by Ms S Ashaiq who was accompanied by Mr G McLaren (“Interested Parties”)

(e) **Evidence Led**

The Chairman then invited Mrs Aggleton to speak first in support of her application.

Mrs Aggleton began her presentation by stating that she wished to amend her proposed neighbourhood from her original application to encompass both Overtown and Gowkthrapple, which were distinct and separate from the town of Wishaw and which had natural boundaries on all sides. Mrs Aggleton went to propose the boundaries of her neighbourhood as follows: the open fields to the South of Overtown and North of Garrion Bridge following East to the Garrion Burn and then travelling North to the fields North of Overtown Primary School, continuing West along the railway line to the railway bridge and extending South along Bluebell Wynd and travelling East to the open fields South of Castlehill Road.

Mrs Aggleton stated that the proposed neighbourhood had changed to encompass Gowkthrapple following long discussions with local residents, the councillor and the church when it became clear that residents of Gowkthrapple migrated to Overtown to attend many community activities. Furthermore, the Parish of the local church includes residents of both Gowkthrapple and Overtown and the community do not view them as separate from one another. Mrs Aggleton continued by stating that residents in Gowkthrapple also used the Post Office in Overtown which had access to a free cash machine. She continued by stating that other amenities available in Overtown included takeaway food outlets, Primary school, Clyde Valley High school, the community centre, Overtown Parish Church, a public house, two licensed mini markets, hairdresser, tanning salon, a Shell Garage with free cash machine and there were four local business located in Garrion Business Park employing 200 people. Mrs Aggleton stated that this was a neighbourhood for all purposes and the residents who lived in Gowkthrapple and Overtown considered each other as neighbours.

Mrs Aggleton then went on to comment that there was a strong sense of identity as a community separate from Wishaw, and that there were three well established institutions at the heart of the community. Firstly, Overtown Church which provided a focal point for many community activities each week including the Brownies, Girl Guides, Boys Brigade, men's club, women's club and Jo Jingles music class on a Saturday morning. Secondly, Overtown Community Centre which also hosts a number of weekly activities including sequence dancing, children's dance classes, Derby and Jones meeting for the over 60s, Viking Club, New Ways Health meeting and a football club. It also has a nursery for 3-5 year olds every morning with a mother and toddlers group three times a week. The Community Centre is also used by the residents and plays a strong supporting role in safeguarding community life. The third is the Bowling. Mrs Aggleton stated that all three were responsible for a wide range of activities, bringing the residents of both Overtown and Gowkthrapple together to create a community, identity and loyalty which could not fail to be seen when visiting and speaking to the residents.

Mrs Aggleton went on to comment that according to the 2001 Census, the population totalled 3,500 but stated that there is a confirmed development of a further 500 houses to be built within the neighbourhood, and building was due to start in the next few months. She continued by stating that the new housing would start with 50 family homes on the land behind Clyde Valley High school between Gowkthrapple and Overtown, and that another 200 houses will be built on the cleared site at Castlehill Park, north of Castlehill Road and next to the Smith Avenue entrance, which will be the main access into these houses with a proposed roundabout at Smith Avenue on Castlehill Road. Also, further work had begun clearing the Smith site off Smith's Avenue which will have 188 houses and finally, the site at Woodside Park behind the newer development and the railway line will have a further 50 houses built on it. Mrs Aggleton went to explain that there had been further requests for land to be released South of Castlehill Road, and that the council had approved the building of 16 luxury homes north of Garrion Bridge to the east of the A71 just before the Garden Centre. Mrs Aggleton commented that Bluebell Wynd, south of Castlehill Road, had been completed with over 100 family homes and

is not included in the 2001 Census, and that this would bring the combined population, (including 300 from Bluebell Wynd, 2371 from Overtown and 2080 from Gowkthrapple) to 4750.

