

IN CONFIDENCE – FOR MEMBERS’ INFORMATION ONLY

MINUTE: PPC/09/06

Minute of Meeting of the Pharmacy Practices Committee held on Monday 24th August 2009 in Meeting Room 1, Law House, Airdrie Road, Carluke, ML8 5ER.

Chair: Mrs Sandra Smith

Present: Lay Members Appointed by the Board

Mrs Margaret Carahar
Mr Charles Sargent
Mr John Woods

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr E J H Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee

Mrs Janet Park
Mr David Sinclair

In Attendance: Officers from NHS Lanarkshire - Primary Care

Mr G Lindsay, Chief Pharmacist – Primary Care
Mrs G Forsyth, Administration Manager – Primary Care
Miss L A Tannock, Personal Secretary – Primary Care

06

**APPLICATION BY THE DEAN PARTNERSHIP, [REDACTED]
[REDACTED], KILMARNOCK, [REDACTED]**

Application

There was submitted application by The Dean Partnership, received 11th March 2008, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at Unit 5, Innerleithen Drive, Coltness, Wishaw, ML2 5ER (“the premises”).

Submissions of Interested Parties

The following documents were received during the period of consultation and submitted:

1. Comments received (via email) from NHS Lanarkshire’s Area Medical Committee, GP Sub Committee on 26th March 2008.
2. Letter received from Lloyds Pharmacy Ltd on 31st March 2008.
3. Letter received from Welch Chemists Ltd on 10th April 2008.

4. Letter received from I J Allan Pharmacy on 10th April 2008
5. Letter received from Cleland Pharmacy on 10th April 2008
6. Letter received from McIntyre & Cairns on 11th April 2008

Procedure

At 13:00 hours on Monday 24th August 2009, the Pharmacy Practices Committee (“the Committee”) convened to hear application by The Dean Partnership (“the applicant”). The hearing was convened under paragraph 2 of Schedule 3 of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, (S.S.I. 2009 No. 183) (“the Regulations”). In terms of paragraph 2(2) of Schedule 4 of the Regulations, the Committee, exercising the function on behalf of the Board, shall “determine any application in such manner as it thinks fit”. In terms of Regulation 5(10) of the Regulations, the question for the Committee is whether “the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the Pharmaceutical List”.

It was noted that all Members of the Committee had previously undertaken a site visit of Wishaw and surrounds independently in order to gain a flavour of the natural patterns of travel of residents and visitors during various times of the day and week, however confirm that in so doing each noted the location of the Premises, pharmacies, general medical practices and other amenities in the area.

Prior to the arrival of parties the Chair asked Members to confirm that they had received and considered the papers relevant to the meeting, including the additional information circulated on behalf of Mrs Forsyth concerning the Prescribing and Dispensing Figures Report for the Pharmacies and Medical Practices within the town of Wishaw and surrounding areas during the period February to April 2009, and the revised version of the Report on Pharmaceutical Services provided within the town of Wishaw and surrounding areas. Having ascertained that no Members or officers in attendance had any personal interest in the application the Chair confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within their papers with the exception that she would depart from the procedure outlined by asking each of the interested parties to give their representations sequentially, and then invite questions from the applicant to each one in turn, prior to giving Members of the Committee their opportunity. All Members and officers present were in agreement to this departure.

The Chair then asked Miss Tannock to invite the applicant and interested parties who had chosen to attend to enter the hearing.

Attendance of Parties

The applicant The Dean Partnership was represented by Mr John Connolly who was assisted by Mr Arif Hanif. The first interested party, Lloyds Pharmacy Ltd was represented by Ms Melinda Setanoians. The second interested party, Cleland Pharmacy was represented by Mr J A McCallum. The third and last interested party, Welch Chemists Ltd, was represented by Mr Stephen Welch.

The Chair introduced herself, the Members and the officers in attendance from NHS Lanarkshire - Primary Care, prior to asking the parties to confirm that they had received all papers relevant to the application and hearing, including the revised Report on Pharmaceutical Services provided within the town of Wishaw and surrounding areas which was circulated under separate cover on behalf of Mrs Forsyth.

The Chair explained that the meeting was being convened to determine the application submitted by The Dean Partnership, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at Unit 5, Innerleithen Drive, Coltness, Wishaw, ML2 5ER according to the Statutory Test set out in Regulation 5(10) of the Regulations.

