

MINUTE: PPC/2010/04

Minute of Meeting of the Pharmacy Practices Committee held on 8th March 2010 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 James Murray
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

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

04 APPLICATION BY MR MICHAEL DOHERTY, [REDACTED], [REDACTED], BOTHWELL, [REDACTED]

Application

There was submitted application by Mr Michael Doherty, received 18th May 2009, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 2 St James Avenue, St James Retail Centre, Hairmyres, East Kilbride, G74 5QD (“the premises”).

Submissions of Interested Parties

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

- (i) Letter received on 18th June 2009 from J P Fenton & Sons Ltd
- (ii) Letter received on 15th June 2009 from Boots UK Ltd
- (iii) Comment received by email on 22nd June 2009 from Apple Healthcare
- (iv) Letter received on 23rd June 2009 from Donald R Fraser
- (v) Letter received on 24th June 2009 from Greater Glasgow & Clyde Health Board Area Medical Committee GP Sub Committee
- (vi) Letter received on 26th June 2009 from Rowlands Pharmacy

- (vii) Letter received by fax on 30th June 2009 by Lloydspharmacy
- (viii) Letter received on 30th June 2009 by The co-operative Pharmacy
- (ix) Letter received on 30th June 2009 by Greater Glasgow & Clyde Health Board Area Pharmaceutical Committee

Procedure

At 09:30 hours on Monday, 8th March 2010, the Pharmacy Practices Committee (“the Committee”) convened to hear application by Mr Michael Doherty (“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 East Kilbride 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.

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 Mr Michael Doherty attended and was assisted by Mr Clifford Smith. The first interested party, Greenhills Pharmacy, JP Fenton & Sons Ltd, 7 Greenhills Square, Greenhills, East Kilbride, Glasgow, G75 8TT was represented by Mrs Felicity Fenton. The second interested party, Frasers’ Pharmacy, Donald R Fraser, 16 Westwood Square, East Kilbride, Glasgow, G75 8JQ was represented by Mr Colin D Fraser. The third interested party, Rowlands Pharmacy, Whitehouse Industrial Estate, Rivington Road, Preston Brook, Runcorn, WA7 3DJ was represented by Mr Alistair Shearer who was assisted by Ms Laura Fraser. The fourth and final interested party, Lloydspharmacy, Lloyds Pharmacy Limited, Sapphire Court, Walsgrave Triangle, Coventry, CV2 2TX was represented by Mr Mark Sim.

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.

The Chair then explained that the meeting was being convened to determine the application submitted by Mr Michael Doherty, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 2 St James Avenue, St James Retail Centre,

Hairmyres, East Kilbride, according to the Statutory Test set out in Regulation 5(10) of the Regulations. Furthermore that the application would be heard afresh by the membership of the Pharmacy Practices Committee today, therefore there would be no reference to previous communications, representations, or decisions taken in respect of a previous application by the same applicant for the same proposed premises.

The Chair continued to explain the procedures to be followed as outlined within the guidance notes circulated with the papers for the meeting, 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.

Evidence Led

The Chair then invited Mr Doherty to speak first in support of his application.

Mr Doherty thanked the Chair then read the following pre-prepared statement:

“Pharmacists are the most accessible healthcare professionals and come into contact with a greater number of patients than any other profession. In fact 90% of the population of Scotland visit a pharmacy at least once per annum. Health promotions and illness prevention are a crucial element of community care and being able to access these community pharmacy services is essential for government initiatives to work. I believe the residents of the area I am about to define would have a much easier and better chance of using their community pharmacy if there were one situated at the proposed site, not only for prescriptions but also for these new initiatives.

The Neighbourhood

My neighbourhood slightly differs from that of the Area Pharmaceutical Committee and that agreed by the Pharmacy Practices Committee at a previous hearing. I define the boundaries as:-

North: the M77

West: Greenhills Rd as far as Eden Drive

East: Dunedin Drive

South: Eden Drive and along as far as Dunedin Drive

The difference is the eastern boundary - Dunedin Drive is more of a main road than Strathtay Avenue and would take into account residences I believe would use the new pharmacy.

Location

2 St James Avenue, St James Retail Centre, East Kilbride, G74 5QD. The following major retail outlets are also located there:

- Lidl Supermarket
- G1 Group Brewers Fayre
- Sala Thai, Thai Restaurant

- Greggs Bakery
- D'lish Café/Deli
- Essential Therapy
- Hairdresser
- Estate Agents
- Pizza Hut
- Dry Cleaners
- Fish and Chip Shop
- Indian Takeaway
- Newsagents
- Coral Bookmakers
- Dental Surgery
- EK Mail offices
- School Magazine

Future Developments for the retail centre:

- Phase 2, 10 retail units 10,000 Sq Ft. 7 office units 7,000 Sq Ft.
- Phase 3, 25,000 Sq Ft retail units.
- Phase 4, Tesco/Asda super store 100,000 Sq Ft, Dobbies Garden Centre 40,000 Sq Ft.
- 68 Bedroom Hotel.
- Petrol Station and Jet wash.
- Large fast food drive through.

St James Avenue was once a busy road with lots of through traffic, this has changed now with the building of the M77 link which has reduced the traffic flow by 70%. The area is now dominated by local residential traffic. The road is easy to cross and has had no incidence of accidents. The local council have granted plans for a pedestrian crossing to be built at the retail centre making it even safer to cross the road.

The unit itself is of considerable size, 1000 sq feet. The plans show a large shop front with disabled access, large dispensary, consultation room and an area set aside for health promotion. This is to enable the provision of new key pharmacy roles in Public Health Service (PHS) provider. Floor plan is available should the Committee wish to see it.

The location is ideal for all modes of transport.

The new drive in bus terminus is under construction as we speak with a cost to Strathclyde Passenger Transport of £60,000. This shows that SPT have recognised the shopping precinct as a popular neighbourhood centre. There will be a path leading directly to the retail centre. The No16 bus run by First Bus has now been included to service the St James Retail Centre and Hairmyres station - this means the St James Centre is even better linked to the wider public transport infrastructure of East Kilbride. The road is serviced by the 395 (hourly service) and during peak times the 399 (service between Greenhills and Hairmyres). I have the bus timetable with me should the Committee require it.

