

IN CONFIDENCE – FOR MEMBERS’ INFORMATION ONLY

MINUTE: PPC/2010/01

Minute of Meeting of the Pharmacy Practices Committee held on 21st January 2010 in Bell Meeting Room, Holiday Inn Express, Keith Street, Hamilton, ML3 7BL.

Chair: Mrs Sandra Smith

Present: Lay Members Appointed by the Board

Mrs Margaret Carahar
Mr Charles Sargent

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr E J H Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee

Mr Iain Allan
Mr Parvez Aslam

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

01 **APPLICATION BY Mr JAMES SEMPLE, INVERCOAST LTD, 20A UNION STREET, GREENOCK, PA16 8JL**

Application

There was submitted application by Mr James Semple, Invercoast Ltd, received 9th January 2009, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 169 Earlston Crescent, Carnbroe, Coatbridge, ML5 4UJ (“the premises”).

Submissions of Interested Parties

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

1. Letter received from Health Pharmacy Ltd on 16th January 2009
2. Letter received from H McNulty Ltd on 28th January 2009
3. Letter received from Rowlands Pharmacy on 3rd February 2009
4. Letter received by fax from Lloyds Pharmacy Ltd on 6th February 2009
5. Letter received from J E Robertson on 6th February 2009
6. Letter received from NHS Lanarkshire’s Area Pharmaceutical Committee on 9th February 2009

Procedure

At 10:00am on Thursday, 21st January 2010, the Pharmacy Practices Committee (“the Committee”) convened to hear application by Mr James Semple, Invercoast Ltd (“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 Coatbridge and village of Carnbroe 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 inclusion of Messrs Akram & Khan on the provisional Pharmaceutical List of Lanarkshire Health Board in respect of premises at 159 – 161 Calder Street, Coatbridge, ML5 4QN and advice obtained by Lanarkshire Health Board from the Legal Adviser, NHS Scotland Central Legal Office.

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 James Semple, Invercoast Ltd was in attendance. The first interested party, Rowlands Pharmacy was represented by Ms Seonaid Campbell who was assisted by Ms Janette McCourt. The second interested party, Lloyds Pharmacy Limited, was represented by Mr Mark Malone.

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 additional information circulated on behalf of Mrs Forsyth concerning the inclusion of Messrs Akram & Khan on the provisional Pharmaceutical List of Lanarkshire Health Board in respect of premises at 159 – 161 Calder Street, Coatbridge, ML5 4QN and advice obtained by Lanarkshire Health Board from the Legal Adviser, NHS Scotland Central Legal Office.

The Chair then explained that the meeting was being convened to determine the application submitted by Mr James Semple, Invercoast Ltd, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 169 Earlston Crescent, Carnbroe, Coatbridge, ML5 4UJ according to the Statutory Test set out in Regulation 5(10) of the Regulations.

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 Semple, Invercoast Ltd to speak first in support of the application.

Mr Semple introduced himself and thanked the Chair and Committee for the opportunity to attend today to make his representation with regards to the application. He began by stating that he felt that the circumstances surrounding consideration of his application today were complicated and unusual. This was fundamentally due to status of the current inclusion in the provisional pharmaceutical list of the pharmacy proposed at Calder Street, Coatbridge and he would cover this later in his representation.

Mr Semple then gave an overview of his understanding of the history of three similar applications in close proximity to the location of his proposed premises in Carnbroe. In his opinion the fact that the National Appeal Panel had overturned the decision of the Board's Pharmacy Practices Committee to reject a previous application clearly demonstrated an inadequacy in pharmaceutical provision and thus his application should be granted today. With regards to the neighbourhood of his application he considered it as being the railway line to the West, the River to the North, travelling East to the canal and river, with the Southern boundary being the motorway.

Turning his attention to the existing services within his defined neighbourhood he highlighted that residents currently had to access pharmacy provision from outwith, with the closest pharmacies being H McNulty Ltd and Monklands Pharmacy both of which were a considerable distance to walk, and that whilst health statistics would indicate that the nature of the neighbourhood is not deprived in his view it is not a particularly healthy population so his pharmacy would be the number one point for the community to access to healthcare.

