

## MINUTE: PPC/2011/03

Minute of Meeting of the Pharmacy Practices Committee held on 1<sup>st</sup> July 2011 in the Boardroom, Kirklands Hospital, Fallside Road, Bothwell, G71 8BB.

Chair: Mrs Sandra Smith

Present: Lay Members Appointed by NHS Lanarkshire Board

Mrs Margaret Carahar  
Mr John Woods  
Mr Charles Sargent

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr Edward J H Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee

Mr David Sinclair

In Attendance: Officers from NHS Lanarkshire - Primary Care

Mr George Lindsay, Chief Pharmacist – Primary Care  
Mrs Gillian Forsyth, Administration Manager – Primary Care  
Miss Lea Ann Tannock, Personal Secretary – Primary Care

### **03**                    **APPLICATION BY ZENITH COMMUNITY CARE LTD, 44 CARLTON PLACE, GLASGOW, G5 9TW**

#### **Application**

There was submitted application by Zenith Community Care Ltd, received 31<sup>st</sup> December 2010, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at The Community Hub, Unit 1, 74 Smith Avenue, Gowkthrapple, Wishaw (“the premises”).

#### **Submissions of Interested Parties**

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

- (i) Letter received on 11<sup>th</sup> January 2011 from Boots UK Ltd
- (ii) Letter received by email on 14<sup>th</sup> January 2011 from Deans Pharmacy
- (iii) Letter received by email on 18<sup>th</sup> January 2011 from Area Medical Committee
- (iv) Letter received on 19<sup>th</sup> January 2011 from Lloyds Pharmacy Ltd
- (v) Letter received by email on 24<sup>th</sup> January 2011 from I Allan Pharmacy
- (vi) Letter received on 3<sup>rd</sup> February 2011 from Overtown Pharmacy
- (vii) Letter received by email on 4<sup>th</sup> February 2011 from Area Pharmaceutical Committee

- (viii) Letter received (hard copy of email) on 7<sup>th</sup> February 2011 from Central Pharmacies (UK) Ltd (accompanied by approval letter to accept by Zenith Community Care Ltd)

## **Procedure**

At 10:00 hours on Friday, 1<sup>st</sup> July 2011, the Pharmacy Practices Committee (“the Committee”) convened to hear application by Zenith Community Care Limited (“the applicant”). The hearing was convened under Paragraph 2 of Schedule 3 of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, as amended, (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 site visits of the town of Wishaw including Gowkthrapple and Overtown 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 had 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, and that they had no personal interest in the application nor association. Having ascertained that no Members or officers in attendance had any personal interest in the application the Chair confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within their papers. The Chair then instructed Ms Lea Ann Tannock to invite the applicant and interested parties in attendance to enter the hearing.

## **Attendance of Parties**

The applicant Zenith Community Care Ltd was represented by Mr David Liston who was accompanied by Mr John Ballantyne. From the interested parties eligible to attend the hearing two had accepted the invitation. The first interested party, Overtown Pharmacy, 125 Main Street, Overtown, ML2 0QF, was represented by Ms Elaine Aggleton accompanied by Mr Mark Aggleton. The second interested party, Lloyds Pharmacy Ltd, t/a Lloydspharmacy, Sapphire Court, Walsgrave Triangle, Coventry, CV2 2TX was represented by Ms Melinda Setanoians (“the interested parties”).

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 Zenith Community Care Ltd, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at The Community Hub, Unit 1, 74

Smith Avenue, Gowkthrapple, Wishaw, ML2, 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 invited Mr Liston to speak first in support of the application.**

Mr Liston thanked the Committee for the opportunity to attend to represent his case then began to read the following pre-prepared statement. It was at this point that Mrs Aggleton interjected to state that in her opinion Mr Liston was not eligible to speak on behalf of the application. The Chair asked Mrs Aggleton if she had any reason to support her claim and was advised that she was under the belief that only Directors of the company would be able to present their case. Mr Liston confirmed that he was a Director of the company and the Chair then asked him to begin reading his statement:

“Thank you to the committee for hearing our application today. In order for our application to pass the statutory test we must define the neighbourhood. This is the village of Gowkthrapple which lies to the south of Wishaw.

It is bounded by greenfield site to the south of Castlehill Road the west by Carronvale housing estate the north by derelict industrial land and to the east by greenfield site leading to Overtown.

I feel that this is a clearly defined neighbourhood and that the people within it would consider themselves neighbours.