Hairmyres train station is 200 yards from the proposed pharmacy. This is a very busy station with trains every half hour. It is used by approximately 412,000 people per annum, as confirmed by Scot Rail.

There is a taxi rank close by. The retail centre has parking spaces for over 150 cars.

The new pharmacy would also be 250 yards from Hairmyres hospital. There are no pharmacies within 1.5 miles of the proposed site. Using RAC route planner to judge the distances to other pharmacies in the area the results showed:

- Frasers Pharmacy, Westwood- 1.51 miles
- Munro Pharmacy, Westwood- 1.87 miles
- Alliance Pharmacy, Town Centre- 2.14 miles
- Greenhills Pharmacy, Greenhills- 2.23 miles
- Murray Pharmacy, The Murray- 2.47 miles
- Morrisons Pharmacy, Stewartfield- 3.15 miles

Most of the listed pharmacies are to the east of the proposed pharmacy, they are of considerable distance for residents to obtain pharmaceutical services and provisions.

POPULATION

RESIDENTIAL - I have electoral ward occupancies which show that from the various properties and developments now occupied there is a difference since my previous application. This excludes the new Thornton Grove development.

Area EK 23 (the area opposite Lidl's and to the right towards Gardenhall roundabout including Mossneuk and the new build flats at the train station) 1,241 occupied properties.

Area EK 42 (The area to the immediate left of Hairmyres Hospital behind the Ambulance Station and the established Hairmyres Park) 380 occupied properties.

Area EK 47 (Jackton and Thorntonhall) 309 occupied properties.

Area EK 51 (The Gardenhall area) 497 occupied properties.

Area EK43 (Dunedin Dr and neighbourhood to the left of Area 42) 168 occupied properties.

The New Thornton Grange Development

The last time I presented an application for the same contract this development was really just beginning. I now have full statistics on the progress of the different companies' developments within here.

Stewart Milne	= consent 130	built 86
Taylor Woodrow	= consent 66	built 34
Persimmon	= consent 78	built 53
Cala	= consent 84	built 60
BMJ Properties	= consent 131 flats and houses planned August 2010 - this is new build that was not included in my last application.	

Therefore:

Total Occupied Properties 2009 = 2,595

2010 = 2,828

Total Population = $\frac{2595 \times 2.5 = 6,487}{2,828 \times 2.5 = 7,070}$ (2009)
(2010)

256 Properties with consent still to be built, adding proposed population = 640

POSSIBLE TOTAL POPULATION IN 2011 = 7,710

Furthermore, South Lanarkshire Council have published their Community Growth Area proposals which seek to set out the rules and guidelines for future development (both residential and commercial) in South Lanarkshire through to 2018. A number of CGA's have been identified. In East Kilbride the land running between Lindsayfield and Jackton has been identified for the development of 2300 new family homes. This would boost the population in this area dramatically.

AREA OF HIGH EMPLOYMENT

Hairmyres Hospital, Department for International Development, HM Revenue and Customs, Mentholatum, Lidl and other businesses in the Redwood Industrial Estate give the neighbourhood in question a potential 3,000 customers from employment alone.

The Proposed Pharmacy

Due to extended professional roles for community pharmacists I am ensuring that the premises are fit for present and future use. This will include addressing access for people with disabilities (visual, hearing or physical) and the provision of a private consultation room. The room will have a sink, computer terminal and adequate room for three people. The desire for privacy and discreetness is paramount. I will use the consultation room for variety of services both existing and new. These will include the Minor Ailments Scheme (eMAS), smoking cessation programmes, the provision of advice and consultation, pregnancy testing, emergency contraception, chlamydia testing, blood glucose and blood pressure testing, cholesterol testing, head lice treatment, healthy living advice and help with weight loss, methadone dispensing and supervision, buprenorphine service and needle exchange (if granted funding). In the not too distant future Chronic Medication Service (CMS) and Acute Medication Service (AMS) will be provided. A comprehensive range of information leaflets and DVDs would be made available.

I am also keen to liaise with other healthcare professionals and would make available the consultation room if required. I will also be willing to assist patients who have difficulties with their medication by providing compliance aids where necessary.

The new Community Pharmacy Contract in Scotland will ensure the provision of the four essential Pharmaceutical Services namely eMAS, AMS, CMS and PHS. I will be installing the most up to date pharmacy equipment in order to carry out these tasks thoroughly. I will provide a comprehensive prescription collection and delivery service for all the local doctor

surgeries, this will be an inclusive service not an exclusive one. There will also be an oxygen delivery service with in house training for patients if required.

The pharmacy opening hours will be:

Monday – Friday 9am to 6pm

Saturday 9am to 5.30pm

Sunday 10am to 4pm

These opening hours will allow the local residents access to their pharmaceutical needs seven days a week, eMAS becomes more necessary at times when doctors surgeries are closed. The pharmacy will be shopfitted to the highest professional standards and I have the shopfitters ready to start within weeks of a successful application. The lease has been agreed with the developer, Kean Property Limited, for a period of twenty five years.

Supporters

In compiling this application I have gained the support of many people who are actively involved in improving the services to the residents of this area:

The Rt Hon Adam Ingram MP for East Kilbride, Strathaven & Lesmahagow.

John Richards, Kilbride Hospice.

Tony McGuinness, Kilbride Hospice.

Michael McCann, Councillor Mossneuk/Kittoch ward.

Jim Docherty, Councillor Whitehills ward.

David Watson, Councillor East Kilbride West.

Graham Simpson, Councillor East Kilbride West.

All state the need for a pharmacy and with the continuing growing numbers in the area, a local pharmacy at this site will be essential.

The Theory Behind East Kilbride

When the planners discussed all those years ago the plans for East Kilbride (the new town) they decided they would give each area its own services and amenities. As it stands today there are the required schools, shops, Doctors surgeries and Pharmacies to service all these communities, which are, Westwood (old and new), Greenhills, Calderwood, Murray, St Leonards, The Village and most recently Stewartfield. All of these communities have their local pharmacy.