Mrs Aggleton then went on to comment on the fact that the Census statistics showed that 22% of the population within the neighbourhood were under 16, which was higher than the Scottish average at 19.2% and 15.41% are over 60. Therefore, at least 40% of the population would be eligible to register with the eMAS service. She further stated that 43.13% of the population do not have a car, compared with the Scottish average of 34.32%, and that the percentage who are economically inactive due to being permanently sick or disabled is 32.9% compared to the Scottish average of 21.25%. Furthermore, 23.57 % had a limiting long term illness compared to the Scottish average of 20.31%. Mrs Aggleton continued by stating that according to the 2001 Census 13.45% of the population suffer from poor general health compared with the Scottish average of 10.15%. She went on to say that the percentage of women within the 3 postal code areas in the neighbourhood, who smoked at maternity bookings was higher than the Scottish average of 24%, ranging from 27.8% to 73% (was that definitely the figure Mrs aggleton quoted?)(stats taken from Scottish neighbourhood stats 2002-2004)

Mrs Aggleton then stated that hospital admissions for alcohol misuse ranged from 83.19 to 3099 per 100,000 compared with the Scottish average of 722. Furthermore, drugs related admissions were as high as 5 times the Scottish average in one of the postal code zones within the neighbourhood. Mrs Aggleton stated that these statistics demonstrated the different needs and mixed population within her proposed neighbourhood. She went on to state that the patients did not have easy access to a pharmacy, and that there was no pharmacy within walking distance for the them, and that the statistics supported that need for an easily accessible pharmacy within the neighbourhood to support the health needs of children, then elderly and disabled population, and those without transport. Furthermore, the children from the proposed neighbourhood did not require to leave the area to access primary and

secondary schooling, again demonstrating Overtown and Gowkthrapple as an individual community.

Mrs Aggleton then went on to discuss the adequacy of the current services provided, with the nearest pharmacy being 1.85 miles away in Wishaw. Patients, therefore, required to use their own or public transport to access pharmaceutical services and accessing the services by public transport required patients to walk up a hill on alighting from the bus as there are iron railings on the pavement, and then cross the busy road at the main crossing. If accessing services by foot, patients would be required to walk through a narrow, dark, unlit underpass under the railway bridge, then walk through Pather and up a half mile long steep hill. Patients would not be able to park directly outside pharmacies, if accessing the services by car. Mrs Aggleton, then stated that although there are no existing general medical services located in the proposed neighbourhood, it was not necessary for a pharmacy to be attached or located near general medical premises, as a pharmacy is a stand alone service and under the new pharmacy contract patients should be able to access pharmaceutical services locally without having to travel to Wishaw. Mrs Aggleton said that consideration should also be given to the views of patients who had expressed a strong desire for local access to pharmaceutical services within the defined neighbourhood, and that the local community council had previously attempted to secure pharmaceutical services locally without success. Mrs Aggleton went on to state that she had received 432 signatures for her petition to say that they would benefit from a pharmacy within Overtown. Furthermore, many residents had discussed the lack of pharmaceutical services with their local councillor who had written to the Health Board in support of the application.

Mrs Aggleton went on to say that she had spoken to a number of residents who had highlighted the fact that they had to wait unacceptable lengths of time for their prescriptions in pharmacies in Wishaw, with times varying from 30 minutes to 1 hour and 15 minutes. Some residents had chosen to travel the 5 mile return trip to the Newmain's pharmacies or to the pharmacy in Muirhouse, Motherwell which was also a 5 mile return trip rather than use the pharmacies in Wishaw because of waiting times and parking difficulties. She stated that the absence of complaints to the

health board was not an indication of the absence of a need for pharmaceutical service, and that clear public interest had been registered in letters, petition and through face-to-face discussion with residents.

Although many of the pharmacies in Wishaw provided a delivery services, Mrs Aggleton did not think that this constituted a pharmaceutical service, but she stated that she intended to provide a delivery service where she would visit the patient personally. Mrs Aggleton stated that a modern community pharmacy was not just about dispensing and delivering of prescriptions but about providing healthcare advice and services to meet and improve the health needs of the local population and she did not believe that the delivery service offered to patients from Wishaw pharmacies offered a pharmaceutical service as set out in "The Right Medicine.