The Chair continued to explain the procedures to be followed and confirmed that all Members of the Committee had conducted a site visit, and that no members of the Committee nor officers in attendance, had any interest in the application. The Chair then remarked that she would depart from the procedure outlined within the guidance notes by asking each of the interested parties to give their representations sequentially, and then invite questions from the applicant to each one in turn, prior to giving Members of the Committee their opportunity. All parties were in agreement to this deviation.

Evidence Led

The Chair then invited Mr Connolly to speak first in support of the application.

Mr Connolly introduced himself and thanked the Chair for the opportunity to present his case prior to reading the following pre-prepared statement:

“We are seeking to open a pharmacy at Unit 5, Innerleithen Drive, as we believe the current access to services is wholly inadequate, something which we have the support of the local community for.

The facts that I will present to you today are based on the Legal Test, set out in regulation 5(10) – this provides that:

1. an application shall be granted if the Board is satisfied that the provision of pharmaceutical services at the premises is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located.

2. Factors to be considered:

- (a) What is the neighbourhood in which the premises are located?

The neighbourhood is the village of Coltness, surrounded on all sides by woodland. It has the following boundaries:

North – Woodland and South Calder Water to the North of Coltness.

South – Woodland and Temple Gill Water to the South of Coltness.

East – Woodland to the East of Coltness.

West – Woodland and the South Calder Water to the West of Coltness.

From Scottish Neighbourhood Statistics, we can see that there are 6 Data Zones that are exclusively in Coltness having a population of 4465. There are a further 3 Data Zones which encroach into the neighbourhood of Coltness meaning the population of the neighbourhood is in excess of 5000 people.

This is a significant population size, which would most definitely benefit from access to pharmaceutical services. There are a number of new houses that have been built around the Innerleithen Drive area and plans to build at least 60 more homes, which will further increase the population.

Coltness was designed and built in the 1950's and is comprised mainly of local authority housing, with a smaller number of private housing. Coltness is a recognised regeneration area, having areas which are in the worst 15% of the Scottish Index of Multiple Deprivation and as such residents are likely to have an increased demand for pharmacy services. Cost of transport and access to pharmaceutical services is a very important issue for many residents. Parts of the neighbourhood have levels of unemployment far above the local and national averages, as well as higher levels of alcohol and drug abuse.

This can be considered a neighbourhood for all purposes:

There are 3 Primary Schools, Coltness Primary, St Aidans and Lammermoor Primary. There are two churches, St Mark's and St Aidan's. Coltness Community Centre and Carrick Hall. The Edward Lawson Centre – a day centre for mentally handicapped adults.

There are numerous grocery shops, takeaway restaurants, a post office, hairdresser, a bookmakers, petrol station and garage.

So clearly we can see that Coltness can be considered as a neighbourhood for all purposes

(b) The next point is to consider what are the existing services in the neighbourhood? Simple – there's none. (it is clear to see that there are no existing services in the neighbourhood at present. To access services people have to travel outside the neighbourhood).

(c) Which means we must consider if the services outwith the neighbourhood are adequate?

As I mentioned, presently people have to travel outwith the neighbourhood to access services. This is something that residents and the community council have made very clear to me that they find unacceptable.

The normal direction of peoples' travel would not take them to Cleland or Newmains to access a pharmacy although some residents may choose to do so. It is most likely that people would use one of the Lloyds Pharmacies in the centre of Wishaw. This would involve a round trip journey of around 4.4 miles which really isn't an acceptable distance to have to travel in order to access pharmaceutical services. For someone with no car, who couldn't afford to or chose not to use a bus, this journey would take around 1 hour and 40 minutes if they were a healthy adult (average walking speed 3mph) plus the additional time to wait for their prescription. For an elderly person or a parent pushing a pram, this journey would be significantly longer and could take around 2 hours and 40 minutes (average walking speed of 1.83mph). This clearly cannot be considered adequate access to pharmaceutical services.

Wishaw town centre is extremely congested and despite the presence of car parks, it is often difficult to find parking spaces due to the high volume of traffic. Once parked, there is still a fair distance to walk to reach one of the pharmacies. There are no parking facilities

immediately outside any of the town centre pharmacies, something which is extremely challenging and a barrier to accessing services for the elderly, infirm, disabled and parents with young children. The railings on the pavement in front of the shops further restrict access.