Gowkthrapple is an extremely deprived neighbourhood, in the Scottish Index of Multiple Deprivation it ranks 14th out of 6505 data zones. Its data zones are ranked within the top 10% in Scotland for deprivation in relation to health, access to services, housing, income employment and crime. The working age population has 63% claiming benefits which is three times the Lanarkshire and Scottish average. 42% of the working age population are described as being employment deprived which is four times national average. There is also a lower than average car ownership.

This level of deprivation means that Gowkthrapple has been earmarked for regeneration by the Scottish Executive to the tune of £80 million.

The Regeneration encapsulates a plan to convert the surrounding derelict land to provide social housing in the future but in the short term as a result of £5 million of funding, which was secured with support from MP, MSP, Local councillors and the National lottery, a Community Hub has been built. This contains facilities for use by many organisations including NHS Lanarkshire, Alcohol and Drug addiction services, Wishaw credit union, North Lanarkshire volunteer service, citizens advice bureau, NL leisure, NL council active schools, Motherwell college, Strathclyde Police, NL employment mobility framework,

community learning development service, Gowkthrapple developing projects group, Gowkthrapple regeneration group, youth group and Castlehill (local school) parents and teacher and pupil council. This will see a large number of people using the community hub.

At the present time there are 810 houses with 793 houses occupied in Gowkthrapple. All of these houses are within Council Tax band A with only 6% of properties being privately owned, this in stark contrast to the national average of 60%. Using these figures I would estimate that the population would be between 1850 and 2150. This figure and taking into the account the people using the hub I feel it is more than viable to support a community pharmacy.

The statutory test also indicates that we have to consider the adequacy of pharmaceutical services to the neighbourhood.

At present there is no pharmacy in the neighbourhood or indeed any medical service how can this be allowed to happen in an extremely deprived neighbourhood?

The nearest pharmacies are at least 1 mile away and the vast majority of neighbourhood residents do not have access to a car. There is a regular bus service on the outskirts of the neighbourhood.

However is it adequate for the elderly and mums with young children to have to get on a bus into the town centre to access a pharmacy? I don't think so. We should also consider the cost of the return journey. As mentioned before the majority of residents are on some form of benefits and I feel this could impact adversely on the weekly budget.

Also given that GP's are now using a telephone consultation system there is no need for patients to travel to surgery to collect an acute prescription or indeed a repeat prescription. At the moment residents of the neighbourhood would have to travel out with the neighbourhood to collect this.

Several objectors have stated that the residents are well served by delivery services from local pharmacies. I would submit that this is not as adequate as face to face contact with a pharmacist. This is required for patients accessing the Minor Ailments Service and will be increasingly important as the Chronic Medication Service continues to roll out to include serial dispensing.

As mentioned before the neighbourhood is extremely health deprived. The public health service provided by pharmacies aims to improve patients' general health. I have noted that 40% of the neighbourhood population and 50% of pregnant women (first consulted at booking) smoke therefore the smoking cessation service would be very valuable to the local community. Given that students are going to be using the hub they are a population who could access sexual health advice. Who better to provide these services than a local community pharmacist?

I would submit that the current level of pharmacy service to this neighbourhood is inadequate to improve the level of the population's current poor health.

To address this lack of adequacy the custom built Pharmacy will offer all of the core elements of the new pharmacy contract: Minor Ailments Service; Public Health Service; Acute

Medication Service, and the Chronic Medication Service. Also offered will be a free collection and delivery service from all local surgeries, compliance aids, advice to nursing homes and methadone supervision.

Within the shop there will be an area for the display of health promotion materials and advice from a member of staff and an area for the discrete supervision of Methadone. There will also be a consultation room. This would be available to provide Chronic Medication Service, smoking cessation and sexual health advice and also supplementary services if felt needed e.g. Diabetes monitoring, blood pressure testing and weight management classes. The room would also be available for use by community nurses, dieticians and a chiropodist. The pharmacy is disabled access compliant and has ample shop space so that all these services can be provided.

In assessing whether the application is necessary and desirable we must consider the new pharmacy contract which aims to provide high quality healthcare services without the need to go to a GP surgery. The newly introduced Chronic Medication service which allows patients to register with a community pharmacy and receive a tailored pharmaceutical plan from their local pharmacist. Patients can receive a prescription for up to 48 weeks from their GP which will be dispensed at suitable intervals by their pharmacist who will also monitor the patient's progress and liaise with the GP with any observations or concerns. This is exactly the kind of service that requires to be at the heart of a neighbourhood. This service would cut down the need for patients to travel to their doctors surgery. Also the Minor Ailments Service would be a major benefit to this neighbourhood. The local population would be able to have face to face contact with a Pharmacist without the need for an appointment.

As mentioned before I believe that it is necessary and desirable that the services are provided by a local pharmacist in the patient's own neighbourhood.