Mrs Aggleton then went on to state that she felt that her defined neighbourhood was isolated from direct access to the expertise, skill competencies and dedication of a community pharmacist and that the neighbourhood required a fully comprehensive community pharmacy committed to meeting the health needs of the population. She continued by stating that the proposed pharmacy would provide all 4 elements of the new pharmacy contract including the minor ailments scheme, chronic medication service including medication review and supplementary prescribing, PGD and urgent supply of medication, supervision of methadone and buprenorphine, oxygen compliance aid provision, repeat medication collection and delivery service. In addition, the pharmacy would undertake many health promotion activities including cholesterol testing, blood pressure monitoring, smoking cessation services and NRT supply. She also intended to offer a collection service from local surgeries, as approximately 80% of prescriptions are repeats and, therefore, it would not be necessary for patients to make the journey to Wishaw to get their prescriptions dispensed.

Mrs Aggleton then went on to state that the proposed premises would be DDA compliant and would have a separate consultation room. She stated that there were in excess of 20 patients in the area who were prescribed methadone on a daily basis and would benefit from a local pharmacy rather than having to travel into Wishaw.

Furthermore, patients would have easy access to car parking both outside the pharmacy and in the car park opposite. In addition, the land behind the pharmacy had been sold with planning permission to build 8 flats with retail units.

Mrs Aggleton concluded by saying that contracts had been granted in neighbourhoods with less or similar populations and that she believed that Overtown and Gowkthrapple were a neighbourhood in their own right. She stated that the neighbourhood population had specific health needs and were currently having to travel outside the neighbourhood to access pharmaceutical services, and the pharmacies which they required to access were too far away from the neighbourhood to be considered a reasonable alternative, and therefore, the existing pharmaceutical services could not be deemed adequate. Furthermore, it was necessary to grant the application as there are no pharmaceutical provision within the neighbourhood, and it was desirable to grant the application because the population have difficulty accessing pharmaceutical services and that a pharmacy in the neighbourhood would serve the population now and in the future.

### **The Chairman then invited questions from Interested Parties to Mrs Aggleton**

Mrs Scott representing Lloyds Pharmacy was first to question Mrs Aggleton. She stated that Mrs Aggleton had said that the population of Gowkthrapple would go to the Post Office in Overtown but would they not be more likely to go to the Post Office in Wishaw, to which Mrs Aggleton replied that most would use the Post Office in Castlehill Road. Mrs Scott then asked Mrs Aggleton to clarify the 3 data zones to which she had referred earlier. Mrs Aggleton explained that these were postal code areas and there were 3 in Gowkthrapple and Overtown, the first being south of Castlehill Road, the second was further east and up to the Primary School and the third was behind the High School. Mrs Scott then stated that Mrs Aggleton had stated that the public should be able to access pharmaceutical services locally even though there were no GMS services in the neighbourhood and then asked Mrs Aggleton where, if the proposed pharmacy was closed on a Wednesday afternoon and on a Sunday, would the residents access pharmaceutical services at these times.



Mrs Aggleton replied that the half day Wednesday was as per the Health Board's model hours of service, and she did not know where they would access services at these times, however, she would open the pharmacy on a Wednesday afternoon if there was a need to do so. Mrs Scott then asked how Mrs Aggleton had obtained the 432 signatures, to which Mrs Aggleton replied that she left forms in the Community Centre, Post Office, hairdressers and tanning shop asking if residents needed a pharmacy. Mrs Scott then asked if she had canvassed the signatures, to which Mrs Aggleton replied no. Mr Sutherland then asked what questions had been asked on her form. Mrs Aggleton replied that the form had asked would they consider that a pharmacy would benefit Overtown, if the answer was yes they were asked to sign the form. Mrs Aggleton continued by saying she had a good response, and that she had also spoken to local people in the area. Mrs Scott then stated that she would ask that the letter from the local councillor be discounted as she had not seen it. She then asked if the premises had been leased, to which Mrs Aggleton replied that she had purchased the premises and had plans which she would be willing to show the Committee members but she preferred not to show them to the interested parties. Mrs Scott then asked what would be the square footage of the dispensary area. Mrs Aggleton replied that the dispensary would be approximately 400 square feet and the dispensary area and consultation area would be about half and half.