The distribution of pharmacies in Wishaw is totally wrong, outdated and not in tune with the new pharmacy contract and the services it provides to patients. All the shops are clustered together within a few yards of each other close to the GP Surgery as in the past being close to a GP surgery was vital for a pharmacy, which is no longer the case. The distribution of pharmacies is so poor in Wishaw, that I would question whether parts of Wishaw town itself are being adequately served.

Delivery services cannot be seen as a suitable alternative to local face to face services. Where there is no access to a car, people would have the expense of a bus or taxi. Where they choose to walk, quite clearly the distance is unacceptable. Public transport and delivery services do nothing to reduce inadequacy, people should be able to easily reach a pharmacy within their own community.

These pharmacies quite clearly do not offer an adequate service to the residents of Coltness and hence I can conclude that the services are inadequate. The adequacy of current provisions is highlighted by the support we have received from the local community council.

So clearly access to pharmaceutical services within the neighbourhood is not adequate.

(d) We therefore must look at whether granting this application will secure services for the neighbourhood.

The only way to secure adequate provision of pharmaceutical services in the neighbourhood is to grant this application.

With the implementation of the new pharmacy contract, now more than ever a pharmacy is a stand-alone service provided to the population and not merely an addition to general medical services. eMAS has been successfully running in Scotland for some time now, meaning residents do not always have to obtain the services of a GP if eMAS were available in their neighbourhood. The provision of this service within the neighbourhood would be of great benefit to the resident population.

PHS was designed and implemented to make opportunistic interventions to improve public health – this is a service best carried out in the heart of a neighbourhood, where it will have the maximum impact on the population.

PHS has recently taken a massive step forward with the roll out of a national smoking cessation scheme and Sexual Health Service with the provision of EHC and the testing and treatment of Chlamydia.

The Chronic Medication Service is the next part of the new pharmacy contract which is soon to be rolled out. This will see pharmacists more involved in managing people's conditions and will mean that many patients will not require to see their GP as often.

The addition of these services is a fantastic opportunity for community pharmacies to make a real difference to people's health and the proposed pharmacy provides the ideal environment and perfect location for these services to have maximum impact.

Proposed site:

Our proposed site will be finished to a high standard and comply with RPSGB regulations. Improved car parking would be introduced and the premises would fully comply with the Disability Discrimination Act.

The premises would allow for a consultation/treatment room with an additional consultation area for supervision of methadone and provision of needle exchange should it be required. Our treatment room would be suitable for use by other healthcare professionals such as chiropodists and physiotherapists, providing further access to new services and additional health benefits to the neighbourhood.

This would be a progressive pharmacy that would participate fully in all aspects of the pharmacy contract and local initiatives.

We would provide a domiciliary oxygen service, smoking cessation services and provision of Emergency Hormonal Contraception and Chlamydia testing and treatment. We would also provide BP monitoring, diabetes testing, weight management clinics and healthy lifestyle guidance. A free to all collection and delivery service would be provided as well as home visits by a pharmacist on request.

Granting this contract would secure adequate access to pharmaceutical services for the neighbourhood. We are also keen to undertake a trial period of late night opening and Sunday opening which if successful would become permanent.

Most importantly we would be providing face to face pharmaceutical services to the neighbourhood.

The neighbourhood I have defined is absolutely a neighbourhood for all purposes and is most definitely a neighbourhood in the ordinary sense of the word.

There are no existing services in the neighbourhood.

The services located elsewhere in other neighbourhoods do not in any way provide adequate access to services.

The granting of this application is absolutely both necessary and desirable in order to secure adequate provision of pharmaceutical services for the residents of the neighbourhood now and in the future.”

The Chair then invited questions from Ms Setanoians, Lloyds Pharmacy Ltd, to Mr Connolly.

Ms Setanoians’s first question pertained to car parking in Wishaw Main Street, and she asked Mr Connolly why he had not mentioned the car parking spaces behind their Pharmacy at 156 Main Street, Wishaw. Mr Connolly replied that he had been advised that it was operated by Eurocarparks on behalf of Lidl Supermarkets, and was for use solely by their customers and that anyone using it for other purposes could be fined. Ms Setanoians replied that they rent allocated spaces from Lidl so that wasn’t the case for their patients. Mr Connolly remarked that this information wasn’t generally known. Ms Setanoians then asked him if he wouldn’t agree that there was further parking adjacent to the library which gave ease of access to their branch at 80/82 Main Street. He replied that it was still a distance and local opinion is that it is unacceptable, to which Ms Setanoians questioned if he considered a 30 second walk to be unacceptable. Mr Connolly advised that as he had not seen the car park to which she referred he couldn’t comment. Ms Setanoians’s last question was to ask if Mr Connolly had secured the lease for the Unit 5, and was advised that they have a legally binding understanding.