Mr Semple then focused on the complication presented by the "Calder Street" pharmacy's entry in the provisional pharmaceutical list and the applicant's intention to operate the pharmacy from temporary "Portakabin" accommodation and the fact that the National Appeal Panel had previously determined that Carnbroe should be included in their definition of their neighbourhood for the Calder Street pharmacy thus suggesting that the imminent opening of this pharmacy would cover any notion of inadequacy in Carnbroe. This however was strongly contested by Mr Semple as he was of the opinion that there was a strong legal challenge over the suitability and appropriateness of the temporary accommodation at Calder Street to allow them to provide pharmaceutical services, and that the fact that they were registered with The Royal Pharmaceutical Society of Great Britain was irrelevant given that they have no remit to refuse registration on the basis of the type of accommodation proposed. Thus in his opinion he is certain that the Calder Street pharmacy will not open as nearby pharmacies will seek legal redress which will most likely be successful and therefore due to the timescale of those proceedings the Calder Street pharmacy's period of inclusion in the provisional pharmaceutical list will lapse, therefore his application is required to plug the gap

of inadequacy and that if it progresses to appeal the National Appeal Panel will have no alternative than to grant his application based on their previous ruling that there was demonstrated inadequacy within the neighbourhood.

Having ascertained that Ms Campbell, Rowlands Pharmacy had no questions for Mr Semple, the Chair then invited questions from Mr Malone, Lloyds Pharmacy Ltd to Mr Semple.

Mr Malone's first question was to ask Mr Semple about his property proposals and agreement for lease etc. Mr Semple replied that due to the timescale associated with the application being heard and the relevance of the Calder Street application he had no recent conversations with the owner of the property however one of his associates is a cousin of the owners and he knows that they are keen to hear of what is happening and that discussions will commence once the outcome of today is known. When Mr Malone asked him about his plans for the internal layout of the unit he was advised that he was uncertain of the actual footage of the accommodation however he knew that it was of sufficient size. Mr Malone's final question was to ask what services were available to residents of Carbroe. Mr Semple replied that there were not many however it was only their access to pharmaceutical services that he was looking to address.

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

Mrs Caraher was first to speak and acknowledged that Mr Semple appeared to agree that residents of Carnbroe required to travel outwith their community to access most other facilities associated with daily living therefore were there any barriers to them accessing pharmaceutical services. Mr Semple agreed that most residents would travel outwith for a "weekly shop" however that this should not be seen as a reason for them to be denied access to local pharmaceutical services enjoyed by the majority of areas elsewhere.

Mr Sargent was next invited to question Mr Semple and asked him for an update on his plans and exact location for the pharmacy as from his site visit the current occupant was under the impression that the pharmacy accommodation would actually be built onto the gable end of existing shop. He was advised that he assumed that there would be no change to his original plans of 2008 however acknowledged that from his dealings with the owners thus far it was difficult to ascertain which party is able to decide on the proposals therefore he will direct all of his questions through his associate and that until such times as it materialises that the owners have changed their minds the pharmacy will go ahead. This led Mr Sargent to ask if he could look to have the pharmacy ready to commence services within six months if granted and was advised that he could do so easily however if there were difficulties in his discussions with the owner he was aware of the facility to apply for an extension to his period of inclusion in the provisional pharmaceutical list.

Next to question Mr Semple was Mr Allan asking him to provide clarification on how robust his application actually was given the significant doubt over the disposal of the proposed premises to him. Mr Semple disputed that his application was not robust stating that he had told the Committee exactly what he intended and that no-one could ever provide a cast iron guarantee that circumstances would not arise that prevented him from doing so. Mr Allan then asked Mr Semple if he had ever heard of a pharmacy requiring to decant to temporary accommodation, and was advised that he himself had required to do so however this was, and

usually is, when it involves a relocation of services and the need to ensure that there is no break in provision never at the outset of a pharmacy being established. Mr Allan then highlighted that the suitability of the accommodation proposed at Calder Street or indeed his proposed site was a matter for The Royal Pharmaceutical Society of Great Britain not Lanarkshire Health Board. There then followed lengthy discussion regarding the responsibility for consideration of the suitability of premises leading to an interjection by the Chair to suggest that Mr George Lindsay, Chief Pharmacist – Primary Care, sum up the exchange in an attempt to clarify the position.