East Kilbride has been growing rapidly over the last 10 to 15 years especially in the west of the town and only one contract has been granted in that time at Stewartfield. It has now become necessary and desirable for a contract to be granted in the Hairmyres area to service this growing neighbourhood. Just for the record I do not include Greenhills or Westwood in the neighbourhood in question. It took me 45 minutes to walk to the Greenhills Pharmacy from Hairmyres Station all up hill and 30 minutes to walk to Westwood again all up hill. This surely cannot be seen as acceptable.

CARBON FOOTPRINT

Scotland is not doing enough to meet CO2 emission targets. The government initiative Act On CO2 states we should be driving 5 miles less per week. Personal car emissions are the single highest contributor to CO2 emissions. Encouraging walking to your local pharmacy would promote this, however for the people in the discussed neighbourhood this is a difficult option.

In conclusion, I am of the opinion that the current level of pharmaceutical provision in the neighbourhood is inadequate, it would be greatly enhanced by granting a new contract at the St James Retail Centre. Over 200 emails support this. I have over 200 e-mails complaining of an inadequacy. The west end of East Kilbride lacks the proper service it requires. The existing growing population deserves it and the future population deserves it. The location of the pharmacy is ideal for people within the close neighbourhood described. It is at the centre of a new exciting retail development and extremely easy to get to. It would also benefit the 412,000 commuters who use the Hairmyres train station, benefit the 3,000 people employed in the area, be of benefit to the nearby Hairmyres hospital and the new Kilbride Hospice.

By granting the contract you will be giving the people of Hairmyres, Jackton, Mossneuk, Gardenhall, Thornton Grange and Thortonhall their local pharmacy.

I respectfully request that consideration be given to the granting of this application.”

The Chair then invited questions from Mrs Felicity Fenton, Greenhills Pharmacy, J P Fenton & Sons Ltd , to Mr Michael Doherty.

Mrs Fenton referred to Mr Doherty’s submission in relation to people walking to the proposed Pharmacy, and asked him the proportion of patients within his neighbourhood, be they residents walking or commuters passing through, he anticipated being served by his Pharmacy. Mr Doherty replied that he saw the area as being a “central hub” to which people were drawn to access varied amenities, as well as commuters passing through whilst using the nearby railway line, and assumed that there would be a high proportion of people would choose to access Pharmaceutical services at his proposed site. Mrs Fenton’s final question was to ask him what percentage of prescriptions/business he anticipated being generated by Hairmyres Hospital. Mr Doherty replied that he did not expect any however there would be opportunities for hospital staff and visitors to access pharmaceutical services.

Having ascertained that Mrs Fenton, had no further questions for Mr Doherty, the Chair then invited questions from Mr Colin Fraser, Donald R Fraser Ltd, to Mr Doherty.

Mr Fraser asked Mr Doherty if he was aware of any complaints regarding existing services being received by NHS Lanarkshire, and was informed that he was not. This led Mr Fraser to ask if he was aware of any reports of inadequacy of services, or could he present any evidence of inadequacy. Mr Doherty replied that he had learned via his attendance at the hearing to consider his initial application for the proposed site that a number of e-mails and letters had been submitted to the Board which could be referred to as evidence and public views. Mr Fraser questioned him as to how these views had been obtained suggesting that it could have been through coercion. Mr Doherty responded that it was through no action taken

by himself or Mr Smith however he knew that local Councillors were in support of a pharmacy being located within this neighbourhood. Mr Fraser then queried Mr Doherty's partnership with Mr Smith, and their relationship with the developer Kean Properties stating that he knew of Mr Kean being quoted a few years ago as saying that he would get a pharmacy within his new development. Mr Doherty advised that he had no relationship or involvement with Mr Kean however that his partner Mr Smith has a connection.

Mr Fraser then turned his attention to Collection & Delivery services, asking Mr Doherty for an outline of his boundaries for offering such a service. Mr Doherty replied that he would offer the service to patients within the whole town and the village if required but it was possible that the residents would be able to access their local Pharmacy so unlikely that he would require to extend his boundary that far. Mr Fraser asked if the service would be provided by a Pharmacist or a van driver. Mr Doherty confirmed that it would be normal practice for the first visit to be undertaken by a Pharmacist and subsequent deliveries to be made by a van driver.

Mr Fraser's attention then turned to the population figures outlined by Mr Doherty in his submission seeking his agreement that they were projections rather than actual figures. When Mr Doherty replied that whilst they were proposed at this present moment they were based on the anticipated residency levels of the approved housing developments within the neighbourhood, Mr Fraser counter argued that these would not be realised for some time given the slower build rate associated with the current financial climate. Mr Doherty confirmed that at the time of his initial application he was not aware of the actual residency levels of the New Thornton Grange development which he was now able to provide as a separate matter to the Community Growth Area projections. Mr Fraser then asked him for his views on whether the needs of a small affluent area such as his neighbourhood would be different to those of a more socially deprived area such as Westwood. Mr Doherty replied that he did not associate Lidl supermarkets with affluent, high end consumers. Mr Fraser's final question was to ask Mr Doherty how long he had waited after his initial failed application before submitting this one, and what changes had occurred within his proposed neighbourhood during that time period. Mr Doherty replied that he had not waited long, perhaps around three months, and that during that time he had become aware of the New Thornton Grange development, the higher occupancy of the retail units attracting more people, as well as the increased population and projected growth of the area.

Having ascertained that Mr Colin Fraser had no further questions for Mr Doherty, the Chair then invited questions from Mr Alistair Shearer, Rowlands Pharmacy, to Mr Doherty.

Mr Shearer referred to the occupants of the available retail space and asked Mr Doherty if he believed that the outlets provided services which could support people in their day to day living. Mr Doherty intimated that the area had dramatically changed, as at first there was really only Lidl supermarket but now there were shops that people would access on a daily basis. Mr Shearer questioned where the resident population would access postal, banking, and medical services. Mr Doherty replied that he was unsure, which led Mr Shearer to suggest to him that it would inevitably involve travelling outwith the neighbourhood. From the dialogue that followed it was clear that Mr Shearer and Mr Doherty differed in opinion as to the frequency or need to access the services of Banks or Post Offices. Mr Shearer's attention then turned to Mr Doherty's admission of the ease of travelling to the retail centre and good transport links, suggesting that this would allow residents easy commute to access

pharmaceutical services outwith from existing Pharmacies rather than his proposed site given that they would require to travel for other essential services. Mr Doherty replied that it would be better to have local access to Pharmaceutical services in Hairmyres rather than expecting patients to leave. Mr Shearer's final question was to ask if Mr Doherty was planning to provide any additional services not currently available from existing Pharmacies within the town. Mr Doherty advised that he was looking to provide a more local and accessible Pharmaceutical service.

