

MINUTE: PPC/2012/01

Minute of Meeting of the Pharmacy Practices Committee held on 16th April 2012 in the Boardroom, Udston Hospital, Farm Road, Hamilton, ML3 9LA.

Chair: Mrs Sandra Smith

Present: Lay Members Appointed by NHS Lanarkshire Board

Mrs Margaret Caraher
Mr Charles Sargent
Mrs Lynn Wilson

Pharmacist Appointed by Area Pharmaceutical Committee (not included in any Pharmaceutical List)

Mr Edward J Mallinson

Pharmacist Nominated by Area Pharmaceutical Committee (included in Pharmaceutical List)

Mrs Laura McGregor
Mrs Catherine Stitt

In Attendance: Officers from NHS Lanarkshire - Primary Care

Mr George Lindsay, Chief Pharmacist – Primary Care
Mrs Gillian Forsyth, Administration Manager – Primary Care
Mrs Lavinia Langan, Administration Team Leader – Primary Care

01 APPLICATION BY H & K WILLIS LTD OF 1566 DUMBARTON ROAD, GLASGOW, G14 9DB

Application

There was submitted application by H & K Willis Ltd received 11th August 2011, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 131 Gartsherrie Road, Coatbridge, ML5 2EU (“the premises”).

Submissions of Interested Parties

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

- (i) Letter received on 24th August 2011 from Boots UK Ltd
- (ii) Email received on 25th August 2011 from Invercoast Ltd, t/a Glenmavis Pharmacy
- (iii) Letter received on 8th September 2011 from Lloyds Pharmacy Ltd
- (iv) Letter received on 8th September 2011 from L Rowland & Co (Retail) Ltd t/a Rowlands Pharmacy
- (v) Letter received on 15th September 2011 from The Area Pharmaceutical Committee, NHS, Lanarkshire
- (vi) Letter received on 16th September 2011 from J E Robertson
- (vii) Letter received on 16th September 2011 from H McNulty Ltd

Procedure

At 13.00 hours on Monday, 16th April 2012, the Pharmacy Practices Committee (“the Committee”) convened to hear application by H & K Willis Ltd (“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 Coatbridge 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 Mrs Lavinia Langan to invite the applicant and interested parties in attendance to enter the hearing.

Attendance of Parties

The applicant H & K Willis Ltd was represented by Mr Keith Willis. From the interested parties eligible to attend the hearing two had accepted the invitation. The first interested party, L Rowland & Co (Retail) Ltd, t/a Rowlands Pharmacy, 150 Bank Street, Coatbridge, ML5 1ET was represented by Ms Laura McElroy. The second interested party, Lloyds Pharmacy Ltd, was represented by Mr David Henry, who was accompanied by Ms Victoria Carey (“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 H & K Willis Ltd for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 131 Gartsherrie Road, Coatbridge, ML5 2EU 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 Willis to speak first in support of the application.

Mr Willis thanked the Committee for the opportunity to present the case on behalf of H & K Willis Ltd and read the following pre-prepared statement:

“I would like to thank the chair and committee for the opportunity to attend today to make my representation with regards to the application for a new pharmacy at 131 Gartsherrie Road, Coatbridge.

With regards to the neighbourhood, I would define it as being:

Northern boundary- Industrial ground running north of Gartsherrie Rd

Southern Boundary- Kings Street/ West End Public Park

Western Boundary- Blair Road

Eastern Boundary- Sunny-side Rd/ Heritage Park

The neighbourhood consists of amenities such as takeaways, convenience stores, newsagents, hairdressers, bookmakers and public house with parking accessible via Auldham Street.

The approximate population of the area is 4489 residents. According to North Lanarkshire local plan there are two significant sites that have been earmarked for housing development. The council have confirmed the first one is by Barrett Homes which have planning submitted for 262 homes at Hollandhurst Road - with the average Scottish house density being at least 2.2 this would result in a further 576 residents. Furthermore GVA Grimley is at initial stages of planning with North Lanarkshire Council at the site of the former Alexander Hospital. These two sites will increase the population to approximately 5000 residents.

