

IN CONFIDENCE – FOR MEMBERS’ INFORMATION ONLY

MINUTE: PPC/09/07

Minute of Meeting of the Pharmacy Practices Committee held on Monday 24th August 2009 in Meeting Room 1, Law House, Airdrie Road, Carlisle, 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

07 **APPLICATION BY WM MORRISON PHARMACY, OF WM MORRISON SUPERMARKETS PLC, HILMORE HOUSE, GAIN LANE, BRADFORD, WEST YORKSHIRE, BD3 7DL**

Application

There was submitted application by Wm Morrison Pharmacy, received 28th January 2008, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 5 New Park Street, Hamilton, ML3 0BN (“the premises”).

Submissions of Interested Parties

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

1. Letter received from Alliance Pharmacy (now Alliance Boots) on 5th February 2008
2. Letter received from Munro Pharmacy (contract now owned by Lloyds Pharmacy Ltd t/a Lloydspharmacy) on 5th February 2008.

3. Letter received from Boots the Chemist Ltd (now Alliance Boots) on 6th February 2008.
4. Comments received (via email) from NHS Lanarkshire's Area Medical Committee, GP Sub Committee on 18th February 2008.
5. Letter received from Lloyds Pharmacy Ltd on 21st February 2008.
6. Letter received (by fax) from NHS Lanarkshire's Area Pharmaceutical Committee (subsequently amended by letter of 6th June and referring to corrected version received 28th May 2008)

Procedure

At 10:00am on Monday 24th August 2009, the Pharmacy Practices Committee (“the Committee”) convened to hear application by Wm Morrison Pharmacy (“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 Members of the Committee had previously undertaken a site visit of Hamilton 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. All confirmed 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 towns of Hamilton and Motherwell during the period February to April 2009, and the revised version of the Report on Pharmaceutical Services provided within the towns of Hamilton and Motherwell. 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 Wm Morrison Pharmacy was represented by Mr Fraser Frame. The first interested party, Alliance Boots was represented by Mr C Tait. The second interested party, Lloyds Pharmacy Limited, was represented by Ms Melinda Setanoians.

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 towns of Hamilton and Motherwell 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 Wm Morrison Pharmacy, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 5 New Park Street, Hamilton, ML3 0BN 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 or officers in attendance, had any interest in the application. The Chair then advised 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 departure.

Evidence Led

The Chair then invited Mr Frame, Wm Morrison Pharmacy, Wm Morrison Supermarkets plc to speak first in support of the application.

Mr Frame introduced himself and gave the following overview in support of the application:

Morrisons are part of the fabric of everyday life with in excess of 27,000 customers per week. They are open during the hours of Monday – Wednesday 8am – 8pm, Thursday and Friday 8am – 10pm, Saturday 8am – 8pm and Sunday 9am – 8pm and it is their intention that the Pharmacy match the store opening times. Wm Morrison Pharmacy are committed to the provision of pharmaceutical services and have acquired 5 new contracts in the last few months increasing their Pharmacy totals to 17.

Wm Morrison Pharmacy define the neighbourhood as Bothwell Road to the North, Almada Street to the East, East Kilbride Expressway to the West and the Railway line to the South. We consider the railway line to be a physical barrier, therefore we do not agree with the extended definition of the neighbourhood as proposed by The Area Pharmaceutical Committee. The Supermarket sits in the community of Whitehill which is classed as a neighbourhood by South Lanarkshire Council. There is a Primary School and High School within the neighbourhood, which has also seen recent developments including Whitehills Neighbourhood Centre, Crèche, Community Centre, Softplay and Library. The housing stock has also been redeveloped recently and over 200 homes have been built in Abbotsford Road

and Whistleberry Road, there is also the recently built Holy Cross High School and Hamilton Academicals Football Stadium.

Wm Morrison Pharmacy believe that the granting of this contract is both necessary and desirable as the neighbourhood only has access to 1 Pharmacy at 1 Douglas Street, Hamilton, which is a 15 minute walk from the Morrisons store, and who close at 6pm during the week, and only open between the hours of 9am – 1pm on Saturdays. Residents without access to a car looking to obtain pharmaceutical services during the weekend therefore require walking to the town centre from Whitehill which takes approximately 30-35 minutes and is unreasonable to expect of the elderly, infirm, or mothers with prams.