Having ascertained that Mr Shearer had no further questions for Mr Doherty, the Chair then invited questions from Mr Mark Sim, Lloydspharmacy, to Mr Doherty.

Mr Sim asked Mr Doherty to clarify what he was meaning when he referred to the pull of the retail area, was he referring to residents within his neighbourhood or the town as a whole. Mr Doherty clarified that in the main it was from within his neighbourhood, however there would be people from outwith drawn to the retail unit because of some of the facilities offered. Mr Sim had no further questions other than to state that the Munro Pharmacy located 1.87miles from the proposed premises to which Mr Doherty referred was now owned by Lloyds Pharmacy Ltd which he acknowledged.

Having ascertained that Mr Sim had no further questions, the Chair then invited questions from Members of the Committee in turn to Mr Doherty.

Mr Murray was first to ask questions of Mr Doherty seeking clarification as to the exact unit from which he intended to provide services. Mr Doherty intimated that it was the unit next to the Sala Thai Restaurant, which you could park outside, directly across from Lidl supermarket. Mr Murray then asked Mr Doherty if he would agree that there was a sense of neighbourhood belonging within the area as it appeared during his site visit that the area was used by a mix of age groups, however from talking to local people it was suggested that there were problems accessing local bus services or travelling to the area for young mothers with prams. Mr Doherty replied that there was a significant investment being made in the provision of a bus terminus which would further improve services and that the pavements and crossings were now complete.

When invited Mrs Carahar advised that she had no questions at this time.

Mr Woods asked Mr Doherty to reiterate his definition of the neighbourhood, then enquired if he had a robust business plan and, if so, was it was based on the projected population of his neighbourhood. Mr Doherty advised he was looking to secure around 4,500 prescriptions per month from the resident neighbourhood in the main however augmented by people passing through or accessing other facilities within the retail centre. When asked what he had based his estimation on, Mr Doherty replied that it was based on experience gained through establishing his Cambuslang Pharmacy. Mr Woods asked him to confirm that he had referred to a dental surgery opening within the retail centre and was informed that he was aware of one opening soon. Mr Woods remarked that he noticed that the unit was on two levels and wondered if Mr Doherty planned to operate from both. Mr Doherty replied that he would operate from the lower level at the outset however the upper floor could accommodate rooms for use by other health care providers.

Mrs Park was then invited to ask questions of Mr Doherty and asked for clarification as to his reference to a bus terminus within the area. Mr Doherty offered pictures showing the work

underway and advised that Strathclyde Passenger Transport state that they were building a bus terminus not bus stop. Mrs Park then sought confirmation of the establishment of a dental practice asking where on the retail development it was to be located. Mr Doherty advised that it was soon to open in the yellow building to the left of his proposed unit. Mrs Park's final question was to ask Mr Doherty to confirm that he was not looking to provide any additional services to those currently provided by existing Pharmacies within the town. Mr Doherty confirmed that there would be no additional services however there would be a local service available within his neighbourhood.

Prior to inviting Mr Mallinson to ask questions of Mr Doherty, the Chair asked Mrs Forsyth to provide clarification on the Regulations around the establishment of a dental practice given that there had been a significant level of interest in the provision of further health care services within the retail centre. Mrs Forsyth advised that whilst there had been an expression of interest by a local practitioner looking to establish a new dental practice within the development it had not progressed, and that The National Health Service (General Dental Services) (Scotland) Regulations 1996, as amended, dictate that any applicants looking to join a Dental List in respect of new practice premises require the premises to be inspected within fourteen days of the application being made, and confirmed that no such application had been received by Lanarkshire Health Board at this time.

The Chair thanked Mrs Forsyth and then invited Mr Mallinson to ask questions. Mr Mallinson asked Mr Doherty about his plans for a consultation room given his reference to use by other health care professionals. Mr Doherty confirmed that they would have access to a consultation room at all times however that there was sufficient space within the split level unit to accommodate further rooms to allow access by others. Mr Mallinson then asked him for his planned staffing levels given his proposed prescription volume and visitors to the area. Mr Doherty confirmed that he would have two Pharmacists - one full-time and one part-time, supporting staff, a part – time van driver and a Saturday worker. This led Mr Mallinson to question whether one Pharmacist would be enough to provide all core services alongside the projected prescription volume. Mr Doherty replied that at the first stage of establishment this would be sufficient however in the second year of operation he would have a firmer idea of what was required, but just now he would anticipate building up staffing levels around demand.

Having ascertained that there were no further questions for Mr Doherty the Chair then reminded all present of the procedure notes outlining the way in which the next part of the hearing would be conducted, prior to asking Mrs Felicity Fenton, F P Fenton & Sons Ltd to state her representation.

Mrs Fenton read the following pre-prepared statement:

“Thank you panel for allowing me to speak today.

I am Felicity Fenton from Greenhills Pharmacy; we have been located at Greenhills Square for 36 years this year and have serviced our neighbourhood as it has grown over this period.

At the moment we provide all core contracted services-e.g: eMAS, smoking cessation, sexual health services, waste medicine disposal etc. We also provide Monitored Dosage Systems to those requiring it and offer subutex and methadone supervision. All dispensary staff have

also been trained in the CROMA system which is used by some of our patients and have visited their homes to gain a greater understanding of this.

For patients using the pharmacy we have a consultation room which has wheelchair access if needed. For those using a car to access us there are two car parks with disabled bays for their convenience. For those patients unable to attend in person we provide a prescription collection service from all East Kilbride surgeries and free delivery if required.

In the last year we have revised our opening hours and since April have been open, with a full Pharmaceutical service, six days per week, no longer shutting for a period over lunchtime.

If we could consider the Legal Test:

Firstly the “neighbourhood” in which the proposed pharmacy would be located.