Mr Lindsay replied that he was happy to do so in order to progress matters and paraphrased the discussions stating that Mr Semple was arguing that Messrs Akram & Khan provided details in their application for the proposed pharmacy at Calder Street which were now no longer valid because that they are opening in alternative premises, therefore the circumstance surrounding their application were not the same as presented to National Appeal Panel which renders it invalid. Mr Allan on the other hand is stating that Mr Semple is unable to provide any level of detail regarding infrastructure or provide firm plans for his premises other than the Pharmacy will open and confirm the address of the existing shop unit.

The Chair thanked Mr Lindsay before inviting Mr Aslam to ask questions of Mr Semple. Mr Aslam stated that he would have appreciated Mr Semple being able to provide some form of confirmation of an agreement of terms disposing the premises to him which would have made matters a lot easier not only for the Committee but him as the applicant persuading a case. He then advised that he had personally made some investigations and was told that the pharmacy would need to be built onto the side of the unit and involve some form of split floorplan which may involve a separate address. Upon learning this information Mr Semple thanked Mr Aslam stating that it was more detail than what he has been able to glean from any of his discussions through his agent or in attempting to discuss it direct with the owner. He then stated that clearly he could not open on the grass verge on the basis of the address information as stated on his application which therefore leads him to advise that the Committee has no alternative than to reject his application.

Upon learning of Mr Aslam's findings the Chair stopped proceedings to state the difficulty of a Committee to make decisions on the basis of what might happen, and it is the responsibility of the applicant to come to a hearing with hard facts. Therefore in light of Mr Aslam's most current information she would now ask Mr Semple if he desired to go ahead with further consideration of his application. Mr Semple confirmed that he was happy for the Committee to complete their discussions and publish it, and that he was not going to withdraw his application.

Having established that Mr Semple wished for the hearing to continue the Chair then invited Mr Mallinson to ask questions of him. Mr Mallinson advised that he would like to return to discuss the provision of services asking Mr Semple to identify what he felt the gaps in existing services were. Mr Semple replied that there was a significant distance for the approximate 3000 population to travel in order to access pharmacy services and that it was against government policy to expect patients to negotiate a journey either by foot, car or bus to access their first point of healthcare. Mr Mallinson then asked if his argument was therefore based on distance and what did he see as a maximum distance to preclude a new pharmacy in a neighbourhood. Mr Semple replied that other factors required to be taken into account regarding the size, nature and facilities within the neighbourhood drawing comparison to areas such as Newton Mearns agin Easterhouse, remarking that Carnbroe was

halfway between such examples. Mr Mallinson then asked him to support his claim regarding distance when it was seen that there was a good and frequent bus service to Coatbridge which hosted a vast majority of services which residents required to access, seeking opinion on what he felt made pharmacy different. Mr Semple replied that pharmacies are not only for chronically ill people who require to frequent their GP regularly as they provide a good first point of access to healthcare for “fitter” members of a community alongside the facilities of the Minor Ailment Scheme.

Having ascertained that there were no further questions for Mr Semple the Chair then asked Ms Seonaid Campbell, Rowlands Pharmacy to state her representation.

Ms Campbell thanked the Chair and read the following pre-prepared statement:

I agree with the Area Pharmaceutical Committee’s definition of the neighbourhood which is Carnbroe itself. Now with the neighbourhood defined, what are the existing pharmaceutical services in the neighbourhood, or in any adjoining neighbourhood? We have already ascertained that there is no pharmacy located in Carnbroe. However, a neighbourhood does not need to have a Pharmacy for there to be an adequate pharmaceutical service provision. As the Area Pharmaceutical Committee stated in their submission “there is more than adequate provision in the neighbouring centres of Airdrie and Coatbridge”. Obviously then, we need to look at the access to these other pharmacies from the applicant’s neighbourhood. Do patients have difficulty accessing them? There is absolutely no substitute for the face to face interaction between the pharmacist and the patient. Nearly every pharmacy including ourselves operate a repeat prescription collection and delivery service but I would agree with anyone who says that this is simply not good enough anymore. The question we have to ask ourselves is, do the patients in the applicant’s defined neighbourhood have difficulty accessing pharmaceutical services? To answer this I am going to look at three specific areas - 1. demographics 2. opening hours and 3. public transport.

We could spend all day talking about the demographics in the area but I feel that you simply have to drive around Carnbroe to realise that this is not a deprived area particularly when housing prices are £200,000 and upwards in the new estates. I am sure the committee will have seen this.