There is no pharmacy within this area therefore the service must be deemed as being inadequate.

According to North Lanarkshire council website the overall health in North Lanarkshire is poor. 23% of people have long term limiting illnesses compared to 20% as a whole of Scotland, and 13% of people in North Lanarkshire consider their health to be "not good" compared to 10% in Scotland as a whole.

According to Scottish Neighbourhood Statistics website the overwhelming majority of data zones within the neighbourhood have higher than average percentage of total population who are income deprived. This correlates with higher than average percentage of population having limiting long term illnesses. For example within the output area that includes postcode ML5 2EU, 33.7% have a limiting long term illness and 22.07% said that their health was "not good".

The services which I seek to provide include:

-AMS

-CMS

-Minor Ailment Service

-Smoking Cessation Service

-Public Health Service

-Stoma Service

-Supply of EHC

Currently there is no pharmaceutical care provided within this neighbourhood; residents have to travel to the town centre in order to obtain pharmacy services. They can also obtain pharmaceutical services at Townhead where we strive to offer an excellent service however residents of the proposed neighbourhood do not easily gravitate to the Townhead area due to the pharmacy being quite central within the scheme and also the steep incline of Leven Rd if travelling by foot. This can be demonstrated by a survey which was carried out in September 2011 whereby 72% of the surveyed population used a pharmacy other than Townhead. 42.97% of the Coatbridge population do not possess a car leaving public transport or walking the only mode of transport to travel to a pharmacy in order to gain pharmaceutical services. Having carried out research in the area, 4% of people said that a round trip journey to a pharmacy would take less than 15 minutes, 16% said 15-30 minutes, 34% said 30-45 minutes, 30% said 45-60 minutes and 15% saying it took greater than 60 minutes. Of these people surveyed 36% walked to the pharmacy. Given the distances involved and the length of time needed to access a pharmaceutical service, I feel that it would be unreasonable to expect anyone other than fit and healthy persons to undertake such a journey.

I currently have a lease on the premises and believe if granted the pharmacy will be opened within six months.

Granting the application will greatly improve the neighbourhood's access to pharmaceutical services and the management of long term conditions and should greatly improve self-care of the population. The lack of provision within the neighbourhood makes this application both necessary and desirable and will secure adequate provision.”

When Mr Willis concluded his representation the Chair then invited questions from Ms Laura McElroy, L Rowland & Co (Retail) Ltd to him.

Ms McElroy asked why Mr Willis deemed pharmacy services in the area to be inadequate as patients could access pharmacy services in the adjoining neighbourhood. Mr Willis replied that for patients with ill health such as COPD it would be harder to travel outwith the neighbourhood to access services. Ms McElroy then queried the boundary to the south of the neighbourhood as defined by Mr Willis at King Street/West End Park which excluded Rowlands Pharmacy. Mr Willis responded that the density of housing decreases south of King Street with the bulk of the housing being to the north. She then stated that patients residing in the south of the neighbourhood would find it easier to access Rowlands Pharmacy than Gartsherrie Road. Mr Willis responded that it should be easy to access pharmacy services and people require a pharmacy in their area. Ms McElroy then asked Mr Willis whether he was aware of any complaints being submitted to the Health Board regarding access to pharmaceutical services and was advised that he was not.

Having ascertained that Ms McElroy had no further questions, the Chair then invited questions from Mr David Henry, Lloyds Pharmacy to Mr Willis.