Necessity and desirability are further evidenced by the level of deprivation in the neighbourhood. All the statistics show that this population has very poor health for instance in a period of three years there were over 4000 admissions to hospital for alcohol misuse, SIX times the national average and over 600 admissions for drugs misuse, FIVE times the national average. This neighbourhood would benefit from a local pharmacist working to improve the health of the local population.

Support has been given by the local population in the form of a petition gathered by the local housing association and by the local MSP John Pentland. Indeed in his letter he indicates he has spoken to many of his constituents who indicate they feel that a pharmacy is desperately needed for the area.

Indeed if you consider that many organisations have come together to raise funding to regenerate the neighbourhood and build the Hub there is a clear strategy to improve the level of deprivation then I would consider it is necessary and desirable for a community pharmacy. Taking into consideration all the points on necessity and desirability and the current inadequacy of pharmacy services then I believe the application be granted.

**Noting that this concluded Mr Liston's representation, the Chair then invited questions from the interested parties. Mrs E Aggleton, Overtown Pharmacy was first to pose questions to Mr Liston.**

Mrs Aggleton enquired if Mr Liston was sure that the nearest Pharmacy at least one mile away, suggesting that it was only .6 mile from The Community Hub to Overtown Pharmacy. Mr Liston replied that he had used Google Maps to estimate so was unsure however that regardless of the actual distance he considered it too far for elderly patients or mothers with prams to walk to reach the services of a Pharmacy. She then asked him why he had mentioned residents having to travel outwith the area to have acute prescriptions dispensed when existing Pharmacies offer Collection and Delivery services. He replied that it was best for patients to access advice from a Pharmacist face to face. Mrs Aggleton responded by stating that urgent prescriptions were very few and the exception rather than the norm thus a Collection and Delivery service was a good way of providing services to the area. Mr Liston replied that he considered the dispensing of medicines to be a very small part of the services provided by a community Pharmacy and that AMS, CMS etc would be of wider benefit. Mrs Aggleton's final question was to ask him how where he derived the population statistics of Gowkthrapple from? He advised that the Housing Agency had confirmed that there were 793 houses occupied and that this was multiplied by the average house occupation of 2.23 people, when asked he confirmed that this included the Carronvale Housing Estate. Mrs Aggleton was keen to know if the demographics he had referred to in his representation included the Carronvale residents and was told that he did not know.

**Having ascertained that Elaine Aggleton had no further questions, the Chair then invited questions from Ms Melinda Setanoians, Lloydspharmacy to Mr Liston.**

Ms Setanoians chose to question the validity of the population figures Mr Liston was using and asked him to clarify that the actual figure was closer to 1159 people. Mr Liston replied that the figures provided to him from the Housing Association were the most accurate and that this had been used to estimate his figure based on overage occupancy statistics. She then turned her attention to the services available to Gowkthrapple residents asking where Mr Liston thought they would access their daily and weekly living needs. When he replied that they would probably travel to Wishaw once per week Ms Setanoians disagreed stating that most residents travelled outwith the area either for work or daily to Wishaw in order to use banking and general shopping facilities. Mr Liston postulated that the regeneration ethos is about changing this arrangement and that residents have stated that they want ATM and shops on their own doorstep to stop having to travel outwith. Ms Setanoians responded by saying that residents did not encounter any inconvenience in travelling to Wishaw as it was served by good public transport links and only a ten minute walk to the nearest Pharmacy. Mr Liston confirmed that he did not believe that it was acceptable for young Mums or the elderly to walk to access pharmaceutical services, and that a ten minute journey doubled to twenty with the return leg.

**Having established that there were no further questions from the interested parties in attendance, the Chair then invited questions from Members of the Committee in turn to Mr Liston.**

Mrs Carahar was first to ask Mr Liston questions and wanted to know about the mezzanine level within The Hub and was advised that this area would just be used for storage. She then asked Mr Liston if he was aware of any difficulty accessing The Hub from within Gowkthrapple as people she spoke with during her site visit commented on the blocked roads. Mr Liston said that he was not aware of this and was sure there was a path leading to the unit.

Mr Woods returned to the question over the estimated population of the area and the difference between the 2001 census figures, asking if this indicated that the Carronvale estate had been included. Mr Liston agreed that the figures included the new estate. This led Mr Woods to ask Mr Liston if he felt that people within the Carronvale estate would consider themselves as residents of Gowkthrapple and he confirmed that he did. His final question to Mr Liston was to ask if he intended to offer a collection and delivery service from The Hub. Mr Liston confirmed that he did which led Mr Woods to ask him why he wished to do so in light of his earlier comments suggesting it was an inferior service to having face to face contact with a Pharmacist. Mr Liston replied that he could provide a face to face service because patients' homes are not far from The Hub and he could make that journey.