Having ascertained that Ms Setanoians had no further questions, the Chair then invited questions from Mr McCallum to Mr Connolly.

Mr McCallum began by stating that whilst Mr Connolly referred to the nearest Pharmacy from their proposed site being 4.4miles this was taken from the furthest point and would be

accept that it was only a distance of 2 miles to Cleland Pharmacy which shouldn't be dismissed. Mr Connolly agreed and highlighted that he was not making any disparaging remarks just that the preference of residents appeared to be to travel towards Wishaw rather than Cleland.

Having ascertained that Mr McCallum had no further questions, the Chair then invited questions from Mr Welch to Mr Connolly.

Mr Welch asked Mr Connolly why he had not considered extending his boundary to encompass the lower part of Coltness towards Wishaw. Mr Connolly replied that he had used the line of trees as being a good natural boundary. Mr Welch advised that he was of the opinion that if you asked existing Pharmacies they would incorporate part of his boundary into theirs so obviously the neighbourhood was currently being served. Mr Connolly referred to judicial advice from Lord Nimmo Smith and the opinion that there can only be one neighbourhood.

Having established that there were no further questions from the Interested Parties, the Chair then invited questions from Members of the Committee in turn to Mr Connolly

Mr Sargent was first to speak and asked Mr Connolly for confirmation of the exact unit his application had been made. When advised that it was the end unit opposite from the general store, he asked for detail of the internal size and if it was the same as the store. Mr Connolly informed that whilst it was smaller they have looked at the services which could be provided, and have also explored the possibility for the Chinese takeaway to move to let them relocate at a later date, however presently Unit 5 is suitable and a decent size.

Mr Woods then asked Mr Connolly for an explanation of data zones and how the information was derived, as the figure of 5000 residents within Coltness represented a very high percentage of the population of Wishaw. Mr Connolly advised that the figures were taken from Scottish Neighbourhood Statistics, and explained the intermediate geography levels and area profile reports, as well as the high deprivation and unemployment scoring of the SIMD. Mr Connolly went on to explain that it was easy to see the area as limited to Coltness Road however and referred to it as being like a rabbit warren, covering a vast area with highly populated pockets at its extremities which are not immediately noticeable.

Mr Woods then asked Mr Connolly to explain whether he was saying services are inadequate because he considered access difficult. Mr Connolly replied that feedback from the local population and community council is that travel routes to Wishaw are difficult and prohibitive; furthermore that decisions made by other Pharmacy Practices Committees and the National Appeal Panel also support the need for local service provision, therefore given the size of Coltness, the population should have a Pharmacy. This led Mr Woods to question again whether it was based solely on access and was advised by Mr Connolly that it was based on the needs of population.

Mrs Carahar followed Mr Woods and asked Mr Connolly if patients would need to go to Wishaw Town Centre to access their GP and get prescriptions. Mr Connolly advised that as 80% of prescriptions are on repeat they would uplift them from Wishaw Health Centre so patients could collect them from their Pharmacy hence saving them a journey into Wishaw. Mrs Carahar then asked how long it would take for this process and Mr Connolly advised that

the majority of practices aim to have repeat prescriptions ready for uplift within 48 hours. Mrs Carahar's final question was whether Mr Connolly considered there to be a good bus service, and was advised that whilst he did it does nothing to reduce inadequacy for those walking.

Mrs Park was next invited to question and asked if Mr Connolly had any documents to prove agreement that you have secured the lease for the property. Mr Connolly commented that he was not aware that the Regulations require this documentation however that he could confirm that they have a lease with extensive conditions. Mrs Park then asked him how he intended to staff the Pharmacy and was advised that they would have 1 pharmacist (Mr Connolly), one full-time dispenser and 2 counter assistants, which he hoped could be drawn from a mix of local people with pharmacy experience to train and give something back to the area. This led Mrs Park to ask how this staffing compliment could allow him to cover the home visits he intended to provide. Mr Connolly stated that he would do them either before or after hours as he would require to be within the Pharmacy during core hours given that he would be the responsible Pharmacist.