Ms Ashaiq from McIntyre and Cairns then put her questions to Mrs Aggleton. Ms Ashaiq commenced by asking Mrs Aggleton if she was aware that nearest pharmacy was Alliance Pharmacy in Law village approximately 1.12 miles from the proposed premises. Ms Ashaiq then stated that 15% of McIntyre & Cairns business came from Overtown and asked whether Mrs Aggleton thought that the granting of another pharmacy contract would have a detrimental effect on other viable pharmacies in the surrounding areas. Mrs Aggleton replied she thought it unlikely residents from Overtown would travel to Craigneuk to access pharmaceutical services and that statistics showed that 43% of patients had no car access and that to access Wishaw by foot they would have to traverse through an underpass and then up a steep hill. Ms Ashaiq asked where Mrs Aggleton

had obtained support from Gowkthrapple. Mrs Aggleton replied that this had come mainly through the Post office, as a lot of people use the Post Office. Ms Ashaiq then asked Mrs Aggleton if patients were asked if they wanted a pharmacy would most not answer yes. Mrs Aggleton replied that patients had actively gone to the local councillor and that the local council had previously tried to get a pharmacy in the area. Ms Ashaiq then asked Mrs Aggleton whether services in Wishaw were inaccessible as there was a local bus service available every 10 minutes from Overtown to Wishaw allowing the elderly and disabled to access these services in Wishaw and that OAPs could travel for free and that most buses offered a disabled access facility. Mrs Aggleton replied that some of the local bus services had been stopped and that the bus timetable for the other services stated that buses were every 30 minutes, but that patients would still have to wait for a bus, go to Wishaw and then make the return journey back, with the whole journey taking between 45minutes and 1 hour. Ms Ashaiq then concluded by asking whether patients would have to access GP services by the same transport methods. Mrs Aggleton replied that 80% of prescriptions were for repeat prescriptions and that patients would only have to access GP services for acute services.

### **The Chairman then invited questions from Members of the Committee to Mrs Aggleton**

Mr Sinclair asked Mrs Aggleton if she had a business plan, to which she replied yes. He then asked Mrs Aggleton how many items did she think she would have to process to be viable. She replied that this was in her business plan to which Mr Sinclair asked whether she would be willing to disclose the figure to the Committee members if the interested parties were not present. Mrs Aggleton then replied that she had estimated 500 per month but that the new contract was not dependent on prescriptions alone. Mr Sinclair then asked when her delivery service would be available to which she replied after hours. He then asked where she had gotten her figures regarding the number of patients accessing addiction services from to which she replied the Addiction Services themselves.

Mrs Park asked Mrs Aggleton to clarify why the original application had stated that she was leasing the premises and she had previously stated that she had purchased the premises. Mrs Aggleton replied that it was harder to lease the premises and she had since taken the decision to purchase, and that she had a copy of the documentation should the Committee wish to see it. Mrs Park said she would, then asked Mrs Aggleton what the timescale was for the building of the new housing developments she had previously mentioned. Mrs Aggleton replied that 50 in Gowkthrapple would be started in the next few months and the 200 south of Castlehill Road would be started in the next 6 months to 1 year. The rest would be completed in the next few years. Mrs Park then asked if she knew what type of housing was being built. Mrs Aggleton stated that it would be a mix of family homes, council, private and shared ownership homes. Mrs Park then asked whether any approach had been made to the health board regarding the local demand for a pharmacy. Mrs Aggleton replied that an approach had been made by the local council and that a subsequent application had been submitted in 1999 which had been unsuccessful. Mrs Park then asked Mrs Aggleton to clarify the size of the consultation area. She replied that in the first draft of the plan the consultation area was situated at the side of serving area, but this may be reviewed. Mrs Park concluded by asking what the square footage would be for this area. Mrs Aggleton replied 150-200 square feet.

