

## **APPLICATION FOR ENTRY TO PHARMACEUTICAL LIST OF LANARKSHIRE HEALTH BOARD: ELAINE M AGGLETON, STRATHAVEN HEALTH CENTRE, STRATHAVEN, ML10 6AS**

An application by Elaine M Aggleton to provide general pharmaceutical services (in respect of a new pharmacy) from premises situated within Strathaven Health Centre, The Ward, Strathaven, ML10 6AS was received by NHS Lanarkshire on 27 July 2012.

The application was discussed by the Pharmacy Practices Committee of Lanarkshire Health Board on Thursday 1<sup>st</sup> November 2012 at a hearing convened under paragraph 3(2) of Schedule 3 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, as amended ("the Regulations"). The membership of the Committee on this day and the parties eligible to be in attendance, and who did attend, is shown in Appendix I. Prior to withdrawing from the meeting the Applicant and Interested Party were invited to confirm whether or not they considered that they had received a fair hearing, and had nothing further they wished to add. Both parties advised they were satisfied.

Members of the Committee had previously undertaken a site visit to the town of Strathaven, noting the location of the proposed premises, existing pharmacies, general medical practices and other amenities in the immediate and extended area.

In order to reach their decision the Pharmacy Practices Committee discussed the oral representation of the Applicant and Interested Party 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 Regulations as follows:

### **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 with the definition of the neighbourhood as being the town of Strathaven. In reaching this decision the Committee was of the opinion that Strathaven was a well recognised geographic township.

The Committee noted that the town was bounded by open land and surrounding villages such as Netherfield, Sandford, Chapelton, Glassford, Udstonhead and Quarter. It concluded that whilst they might use services in Strathaven residents of these villages have their own sense of belonging and do not consider themselves residents of Strathaven. Indeed it was agreed that those villages be defined as "catchment areas" for services provided within Strathaven rather than being within the neighbourhood of Strathaven. Furthermore, that residents of these villages would freely and regularly travel to access a wider choice of shopping facilities not only in Strathaven but also Hamilton and East Kilbride.

### **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 were two existing contract Pharmacies (your Local Boots pharmacy at 13 Green Street and 25 Common Green) within the neighbourhood.

### **Adequacy**

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 the two “your local Boots pharmacy” in the neighbourhood provided a comprehensive range of pharmaceutical services alongside the core requirements of the new contract.

The Committee noted the concerns and views expressed by the applicant, members of the public, Strathaven Community Council and Dr C Godley & Partners regarding the quality of the service provided by the existing pharmacies. In discussing whether the quality of service delivery was as required the committee focussed on delivery of NHS services such as timeous and accurate dispensing of prescriptions and associated infrastructure such as systems for minimising out of stocks, and systems for ordering repeat medications.

The Committee noted that the applicant had provided evidence from a variety of sources suggesting that service provision was inadequate and it was noted that Mr Tait acknowledged that there had been problems in the past. The Committee recalled however that he asserted that this had been addressed by the change in management and it was noted that changes to the contracted hours of service had been made in response to patient requests.

Weighing up the differing views the Committee formed the opinion that in the absence of hard evidence there were insufficient grounds to conclude that the current quality of services was inadequate. Accordingly it concluded that existing services should 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.

Following the withdrawal of Mr D Sinclair, Mr P Aslam and Mr E Mallinson 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.

## APPENDIX 1

### PHARMACY PRACTICES COMMITTEE – MEMBERSHIP COMPOSITION ON 1<sup>st</sup> NOVEMBER 2012

<u>Chairman:</u>	Mr John Anning
<u>Lay Members:</u>	Mrs Margaret Caraher Mr Charles Sargent Mr John Woods
<u>Pharmacists nominated by Area Pharmaceutical Committee (included in Pharmaceutical List):</u>	Mr Parvez Aslam Mr David Sinclair
<u>Pharmacist appointed by The Area Pharmaceutical Committee (not included in any Pharmaceutical List):</u>	Mr Edward Mallinson
<u>Officers in Attendance from NHS Lanarkshire:</u>	Gillian Forsyth, Administration Manager Lavinia Langan, Administration Team Leader

### APPLICANT AND INTERESTED PARTIES IN ATTENDANCE on 1<sup>st</sup> November 2012:

Applicant Mrs Elaine Aggleton was accompanied by Mr Mark Aggleton

<b>Representing</b>	<b>Presenting</b>	<b>Attending</b>
Boots UK Ltd	Mr Charles Tait	Ms Maxine Marshall

Mr George Lindsay, Chief Pharmacist, Primary Care entered and withdrew from the hearing with the applicant and interested parties

Mr Michael Fuller, Co-Chair of the PPC attended the hearing as an observer for training purposes. He did not participate in the hearing and withdrew with Mr Lindsay