Mrs Park then asked Mr Connolly to give comment on the journey a patient residing within Melrose Crescent would take to access a Pharmacy, when advised by Mr Connolly that they would likely travel down North Dryburgh Road towards Main Street or Kirk Road, Mrs Park asked if this pattern would be likely to change if his Pharmacy opened. Mr Connolly replied that he was confident they would given the parking situation in Wishaw, and also the support for local services.

Mr Sinclair followed Mrs Park by asking Mr Connolly to provide background information on The Dean Partnership and their experience of opening Pharmacies. Mr Connolly advised that they have opened 2 new Pharmacies in similar areas to Wishaw & Coltness and also within Polmont which although it is a smaller area has similarities in demographics. Mr Sinclair then asked if they have had plans drawn up to develop the property, and was informed that they have not pursued this yet however the premises were a decent size and that they have an idea of the costings involved which, along with an estimation of scripts they are likely to receive, have informed their business case which supports the commercial viability of the project.

Mr Mallinson was last to ask questions of Mr Connolly, and enquired further of his plans for the layout and proportion allocated for front shop versus professional services. He replied that it was 800 square feet, and that he planned very little space for "front shop" as it was no longer a big part of Pharmacy business now given the need for more space to cater for the services associated with the new contract, and that he estimated three quarters of the space being made available for professional services. Mr Mallinson voiced his concerns over the vagueness of their intentions and the plans made given the need for them to demonstrate they could open within six months of being included in the provisional pharmaceutical list. Mr Connolly intimated that this approach was similar to that taken with the other pharmacies they have opened, and reassured him that they have a tested and effective layout model they apply, which their shopfitters know they need to fit into the premises and that he can see no significant challenge to working within the timeframe.

Mr Mallinson then asked about the provisional discussions regarding taking over the unit currently used as a Chinese takeaway, and sought clarification on where the pharmacy would be located at the time of opening should the contract be granted. Mr Connolly referred to the

situation as being a chicken and egg scenario, and advised that they would look to relocate once the contract had been granted, and that there would be no issues regarding the lease as it was the same landlord and the current leaseholder had indicated that he would be happy to move. Mr Mallinson asked if there would be implications for building control, and was advised that there would be however there would be no complicated planning issues.

Having ascertained that there were no further questions for Mr Connolly, the Chair then asked Ms Melinda Setanoians, Lloyds Pharmacy Ltd, to state her representation.

Ms Setanoians thanked the Chair and began her representation by drawing reference to a similar application for the area in 2004, the neighbourhood for which the PPC defined as incorporating Coltness, Cambusnethan and Wishaw given that the facilities of the town centre make it a place to access all those associated with the daily fabric of life, and that it is easily accessible given the frequent bus service. She then went on to explain that she considers Coltness to be a micro-neighbourhood having no medical or dental facilities, or a Post Office, and that the local Chinese takeaway is also considering moving out of the area.

She then advised that their branch located at Pharmacy at 156 Main Street minor relocated to that address recently as it was a larger unit and could comfortably accommodate the provision of services associated with the new contract, and had use of spaces within the Lidl supermarket car park direct behind. Furthermore with regards to parking that their branch at 80-82 Main Street had a short access path to the side leading from the car park at the Library, and that patients looking to access their pharmacies at 26 Kirk Road and 17 Caledonian Road can use the parking available at Kirk Road Gospel Hall and Caledonian Road - which is a 20 second walk and is also next to bus stop so transport and parking is plentiful.

Ms Setanoians then intimated that capacity is plentiful too - examples being that they are working to only 20% of their capacity for provision of monitored dosage systems and have made investments in provision of methadone and support services. With regards to access their Pharmacy at 156 Main Street is open 365 days per year between the hours of 09:00 – 18:00, with one branch being open till 19:00. Therefore it is demonstrated that all services associated with the new contract are currently being provided spread throughout the week, which if added to the services provided by the Pharmacies within the neighbouring areas it is evident that the area is well served.

Paying due regard to the Chair's direction that she would depart from the procedure outlined within the guidance notes by asking each of the interested parties to give their representations at this point, and then invite questions from the applicant to each one in turn, prior to giving Members of the Committee their opportunity. The Chair then invited Mr J A McCallum, Cleland Pharmacy to make his representation

Mr McCallum thanked the Chair and made his representation by referring to the following pre-prepared statement:

“Had Mr Connolly visited the area before making his application? It raised a wry smile when I saw the “village” of Coltness. I don't think of the area described by Mr Connolly as a village but part of the town of Wishaw. I travel through this area each work day and was unaware of the Openland and Woodland to mark the south end of his boundary. It also seems strange that Coltness High School lies beyond his boundary it being one of the two secondary schools serving Wishaw.