In my opinion East Kilbride to the south of the Queensway comprises of three neighbourhoods, each made up of smaller settlements. If we exclude the Kelvin Industrial Estate the area is almost triangular-split that triangle into three almost equal parts and you get:

Hairmyres, Mossneuk and Westwood
The Murray and Birniehill, and;
Greenhills, with Newlandsmuir, Lindsayfield and Whitehills

Each has a “neighbourhood” shopping centre –at Westwood, the Murray and Greenhills. And most importantly there are a number of easily accessible pharmaceutical services.

The proposed pharmacy would be located in the Hairmyres, Mossneuk and Westwood triangle. The northern boundary would be the Queensway, the eastern boundary would be heading south down Murray Hill onto Murray Road, heading south-west along Owen Avenue, down Lyttleton to open ground east of Lickprivick Road. We would then head northwards up Westwood Hill to the junction of Mossneuk Road, then down westward through open ground to Greenhills Road. On the other side of this road there is open ground which could be crossed before heading northwards towards the railway line and east to meet the Queensway.

To go on to talk about the existing services in this neighbourhood - these are firstly Frasers Pharmacy at Westwood Square, which is conveniently situated at the centre of the neighbourhood. Here, there is plenty of parking, easy disabled access and the pharmacy is located next to other neighbourhood facilities.

Also located in this neighbourhood is Scotland’s first (and perhaps only) late night drive-through pharmacy facility providing a unique service to residents in all three neighbourhoods. Whilst most residents of the neighbourhood will use these pharmacies, there will be some who will access services in adjacent neighbourhoods-especially if their GP is closer to one of these; we see many of these patients at our own pharmacy in Greenhills.

Additionally, the pharmacy at Morrisons in Stewartfield is only a short drive away-I’m sure many residents will use this supermarket for regular shopping-this is also a palliative care pharmacy.

I believe that this is the most rational way of dividing this part of the new town of East Kilbride into neighbourhoods, new towns needing to be considered differently to “old towns”.

This takes me on to the adequacy of existing services. If the panel can accept the neighbourhoods as I have defined, then there can be no question that services are adequate. Each neighbourhood in the wider area has a local pharmacy providing a wide range of services, with easy car parking, disabled access, and to top it all off a late opening drive-through pharmacy almost on their doorstep. It would be extremely unusual to grant a new application within a neighbourhood which already has a pharmacy (in this case two) because it is extremely unusual for a pharmacy (or two) in a neighbourhood to be unable to provide an adequate pharmaceutical service.

From the report we received about pharmaceutical services in the area it's clear to see that all pharmacies are providing all core services and more. This was agreed by the Pharmacy Practices Committee and National Appeal Panel just 12 months ago.

Also the applicant has failed to provide any evidence of inadequacy because there is none.

The regulations are quite clear. The most important question is: Are services in the neighbourhood in which the proposed premises are located adequate? And the answer to that has to be yes.

I would also suggest that a pharmacy at this site would not be viable - and so cannot secure an adequate pharmaceutical service. Whilst it may attract patients from surrounding streets, the population and demographics would not support a community pharmacy and it is unlikely anyone other than a few streets away would access its services.

To talk now about the necessity and desirability of a new pharmacy in this neighbourhood. It would only be necessary or desirable if it was required to plug a gap in adequacy, if there is no such gap then the test has failed before the question of necessity or desirability is reached.

In fact, by granting a new application, perhaps for convenience and not necessity would only result in additional costs to the taxpayer and the NHS, making the entire pharmacy network less cost effective.

Even if my definition of "neighbourhood" is disputed - would this make a difference to the 'adequacy of pharmaceutical services in this neighbourhood? I think not.

The fact that East Kilbride is a new town means that it was built in such a way that the older parts (that's Westwood, Murray, Whitehills and Greenhills) are designed for easy pedestrian and vehicular access to "neighbourhood centres". So everyone can easily walk or drive to their nearest pharmacy.

And what about the newer parts? - for example the proposed new development at Hairmyres.

Well, the population of these newer parts is more affluent, and most importantly they are mobile. It's a fact that modern housing developments are built for people with cars. The vast majority of households will have two cars and almost every household will have one car. The proposed pharmacy would be located in a retail park, retail parks are designed to be accessed by car. This is obvious by the poor access to the area by foot or by bus.

The simple fact is this: In all the recently built-and soon to be built-parts of the new town of East Kilbride, the residents do not travel by foot, they travel by car. This means that the geography of the area cannot be looked at in the same way as say an urban area. Distances by car are not the same as distances by foot. People living in this new development have no fewer than nine pharmacies within around two miles- that's less than five minutes by car.

So, even if we were to call Hairmyres a neighbourhood in its own right-a fact I would dispute-it doesn't make any difference to this application. Pharmaceutical services provided to this neighbourhood by the existing pharmacy network are adequate.

And accordingly, this application should fail. Thank you.”

The Chair invited Mr Doherty to ask questions of Mrs Fenton.

Mr Doherty referred to the distance to Frasers' Pharmacy, asking Mrs Fenton if this would be an easy walk for residents within Peel Road. Mrs Fenton stated that she was of the opinion that patients would not choose to walk given the make up of the town and that they would only have a short car journey to access Pharmaceutical services, furthermore it was vital that the factor under consideration was necessity not convenience. Mr Doherty then referred to the population around the existing Pharmacies suggesting that this would be sufficient to support an additional contract. Mrs Fenton disagreed stating that there was no evidence of inadequacy in existing provision, which prompted Mr Doherty to refer to the e-mails and letters previously submitted by patients in respect of his initial application. Mrs Fenton questioned how such views had been solicited and suggested that the respondents may not have been aware of the statutory test around which applications were considered.

Having ascertained that none of the Interested Parties in attendance had any questions to ask of Mrs Fenton, the Chair then invited Mr Colin Fraser, Donald R Fraser to state his representation.

Mr Fraser thanked the Chair before reading the following pre-prepared statement:

“We are a small, independent community pharmacy at 16 Westwood Square, East Kilbride. We have been there for 19 years and a community pharmacy has been there for a number of years previous to that. We currently serve the population of Westwood, Mossneuk, Hairmyres and Gardenhall. Shona McDougall is the manageress. She is a well qualified pharmacist with a post-graduate degree in diabetes and recently completed the pharmacist prescribing course. This will enable her to run clinics from our pharmacy.