Mr Mallinson then asked Mrs Aggleton whether she thought that residents of the area would have to go outwith the neighbourhood to access other facilities or would they quite happily stay in the area. Mrs Aggleton replied that there was a Post Office and shop with banking facilities available in the garage and that Asda and Tesco provided delivery services, so residents would not have to leave the area to access other services, however at the moment they would have to go to Wishaw to access pharmaceutical services. Mr Mallinson then asked what other evidence Mrs Aggleton had, apart from her signatures, that there was a demand for pharmaceutical services. Mrs Aggleton replied that she had spoken to residents of the area as well as the Minister and schoolteachers. Mr Mallinson then asked whether she had

spoken to the local councillor before submitting her application to which she replied yes.

Professor Wilson then asked Mrs Aggleton to clarify her previous statement concerning the car parking behind the proposed premises. Mrs Aggleton explained that the land behind the premises was council owned had been sold for development and that there would be car parking available at the front of the premises and in the car park opposite. Professor Wilson then stated that a lot of work would be required to be done to the building. Mrs Aggleton replied that she had spoken to builders, however, she was awaiting the decision of the Committee before commencing the building work. Professor Wilson concluded by asking how many staff would be working at the proposed premises. Mrs Aggleton replied that she would have two assistants and that she would be the only pharmacist there.

Mr McConnell asked Mrs Aggleton whether she had contacted the Wishaw GPs, to which she replied that she had only spoken to some of the Pharmacists in the area.

Mr Baird then asked Mrs Aggleton why Gowkthrapple had not been included in the neighbourhood in the original application. Mrs Aggleton said that this was naivety on her part as this was her first application and she had included it after speaking to residents, after the original application had been submitted. Mr Baird then asked Mrs Aggleton why she thought that she would get a high proportion of the repeat prescriptions through her shop and if this was an informed guess on her part. Mrs Aggleton replied that she would collect them from the GP practices and that she had spoken to residents.

Mr Mallinson then stated that Mrs Aggleton had included Supplementary Prescribing in her application and asked her how she intended to provide this as she had not approached the local GPs. Mrs Aggleton replied that she was newly qualified as a supplementary prescriber and intended to approach them at a later date. Mr Mallinson then asked how she intended to provide this service if she was the only pharmacist on the premises. Mrs Aggleton replied that she would employ a locum pharmacist to allow her to run clinic

and that funding was available from the Scottish Executive for this purpose.

Mr Sutherland then stated that viability was important when considering an application and asked Mrs Aggleton, as this was her first business venture, if she knew how to run a viable business. Mrs Aggleton stated that she had previously been a community pharmacist and also Prescribing Advisor for NHS 24. Mr Sutherland then asked what other experience she had of running a business, to which Mrs Aggleton replied that she had looked at the figures and invested in the business by buying the premises. Mr Sutherland then asked her what business advice she had sought. Mrs Aggleton replied that she had spoken to her accountant and architect and also to friends who run businesses. Mr Sutherland then asked if the application were granted would she be able to open in 6 months. Mrs Aggleton replied that she would as the building work would be started immediately.