The proposed location of the pharmacy on Mr Connolly's map is some 200m outwith its actual location being on Duns Crescent.

I'm sure that a lot of my customers will be interested to know of the widespread deprivation Mr Connolly mentions in the area and the poor housing stock. Within his boundary there is a lot of private housing and much of the public sector housing has been regenerated. Mr Connolly tries to paint a bleak picture of the area to highlight any supposed deficiencies in services. I do not consider this area to be any worse than any other in Wishaw.

Cleland Pharmacy is only 1 mile from the proposed site with plenty of car parking facilities and good bus links to Wishaw. The Unit had a complete refit in May of last year to be able to fully comply with all the new aspects of the Pharmacy Contract. The dispensary being greatly increased in size and a fully enclosed consultation area added. I checked my patient Medical Records and 25% relate to ML2 7 and ML2 8 postcodes. This would indicate that I am supplying a service to the area. I also collect and deliver prescriptions into the area.

Customers often telephone when their prescription is due allowing me to request, collect and dispense and allowing it to be delivered or collected. Many use Public transport to visit Cleland to access the other services available in Cleland - Post Office, butcher and larger convenience store. The bus service in the area is good with two companies supplying a frequent service.

It is my opinion the area defined by Mr Connolly currently receives Pharmaceutical Services and ask the panel to reject the application on the grounds that it is not necessary."

Mr S Welch, Welch Chemists Ltd was the third and last interested party to make his representation

Mr Welch began by thanking the Chair, and read the following pre-prepared statement:

" In the Dean Partnership proposal they say that the neighbourhood "currently has no access to pharmaceutical services " There are currently at least 6 pharmacies and a Health Centre within approximately 1 to 1.5 miles of the proposed site. Large parts of this neighbourhood are just as close to the existing pharmacy sites in Wishaw Town Centre as they would be to the proposed new site. The area is well connected via A-class roads to all current pharmaceutical service providers and is not in any way isolated.

Information and advice is also easily accessible from the home. Residents in the Wishaw area have access to drug home deliveries, information and advice by phone from any of the local pharmacies, NHS 24, online and local out of hours services, so I don't see why they say there is currently no access to pharmaceutical services.

All the current pharmacy contractors provide the secure adequate services required under local Health Board and NHS Scotland Direction.

There has been no large increase in local medical provision to warrant an increase in Pharmaceutical Provision. A new contract will increase the financial pressures on NHS funding of Pharmaceutical Services and could have a detrimental effect on the current pharmacy network, increasing financial pressures and disrupting services rather than improving them. NHS Scotland has already noted the increase in pharmacy contracts and the pressure it is putting on Pharmaceutical funding.

I therefore feel that the applicant has failed to demonstrate that the current service provision is inadequate.

Following Mr Welch's representation the Chair then invited Mr Connolly to ask questions of the interested parties.

Mr Connolly asked Ms Setanoians for an explanation of the term “micro neighbourhood”. She advised that a micro neighbourhood is a normal neighbourhood sub divided and one which cannot stand alone given that you would need to leave to access other things, therefore it is also one which is supported by good transport links. Mr Connolly then enquired if Ms Setanoians would not agree that a Pharmacy in Coltness would give good services with ease of access. Ms Setanoians replied that whilst she would agree it was not necessary to have pharmacies located all over. This led Mr Connolly to ask if she did not think that patients currently experience difficulty accessing pharmaceutical services to which she replied that she didn’t as there was good public transport access, adequate car parking, and the close proximity of Cleland Pharmacy. Mr Connolly then asked that if this was the opinion of Lloyds Pharmacy Ltd why were they in discussions with the landlords of the Cascade public house with a view to securing the lease for the premises. Ms Setanoians stated that she was astounded and completely unaware of any such discussions and asked if could substantiate his claim, furthermore that if it was accurate then it was completely inappropriate for the landlord to make this known to other parties.

Mr Connolly then asked Mr McCallum to confirm that patients walking with prams or using mobility scooters would require to go onto a road with poor lighting and narrow footpath in order to access his Pharmacy from Coltness, and that having to do so is completely unacceptable. Mr McCallum stated that he could not recall any part of the route which would require patients to do so.