Mr Sargent was next to ask questions of Mr Liston and was keen to learn of the security measures planned for the Pharmacy given his reference to the high levels of drug and alcohol dependency in the area. He was advised that The Hub would be regularly used during the day and at night therefore there would be a number of people using the car park and travelling around which would deter vandalism or theft however they would have security shutters. He then asked Mr Liston about his plans for opening the pharmacy and was advised that it was currently a shell and that three months would have the unit ready for use.

Mr Sinclair asked Mr Liston if he currently had any other commitments to community pharmacies and was advised that he had resigned from his previous employment as a result of his involvement with Zenith Community Care Limited. He then asked for Mr Liston's view on where he thought patients in Gowkthrapple currently access pharmacy services. He advised that it was currently Wishaw town centre however this was not measured only anecdotally from the Housing Association. When Mr Sinclair asked if he had included the number of resident population and patterns of travel within the neighbourhood into his planning he was advised that they had and that they have a formal Business Plan for the project.

Mr Mallinson was the last to ask questions of Mr Liston and returned to provision of a Collection and Delivery service remarking that the response he gave Mr Woods described merely a delivery service. Mr Liston replied that he had interpreted Mr Wood's question specifically relating to the concept of face-to-face discussion between Pharmacist and patient. He confirmed that he would provide a full Collection and Delivery Service. When Mr Mallinson asked why he considered his Collection and Delivery service to be adequate but the service provided by others to the neighbourhood inadequate he was advised that he would make himself available to provide pharmaceutical advice to patients. Mr Mallinson's final question was to ask Mr Liston the arrangements for allowing other healthcare providers to use the consulting room within the Pharmacy, as he was concerned that patients requiring pharmaceutical services may be denied access if the room was in use for another purpose. Mr Liston replied that the majority of NHS services he had referred to were provided within other areas of The Hub but that if the situation did occur the patient would be taken to the quiet area or asked to wait. This led Mr Mallinson to ask if the consulting room had been identified as being more of a facility for other users rather than the pharmacy and was advised that this was not the case.

**Having ascertained that there were no further questions for Mr Liston, the Chair then invited Mrs Elaine Aggleton, Overtown Pharmacy to state her representation.**

Mrs Aggleton read the following pre-prepared statement:

“I am going to provide the committee with information that I believe will show that the pharmaceutical service within the neighbourhood is adequate.

Firstly the neighbourhood I propose encompasses both Overtown and Gowkthrapple as stated previously in my successful application to secure pharmaceutical services to the neighbourhood in 2007. The boundaries of the proposed neighbourhood are as follows: the greenfield site to the south of Castlehill Road and south of Overtown, open fields to the East know as Jacobs Ladder Way, North by the open fields north of Overtown primary School and then heading west along the railway track to the Bluebelle Wynd or Carronvale estate.

It has become clear that through discussions with residents, local councillor and local church that Gowkthrapple residents migrate to Overtown to attend many community activities at the Overtown community centre local bowling club and church. The parish of the local Church encompasses both Overtown and Gowkthrapple and the community do not see themselves as separate.

The applicant states that there are “almost no local facilities within Gowkthrapple” and therefore people have to leave the area to come to Overtown to use the local amenities including post office hairdresser, garage at, convenience stores, two takeaways and free cash machine. There are insufficient local amenities to get all provisions within applicants proposed neighbourhood of Gowkthrapple. There is only one shop and therefore people must leave to get necessary staple provisions. The population travels outwith the area to Wishaw to access medical service.

Overtown pharmacy is 0.6 miles from the Smith Avenue entrance to the Gowkthrapple area or a 10 minute walk along a well lit pavement. Alternatively it takes two minutes by bus. The bus stop is directly opposite the pharmacy in Overtown. There is parking beside the pharmacy or opposite the community centre car park.

From the Allershaw entrance it is 0.8 miles to the Lloyds pharmacy on Caledonian road. A fifteen minute walk or five or less minutes by bus.

There are three bus stops on both sides of the road along Castlehill Road near all the three entrances to Gowkthrapple:

- One at Smith Avenue
- One at Linhope Place
- And one at Allershaw Road

Residents would only have a maximum of five minute walk from their house to the bus stop. It would actually take longer to walk to The Hub from some homes than to the bus stop

There is an excellent bus service, the number 242 and 240 buses which run between Wishaw and Overtown every 15 minutes starting weekdays at 7am to just after 6pm thereafter it runs 20-30 minutes. On Saturdays buses runs every 15 minutes from 10:22am (every 20 minutes before that) until 17:52. First buses have figures to show 99% reliability with this service. The buses have low floors and therefore suitable for prams and elderly people.