Mr Henry began by querying the location of the premises and the boundary of the neighbourhood as defined by Mr Willis, suggesting that a better location for the premises might be in the centre of the neighbourhood rather than on the northern boundary. Mr Willis replied that he was restricted by the availability of premises however he felt that it was a convenient site as it is located in a shopping area and people gravitate towards the local shops. Mr Henry then questioned why, if he was taking into account the new housing planned at Hollandhurst Road, Mr Willis had selected the area of Blairhill rather than the area to the north of Gartsherrie Road in his neighbourhood definition. Mr Willis answered that it

is included within his suggested area. Mr Henry continued his line of questioning by querying why the western and southern boundaries of the neighbourhood as described in Mr Willis' presentation to the committee had been changed from those described in his original application. Mr Willis responded that the area still included the same size of population and that he had revised the area taking cognisance of the views of the Area Pharmaceutical Committee. Mr Henry's final question was to ask whether Mr Willis, as the owner of Townhead Pharmacy which is technically the nearest to the proposed site, would have objected to an application by another applicant to open a Pharmacy at 131 Gartsherrie Road. Mr Willis response was to state that, from the survey undertaken in September 2011, respondents felt that Townhead Pharmacy provided a good service but that it would be beneficial to have another Pharmacy in the area.

Mr Henry advised that he had no further questions for Mr Willis. The Chair then invited questions from Members of the Committee in turn to Mr Willis.

Mrs Wilson wished to know whether Mr Willis had a plan showing the layout of the premises. Mr Willis said that he did not.

Mrs Caraher sought clarity on the plan mentioned by Mr Willis and whether it was a planning action or a local planning proposal. Mr Willis informed her that it was a local plan showing areas identified for developments and whilst there was no date set for commencement of works it is anticipated that the 1st phase of 40 units by Barratt Homes should begin soon. Her last question was to ask what the internal layout of the premises was like. Mr Willis answered that the premises were a blank canvas – an empty room which will be fitted to provide all the right services for the new pharmaceutical contract.

Mrs Stitt asked who had carried out the survey he had referred to and how many people were questioned. Mr Willis stated that it was conducted by Rowland Market Research and that 250 people were surveyed. Mrs Stitt then asked about the former Gartsherrie Primary School and whether he was aware of any plans for its future use. Mr Willis stated that he was not aware of anything. Mrs Stitt then enquired, assuming a population of around 4000 patients, how sustainable Mr Willis thought that the business would be. Mr Willis responded that from Scottish Neighbourhood Statistics the population is 4489 and with the anticipated new builds another 576 could be expected which would take the total to around 5000 residents; given that the Scottish average is 5500 per pharmacy he felt this was sufficient to support an additional pharmacy. Mrs Stitt then asked if Mr Willis thought patient loyalty to their current pharmacy would be impact upon his customer base and cause a problem. Mr Willis responded that he recognised this but that convenience and travel time would counteract this. Mrs Stitt enquired if Mr Willis provided a delivery service from Townhead Pharmacy and was advised that he did.

Mrs McGregor asked whether the shop had been divided internally into 2 units and Mr Willis advised that it had been split and that he had leased one as a separate unit. Mrs McGregor then suggested that the unit looked to be quite small but Mr Willis assured her that it was of ample size, being comparable to his own premises trading as Townhead Pharmacy. She then enquired whether he had planning permission and would be able to refit the unit within 6 months. Mr Willis advised that he believed there should be no problem as he did not think that planning consent would be required and that he had experience due to refitting Townhead Pharmacy which did not take that long.

Mrs Stitt asked Mr Willis to clarify the eastern boundary of the neighbourhood. Mr Willis explained that the boundary ran along Gartsherrie Road and Sunnyside Road and that he took the boundary to be Summerlee Heritage Park. Mrs Stitt then asked where the Alexander

Hospital site was located. Mr Willis advised that it is between Espieside Crescent and Blairpark Avenue. She then enquired how many responses Mr Willis had received to his advertisement in the local papers and he replied that there had been only a handful which was why he had undertaken the market research as he thought people are just too busy to respond. Mrs Stitt then asked what impact Mr Willis thought there would be on Townhead Pharmacy if the contract was granted. He stated that Townhead is seen as a separate area from Blairhill and that it would aid the neighbourhood. She then asked if Townhead Pharmacy receives many prescriptions from residents of his proposed neighbourhood area and was advised that 30% of those surveyed said they used Townhead Pharmacy. Mrs Stitt's final question was to ask if he provides a collection and delivery service from Townhead Pharmacy and was advised that he did.