Currently, we provide the following services –

1. Collection and delivery of repeat prescriptions
2. Minor ailments
3. Filling of weekly dosette boxes
4. Smoking cessation
5. Emergency hormonal contraception
6. Blood pressure monitoring
7. Blood glucose monitoring
8. Stoma appliances
9. Pharmaceutical public health
10. Nutritional feeds

We have accounts with 3 national wholesalers, enabling us to source drugs for patients if one wholesaler is out of stock. This practice costs our pharmacy £300 per month, however, provides patients with an excellent service and only very rarely are we unable to fill a prescription.

Historically, there used to be a doctor's surgery at Westwood Square, however, in spite of strong local objections, Lanarkshire Health Board, as it was then known, allowed it to close, approximately 10 years ago. Since then, we have campaigned strongly for its reinstatement. I met with the then Labour Health Minister, Andy Kerr MSP, and he dismissed the possibility of doctors moving out of Hunter Health Centre to a purpose built facility at Westwood Square. His explanation was that a new Hunter Health Centre would be built in 2015, where a whole range of services would be available under one roof. e.g. retinal screening.

As we have no doctor's surgery nearby, we rely on collecting prescriptions from the local surgeries. We currently dispense below the national average of prescriptions. Our business would become non-viable if a new contract at St. James Avenue were granted. The loss of Frasers' Pharmacy would be catastrophic on both health and social fronts.

I will now read out a quote from the Secretary of Westwood Community Council. "Frasers' Pharmacy, at Westwood Square, has served the local area for many years, and is regarded as a major focal point in the local community, especially to the elderly. The current economic climate dictates that small businesses in our local square is already struggling for survival and a threat to the existence of the chemist would be disastrous for the community as a whole, with the infirm and the elderly suffering more than most."

Granting this application would destroy my livelihood and result in the redundancy of our manageress, 1 full time dispenser, 3 part time counter assistants and our pharmacy student. Mossneuk, Gardenhall and Hairmyres are affluent, low density housing areas with multiple car ownership. Mossneuk and Gardenhall residents have double the national average of cars. Hairmyres residents have one and a half times the national average of cars. These areas have below the national average of prescriptions and below the national average of pensioners. Indeed, Mossneuk has less than half the national average of pensioners. Gardenhall and Hairmyres have almost half the national average of pensioners.

This mobile population does all of its shopping at supermarkets. Following the opening of supermarkets in East Kilbride, our over the counter turnover has fallen by 75% making us even more reliant on prescriptions for our survival. Many medicines have been deregulated and can now be purchased at supermarkets, filling stations and convenience stores.

The applicant's neighbourhood is well served by the 11 community pharmacies in East Kilbride. A significant proportion of our patients live in the applicant's proposed neighbourhood. Indeed, many areas in the applicant's neighbourhood are actually closer to Westwood Square, than St. James Avenue e.g. Dunedin Drive only 5 minutes walk away.

Doctors at Hunter Health Centre, Alison Lea Medical Centre, The Murray Square and Greenhills Surgery serve the whole of East Kilbride and not just one area in isolation. A pharmacy at this site would not be viable unless a surgery was established in an adjacent unit. That is not going to happen. The current population is insufficient to sustain another community pharmacy. The applicant would need to poach business from Fraser's Pharmacy, Fenton's Pharmacy and Lloyds Pharmacy in order to survive. Thereby jeopardising pharmaceutical services in the area. The applicant may not like to hear this but the vast majority of patients have their prescriptions dispensed in pharmacies beside doctors' surgeries.

A contract cannot be granted on hypothetical population statistics and houses that have not even been built. South Lanarkshire Council has earmarked an area of land between Lindsayfield and Jackton called the community growth area. They have committed

themselves to 500 new homes over the next ten years and a further 1000 homes thereafter. In the current economic climate, house building has significantly slowed and in many cases stopped altogether, it is extremely likely that the dates for this project will be postponed. In any case, the existing community pharmacies are well able to absorb the growth in population.

The application at St. James Avenue is founded on 2 principles:

1. Significant growth in population, which is entirely hypothetical and unlikely to occur for many years.
2. A new doctor's surgery, originally announced by Mr Docherty in his previous application and subsequently proven to be untrue.

The residents of Westwood, Mossneuk, Gardenhall and Hairmyres are within 5 minutes driving time of four community pharmacies, one of which provides extended hours of opening beyond that offered at St. James Avenue (Lloyds Pharmacy). In addition, Morrisons' Pharmacy at Stewartfield also provides extended hours of opening.

Nothing has changed since the applicant's previous application which was rejected by both the Pharmacy Practices Committee and the National Appeal Panel. Indeed only 3 months had passed before the applicant resubmitted his application. Surely this is just wasting valuable NHS time and resources. Granting this contract would result in the closure of Frasers' Pharmacy thereby depriving the local community of essential pharmaceutical services.

Thank you."

It was at this juncture the Chair apologised for omitting to give Members of the Committee the opportunity to ask questions of Mrs Fenton after her representation, and advised that they would have the chance to do so after Mr Fraser had been questioned. The Chair then invited Mr Doherty to ask questions of Mr Fraser.

Mr Doherty asked Mr Fraser when he last heard of a Pharmacy closing down, and was advised that it was not recently. Mr Doherty suggested that it may only occur if a contract relocated or two Pharmacies amalgamated. Mr Fraser said that he referred to it in his submission because it had happened around 5 years ago to a Pharmacy in Fife, furthermore that he believes that the existing Pharmacies within East Kilbride currently serve all residents and that should this level of business be diluted by a further contract then it may lead to his pharmacy closing. Mr Doherty remarked that Mr Fraser appeared to be making a great deal on the need for a Pharmacy to have a GP surgery located closeby in order to survive, however to his mind the new contract is service based and more than just prescription volume. Mr Fraser was adamant that Mr Doherty's Pharmacy would not be viable as it was outwith the vicinity of a GP surgery.

Having ascertained that Mr Doherty has no further questions to ask of Mr Fraser, the Chair then invited Members of the Committee to pose questions to Mr Fraser.