Mr Connolly’s final question was to Mr Welch stating that as he had relied upon the Collection & Delivery services provided to the neighbourhood during the hearing, did he think that this is an appropriate substitute for a face to face service. Mr Welch responded stating that he had said that it was an additional facility which whilst is suits a lot of people, is over and above existing services not a substitute and that that he had noted it was also one which Mr Connolly intended to offer. Mr Connolly then asked him why he had mentioned funding as part of his representation as he was unaware that it was part of the regulations to be taken into account. Mr Welch replied that he was just raising awareness of the fact that more contracts dilute financial support available.

When invited to do so the interested parties advised that they had no questions to ask of each other.

Having ascertained that Mr Connolly had no further questions, the Chair then invited questions from Members of the Committee to each of the interested parties

Mr Woods was invited to question first and asked Mr McCallum if the award of the contract would have a significant affect on the viability of his Pharmacy given the close proximity and the percentage of cover his patient medication records indicated he provided to Coltness. Mr McCallum replied that it would have a significant effect over time, perhaps a downturn of 10-15% business.

Mr Sargent followed and asked Mr McCallum why he did not consider Coltness being a separate village when he classes Cleland as one. Mr McCallum confirmed that he did consider Cleland a separate village as it’s completely on its own, bounded by “green land”.

Mrs Caraher's question was to Mr Welch asking what effect an additional contract would have on his business. He advised that he didn't have exact figures however that whilst they provide a small collection & delivery service to a few patients, it wouldn't have a major impact upon them.

Mr Sinclair then sought clarification from Ms Setanoians around her reference to a Micro neighbourhood, and asked if she was saying that to be considered a neighbourhood you required a doctors' surgery. Ms Setanoians replied that she was highlighting the disparity of services within Coltness compared with Wishaw as all amenities are within the town making Coltness almost merge in to it. Mr Sinclair then asked her if she did not think that the new services under the pharmacy contract e.g. eMAS, makes more of a need to have Pharmacy where there is no GP present. Ms Setanoians replied that they have organised themselves to provide all the services of the new contract having embraced the principles behind it. This led Mr Sinclair to ask if for clarity on whether she was saying a neighbourhood the size of Coltness, size couldn't support or indeed need a pharmacy. Ms Setanoians stated that she felt that it was not necessary given the infrastructure to Wishaw.

Mrs Park advised that she would like to ask each of the interested parties how they would define the neighbourhood. Mr Welch replied Wishaw with other areas round about however saw Coltness as part of Wishaw. Mr McCallum agreed with Mr Welch and stated that he saw no reason why the neighbourhood should not include the area incorporating Gala Crescent towards the town centre. Ms Setanoians also agreed and referred to also extending to include Wishawhill, as along with Coltness, it is part of Wishaw.

When invited to speak Mr Mallinson advised that he had no further questions to ask.

Having ascertained that there were no further questions to either the applicant or interested parties, the Chair then invited the interested parties to sum up their representations, keeping to the previous order. Accordingly, Ms Setanoians, Lloyds Pharmacy Ltd was first to speak.

Ms Setanoians stated that the neighbourhood is wider than that defined by the applicant and that the Pharmacies within Wishaw provide a more than adequate service to residents as they have all engaged with the principles behind the new contract, and are available throughout the week, and are accessible given that there are no car parking issues. Furthermore, her Pharmacy covers home visits and special events in community centres. Therefore to conclude Pharmacy provision currently set up is more than adequate, and that dilution of provision could impact on what services they offer presently.

Mr McCallum, Cleland Pharmacy was second to sum up his representation

Mr McCallum stated that present level of pharmaceutical service provision is not merely adequate but good, and that there is no need to dilute those services by the granting of an additional contract.

Mr Welch, Welch Chemists Ltd Pharmacy was third and final interested party to sum up his representation

Mr Welch stated that he agreed with what had already been said and that he had nothing further.

The Chair then invited Mr Connolly to sum up in relation to his application.

Mr Connolly concluded by stating that Coltness has a sizeable population, and that he was not looking to disparage other pharmacies but to highlight that it was a detached neighbourhood from Wishaw. He believes that in the ordinary sense of neighbourhood residents of Coltness would not consider themselves to be a neighbour of someone from Wishawhill, and that the local population feel aggrieved that Overtown was granted a Pharmacy, and are of the opinion that they should also have one. Furthermore there is a new Tesco store planned for the area which will mean that patients no longer need to travel outwith as they do at present. A Collection & delivery service is not adequate and no substitute for a face to face service. Pharmaceutical services are changing and best delivered at the heart of a community, and that Lloyds have a strangle hold in Wishaw.