Mr Mallinson was last to ask questions of Mr Willis seeking confirmation as to whether the boundary was Blair Road, West Canal Street, Sunnyside Road, Colt Street, Gartsherrie Road to Blair Road. Mr Willis confirmed this. He then enquired about the new-build housing which Mr Willis had referred to in his statement commenting that it was not in the defined neighbourhood area. Mr Willis replied that whilst it lies to the north of the area it would increase the need for a pharmacy. Mr Mallinson then asked if the eastern boundary included Hollandhurst Road and Mr Willis responded that situations change so that is why he had included future events which may impact. He then wished to know if Mr Willis was taking into account the new-build which would be in the periphery of the neighbourhood and presumably served by the new pharmacy. Mr Willis confirmed that this would be the closest pharmacy and presumed that people will tend to associate with the nearest pharmacy. Mr Mallinson asked if Mr Willis thought that residents of Muir Street and Lefroy Street would tend to use Rowlands Pharmacy and was advised that they might use Rowlands or the new pharmacy but that the steepness of the hill might make it less easy. Mr Mallinson then asked what criteria Mr Willis had used to define the neighbourhood as it changed quite considerably from the time of his application. Mr Willis agreed that the boundary had changed and that the reason for this was that he had walked the area and looked at where people gravitate towards and that he felt that a pharmacy in Gartsherrie Road would suit the population of that area which also has dense housing and that he had tried to include natural boundaries where possible. This led to Mr Mallinson asking if he had defined the area based on geography rather than a sense of belonging and was advised that this was not the case; rather that people living there identify themselves as belonging to Gartsherrie. Mr Mallinson then enquired which area Mr Willis thought that a resident of Lefroy Street would say they lived. Mr Willis replied that they would say they lived in Blairhill. Mr Mallinson continued the line of questioning by asking if he thought that a resident of Blairhill would see themselves as a neighbour of someone in Gartsherrie Road. Mr Willis replied that could see no reason why they would not given that they would probably access the shops and services in the area such as the hairdresser and takeaway outlets. His final line of questioning to Mr Willis was with regard to the services he intended to provide beginning with highlighting that they were all core services. Mr Willis advised that he would be able to provide any other services suggested by the Board however that he had not approached them to ask if any were required. When questioned on the types of additional services he could provide Mr Willis responded that the Scottish Neighbourhood Statistics website showed that 37% of the neighbourhood population have limiting lifetime illnesses compared with 20% Scotland average therefore services such as blood pressure monitoring, diabetes monitoring, smoking cessation and healthy living advice could be beneficial. Mr Mallinson's last question was to seek clarification that although there were no plans for the internal layout of the building, Mr Willis could guarantee that the pharmacy would be up and running in 6 months. Mr Willis responded that it would and that Townhead Pharmacy had been refitted in 4 weeks with no interruption in the provision of services.

Having ascertained that there were no further questions for Mr Willis, the Chair then invited Ms Laura McElroy, L Rowland & Co (Retail) Ltd to make her representation.

Ms McElroy thanked the Chair for giving L Rowland & Co (Retail) Ltd the opportunity to comment on Mr Willis application then read the following pre-prepared statement:

“Thank you for allowing me to represent the views from Rowlands Pharmacy as to why we believe the application for a new pharmacy at 131 Gartsherrie Road, Coatbridge is neither necessary, nor desirable.

In order to cover the legal test, I'll first address the issue of neighbourhood. For the purpose of this hearing I wish to define the neighbourhood as follows. That is:

To the North - Gartsherrie Road

To the West - Down Mosspark Road, through Drumpellier Country Park and Drumpellier Golf Course to meet Bank Street

To the South - Bank Street

To the East - Sunnyside Road

We are of the opinion that the neighbourhood as defined by the applicant is small and excludes us therefore our one is more realistic.

