

MINUTE: PPC/2012/04

Minute of Meeting of the Pharmacy Practices Committee held on Friday 23rd November 2012 in Training Room 2, Law House, Airdrie Road, Carluke, ML8 5EP

Chair: Mr John Anning

Present: Lay Members Appointed by NHS Lanarkshire Board

Mr Charles Sargent
Mrs Lynn Wilson
Mr John Woods

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

Mr Edward J Mallinson

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

Mr Iain Allan
Mrs Catherine Stitt

In Attendance: Officers from NHS Lanarkshire - Primary Care

Mrs Gillian Forsyth, Administration Manager – Primary Care
Mrs Lavinia Langan, Administration Team Leader – Primary Care

Non Executive Director of NHS Lanarkshire

Mr Michael Fuller, Co- Chair of Pharmacy Practices Committee

02 APPLICATION BY WM MORRISON SUPERMARKETS PLC, GREENHILLS ROAD, LINDSAYFIELD, EAST KILBRIDE, G75 8TU

Application

There was submitted application by Wm Morrison Supermarkets Plc received 2nd August 2012, for inclusion in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy within Morrisons Supermarket, Greenhills Road, Lindsayfield, East Kilbride, G75 8TU

Submissions of Interested Parties

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

- (i) Letter received on 14 August 2012 from J P Fenton & Son Ltd
- (ii) Letter received on 23 August 2012 from Boots UK Ltd
- (iii) Letter received on 31 August 2012 from L Rowland & Co (Retail) Ltd
- (iv) Letter received on 4 September 2012 from Lloyds Pharmacy Ltd

- (v) Letter received on 4 September 2012 from Ernarxo Ltd
- (vi) Letter received on 5 September 2012 from Apple Healthcare Ltd
- (vii) Letter received on 5 September from The Area Pharmaceutical Committee, NHS Lanarkshire

Procedure

At 09.30 hours on Friday 23rd November 2012, the Pharmacy Practices Committee (“the Committee”) convened to hear application by WM Morrison Supermarkets Plc (“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”.

The Chair introduced Mr Michael Fuller, Non Executive Director, NHS Lanarkshire to members of the Committee. He advised that Mr Fuller was the new Co-Chair and was attending as an observer for training purposes. It was noted that it was the intent to seek the consent of all parties attending the hearing to permit Mr Fuller to be present and observe the full hearing. It was noted that Mr Fuller would assume Chair when Mr Anning demits his position early 2013, and it was agreed that attending as an observer was an essential part of his training in this new role and experiencing firsthand the function and remit of the Committee.

The Chair then reported that Mr George Lindsay, Chief Pharmacist – Primary Care would enter and withdraw from the hearing alongside the applicant and interested parties. It was made clear that Mr Lindsay was in attendance solely to clarify any matters of factual accuracy which could not be answered by Committee members or those attending to provide secretariat support.

It was noted that Members of the Committee had previously undertaken site visits of the town of East Kilbride independently in order to gain a flavour of the natural patterns of travel of residents and visitors during various times of the day and week. All confirmed that in so doing each had noted the location of the premises, pharmacies, general medical practices and other amenities in the area such as, but not limited to, banks, post office, supermarkets, and churches.

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 Langan to invite the applicant and interested parties to enter the hearing.

Attendance of Parties

The applicant Wm Morrison supermarkets was represented by Mr Fraser Frame who was accompanied by Mr Kevin Tucker. From the interested parties eligible to attend the hearing five had accepted the invitation. The first interested party, J P Fenton & Son Ltd, Greenhills Pharmacy, was represented by Mrs Felicity Fenton. The second interested party, Lloyds Pharmacy Ltd, was represented by Mr David Henry who was accompanied by Ms June McCabe. The third interested party, L Rowland & Co Retail Ltd was represented by Mr Alasdair Shearer accompanied by Mr Michael Church. The fourth interested party, Apple Healthcare Group was represented by Ms Susan Turnbull accompanied by Ms Danielle McTaggart. The fifth interested party, Ernarxo Ltd was represented by Dr Ashfaq Ali accompanied by Dr Rashid Ahmed (“the interested parties”). It was at this point that Mr George Lindsay, Chief Pharmacist – Primary Care also entered the meeting.

The Chair introduced himself and Mr Michael Fuller and sought approval from all in attendance that as recently appointed Co-Chair, Mr Fuller be allowed to observe the full hearing in anticipation of him assuming sole Chairmanship when Mr Anning demits office early 2013. It was highlighted to all that this was in a training capacity and that Mr Fuller as an observer would make no contribution to the proceedings. All parties indicated that they were content for Mr Fuller to observe the full hearing.