Mr Frame went on to say that the neighbourhood increases with 4,500 students and staff from The University of the West of Scotland, 500 plus students from Holy Cross High School, and 500 plus staff and shoppers to the Retail Park on a daily basis. He estimated a 2,000-3,000 resident population in the Whitehill area, all of whom he believes should have access to a Pharmacy. He also advised that the residents of the neighbourhood who are in employment and students largely work until 6pm and therefore have no access to Pharmaceutical Services after 6:30pm in the area. Therefore by granting the contract the population will be provided with all core services and local initiatives supported by NHS Lanarkshire. Mr Frame continued to state that they are well regarded by Greater Glasgow & Clyde Health Board for their evidence of good success with Smoking Cessation, and that their proposed hours of service would give good cover for the younger population looking to access Contraceptive Advice and Emergency Hormonal Contraception. He then referred to access to services within neighbouring areas and contrasted the availability of only 1 Pharmacy open on a Sunday within Hamilton against smaller townships of Bellshill and Airdrie, which he argued demonstrated that Pharmaceutical Services within the neighbourhood, and Hamilton, are inadequate therefore it is both necessary and desirable for the contract to be granted.

Mr Frame stated that in looking at the Area Pharmaceutical Committee's boundary access to the nearest Pharmacies is difficult by foot and requires patients to negotiate an uphill and uneven underpass which is poorly lit and littered. He is of the opinion that it is not nice area to walk through, and the journey from Whitehill would take 1½ hours, and that it is unacceptable to expect people within his neighbourhood to encounter such obstacles in order to access late evening and weekend Pharmacy provision.

He then went on to say that local Pharmacies have poor parking – remarking that there are no disabled spaces and limited parking spaces at Douglas Street, which is in stark contrast to the Morrisons store which has a large, no charge, car park with adequate numbers of designated spaces for disabled and parent/toddlers.

Mr Frame concluded by saying that there is a resident population of 2,000-3,000, which is hugely increased by commuters, who expect and deserve Pharmaceutical Services, and that Wm Morrisons Pharmacy wish to provide this for them, and for the reasons he has outlined he feels that a new contract is both necessary and desirable.

The Chair then invited questions from Mr Tait, Alliance Boots, to Mr Frame.

Mr Tait stated that Mr Frame had made a big play on the University of the West of Scotland and asked him if he was a student looking to go for a sandwich, which direction would he go.

Mr Frame answered that he would turn right to Sainsburys or Morrisons. Mr Tait questioned this stating that he felt they would be more likely to travel towards the services available within the Town Centre, which included Pharmacies. Mr Frame replied that this would involve unnecessary travelling when they are easily accessible and closer to the University. Mr Tait then asked Mr Frame what he considers the average population per Pharmacy to be. When advised that it was normally around 5,000 people, Mr Tait stated that the population within the neighbourhood being defined therefore was well below average especially given the transient nature of its population, as well as the likelihood that those travelling may be coming from areas which have a Pharmacy within.

Having ascertained that Mr Tait had no further questions, the Chair then invited questions from Ms Setanoians, Lloyds Pharmacy Ltd to Mr Frame.

Ms Setanoians stated that whilst she agrees with Mr Frame that there is a visiting population of around 27,000 to the area, she also echoes Mr Tait's sentiments that it was likely that a considerable percentage of this population would be coming from their own communities with access to Pharmacies and their own GPs so it is in effect a moot point. Ms Setanoians then referred to what she called a "mass exodus" of residents however advised that this was due to redevelopment of the housing stock which has resulted in the area no longer being considered so deprived, however stressed that there had been no increase in homes and thus no net gain in residents. It was at this point that the Chairman stopped Ms Setanoians to remind her that this section of the hearing was for posing questions to the Applicant and not making a statement.

Ms Setanoians apologised then asked Mr Frame why he seemed keen to exclude the area beyond the railway line from his definition of neighbourhood. Mr Frame responded by asking Ms Setanoians if she ever walks around this area, to which she replied that whilst she does not personally she knows people who do, to which Mr Frame replied that he does and does not consider it a nice area of the town.

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 Frame.