Using this neighbourhood then we must consider what pharmaceutical services are available. Indeed we must also consider what services are available from adjoining neighbourhoods. In this neighbourhood our pharmacy is already in existence and furthermore there are another 6 within a 3 mile radius in adjoining neighbourhoods. All are providing the core pharmaceutical services and some additional services too. Is access to pharmaceutical services really a problem? I would suggest the answer is no.

This area has low density housing and the many of the people have at least one car. It may well have an elderly population some of whom are housebound or infirm but current pharmacies, including ours, are providing a collection and /or delivery service if necessary. I am sure if you asked every person if they would want a pharmacy on their door step they would say yes. It is obvious from Mr Willis's public consultation that people do want a pharmacy but for many it was for convenience rather than because of inadequate service from the current pharmacies. In addition there is no medical centre or GP services at the site of the proposed pharmacy so the residents would still have to go elsewhere to consult with a doctor or nurse. I am of the opinion that this neighbourhood does have more than adequate access to pharmaceutical services and another contract is not necessary. Furthermore, Mr Willis is not offering any new or in addition to what is already available. His opening times are not extended and do not offer more than what we do.

We have one Rowland's pharmacy within Coatbridge and it provides all the core services of the contract - Minor Ailments, Public Health including Smoking Cessation and EHC, AMS and most recently CMS. In addition our pharmacist is training to become independent prescriber who hopes to set up some clinics in the near future to meet the needs of the local population. This branch was also one of the first in the Rowlands estate to provide Blood Pressure monitoring, and continue to do so to a very high standard. In addition we offer weight management consultations, lifestyle advice and diabetes checks. Indeed as a company Rowlands Pharmacy Ltd has Healthy Living Pharmacies in England and we are currently introducing them in Scotland and I have asked that our Coatbridge branch be considered as a trial site when the pilot rolls out.

We provide a full collection and delivery service to those who need it, and have no capacity restrictions for methadone or NOMAD trays. We also provide an oxygen service and participate in the stoma service too. We would happily provide further services to care homes if there was a need and in addition would actively participate in palliative care, needle exchange and any other services if the Health Board required further contractors to do so.

Our pharmacist has been with us for a number of years and in addition we are supported by a well trained and experienced team of an ACT, dispensers and counter assistants. Together, we have built up good relationships with the local GPs, nurses and most importantly with local residents and patients. There is nothing to suggest our pharmacy or indeed others in the neighbourhood or adjoining neighbourhoods are offering poor or inadequate service. What we must look at is current provision – is it adequate or not? Personally, I would be pleased to hear what else we could do in our pharmacy to make it more adequate

I think this is quite simple. Within the neighbourhood we have defined does anyone within it have any problems whatsoever in accessing pharmacy services? Not at all. Are the current services adequate? Without a doubt.

I cannot see a need for another pharmacy contract to be granted in this neighbourhood.

Thank you.”

Following Ms McElroy’s representation, the Chair then suggested a departure from the procedure outlined within the guidance notes and that Mr Henry, the other interested party in attendance, be given the opportunity to speak at this point. All parties in attendance agreed. The Chair then invited Mr David Henry, Lloyds Pharmacy to make his representation.

Mr Henry thanked the Chair for giving Lloyds Pharmacy the opportunity to comment on Mr Willis’s application then read the following pre-prepared statement:

“Firstly, I would like to thank the committee for allowing us to air our objections to the proposed application for a new pharmacy contract at 131 Gartsherrie Rd.

To begin, I would like to address the neighbourhood, the boundaries of which I would describe as:

North: Gartsherrie Road
West: Blair Road
South: Bank Street
East: the railway line

In effect, the whole of Blairhill.

I would suggest that it does not make sense to use Lefroy Street as a southern boundary, why not King Street or Bank Street? Unless the applicant was merely attempting to exclude Rowlands pharmacy from the neighbourhood.