## **Population**



Moving onto the population.

The 2001 census gives the population of Gowkthrapple to be 1159. Since that time the Caplaw tower was demolished which included 246 flats. The Gowkthrapple masterplan finalised in 2006 stated the population of Gowkthrapple to be 800 residents and 460 homes.

The proposal within the masterplan was to redevelop Gowkthrapple whereby the number of homes would increase to 1040 and population to 2080. However due to the current financial climate, only an additional 55 homes have been built to date. 37 allocated to Garion housing co-op, 12 properties sold through the shared equity scheme and 6 sold directly by dawn homes. These homes are the ones to the east of Heathfield and less than 0.5 mile from Overtown pharmacy

Smith clockworks site had outline planning permission approved in 2007 however site is heavily contaminated. Planning was approved subject to conclusion of a legal agreement in 2009 however the owner went into liquidation and land is in hands of receiver. Legal agreement has never been progressed and on June 2<sup>nd</sup> 2011 the NLC planning committee withdrew the planning consent. Unlikely in near future that this land will be developed.

The Castlehill Road site which is owned by GPHA the funding from the Scottish Exec has been pulled and there are no plans at present for further development.

So we have to look at the present population and I disagree with the population figures that applicant has stated. There are two data zones that take in the Gowkthrapple area. One that takes in Allershaw tower, Birkshaw Tower and Birkshaw Brae. The population in this data zone is 372 (14% are children 65% working age and 19.89% over 65 (same as Scottish average and slightly higher than NL average of 18.03%))

The other datazone which contains the Hub the private housing development at Woodgreen Court, Heathfield and Smith Avenue the population is 607. 11% of this part are elderly compared to 19.89 in Scotland and 24% children. These figures come from the data zone information 2009. The third data zone which has been included in the applicant's population count but not referred to in the demographics covers a large area of farm land along the Clyde side and the farm behind Pather but includes the housing referred to by the applicant as the Carronvale estate. This is private housing. The population in this datazone is 1007. People claiming benefits is way below the NL and Scottish average. These are four bedroom houses with garages and cars in driveways so certainly are not deprived and will visit the pharmacy nearest or convenient to their workplace or will have a car.

Therefore the population that is referred to as having low car ownership is currently 979 and therefore the viability of serving such a small population must be questioned.

### **Existing Service**

There is no evidence before the panel that suggests that the current pharmaceutical service is inadequate and therefore the application fails the test at the first hurdle.

The important point is regardless of population and neighbourhood there is excellent provision of pharmaceutical service to this area

In Overtown we offer a full range of pharmaceutical services including contracted services such as the Minor Ailments Scheme, the full Public Health Service which includes smoking cessation services and sexual health services including emergency hormonal contraception, the Acute Medication Service and the Chronic Medication Service.

Other services include:

- Dispensing of NHS and Private Prescriptions
- Patient Medication Record System
- Advice without appointment
- Unscheduled Care
- Free collection and delivery service to all local surgeries
- 2 Private consultation room
- We provided medication review clinics in partnership with local GP practice
- Methadone - with capacity for more
- Subutex and Suboxone supervision
- Monitored Dosage Systems - with capacity for more
- Ostomy Service
- Pregnancy Testing
- DDA Complaint Disabled Access
- Domiciliary Visits - Pharmacists/Technicians

These services are available to all patients within the neighbourhood and beyond. We have ample capacity for more methadone patients and patients on monitored dosage systems. And are looking to develop more prescribing clinics.

There are a further 5 pharmacies in Wishaw another 1 in Craigneuk and one in Muirhouse Each of these pharmacies on the Health Board's consultation list provides a variety of services as described above into the neighbourhood including Saturday afternoon opening, extended hours and Sunday and Public Holiday openings. The Applicant and Appellant has not demonstrated that he will be providing any services not currently available to the residents of Gowkthrapple from other pharmacies in the area.

We provide an excellent delivery service to patients. Because it is my pharmacy we are able to deliver before work after work and on Saturdays if required. We provide this service to the whole neighbourhood and beyond. We maintained this delivery service throughout the bad weather in November, December and January this year and any patient who required a delivery got one

We are very much part of the community. I visit patients in their own homes who are unable to get to the pharmacy who require more than a delivery service.

We are open Monday, Tuesday, Thursday and Friday 9 to 6, Saturday 9 to 1 and from 10<sup>th</sup> July we are opening on Wednesday from 9 to 5.