Mr Sinclair was first to speak and asked Mr Frame if he has plans of where the Pharmacy would be located in the store. Mr Frame replied that the store could be extended to the side or it would be incorporated into some of the café area. When asked if that indicated that they didn't have any secure plans, Mr Frame replied no, but that the Pharmacy units are modular and they are used to accommodating them within the fabric of their supermarkets. Mr Sinclair then asked for an indication of the timescales they afford such projects and was advised that it would be less than 6 months if the café was chosen or 6 months if an extension to the building was required. When Mr Sinclair suggested that the addition of a Pharmacy could be seen as an "add on" or extra service of the store, Mr Frame replied that he deemed it to be a required service to a population needing a Pharmacy. Mr Sinclair's final question was to ask Mr Frame which route he had taken in order to suggest the 15 minute walking time to Boots Pharmacy, as it took him only 5 minutes from the football stadium. Mr Frame replied that his route incorporated the Petrol Station, New Park Avenue, and Douglas Street, however acknowledged that when he did his walk the roads were very busy and it took a long time for the traffic lights to change.

Mrs Park was next invited to question Mr Frame and asked him to clarify their proposed opening hours as they were different from those stated on their application form. Mr Frame advised that the opening hours would be Monday to Wednesday 8am – 8pm, Thursday and Friday 8am – 10pm, Saturday 8am – 8pm, and 9am to 8pm on Sunday. This led Mrs Park to ask him about staffing the Pharmacy, and was advised that they have a relief Pharmacist whom they could use for weekend cover and that during the week there would be two Pharmacists covering. Mrs Park asked if he thought that staff availability may be an issue and was advised that it would not be.

Next was Mr Mallinson whose first question to Mr Frame was to ask why he had excluded the flats in Bothwell and Hamilton Road from his definition of the neighbourhood. Mr Frame replied that it was due to their location across a very busy road, which was physically difficult to access; therefore he deemed the road a natural boundary. When Mr Mallinson suggested that the racecourse could have been chosen as a more natural boundary, given that the road did have crossing points, Mr Frame replied that it hadn't occurred to him.

Mr Mallinson then changed his focus to ask him where students attending the University came from, and was it correct that there was no residential student campus. When Mr Frame confirmed that there was no halls of residence, Mr Mallinson asked Mr Frame if he agreed that the neighbourhood had a high transient student population and was advised that he did. In recalling Mr Frame's reference to Holy Cross High School Mr Mallinson asked him where he thought the pupils would migrate to at lunchtime. When Mr Frame intimated that it was the Morrisons store Mr Mallinson asked him to consider his understanding of their travel patterns suggesting that they followed the route down Cairn Street towards the town centre which was a quicker journey than going to the Morrisons store. Turning to other methods of travel Mr Mallinson advised that there was a regular bus service (2 buses every 15 minutes) which elderly people get free, and asked Mr Frame what proportion of people in the Whitehill area have cars. When Mr Mallinson learned that it was approximately 50% he exclaimed that he thought that this was quite high, and remarked that car users exiting the area at Whitehills Road would pass Pharmacies marked 8 & 4 on the map en route, both of which can be accessed easily. Mr Frame agreed that this would be the case.

When invited Mrs Caraher remarked that she was keen to learn of how Wm Morrisons Pharmacy intended to fill the perceived gaps in Pharmaceutical provision. Mr Frame clarified that he didn't say there were any gaps he had advised that they would make themselves available to provide any additional services asked of them by NHS Lanarkshire.

Mr Sargent chose to ask questions centred on the range of Pharmaceutical services Wm Morrisons Pharmacy intended to provide, especially supervised provision of Methadone. Mr Frame replied that they do not have any issues with this service and that they would provide it. When asked about needle exchange he said that they would need to discuss this with NHS Lanarkshire. Mr Sargent asked what provision would be made for patients accessing both services, and was advised that whilst there would be no restrictions placed upon them they would be asked to attend either half an hour before closing or half an hour after opening.

Mr Woods was last to ask questions of Mr Frame and his line of questioning centred around adequacy, asking Mr Frame if he was saying during his presentation that existing service were inadequate solely because of the hours of service of neighbouring Pharmacies. When advised that he was, Mr Woods then remarked that the argument is based on hours which are outwith NHS Lanarkshire's Model Hours of Service Scheme, therefore is Mr Frame also

suggesting that they are inadequate. Mr Frame replied that his view was that patients who commute outwith the neighbourhood during the day and return home at night around 6.30pm cannot have their prescriptions dispensed and would require to travel outwith their neighbourhood again which is unfair and not the same as other areas within Lanarkshire.