Now that we have established the neighbourhood, we must go on to look at adequacy of pharmaceutical service. Rowlands pharmacy is on the southern boundary, and the proposed site is on the northern boundary, therefore the new contract is not any more in the heart of the neighbourhood than the existing pharmacy. Furthermore, the applicant's existing pharmacy

(Townhead Pharmacy) in Leven Road is nearest to the northern boundary of the proposed neighbourhood. Lloyds, Boots, Robertsons and the Coatbridge dispensary are all located in the town centre where the majority of the population go about their daily business: Post office, banking, main shopping area, supermarkets etc. The site of the application appears to have a number of fast food outlets, a pub, and not much else, i.e. not a place where residents would travel to in order to fulfil the fabric of their daily lives.

The applicant has provided a number of pages with signatures indicating local support for a new pharmacy, however, some of the comments are of the “it would be a good idea” variety, with most just ticking the “yes” box and not adding any comment in support and because the names and addresses have been obscured it is not possible to tell if the respondents are actually residents from within the neighbourhood. There is also absolutely no mention of existing services being inadequate, in fact, the accompanying papers indicate that all the existing pharmacies provide all of the required services and a number of extra services into the bargain.

In conclusion: the applicant has described a fairly spurious neighbourhood with unclear boundaries with the intent of cutting out existing contracts. The applicant has not provided any evidence of inadequacy of service from the existing contractors and, therefore, the application should be refused on the grounds that it is neither necessary nor desirable.”

Following Mr Henry’s representation the Chair then invited Mr Willis to ask questions of the interested parties.

Mr Willis responded that he had no questions to pose to the interested parties.

Having ascertained that Mr Willis had no questions, the Chair then invited questions from Members of the Committee to both Ms McElroy and Mr Henry.

Mrs Caraher asked Ms McElroy how long Rowlands Pharmacy had been located in Bank Street. She replied that Rowlands had been there for more than 9 years.

Mr Sargent enquired how many people from the proposed neighbourhood access services from Rowlands Pharmacy. She responded that whilst she did not have exact numbers it was her impression that it was a large percentage as they have high prescription collection figures because they need to offer this service to augment their resident population given that they are located outwith the town centre.

This led Mrs McGregor to ask how many deliveries were made by Rowlands Pharmacy to the proposed neighbourhood. Ms McElroy apologised that she was unaware of the figure as she did not work in the branch however offered to find out if the Committee required it today.

Mrs Stitt asked Ms McElroy for additional information on the “Health Living Pharmacy” scheme she had referred to in her presentation. Ms McElroy explained that it provides a more proactive approach to healthcare with regard to smoking, alcohol etc, and is a scheme which has been piloted in Portsmouth. Due to the success of the scheme Rowlands Pharmacy Ltd now intend to have two of these pharmacies in every area. Mrs Stitt then asked Mr Henry whether Lloyds provided a delivery service to the proposed neighbourhood was advised that Lloyds deliver to both Blairhill and Townhead areas.

Mr Mallinson asked Ms McElroy to clarify the western boundary of the neighbourhood as she proposed. She advised that it ran from Gartsherrie Road at the top, down Mossbank Road

and through Drumpellier Country Park to Drumpellier Golf Course curving around to include the housing at Drumpellier Avenue and that it was based on their knowledge of their customer population as well as including natural boundaries. Mr Mallinson asked if Ms McElroy thought that a resident of Gartsherrie Road would see themselves as a neighbour of someone from Blairhill. She replied that she did not know the area well enough to comment. Mr Mallinson then asked Mr Henry what neighbourhood he felt Lloyds Pharmacy served and was informed that he considers Lloyds to serve the whole town.

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. Ms McElroy and Mr Henry confirmed they had no questions to pose.

Accordingly, the Chair then invited the interested parties to sum up their representations. Ms McElroy, L Rowland & Co (Retail) Ltd was first to speak.

Ms McElroy stated that today the opinions of three people had been heard with regards to the need for a new pharmacy. She is of the opinion that Rowlands Pharmacy currently provide a more than adequate service within the neighbourhood, with additional pharmacies located outwith also providing services into it. Indeed there has been no evidence presented to show that the existing pharmacies in the neighbourhood and adjoining areas provide a less than adequate service. Therefore the application should be rejected as there is no need for an additional pharmacy in the area.