The Lloyds pharmacies in Wishaw are only 0.8 miles away from the Allershaw end provide pharmaceutical service between 8:30 – 9 pm. They too provide a full range of pharmaceutical services and delivery service.

An estimated 30% of our business is from Gowkthrapple. And therefore our viability would be affected if an application was to be granted. We have only been open since July 2008 and our business is still building and growing. To grant another application within this small sized population which is unlikely to have significant growth in the near future would mean that one pharmacy would have to close. The panel must consider the viability issue in terms of whether provision would be secured by granting of the contract.

Since 2008 the pharmaceutical service are adequate in the area and therefore I believe the application fails the legal test. It is neither necessary nor desirable to have an additional pharmacy in the neighbourhood.”

**Following Mrs Aggleton’s representation, the Chair then invited Mr Liston to ask questions.**

Mr Liston asked Mrs Aggleton if she felt that the significant greenfield site between the location of the The Hub and her pharmacy presented a physical boundary. She replied that this was not the case as the Dawn Homes development and Clyde Valley High School provide through access. He then asked for her opinion on the anecdotal evidence provided that most residents travel from Gowkthrapple to Wishaw to access services. She replied that they may go on a weekly basis to Wishaw however her experience was that they used the hairdressers, takeaway outlets and Post Office services within Overtown more regularly.

**Having ascertained that Mr Liston had no further questions, the Chair then invited questions from Members of the Committee to Mrs Aggleton.**

Mrs Caraher wished to know if Mrs Aggleton could identify how many Gowkthrapple patients used her Pharmacy and was told that it was approximately 30%. She then asked if there were any arrangements in place for providing pharmaceutical advice to patients using the Collection and Delivery service. Mrs Aggleton advised that she employed a driver however she makes herself available if patients are identified as needing a face to face visit.

Mr Woods then asked Mrs Aggleton how she measured the quality of the service that she provided and if she had any formal process in place. She advised that they have never received any complaints and get good feedback from patients, and that whilst there was nothing formal they do learn from anecdotal comments. When asked if she thought there was a benefit of formalising feedback she said that they could consider a periodic survey.

Mr Sargent wanted to clarify the 30% figure quoted by Mrs Aggleton and whether it included Gowkthrapple on its own or a combination of Gowkthrapple and the Carronvale estate. Mrs Aggleton said that the figure included a mix of people from within Gowkthrapple, Carronvale and Dawn Homes, however she felt as if people from Carronvale and Dawn Homes tended to commute to work and access Pharmacies elsewhere as part of their travel.

This led to Mr Sinclair asking how she had estimated the 30% figure and was advised that she had looked at the addresses on prescriptions. Mr Sinclair then clarified with her that it was more of an indication of patients not actual business from Gowkthrapple. He then asked what effect a loss of 30% would have on her business and she confirmed that it would have a significant affect as they were still building up the Pharmacy.

Mr Mallinson asked Mrs Aggleton to confirm that she had two consultation rooms which were dedicated for use by the Pharmacy. She confirmed this was the case and that one is used for supervised dispensing of Methadone and that the other has a table, pc and chairs which she envisages using to run clinics. Mr Mallinson then asked for details on the Collection and Delivery service provided. Mrs Aggleton advised that they collect and deliver to Newmains, Wishaw, and Motherwell however she would consider areas further afield if required. He then asked whether this formed a substantial part of her business and was told that it did as she also uses it to deliver balances and out of stock items to reduce inconvenience to patients. His final question was to ask for a rough indication of how patients from Gowkthrapple access her Pharmacy. Mrs Aggleton said that they tend to walk rather than get the bus and that it is an easy and well recognised route.

**Having ascertained that there were no further questions for Mrs Aggleton, the Chair then invited Ms Melinda Setanoians, Lloydspharmacy to state her representation.**

“For the purpose of this application we would consider the neighbourhood to be that of Gowkthrapple and Overtown. This is in line with the previous application that was granted to Overtown pharmacy in 2008. There have been no substantial changes to the area of Gowkthrapple and Overtown since 2008 that would require a re-defining of this neighbourhood.

Overtown pharmacy and the neighbouring pharmacies in Wishaw all provide the residents of Gowkthrapple housing estate with an excellent pharmaceutical service and there is absolutely no reason to consider the residents at Gowkthrapple under-catered for in term of pharmaceutical provision. The three main reasons for this are described below:

Access to other pharmacies:

There are good bus links from all areas of Gowkthrapple to both the Wishaw and Overtown pharmacies. The buses are frequent (every 15 minutes) and take only 8 minutes to get to Wishaw pharmacies or 5 minutes to the Overtown pharmacy.