Having ascertained that there were no further questions for Mr Frame the Chair then asked Mr Charles Tait, Alliance Boots to state his representation.

Mr Tait said that he was not convinced by the neighbourhood outlined by Applicant and could see why Mr Frame would seek to exclude flats in Bothwell and on Hamilton Road as further down it becomes an industrial area whose population would gravitate towards the town centre, which is not a far distance. Mr Tait also stated that he had difficulties with Mr Frame trying to suggest that the railway line split the town into two different communities. He then turned his attention to hours of service saying that a great play had been made on the extended hours the Pharmacy would offer, however this was alongside agreement that current services are adequate, therefore it cannot be said that a few hours during the week and a half day on a Saturday creates inadequacy and if it did, then there were sufficient Pharmacies within the town who could look to cover any gaps.

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 Ms Melinda Setanoians, Lloyds Pharmacy Ltd to make her representation

Ms Setanoians began by thanking the Chair, and stated that she agreed with Mr Tait in that the railway does not provide a natural barrier separating Burnbank, as it can be overcome easily. Furthermore it is important to focus on the resident population of the neighbourhood and not what it can increase to. She remarked that competition and choice is not the statutory test it is around adequacy – and whether it is necessary or desirable to have further provision. It is true that the housing stock within the neighbourhood has changed however it was a like for like replacement and there is no net gain in capacity. She concluded by stating that no evidence had been provided to show that the existing Pharmacies cannot cope with the population, indeed her figures show an average waiting time of only 8 minutes for patients to have their scripts dispensed, and that the residents can access all services associated with the new contract.

Following Mr Tait's and Ms Setanoians's representations the Chair then invited Mr Frame to ask questions of the interested parties.

Mr Frame asked Mr Tait if he agreed that it was acceptable for the elderly and infirm to travel to Bellshill in the evening if they required Pharmaceutical services. Mr Tait replied that it was impossible to cater for all eventualities, and turned the question back to Mr Frame to ask what he would expect the patients to do after 9pm when their Pharmacy would be closed.

Mr Frame then asked Ms Setanoians if she was able to provide any evidence to support her earlier statement about having waiting times of only 8 minutes. She confirmed that she could as they are required to do audits by head office.

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

Mr Sinclair was invited to question first and asked Mr Tait if Boots UK Ltd had considered providing extended hours of service given the large number of contracts they have in the town. Mr Tait advised that they had previously submitted an application for a new contract within their store at Palace Grounds Retail Park with proposed opening until midnight, however the application had been rejected and their appeal unsuccessful. He then asked the same question of Ms Setanoians and was advised that they haven't experienced a demand for them to increase their hours however that they could do so if necessary. Mr Sinclair then asked how she conducts the audit within the Pharmacy to measure waiting times. Ms Setanoians advised that the company has a process whereby they scan the prescriptions and the system records whether or not they are meeting or falling outwith the company target of 8 minutes wait.

The Chair then asked Mrs Park if she had any questions at this point, and she took the opportunity to ask Ms Setanoians if they were able to supply compliance aids, and had room to provide a consultation area for services such as supervised dispensing of methodone. Ms Setanoians assured Mrs Park that they had no issues with regards to internal space or capacity. She then asked the same question of Mr Tait who replied that they also had no issues with capacity.

The Chair then invited questions from Mr Mallinson who asked Mr Tait to clarify the opening hours of their Pharmacy at Regent Road. Mr Tait replied that it was open till throughout the week to 6pm (including Saturday) and from 11am to 4:30pm Sundays.

Mrs Caraher then asked Ms Setanoians to give her more details around the company's target of 8 minutes waiting time. Ms Setanoians informed her that if a patient chooses to wait within the Pharmacy whilst their prescription is dispensed, they endeavour to do this within 8 minutes in order to live up to patient expectations, however they do encourage patients to leave routine prescriptions.

When invited by the Chair, Mr Sargent stated that he had no questions for the interested parties at this time.