The Chair then introduced Mr George Lindsay, Chief Pharmacist - Primary Care, and explained that his attendance was to provide clarity on matters of factual accuracy should the need arise and confirmed that Mr Lindsay would leave the meeting alongside the applicant and interested parties. No objections were raised to Mr Lindsay’s attendance at the hearing.

The Chair then introduced the Members and the officers in attendance from NHS Lanarkshire - Primary Care. All parties were then asked 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 Wm Morrison Supermarkets Plc for entry to the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy within Morrisons Supermarket, Greenhills Road, Lindsayfield, East Kilbride, G75 8TU according to the Statutory Test set out in Regulation 5(10) of the Regulations., as amended.

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 nor officers in attendance had any interest in the application.

Evidence Led

The Chair invited Mr Frame to speak first in support of the application.

Mr Frame thanked the committee for the opportunity to present the case on behalf of Wm Morrison supermarkets Plc and read the following pre-prepared statement:

“Neighbourhood

The neighbourhood is defined as:

- North -Greenhills Road
- East -Auldhouse Road
- West -Newlands Road
- South -Open land south of the new housing developments

We view this as an entirely separate neighbourhood within East Kilbride referred to by local residents and annotated on local maps as Lindsayfield.

The population of this neighbourhood is estimated to be around 5566 (SNS data enclosed within pack for reference). The neighbourhood also continues to grow. There are currently four residential developments under construction/expansion in the area namely: Highfield Manor (Miller Homes), The Ambles (Cala Homes), The Laurels (Taylor Wimpey) and Ballerup Village (Persimmon Homes).

To support this neighbourhood definition further, there is a pronounced demarcation between the housing North of Greenhills Road and that which is South in our defined neighbourhood. Within our defined neighbourhood the housing can be considered to be more owner occupier with a small amount of local authority housing.

Location of the proposed pharmacy

The pharmacy will be located within the Morrisons store, Greenhills Road, G75 8TU. This store currently attracts approximately 33,000 customer visits each week. An example floor plan of the pharmacy is enclosed with this application. The design of Morrisons Pharmacies is currently being reviewed and therefore the drawing may not exactly match the installation should the application be successful.

Current Provision and Access

There are currently no pharmacies within our defined neighbourhood. The nearest pharmacy is located in the adjacent neighbourhood known as Greenhills. Fenton's Pharmacy in Greenhills is located within a small shopping precinct, in which over 50% of the retail space and units are now vacant. This indicates a declining footfall and suggests that people find it both an undesirable and awkward location to visit. Factors that possibly contribute to this no doubt include access to this pharmacy, which is awkward particularly for residents of Lindsayfield who have to cross the busy Greenhills road.

There is one controlled crossing point located approximately 300m from the access point to the pharmacy (which also involves negotiating either a footbridge over the busy road or using the underpass). The footbridge proves difficult for elderly or those who are less mobile, disabled patients and indeed those pushing young children in prams or push chairs. The underpass is also an undesirable route because it is poorly lit and uneven and people are less likely to use it after the hours of darkness.

Further, access for people with disabilities is difficult because neither the shopping centre door nor Fenton's Pharmacy door are designed for easy access - no electric opening.

For those patients who choose to drive to Fenton's Pharmacy the existing parking facilities are limited with an uneven surface and state of general disrepair. Delivery vehicles also hamper access to the car park.

The service currently provided by Fenton's Pharmacy at Greenhills, is in our opinion not adequate to meet the needs of the population of Lindsayfield. As mentioned previously, the housing in our defined neighbourhood is owner occupied coupled with the SIMD statistic indicating that many people would be in employment, Considering that Fenton's Pharmacy closes at 6pm each evening, is only open for half of the day on a Saturday and is not open at all on a Sunday, people coming home from work will not be able to readily access pharmaceutical services.

This matter is compounded when the specific services including, EHC, MAS, Chronic Medication Services and PHS, all require continuity of care to be really successful.

In contrast to this, the proposed site at the Morrisons store has easy access and plentiful parking with spaces dedicated to disabled visitors and parents and children safely located near the entrance to the store. The store also boasts specific equipment and trained staff to help people with limited mobility.

The 'Mybus' service for disabled patients routinely carries passengers to the Morrisons store, allowing easy access to the proposed pharmacy for those vulnerable patients

To support the working population, Morrisons also intends to offer extended hours (8.30am - 8pm) six days a week and 10am to 6pm on a Sunday. Currently, there is only one pharmacy over 2.1 miles away and over 3 miles from the other side of our defined neighbourhood proving this.