**The Chairman, having ascertained that there were no further questions to Mrs Aggleton, 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 L Scott, Lloyds Pharmacy was first to make her representations. She began by contesting Mrs Aggleton's definition of the neighbourhood by stating that Overtown had always been considered to be a part of Wishaw and with very limited amenities in the area, residents had to travel to Wishaw on a daily basis to access facilities necessary for the fabric of their every day life. She continued by stating that she was willing to concede that Overtown is a discrete area, she would not refer to it as a neighbourhood in the normal definition of the word, and added that she would not consider Gowkthrapple to be a part of Mrs Aggleton's neighbourhood. Thus, Mrs Scott considered the neighbourhood to be that of Wishaw as a whole. Mrs Scott continued by stating that Wishaw was served by 6 pharmacies, 5 of which were Lloyds Pharmacies and the

other being Cairns & McIntyre. This did not include the 2 pharmacies in Newmains. She then stated that these pharmacies provided a good service to the local population, and that there had recently been a huge investment in one of Lloyds Pharmacies to install a robotic dispenser to further improve services. Mrs Scott went on to say that these pharmacies served a diverse population but that the more socially deprived area was closer to Wishaw, and indeed, Overtown had a younger more mobile population. She then continued to say that Wishaw was served by a robust delivery service and that to her knowledge, Lloyds Pharmacy had received no complaints regarding inability to access pharmacy services. Mrs Scott stated that all extended services were covered by the existing local pharmacies, and therefore an additional pharmacy contract in Overtown was not necessary. Mrs Scott asked the Committee to disregard the letter of support from the local councillor and also suggested that Mrs Aggleton has canvassed local support. She then stated that she had concerns about the size and standard of the proposed premises and failed to see how it could accommodate an adequate dispensary and private consultation area. Mrs Scott concluded by stating that for the above reasons she deemed that the granting of a new pharmacy contract was neither necessary nor desirable.

Ms S Ashaiq, McIntyre & Cairns, Wishaw was next to make her representations to the Committee. She stated that she agreed with Mrs Scott in that there was a robust service provided in the Wishaw area, and that her premises provided a collection and delivery service to the area along with phone advice if necessary. Ms Ashaiq also had concerns over the size of the proposed premises, and questioned where Mrs Aggleton proposed to keep GSL medicines and would there would be sufficient dispensing space to be allocated for the dispensing, checking and storing of weekly compliance aid trays . Ms Ashaiq continued by saying that addiction service patients in Overtown may wish to retain anonymity and prefer to access services in Wishaw for this purpose. Ms Ashaiq also had concerns about parking facilities behind the proposed premises. Ms Ashaiq concluded by stating that she did not think the granting of this application was desirable or necessary.

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

Mrs Aggleton commenced by asking Mrs Scott what the parking facilities were like in the town centre of Wishaw. Mrs Scott replied that there were no parking problems in Wishaw at any time. Mrs Aggleton then asked whether patients who were ill would find the steep hill from Gowkthrapple to Wishaw a deterrent to accessing services in Wishaw. Mrs Scott replied that she thought it would be just as difficult to for them going to Overtown as Wishaw. Mrs Aggleton then asked Mrs Scott where she thought the boundary was between Overtown and Gowkthrapple. Mrs Scott replied to the West of Clyde Valley High School crossing over Castlehill Road. Mrs Aggleton then stated that if the western side of Gowkthrapple was easier for accessing Wishaw then the eastern side was easier for accessing Overtown and that both Gowkthrapple and Overtown were the catchment area for the High School. (couldn't understand this sentence/question) Mrs Scott replied that a neighbourhood could not be determined by the catchment area for a high school.

Mrs Aggleton then asked Ms Ashaiq if it was reasonable to ask patients to make a 6 mile round trip to access pharmaceutical services. Ms Ashaiq replied that she had a good relationship with her patients and she did not think it was a 6 mile trip. Mrs Aggleton then asked Ms Ashaiq if she provided the delivery and collection service herself. Ms Ashaiq answered no. Mrs Aggleton asked what qualifications the delivery driver had. Ms Ashaiq replied that the driver had worked for the pharmacy for 4 years, and that she would phone the patient if the patient required to speak to the pharmacist. Mrs Aggleton then stated that this meant there was no face-to-face consultation and asked Ms Ashaiq what would happen if a child needed to access the eMAS services. Ms Ashaiq stated that if the child needed immediate attention they would go to the GP. Mrs Aggleton then asked did that mean that if a child was sick but close to the shop would they need to go to the shop because Ms Ashaiq could not get out. Ms Ashaiq replied that a minor ailment complaint is not a major chronic disease, and that GPs were able to do telephone consultations. Mrs Aggleton then stated that the Minor Ailment Service was available for

patients to access and therefore, would that not be better that a telephone conversation with the pharmacist. Ms Ashaiq replied that a face-to-face consultation would obviously be better.