Mr Woods was last to question and asked Ms Setanoians to confirm that she was able to guarantee that patients walking in off the street would be able to have their prescription items in 8 minutes. Ms Setanoians replied that when patients hand in their prescriptions they are asked if they would prefer to go shopping and call back for their items, as this allows them to plan workflow, however if patients choose to wait whilst she cannot guarantee it they do try to meet the 8 minute turnaround time. Mr Woods then recalled both Ms Setanoians and Mr Tait's statements that there was no requirement from demand for them to alter their current hours of service and asked them how they gauged patient need. Mr Tait advised that they monitor demand and from time to time they open longer than they need to e.g. occasionally on Sundays in recognition of patients traditionally getting up later and those attending. Ms Setanoians stated that they look at patient flow and if it can be seen that there is a rush at certain times they monitor it over an extended period of time in order to establish whether there is a need for them to alter their hours, however as a minimum they look to mirror the local medical practices' Hours of Service.

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, Mr Tait, Alliance Boots was first to speak.

Mr Tait thanked the Chair and stated that there was no evidence of inadequacy indeed applicant described the services in neighbourhood as adequate. Therefore the contract was neither necessary or desirable.

Ms Setanoians, Lloyds Pharmacy Ltd was the second and last interested party to sum up her representation

Ms Setanoians thanked the Chair and stated that there was no evidence of current provision being inadequate and further pharmacy provision could be detrimental to existing contractors.

The Chair then invited Mr Frame to sum up in relation to the application.

Mr Frame concluded by saying Wm Morrison Pharmacy believes that the application is both necessary and desirable, and that the 2-3,000 population require better access to pharmaceutical services. Yes he would agree that an adequate service is being provided in existing pharmacies, however this is not provided to his neighbourhood outwith core weekday hours, therefore it is both necessary and desirable for this community, and wider areas of Hamilton, to have access outwith those times as it is unreasonable to expect patients to travel Bellshill or Motherwell in order to do so.

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 Frame, Mr Tait, and Ms Setanoians 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 town of Hamilton, noting the location of the proposed premises, the pharmacies, the general medical practices, and some of the facilities and amenities within
- ii. map showing the location of the Doctors' surgeries in relation to existing Pharmacies in the towns of Hamilton and Motherwell, and the site of the proposed pharmacy
- iii. prescribing statistics of the Doctors within the towns of Hamilton and Motherwell, during the period February to April 2009
- iv. dispensing statistics of the Pharmacies within the towns of Hamilton and Motherwell, during the period February to April 2009
- v. demographic information on the townships of Hamilton and Motherwell taken from the 2001 Census
- vi. comments received from the interested parties including existing Pharmaceutical Contractors in the towns of Hamilton and Motherwell 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 Hamilton and Motherwell

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, deemed the neighbourhood to be the area bounded by the A724 Glasgow Road/Burnbank Road to the South, Almada Street to the East, Bothwell Road to the North and the East Kilbride Expressway to the West. In reaching this decision the committee debated over including the railway line as a boundary however the consensus was that this did not present a significant barrier to residents' movement.

(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 was one existing Pharmacy within the neighbourhood (your local Boots pharmacy, Unit 2, 1 Douglas Street, Hamilton) with three further Pharmacies (Lloydspharmacy, 15 Burnbank Centre, Lloydspharmacy 33 Burnbank Road, and Alliance Pharmacy, 7 Burnbank Centre) on the Southern edge.

Furthermore, from the evidence provided within the report collated by the office of the Chief Pharmacist – Primary Care, it was demonstrated that the population has access to Pharmacies in close proximity that provide a comprehensive range of Pharmaceutical Services including the core requirements of the new contract.

(iii) Adequacy

THE COMMITTEE

discussed the test of adequacy and paying due regard to the reasons set out above agreed that existing services could be considered adequate, as they provide a breadth and range of NHS contract services in line with contemporary standards which were easily accessible to the residents of the neighbourhood, including the elderly, less mobile or disabled, young mothers and those requiring addiction services. Furthermore that Wm Morrison Pharmacy did not intend to provide any additional services to those already being provided by those existing Pharmacies

Accordingly, following the withdrawal of Mrs Janet Park and Mr David 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 by Wm Morrison Pharmacy 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, and were advised of the decision of the Committee.