It is a 16 minutes walk from Allershaw tower to Lloyds pharmacy on Caledonia Road and only 10 minutes from the proposed site to Overtown pharmacy.

The residents of Gowkthrapple have no amenities in Gowkthrapple and leave the estate on a frequent basis to access facilities such as supermarkets, local butchers, post offices, libraries, banks etc. They access the plethora of pharmacies that are available to them during these frequent trips.

Pharmaceutical provision:

There are an extensive range of services and pharmacies available to the population in the area. In Wishaw there are 5 Lloyds pharmacies that provide the full range of pharmaceutical services over a wide range of hours (9am-9pm, 7 days a week). The pharmacies provide collection and delivery services to patients who may have difficulty in getting to a pharmacy. There are two prescribing pharmacists in the area who both engage in prescribing clinics.

Population

Gowkthrapple has a dwindling population. The 2001 census showed there were 677 households. Since 2001 247 flats have been demolished and the regeneration process for the area has ground to a halt. It is generally regarded in the area that the regeneration project has not been a success and a large number of flats lay vacant in the area. The population as such is not enough to require the provision of an additional pharmaceutical service.

With the above points in consideration, it is requested that the application for a pharmaceutical service in Gowkthrapple not be granted as it is neither necessary nor desirable.”

**Following Ms Setanoians’s representation, the Chair then invited Mr Liston to ask questions.**

Mr Liston wished to continue discussion over the estimated population residing within Gowkthrapple disagreeing with Ms Setanoians’s perception. He asked her if she would not agree with the confirmed occupancy levels provided by the Housing Association and with the average household figures. Ms Setanoians said that whilst she had no reason to doubt what the Housing Association were reporting she regularly visits the area and can see that a lot of the housing stock is clearly unoccupied and that she has difficulties with some patients using addresses where they do not physically reside. Mr Liston advised against referring to evidence which could not be substantiated.

**Having ascertained that Mr Liston had no further questions, the Chair then invited questions from Members of the Committee to Ms Setanoians**

Mrs Caraher wished to know if Ms Setanoians could identify how many Gowkthrapple patients used the services of Lloydspharmacy within Wishaw. She advised that this was difficult as the figures were spread throughout each of the five branches however she could confirm that they made six deliveries to six different patients within Allershaw Tower this week. She added that residents frequently travel outwith the area to use other services within Wishaw and that there were excellent transport links supporting this.

Mr Woods asked Ms Setanoians for an explanation of how Lloydspharmacy provide pharmaceutical services into the area. She advised that they have a dedicated delivery driver with several years experience working to their standing operating procedures. The procedures include how to feedback to the pharmacist any concerns over a patient or if advice has been requested. Once notified of any issues the Pharmacist will then make a telephone call or provide written advice. Mr Woods then asked if there was any arrangement to have a face to face visit and was advised that they had piloted visits to Gowkthrapple last year however it was abandoned due to poor demand.

When invited Mr Mallinson advised that he had no questions to ask of Ms Setanoians.

**Having ascertained that there were no further questions from Members of the Committee to the interested parties, the Chair then invited the interested parties to ask questions of each other.**

The interested parties had no questions to ask of each other.

**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 Aggleton, Overtown Pharmacy was first to speak.**

Mrs Aggleton concluded that the neighbourhood is Gowkthrapple and Overtown. The population statistics are reliable from the data zones and the future development proposed in 2006 is no longer going ahead. The current provision of pharmaceutical services to the neighbourhood is adequate. No complaints have been received. A new pharmacy in Gowkthrapple would not be viable and would damage the existing pharmacy business within the neighbourhood. The granting of this application will not secure provision of services to the neighbourhood.

**The Chair then invited Ms Setanoians, Lloydspharmacy to sum up her representation.**

Ms Setanoians stated that the population within the area defined by the applicant was very small, and that the residents frequently travel outwith the area using extremely good transport links. The existing Pharmacies within Overtown and Wishaw currently provide excellent pharmaceutical services therefore the granting of this application is neither necessary or desirable.

**The Chair then invited Mr Liston, to sum up in relation to the application by Zenith Community Care Limited.**

Mr Liston read the following pre-prepared summary.

“I have identified a neighbourhood in its own right with a population that would enable us to secure a pharmaceutical service. I have highlighted inadequacy of services:

No pharmacy within neighbourhood.

There is a lower than average car ownership, a bus journey is not ideal for the elderly or mums with young children, in an area of high benefit claimants we must consider the high cost of the journey.

Delivery service is not a substitute for face to face contact with a pharmacist

Population has increased in the last few years and now at the level which would require a pharmacy of its own especially considering the future building plans.