I think it is reasonable to assume that a large percentage of the population will be transient and will travel out with the defined neighbourhood to go to work or access other services as part of their day to day lives, especially as there is only one small convenience store at the moment. So if you are out at work Monday to Friday 9am to 6pm you may find it difficult to access a pharmacy during the week. Indeed, the applicant’s opening hours certainly wont help the majority of this affluent population as they are proposing to close at 6pm each night during the week and 1pm on a Saturday. There is however an extended opening hours pharmacy on Deedes Street which is only a few minutes by car from the applicant’s neighbourhood - Monklands Pharmacy is open seven days a week from 9am – 9pm.

The people who work throughout the week and who obviously drive regularly would have absolutely no problems accessing pharmaceutical services with this level of provision on the door step. However, we can’t simply forget the “stay at home” mothers and fathers with children, the elderly or the less abled so lets look at the public transport in the area. The number 16 bus runs every half hour from all over Carnbroe to almost everywhere in Coatbridge including the town centre which is the natural hub for the entire population of

Coatbridge. There are frequent “low ride” buses which are designed for both childrens’ buggies and wheelchair access. The journey into the town centre is less than 5 to 10 minutes.

I really struggle to see how anyone living in this area has any difficulty whatsoever in accessing pharmaceutical services. In their day to day lives they have to travel outwith Carbroe to access every other service and amenity.

In my opinion, access is therefore not an issue and the current provision must be considered adequate as a result.”

Having ascertained that neither Mr Semple or Mr Malone had any questions to ask of Ms Campbell, the Chair then invited Members of the Committee to pose questions.

Mr Sargent asked Ms Campbell to clarify her comments stressing the levels of car ownership within the area asking if it was appropriate to deny car owners access to pharmaceutical services. Ms Campbell clarified that she was wishing to highlight that there was a good bus service and easy transport links to Coatbridge as well as existing collection and delivery services which meant that there was no barrier to residents accessing pharmaceutical services given that they required to travel outwith for all other services.

Having ascertained that there were no further questions for Ms Campbell the Chair then asked Mr Mark Malone, Lloyds Pharmacy Ltd his representation.

Mr Malone thanked the chair and read the following pre-prepared statement:

Thank you for giving me the opportunity to comment to the panel today on behalf Lloydspharmacy. As is customary I will begin by addressing the matter of neighbourhood of the application. The PPC will be aware that an identical application was considered by them for an application by Mr Semple at 169a Earlston Crescent, Carnbroe in December 2008. That application was refused by the PPC. As part of this previous application the neighbourhood was considered by the PPC and concluded to comprise of “the area bounded on the North and East by the North Calder water, on the South by the M8, and the West by the railway line”.

While we do not have a major issue with this, we also feel the neighbourhood could equally extend into Coatbridge centre, such is the manner in which one residential area of this town merges into the other so easily, without a keen awareness of crossing boundaries and being in separate distinct neighbourhood locations.

Whatever the definition of neighbourhood, we would submit that the outcome would be the same, namely that adequate pharmaceutical services are already provided by existing pharmaceutical contractors in the Coatbridge area itself.

From our Lloydspharmacy branch on Coatbridge Main Street we operate from a large modern unit at the centre of the community offering the full range of Scottish contract services. As well as having a large fully private care room, separate and discrete supervised methadone administration area, and needle exchange. We also offer a delivery service to all surrounding areas.

The PPC refused this identical application in 2008 and the applicant did not appeal. The applicant has not provided any additional information with their application nor circulated any evidence prior to this PPC meeting to identify any inadequacy or any changes in circumstances since the previous decision.

The previous application was refused on the inability of the applicant to be able to commence provision of pharmaceutical services. There were concerns about planning consent and the proposed extension to the building had not been completed. Despite previous applications no pharmacy contract has opened in Carnbroe and there is no evidence provided that residents have difficulty accessing pharmaceutical services.

It is not axiomatic for every neighbourhood to have a pharmacy, and it must also be considered that there are no GP surgeries in Carnbroe, therefore patients will leave this community to access such services along with pharmacy.

For the above reasons we would submit that the application be refused.”

Having ascertained that neither Mr Semple or Ms Campbell had any questions to ask of Mr Malone, the Chair then invited Members of the Committee to pose questions.