### **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 Sinclair asked Mrs Scott how the population of Overtown would access services in Wishaw. Mrs Scott replied that there were 3 ways, by car, public transport and via the collection and delivery service provided by Lloyds Pharmacy and McIntyre & Cairns. Mr Sinclair then asked Mrs Scott to describe the distribution of pharmaceutical services within her defined neighbourhood of Wishaw. Mrs Scott replied that they were mainly compact in the town centre except in Newmains and Cragneuk. Mr Sinclair then asked Mr Scott to clarify whether or not Newmains was included in her defined neighbourhood. Mrs Scott replied that from the point of view of a new contract it didn't matter, but that Wishaw would exclude Newmains. Mr Sinclair then asked Ms Ashaiq to clarify her statement whether 15% of her business was from Overtown residents. She replied that this was the proportion from Overtown.

Mrs Park then asked Mrs Scott whether she could provide figures for the demands for the delivery service to the area and also figures for methadone provision. Mrs Scott replied that she didn't have the figures but that they don't have any capacity issues for either service. Mrs Park then asked what the capacity was for compliance needs. Mrs Scott replied that there was plenty capacity available. Mrs Park then put the same questions to Ms Ashaiq who replied that she did not have the figures but that they did not have any issues regarding capacity. Mrs Park then asked Ms Ashaiq how many eMAS consultations she conducted by telephone. Ms Ashaiq replied it was not that many but the service was there if required.

Mr Mallinson then asked Ms Ashaiq what the opening hours were for McIntyre & Cairns. Ms Ashaiq replied 9:00am –



5:30pm Monday to Friday (excluding Wednesday), 9:00am – 5:00pm Wednesday, 9:00am – 1:00pm Saturday and closed on a Sunday.

Professor Wilson then asked Mrs Scott whether they were lodging their objection because they feared losing business, to which Mrs Scott replied that she did not think the application was necessary. He then asked whether this was in the interests of Lloyds Pharmacy or the population of Overtown and Gowkthrapple. Mrs Scott replied both and that the service provided to the population was adequate.

Mr McConnell put to Mrs Scott that Newmains was closer to the centre of Wishaw than Overtown and therefore the distance to the health centre from Newmains was closer. Mrs Scott replied that she understood that but that Newmains had two pharmacies, and that Newmains may or may not be included in the neighbourhood and that it was as easy to travel from Newmains to Wishaw as it was to travel from Overtown to Wishaw. Mr McConnell then asked Ms Ashaiq what the distance was from the health centre to the Craigneuk Pharmacy. Ms Ashaiq replied approximately 1 mile.

Mr Baird had no questions to put to the interested parties.

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

Mrs Scott was first to give her summation and stated that Mrs Aggleton's neighbourhood at the oral hearing was different from that stated in the original application. She then continued by stating that the current service provision in Wishaw was more than adequate for the Overtown population and that there were no gaps in additional or extended services. She stated that the proposed application offered no new services to the population, and therefore, that she would ask that the application for a new pharmacy in Overtown be declined.

Ms Ashaiq then provided her summation by stating that she agreed with Mrs Scott and that the application was neither necessary nor desirable.