Major regeneration funding and the Community Hub is now bringing services to the area this combined with patients being directed away from their GP to pharmacy the population are now less likely to leave the area.

I feel that this pharmacy is needed now and is very important to the regeneration of this very deprived neighbourhood.

Taking into consideration all these points it is therefore necessary and desirable to grant the pharmacy contract securing provision of adequate pharmaceutical services to this neighbourhood.”

## **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 Liston, Mr Ballantyne, Mr and Mrs Aggleton and Ms Setanoians withdrew from the meeting.

## **Supplementary Submissions**

Following consideration of the oral evidence

### **THE COMMITTEE**

noted:

- i. that they had each independently undertaken a site visit of the town of Wishaw including Gowkthrapple and Overtown, 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 town of Wishaw and villages of Newmains and Overtown, and the site of the proposed pharmacy
- iii. prescribing statistics of the Doctors within the town of Wishaw and village of Newmains, during the period January to March 2011
- iv. dispensing statistics of the Pharmacies within the town of Wishaw and villages of Cleland, Law, Newmains and Overtown during the period January to March 2011
- v. demographic information on the town of Wishaw and Newmains, Overtown, Cleland and Gowkthrapple taken from the 2001 Census
- vi. comments received from the interested parties including existing Pharmaceutical Contractors within the town of Wishaw, Overtown and Newmains in accordance with the rules of procedure contained within Schedule 3 to the regulations
- vii. report on Pharmaceutical Services provided by existing pharmaceutical contractors

within the town of Wishaw and villages of Newmains, Cleland, Overtown and Law.

- viii. the applicant provided a letter from Councillor John Pentland and a petition from the Housing Association containing 58 signatures (the personal details of all persons signing have been redacted in order to comply with the Data Protection Act 1998). There were no communications received as a result of the public consultation exercise undertaken upon receipt of the application, as directed within Schedule 3 to the regulations

## **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 ), as amended.

- (i) Neighbourhood

#### **THE COMMITTEE**

in considering the evidence submitted during the period of consultation , presented during the hearing, and recalling observations from their site visits, deemed the neighbourhood in which the proposed premises were located to be the communities of Gowkthrapple and Overtown contained within the following boundaries: to the West where the railway line crosses Caledonian Road just North of the Netherton Road junction along to, and surrounding, the village of Overtown down to Jacobs Ladder, and from there up to Castlehill Road and back along to complete the boundary.

#### **THE COMMITTEE**

in reaching this decision was of the opinion that the neighbourhood constituted a distinct area bounded by significant natural barriers as described above. It also considered that whilst residents within Gowkthrapple would consider themselves as having a sense of belonging, they have no access to facilities other than a small convenience store. Residents therefore require to visit a wider area such as Overtown to access services such as the Church, hairdressers, takeaway food outlets, post office and ATM.

#### **THE COMMITTEE**

considered the combination of Gowkthrapple and Overtown to be a neighbourhood “for all purposes”. It also considered the ethos behind The Hub being a “one stop shop” and the regeneration programme however opined that residents would still require to leave Gowkthrapple to access the wider community.



(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

acknowledged that there was one existing contract Pharmacy (Overtown Pharmacy) within the neighbourhood, with a further five Pharmacies in the town of Wishaw providing services to the neighbourhood. It was considered that these are easily accessible via the regular public bus service as well as on foot via recognised routes. Indeed, from the site visits members of the Committee noted that residents of the neighbourhood, including those with young children in prams, appeared to move freely outwith the area by both means.

THE COMMITTEE

further noted from the report collated by the office of the Chief Pharmacist – Primary Care, that all of the pharmacies within Overtown and Wishaw provided a comprehensive range of Pharmaceutical Services alongside the core requirements of the new contract. The applicant provided no evidence to suggest any access difficulties to those services nor capacity problems.

THE COMMITTEE

therefore considered that these services were readily available for all who needed them, including vulnerable members of society.

(iii) Adequacy

**THE COMMITTEE**

discussed the test of adequacy paying due regard to the findings set out above. The existing services could be deemed adequate as they provided a breadth and range of NHS contract services in line with contemporary standards, and were easily accessible and available to the residents of the neighbourhood.

Accordingly, following the withdrawal of Mr D Sinclair in accordance with the procedure on applications contained within Paragraph 6, Schedule 4 of the National Health Service

(Pharmaceutical Services)(Scotland) Regulations 2009, as amended, 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, accordingly, the application was rejected subject to the right of appeal as specified in Paragraph 4.1, Schedule 3 of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, as amended.

**Mr Sinclair was then requested to return to the meeting, and was advised of the decision of the Committee.**