Mr Sargent was the only member of the Committee who accepted the invitation, asking Mr Malone if he knew how many patients from Carnbroe accessed Pharmaceutical Services at their Pharmacy and was advised that Mr Malone did not have this information available.

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

Ms Campbell thanked the Chair and stated that she was of the opinion that there was no evidence of inadequacy in level of, or access to, Pharmaceutical services to the village of Carnbroe, and as such the contract was neither necessary or desirable.

Mr Mark Malone, Lloyds Pharmacy Ltd was the second and last interested party to sum up his representation

Mr Malone thanked the Chair and stated that there was nothing further he wished to add other than to reiterate that stated by Ms Campbell.

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

Mr Semple concluded by saying that he was of the firm belief that Pharmaceutical services in South East Coatbridge were currently inadequate, and apologises that he was unable to give more robust detail around the arrangement for the disposal of the premises to him given the information Mr Aslam was able to provide. He then highlighted that he would be afforded the right of appeal with regards to the Committee’s decision and that the resulting action of this would be determined by the factors surrounding consideration of the suitability of the

premises in which Messrs Akram & Khan intended to commence the provision of pharmaceutical services, which he will monitor.

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 Semple, Ms Campbell, Ms McCourt and Mr Malone 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 Coatbridge and village of Carnbroe, 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 Airdrie and Coatbridge, and the site of the proposed pharmacy
- iii. prescribing statistics of the Doctors within the towns of Airdrie and Coatbridge, during the period April to June 2009
- iv. dispensing statistics of the Pharmacies within the towns of Airdrie and Coatbridge, during the period April to June 2009
- v. demographic information on the townships of Airdrie and Coatbridge taken from the 2001 Census
- vi. comments received from the interested parties including existing Pharmaceutical Contractors in the towns of Airdrie and Coatbridge 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 townships of Airdrie and Coatbridge
- viii. paper compiled by Mrs G Forsyth, Administration Manager – Primary Care providing information relating to the inclusion of Messrs Akram & Khan in the provisional pharmaceutical list of Lanarkshire Health Board in respect of premises at 159-161 Calder Street, Coatbridge.

Decision

THE COMMITTEE

then discussed the oral representation of the Applicant and the Interested Parties in attendance, and the content of the supplementary submissions received, prior to considering the following factors in the order of the statutory test contained within Regulation 5(10) of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 (S.S.I. 2009 No. 183).

- (i) Neighbourhood

THE COMMITTEE

in considering the evidence submitted during the period of consultation and presented during the hearing, and recalling observations from their site visits, agreed with the neighbourhood being the area bounded by the railway line to the West, North Calder water to the North, Monkland Canal to the East, and the A8/M8 Motorway to the South.

- (ii) Existing Services

THE COMMITTEE

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

THE COMMITTEE

recognised that there were no existing contract Pharmacies within the defined neighbourhood, however from the evidence provided including the report collated by the office of the Chief Pharmacist – Primary Care, it was demonstrated that the

population has access to two Pharmacies (H McNulty Ltd and Monklands Pharmacy) close by the neighbourhood, both of which provide a comprehensive range of Pharmaceutical Services alongside the core requirements of the new contract, with a further Pharmaceutical contract located nearby in Calder Street, Coatbridge currently included in the Provisional Pharmaceutical List to 12th April 2010, which had been taken into consideration following advice obtained from the Legal Adviser, NHS Scotland Central Legal Office.

Furthermore, the Committee were of the belief that the characteristics of the neighbourhood are such that the population of Carnbroe are generally mobile and that residents are used to travelling outwith by private car or public transport to access a broad range of services with regards to their daily needs, therefore existing Pharmacies could be considered as providing Pharmaceutical services to residents within the neighbourhood from outwith.

(iii) Adequacy

THE COMMITTEE

discussed the test of adequacy and agreed that paying due regard to the reasons set out above and having noted the private and public transport routes available, it was considered that existing services close by the neighbourhood could be deemed adequate as they provide a breadth and range of NHS Contract services in line with contemporary standards and were easily accessible to residents of the neighbourhood.

Accordingly, following the withdrawal of Mr Iain Allan and Mr Parvez Aslam 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 Mr James Semple, Invercoast Ltd 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.

Mr Allan and Mr Aslam were then requested to return to the meeting, and were advised of the decision of the Committee.