When public transport is considered, there is no direct bus route from our defined neighbourhood to other pharmacies late night or otherwise. This has been highlighted by one of the survey respondents: "As a mother of young children who relies on public transport, I would very much welcome a pharmacy in the store. This store is within walking distance for me and this would make life a lot easier if/when my children are unwell. I would feel a lot more confident having the option to talk to a qualified pharmacist."

Services

An adequate pharmacy service doesn't just mean a good dispensing service but also the provision of over the counter medication and pharmaceutical services. Morrisons will provide all the aspects of the core pharmacy contract including Smoking Cessation, Emergency Hormonal Contraception, Minor Ailments and Chronic Medication Service with the advantage of access 7 days per week, therefore, allowing continuity of care and consistency for those who work. Access is particularly important when considering EHC and Minor ailments and the provision of medicines for self medication.

Morrisons intends to participate in any locally negotiated services to support the local Health Board and that of the local population.

Morrison also intends to offer a comprehensive private flu vaccination service which I would argue is market leading and at £7, affordable to all, and a travel vaccination service.

Additionally, Morrisons intends to offer free cholesterol, Blood Glucose, Weight, BMI calculation and Blood Pressure monitoring service with an online tracker to help the

population to know their vital numbers. This will help people to make an early intervention to improve their health and wellbeing, therefore reducing their risk of serious illness. Part of this service will also include the option for lifestyle advice particularly relating to diet. People will be given information on how to improve their diet, but uniquely, and I have to say uniquely, they will be given a map of the store to show where suitable products are located that will suit specific disease or allergy states e.g. Gluten free, low cholesterol etc.

This service has also included taking people around the store to help select different products that are more appropriate to their condition such as low fat, low cholesterol. This cannot be offered by any of the other contractors. The effect can also be multiplied if the person, often the mother, who cooks for the rest of the family because they can affect the lives positively for 4 or 5 others.

Moreover, public health is also very important. The Morrisons store enjoys over 33,000 customer visits per week as part of fabric of their daily lives. This provides an ideal opportunity for the Local Health Board in combination with the proposed new pharmacy to promote public health matters to this substantial and wide audience with the target of helping to bring about positive health and lifestyle changes.

Morrisons will provide all of these pharmacy services from modern, well equipped premises with a full consultation room designed specifically to support these.

Morrisons Pharmacy will also offer a free prescription collection service from the local surgeries.

Other Points

At this point we would like to draw the panel's attention to the comments within several of the responses to the public survey notice from which you shall note a great deal of support including comments on access, capacity of existing pharmacies and opening times.

In summary, over 92% of the responses received following the public notice and consultation period supported the opening of this pharmacy at Morrisons Lindsayfield.

Morrisons believe that this application is both necessary and desirable to secure the adequate provision of pharmaceutical services within the neighbourhood and therefore respectfully request that NHS Lanarkshire Health board grant this application.”

When Mr Frame concluded his representation the Chair then invited questions from the interested parties to him. Mrs Felicity Fenton, J. P. Fenton & Son Ltd was invited to pose questions first.

Mrs Fenton began by enquiring if Mr Frame believed the neighbourhood consisted mainly of owner occupied housing when he replied that he did she advised that the area around Greenhills Out of School Care Centre consisted of a large proportion of social housing. Mr Frame agreed that there was some social housing in the neighbourhood to which she responded that it formed a large percentage of Fenton's neighbourhood.

Mrs Fenton then asked about Mr Frame's statement concerning disabled access to Fenton's pharmacy. Mr Frame stated that there was no electric door to the pharmacy

which made access difficult for disabled customers. Mrs Fenton replied that the door was wide enough for wheelchair access.

She then asked about crossing points for the busy road asking if he had mentioned the overground (footbridge) crossing as well as the underpass. Mr Frame replied that he had but people still have to cross the road.

Mrs Fenton next asked whether Morrisons would be intending to provide a methadone service to which Mr Frame replied that he could see no reason why they would not. She then moved to request if it was Morrisons' intention to use the pharmacy as a marketing tool to sell food products. Mr Frame responded that the pharmacy would be there to provide pharmacy services but that they were lucky to have a retail store which could be used to help promote healthy lifestyles.

Mrs Fenton's final question was whether Mr Frame thought that someone from Bancroft Avenue would walk to Morrisons pharmacy at night if open late. When Mr Frame said that he thought that they would she disagreed stating that they would get into their car and drive to Lloyds or Morrisons' other store.

Having ascertained that Mrs Fenton had no further questions, the Chair then invited questions from Mr David Henry, Lloyds Pharmacy Ltd to Mr Frame.