The Chair then invited Mr Henry, Lloyds Pharmacy Ltd to sum up his representation.

Mr Henry stated that within the defined area there is one existing pharmacy and no examples of inadequacy have been provided. Outwith the neighbourhood as defined the other existing community pharmacies provide services to the area and that those services include more than just the core services. The factor of inadequacy has not been mentioned in the survey conducted on behalf of the applicant - only convenience. Therefore he contends that an additional pharmacy is neither necessary nor desirable.

The Chair then invited Mr Willis, to sum up in relation to the application by H & K Willis Ltd

Mr Willis stated that if the application were granted it would greatly improve neighbourhood access to pharmaceutical services. The lack of provision within the neighbourhood makes this application both necessary and desirable in order to secure an adequate pharmaceutical service to residents.

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 been 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 Willis, Ms McElroy, Mr Henry and Ms Carey 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 noting the location of the proposed premises, the pharmacies, the general medical practices, and some of the facilities and amenities within.
- ii. maps showing the location of the Doctors' surgeries in relation to existing Pharmacies within Coatbridge, and the site of the proposed pharmacy
- iii. prescribing statistics of the Doctors within the area of Coatbridge during the period October to December 2011
- iv. dispensing statistics of the Pharmacies within the area of Coatbridge during the period October to December 2011
- v. demographic information on the areas of Coatbridge and Glenmavis taken from the 2001 Census
- vi. comments received from the interested parties including existing Pharmaceutical Contractors within the town of Coatbridge and village of Glenmavis 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 Coatbridge and village of Glenmavis.

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, agreed the definition of the neighbourhood as being an area bounded by: to the south the railway line from Blairhill Station to Sunnyside Junction; to the east by the railway line from Sunnyside Junction to Wilton Street at Selbie Place; to the north from Selbie Place across open ground to Gartcross Road and to the west along the edge of Coatbridge Golf Course to Townhead Road then along the edge of Drumpellier Park to Mosspark Road and Espieside Crescent to Blairhill Station.

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. The Committee also noted that there was a step change in the type and age of housing on either side of the railway line to the south. It also considered that the travel links were such that residents within the area freely and regularly travel outwith the neighbourhood to access a wider choice of health and shopping facilities within the town of Coatbridge.

(ii) Existing Services

THE COMMITTEE

having reached a conclusion on the neighbourhood, was then required to consider the adequacy of existing pharmaceutical services 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

noted that there was one existing contract Pharmacy (Townhead Pharmacy) within the neighbourhood, Rowlands Pharmacy located in the shopping development off King Street with a further three Pharmacies located within the town of Coatbridge about 1 mile away, which could be considered as providing services to the neighbourhood. The Committee also recalled evidence provided during the hearing confirming that Townhead Pharmacy, Lloyds Pharmacy Ltd, and Rowlands Pharmacy provided collection and delivery services to the area.

THE COMMITTEE

taking all factors into consideration therefore agreed that the pharmaceutical services within and surrounding the neighbourhood are adequate as they are accessible both by public and private transport and on foot, as well as via established collection and delivery arrangements from existing pharmacies for those patients who need such a service.

(iii) Adequacy

THE COMMITTEE

The Committee discussed the test of adequacy paying due regard to the findings set out above alongside the report collated by the office of the Chief Pharmacist – Primary Care, which indicated that Townhead Pharmacy in the neighbourhood and the other readily accessible pharmacies provided a comprehensive range of pharmaceutical services alongside the core requirements of the new contract.

THE COMMITTEE

therefore agreed that the existing services could be deemed adequate as they provide a breadth and range of NHS Contract services in line with contemporary standards, and were easily accessible and available to the residents of the neighbourhood including vulnerable members of the community.

Accordingly, following the withdrawal of Mr Mallinson, Mrs McGregor and Mrs Stitt 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, Schedule 3 of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, as amended.

Mr Mallinson, Mrs McGregor and Mrs Stitt were then requested to return to the meeting, and were advised of the decision of the Committee.