Mrs Carahar asked Mr Fraser if he could give an indication of how many patients attended his Pharmacy for asthma and endocrine checks undertaken by his Pharmacist Ms McDougall, and he was able to answer that approximately one or two patients per week attend for blood pressure monitoring which he see as the next step of Chronic Medication Service.

Mr Woods asked for clarification as to the percentage of loss of prescription volume Mr Fraser thought would make them unviable, as he thought he was suggesting that the award of this contract would half his current volume. Mr Fraser intimated that their over the counter sales barely covers overheads, and that their business relies on prescription volume, which they have already experienced a drop in due to the local Post Office closing. Given that he estimates a third of their patients reside in a pocket of Mr Doherty's neighbourhood at Dunedin should they also lose business from that area they would no longer be able to afford the costs of employing a Pharmacist at this site.

Mrs Park then asked for an indication of the demand for his Collection & Delivery Service to the neighbourhood defined by Mr Doherty. Mr Fraser replied that there was little demand due to it having a low percentage of elderly population and a high percentage of car ownership.

Mr Mallinson then asked Mr Fraser if he could offer a definition of the neighbourhood for the proposed premises, for example did he agree with Mr Doherty or Mrs Fenton. Mr Fraser confirmed that he agreed with the definition proffered by Mr Doherty. Mr Mallinson then referred to Mr Fraser's submission stating that a lot of play had been made on the extended qualifications of his current Manageress Ms McDougall, asking what impact it would have on the level of service provided by the Pharmacy should she chose to move to another post. Mr Fraser replied that it would be a struggle due to her vast experience. Mr Mallinson expressed his concern that he appeared to be saying that the provision of services was personnel reliant and therefore not available at all times, to which Mr Fraser replied that he could provide them. Mr Mallinson's final question was to ask Mr Fraser whether or not he was saying that if a new Pharmaceutical contract was granted today that his prescription figures would fall to such a level that would signal the closure of his Pharmacy and was advised that he was of the belief that it would result in their closure.

Having ascertained that the Members had no further questions for Mr Fraser, the Chair gave the Members the opportunity to ask questions of Mrs Felicity Fenton.

Mr Woods asked Mrs Fenton to clarify the changes she had requested to the opening times of her Pharmacy, and was advised that they now open Monday to Friday 9am – 6pm, Saturday 9am – 5pm, with no lunchtime closures. She further advised him that the only reason they close on Sunday is due to their location within a Shopping Centre that only operates Monday through to Saturday. Mrs Park was keen to learn if her increased hours of service had required a change in staffing levels generally, and was advised that it remains at one full time pharmacist, two dispensers, and two counter staff.

Having ascertained that the Members had no further questions to ask of Ms Fenton, the Chair then invited Mr Alistair Shearer, Rowlands Pharmacy to state his representation.

Mr Shearer thanked the panel for the opportunity to speak, and read the following pre-prepared statement:

“I think the first thing we always need to look at is the neighbourhood. Now personally I think you could create numerous neighbourhoods around the area in question and we could debate this back and forward all day. However, for the purposes of this application I will agree with the Pharmacy Practices Committee's neighbourhood from last February.

That is - the railway line to the North, along to join Dunedin Drive, then travelling southwards to meet Mossneuk Road. From there, cut through the greenbelt heading south-westerly across Greenhills Road to meet Jackton Road, then drawing a line north to reach the railway line.

Next we need to look at whether there is adequate pharmaceutical service within this neighbourhood or in an adjoining neighbourhood. Now, obviously there is no pharmacy in the specified neighbourhood. But, let's be realistic here. There are two pharmacies just outside the neighbourhood: Frasers' Pharmacy and Greenhill's Pharmacy. Also, it's safe to say that if we tweak the neighbourhood ever so slightly they would be in the "neighbourhood".

Travel a bit further and you have the choice of Apple Pharmacy in the Murray, or Lloyds Pharmacy - which already opens extended hours. Travel a bit further still, into the hub of the East Kilbride Shopping centre, and you have the choice of three more pharmacies.

The applicant talks about the being located in the west end of East Kilbride. That, I would suggest is a bit of an understatement. The proposed site sits on almost the outer edge of East Kilbride. I appreciate that it is undergoing development at the moment but I disagree with the applicant when he states in his submission that, 'a pharmacy in the area would bring a much needed service to the growing community' I am still to be convinced that a pharmacy is 'much needed' in this area. I don't believe this new development will create a great influx in the need for pharmacy services.

Is there any indication of an inadequacy in the current service provision? I would suggest the answer is no.

Do the people who live in the applicant's neighbourhood have any difficulty whatsoever in accessing that all important face to face contact with a pharmacist? I would again suggest that the answer is no.

I believe that this application is neither necessary nor desirable and as such ask that it be refused.

Thank you."

The Chair invited Mr Doherty to ask questions of Mr Shearer.

Mr Doherty asked Mr Shearer if he felt it was an adequate service that expected patients to walk from Peel Street to Frasers' Pharmacy to access a Pharmacy. Mr Shearer clarified that it would probably be more convenient for them to attend Greenhills Pharmacy, and highlighted that adequacy should not be confused with convenience as the current provision of pharmaceutical services by existing pharmacies is adequate.

Having ascertained that there were no questions to Mr Shearer from the other Interested Parties or Members of the Committee, the Chair then invited Mr Mark Sim, Lloyds Pharmacy Ltd to make his representation.

Mr Sim read the following pre-prepared statement:

"Thank you for providing us the opportunity to comment to the panel on the application today.

The primary comment that we wish to make is that the Pharmacy Practices Committee and the National Appeal Panel both concluded only last year that an additional NHS Contract was neither necessary nor desirable at the same site.

The NAP upheld the PPC decision to refuse the consent as it was felt a thorough and robust decision had been correctly made. We cannot see what changes have occurred in the neighbourhood to suggest that a different decision should be made this time around.

We note the applicant has proposed opening hours on a Sunday but there is no evidence that this is required. The existing pharmacies could all amend their opening hours if the PPC considered it necessary.

The PPC are entitled to consider the provision of pharmaceutical services outside a neighbourhood. Indeed previously these were considered adequate to meet the needs of the neighbourhood. It is not axiomatic that every neighbourhood has a pharmacy.