The Chair interjected at this point to remind Mr Connolly that this was his opportunity to make his summation, therefore he should not be adding anything further or imparting new information from that already provided earlier during the hearing.

Mr Connolly apologised and concluded by saying that current provision of pharmaceutical services are not adequate and only by granting his application will they be able to be secured for now and the future.

Retiral of Parties

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

Having being advised that all parties in attendance were satisfied, the Chair then informed them that the Committee would consider the application and representations prior to making 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 Chair's request Mr Connolly, Mr Hanif, Ms Setanoians, Mr McCallum, and Mr Welch withdrew from the meeting.

Supplementary Submissions

Following consideration of the oral evidence

THE COMMITTEE

noted:

- i. that they had each independently undertaken a site visit of the proposed neighbourhood, noting the location of the proposed premises, the pharmacies, the general medical practices, and some of the facilities and amenities within the town of Wishaw and surrounds
- ii. map showing the location of the Doctors' surgeries in relation to existing Pharmacies in the town of Wishaw, and the site of the proposed pharmacy
- iii. prescribing statistics of the Doctors within the town of Wishaw and surrounding areas, during the period February to April 2009.
- iv. dispensing statistics of the Pharmacies within the town of Wishaw and surrounding areas, during the period February to April 2009.
- v. demographic information on the townships of Wishaw and Newmains and village of Cleland taken from the 2001 Census
- vi. comments received from the interested parties including existing Pharmaceutical Contractors in Wishaw, Motherwell, Cleland and Newmains in accordance with the rules of procedure contained within Schedule 3 to the regulations
- vii. report on Pharmaceutical Services provided by existing pharmaceutical contractors within the towns of Wishaw and Newmains and village of Cleland.
- viii. letter received from the Chair of Coltness Community Council who whilst not interested parties as defined within the regulations at the time the application was received, were clearly interested and wished their comments to be brought to the attention of the Committee and have their views taken into consideration

Decision

THE COMMITTEE

then discussed the oral representation of the Applicant and the Interested Parties in attendance, 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 2009, (S.S.I. 2009 No. 183).

- (i) Neighbourhood

THE

COMMITTEE

in considering the evidence submitted during the period of consultation and presented during the hearing, and recalling observations from their site visits, agreed with the neighbourhood as defined by the applicant as being the suburb of Coltness.

THE COMMITTEE

In reaching this decision was of the opinion that the neighbourhood constituted a self contained community bounded by open land and woodland to the East, continuing with South Calder Water to the North and West, and Temple Gill Water to the South.

(ii) Existing Services

THE COMMITTEE

having reached a conclusion on the neighbourhood, was then required to consider the adequacy of existing pharmaceutical services in that neighbourhood, and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in that neighbourhood.

THE COMMITTEE

recognised that there were no existing contract Pharmacies within the defined neighbourhood, however the evidence provided including the report collated by the office of the Chief Pharmacist – Primary Care, demonstrated that the population have access to Pharmacies within Wishaw town centre and Cleland, which provide a comprehensive range of Pharmaceutical Services alongside the core requirements of the new contract.

THE COMMITTEE

furthermore were of the belief that the characteristics of the neighbourhood are such that residents are used to travelling outwith to access their daily needs therefore existing Pharmacies could be considered providing services to residents within the neighbourhood.

(iii) Adequacy

THE COMMITTEE

discussed the test of adequacy and paying due regard to the reasons set out above and having noted the private and public transport routes available and explored the transport challenges for patients living at the extremities of the defined neighbourhood and the centre, it was considered that existing services could be deemed adequate as they provide a breadth and range of NHS contract services in line with contemporary standards, and were easily accessible to the residents of the neighbourhood.

Accordingly, following the withdrawal of Mrs Park and Mr Sinclair in accordance with the procedure on applications contained within Paragraph 6, Schedule 4 of the National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, the decision of the Committee was unanimous that the provision of pharmaceutical services at the Premises was neither necessary or desirable in order to secure adequate provision of Pharmaceutical Services within the neighbourhood in which the Premises were located by persons whose names are included in the Pharmaceutical List and that, accordingly, the application was rejected subject to the right of appeal as specified in Paragraph 4.1, Schedule 3 of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009.

Mrs Park and Mr Sinclair were then requested to return to the meeting.