**Mrs Aggleton was then invited to sum up in relation to her application**

Mrs Aggleton began her summation by stating that she felt Overtown and Gowkthrapple could be defined as a neighbourhood on its own due to natural boundaries. She continued by stating that it was a neighbourhood with increased unemployment, disability and long term sickness and had a population with specific health needs. It was also impossible to ignore the planned neighbourhood growth and coherent health demands of the population. She continued by stating that the population were forced to travel outwith the neighbourhood to access pharmaceutical services, and the pharmacies which they required to access were too far away from the neighbourhood to be considered a reasonable alternative to a pharmacy within the neighbourhood. Mrs Aggleton concluded by stating that in her opinion it was both necessary and desirable to grant the application in order to secure adequate pharmaceutical services for the people of Overtown and Gowkthrapple.

(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 undertaken a joint visit to the proposed site and surrounding areas
- (ii) the location of existing Pharmacies in Wishaw, Newmains and Craigneuk to the site of the proposed pharmacy
- (iii) prescribing statistics of the Doctors within Wishaw from the period April-June 2007
- (iv) the dispensing statistics of the existing Pharmacies in Wishaw for the period April-June 2007
- (v) demographic information on Wishaw taken from the 2001 Census
- (vi) Comments received from Interested Parties including existing Pharmaceutical Contractors in Wishaw
- (vii) Information containing the range of Pharmaceutical Services provided by existing contractors within Wishaw

(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**

deemed the neighbourhood to be defined as a combination of Overtown and Gowkthrapple, but not including the housing development included in the applicant's oral submission, at Bluebell Wynd. The boundaries of the neighbourhood were Garrionburn to the South, the railway line (but including Overtown Primary School) to the East, Castlemill Road to the North and the open land below Castlemill Road to the West. In reaching its definition, the Committee took into consideration the fact that the residents of Overtown and Gowkthrapple shared facilities such as Clyde Valley High School, Overtown Community Centre and the local Post office, and that new housing developments to be situated on the border areas of Overtown and Gowkthrapple will merge the two communities further. The Committee accepted that, before the 500 new houses planned to be built, there were in excess of 3,000 residents in the neighbourhood.

(ii) Existing Services

## **THE COMMITTEE**

noted that there were no existing Pharmaceutical contractors in the defined neighbourhood. However, it was taken into consideration that other Pharmaceutical contractors in Wishaw and Craigneuk provided a collection and delivery service and would also provide telephone and home visit consultations but such communications were exceptional rather than routine.

(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 collection and delivery services are not as preferable as face-to-face consultations.

- that although there was a bus service which runs approximately every 15 minutes, residents of the neighbourhood would have difficulties in accessing Pharmaceutical services in Wishaw on foot, as residents would have to traverse a dark underpass, or walk up a steep hill, presenting difficulties for those residents who are elderly, disabled or who have young children.

Paying due regard to the above, it was agreed that although some services were available through collection and delivery services, there were some deficiencies and access difficulties to the current services available to the residents of the neighbourhood. Thus for those reasons services could not be considered adequate.

(iv) Necessity

In discussing the necessity for an additional Pharmaceutical Contract

**THE COMMITTEE**

was mindful of their remit with regards to the provision of an adequate pharmaceutical service, and accordingly, taking into consideration that there is currently some form of Pharmaceutical service provided to and accessible by the residents of Overtown and Gowkthrapple, but that the current service provision was not considered to be adequate, were evenly split as to the necessity to grant the application in order to provide an adequate Pharmaceutical service to the neighbourhood.

(v) Desirability

In considering the factor of desirability for an additional Pharmaceutical Contract:

**THE COMMITTEE**

in considering the factor of desirability to secure an adequate service were conscious that evidence had been demonstrated to suggest that current provision to the neighbourhood was not adequate, and therefore, focussing on the adequacy of the current service, unanimously decided

that it was desirable to grant the application in order to secure adequate provision of Pharmaceutical services in the area.

Following the withdrawal of Mrs J Park and 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**

agreed unanimously that an additional contract was desirable to secure adequate Pharmaceutical Services within the neighbourhood, and agreed to grant 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 and Mr D Sinclair returned to the meeting**