Lloyd's pharmacy in particular provides the services required by the PPC and we are not aware of any complaints. We also provide 4 consulting rooms, hearing room, podiatrist, beauty & sports therapy (8:30am – 10:30pm)

We would submit that the adequacy of pharmaceutical services has been thoroughly taken into consideration including any future developments in the area previously and therefore we respectfully ask that the application be refused accordingly.

The Chair invited Mr Doherty to ask questions of Mr Sim.

Mr Doherty asked Mr Sim if he would agree that there was a difference in population figures from the time of his initial application. Mr Sim agreed however stated that he was of the belief that the projected figures were taken into account by the Pharmacy Practices Committee at that time when reaching their decision. This led Mr Doherty to state that he is able to provide actual figures now demonstrating an increase as well as further projections. He then asked whether Mr Sim considered it appropriate that people had to walk on a Sunday to access Pharmaceutical services from Lloydspharmacy. Mr Sim intimated that he was interested in the adequacy of existing services whereas Mr Doherty seemed to be arguing on the notion of convenience.

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, Mrs Felicity Fenton, Greenhills Pharmacy, J P Fenton & Sons Ltd was first to speak.

I would like to say that since there have been no significant changes in this area since the application was rejected before, then there is no justifiable reason for this decision to be reversed.

The current pharmacy network in south East Kilbride provides an adequate pharmaceutical service to every person in the area. No matter how you split this wider area into neighbourhoods, the fact remains: no-one has difficulty in accessing pharmaceutical services. The population least likely to have a car are close to existing pharmacies. The population in the newer housing estates all have cars and use their cars to access all their daily needs.

Additional pharmacies are a cost to the NHS and can only be justified when existing services are inadequate.

Mr Colin Fraser, Donald R Fraser, was the second interested party invited to sum up her representation.

The applicant has failed to demonstrate an inadequacy. Nothing has changed since the applicant's previous application which was rejected by both the Pharmacy Practices Committee and the National Appeal Panel. Indeed only 3 months had passed before the applicant resubmitted his application. Surely this is just wasting valuable NHS time and resources. Granting this contract would result in the closure of Frasers' Pharmacy thereby depriving the local community of essential pharmaceutical services.

Mr Alistair Shearer, Rowlands Pharmacy, was the third interested party invited to sum up his representation.

There has been no evidence of inadequacy presented, nor difficulties in accessing pharmaceutical services from existing Pharmacies therefore this application is neither necessary nor desirable and therefore should be rejected.

Mr Mark Sim, Lloyds Pharmacy, was the fourth interested party invited to sum up his representation.

We object to this application as we contend that the addition of a further chemist contractor cannot be considered necessary or desirable in order to secure the adequate provision of NHS Pharmaceutical Services to the area. The Health Board will be aware that an identical application has recently been heard for this site and considered neither necessary nor desirable, and that there has been no change in circumstances since that decision was made to justify a different outcome.

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

In conclusion, I am of the opinion that the current level of pharmaceutical provision in the neighbourhood is inadequate, it would be greatly enhanced by granting a new contract at the St James Retail Centre. I have over 200 e-mails complaining of an inadequacy to support this. The west end of East Kilbride lacks the proper service it requires. The existing growing population deserves it and the future population deserves it. The location of the pharmacy is ideal for people within the close neighbourhood described. It is at the centre of a new exciting retail development and extremely easy to get to. It would also benefit the 412,000 commuters who use the Hairmyres train station, benefit the 3,000 people employed in the area, be of benefit to the nearby Hairmyres hospital and the new Kilbride Hospice.

By granting the contract you will be giving the people of Hairmyres, Jackton, Mossneuk, Gardenhall, Thornton Grange and Thortonhall their local pharmacy.

I respectfully request that consideration be given to the granting of this application.

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 Doherty, Mr Smith, Mrs Fenton, Mr Fraser, Mr Shearer, Ms Fraser, and Mr Sim 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 East Kilbride, noting the location of the proposed premises, the pharmacies, the general medical practices, and some of the facilities and amenities within the town
- ii. map showing the location of the Doctors' surgeries in relation to existing Pharmacies in the town of East Kilbride, and the site of the proposed pharmacy
- iii. prescribing statistics of the Doctors within the town of East Kilbride, during the period September to November 2009
- iv. dispensing statistics of the Pharmacies within the town of East Kilbride, during the period September to November 2009
- v. demographic information on the town of East Kilbride taken from the 2001 Census
- vi. comments received from the interested parties including existing Pharmaceutical Contractors in the town of East Kilbride 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 town of East Kilbride

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

deemed the neighbourhood to be the area bounded by the railway line to the North along to join Dunedin Drive then travelling southwards to the point which meets Mossneuk Road, cutting across open land to the point Eden Drive meets Greenhills Road, carrying on in a southwesterly direction to join Jackton Road, and northwards to again meet the railway line. In reaching this decision the Committee was of the opinion that the neighbourhood constituted a distinct area bounded by significant roads, railway line and greenbelt as a natural boundary.

(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 neighbourhood, however from the evidence provided including the report collated by the office of the Chief Pharmacist – Primary Care, it was demonstrated that were two Pharmacies (Greenhills Pharmacy and Frasers’ Pharmacy) located in close proximity, both of which provide a comprehensive range of Pharmaceutical services alongside the core requirements of the new contract.

(iii) **Adequacy**

THE COMMITTEE

discussed the test of adequacy and agreed that existing services could not be considered wholly adequate given the growth in the population of the neighbourhood,

and specifically the locations of the area of growth, within the part of the neighbourhood further away from the existing Pharmacies than the proposed site, which presents challenges for patients within that area of growth and expansion to access the services of the existing Pharmacies.

Accordingly, following the withdrawal of Mrs J Park in accordance with the procedure on applications contained within Paragraph 6, Schedule 4 of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, the decision of the Committee was tied in respect of the necessity for an additional contract, progressing to discuss the desirability of an additional contract the decision of the Committee was three votes to one that the provision of pharmaceutical services at the Premises was 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, your application was granted 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 was then requested to return to the meeting, and was advised of the decision of the Committee.