Mr Henry began by asking Mr Frame to clarify where he thought that patients would obtain an urgent prescription on a Sunday to which he replied that it would be the Out of Hours Service in East Kilbride. Mr Henry then enquired why a patient who was already travelling to Hairmyres would not just go to Lloyds whilst they were out. Mr Frame responded that they would rather go home than out of their way to a pharmacy when queried why this might be so Mr Frame replied that they would not wish to have a sick individual out longer than necessary.

Mr Henry then went on to ask how many people would travel outwith their neighbourhood to access Morrisons. Mr Frame responded that they draw people to the store from within a radius of 1.5 miles however the majority of customers came from the neighbourhood of Lindsayfield.

Having ascertained that Mr Henry had no further questions, the Chair then invited questions from Mr Alasdair Shearer, L Rowland & Co (Retail) Ltd to Mr Frame.

Mr Shearer asked Mr Frame to specify in what way he thought that Morrisons could provide a better service than the existing pharmacies. Mr Frame clarified that he had not said that Morrisons would provide a better service. Mr Shearer then asked if Morrisons would provide a delivery service to which Mr Frame advised that they would if such a service was required.

Mr Shearer next asked about the proposed private flu vaccination service questioning why people would want to pay for the service if they could get it free from their doctor. Mr Frame replied that it could be done when people wanted rather than having to make an appointment with the doctor.

Having ascertained that Mr Shearer had no further questions, the Chair then invited questions from Ms Susan Turnbull, Apple Healthcare Group to Mr Frame.

Ms Turnbull began by asking if Mr Frame had any tangible evidence that pharmacy services in East Kilbride were inadequate. His reply was to refer to the evidence of Morrisons' public consultation suggesting that 92% of respondents were in favour of a new pharmacy. Mrs Turnbull remarked that this would be an expected reply from people shopping in a supermarket.

Ms Turnbull queried whether he thought that patients living at the north end of the neighbourhood, or those registered with a doctor in Greenhills, would access Fentons rather than Morrisons. He responded that they may do but that Morrisons would collect prescriptions from every GP surgery.

Ms Turnbull then asked how certain he was about his assertion that Fenton's only opened half day on Saturdays. He accepted that it opened the full day however remarked that he had checked but could find no information displayed on their door.

Ms Turnbull then asked if patients would have to cross busy Greenhills Road to access Morrisons, she accepted his reply that those living in the defined neighbourhood would have no barriers. This led to asking if he was aware that the Mybus service which delivers customers to Morrisons could be requested by clients to take them to other facilities including for example any pharmacy in the town. Mr Frame replied that he was not aware of this.

Ms Turnbull's final question was whether Mr Frame had contacted the Health Board to enquire if they had any evidence of inadequacy or complaints to which he replied that he had not.

Having ascertained that Ms Turnbull had no further questions, the Chair then invited questions from Dr Ash Ali, Ernaxo Ltd to Mr Frame

Dr Ali began by asking if he thought that mothers would wait until after 6pm to take their children to use the minor ailments service, or that they would choose to access out of hours medical care. Mr Frame replied that the Minor Ailment Service is a national contract and that parents may not be able to access the service at Westwood Square pharmacy after hours, for example after collecting a child from nursery whilst Morrisons would still be open.

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

Mr Sargent asked whether part of the restaurant was to be taken away to create the pharmacy and as to any intention to have access from outside. Mr Frame replied that there were emergency doors which could provide access to the pharmacy if it was required to participate in a rota to provide services when the store was closed.

Mr Sargent then asked how often buses run from Greenhills to the town centre. Mr Frame informed him that there were several buses – numbers 117, 395 and 396 - providing a regular half hourly service up.

Mr Sargent then enquired why people should pay for a flu jab when most can get one free from their GP. The response was that Morrisons can provide it "while you wait" seven days a week to avoid time off work attending an appointment with the GP. He

continued to question the non contractual services with Mr Frame asking why they required a pharmacy in order to promote healthy eating within the store. He was informed that there were 300 staff working within the store and that whilst pharmacy staff would provide advice, staff from other departments such as the fish department could also add to the advice with knowledge about their products. When it was suggested that this could be a way to increase sales in other parts of the store Mr Frame responded that it would improve lifestyles.

Mr Woods asked if he knew how many customers used MyBus to access Morrisons and was told that , on the previous day, he had seen the MyBus three times in four hours with approximately ten passengers each time.

Mr Woods then referred to Mr Frame's statement that Fentons Pharmacy was not adequate and asked in what way was the service inadequate. Mr Frame replied that the access to pharmacy services was limited by their opening hours for example people who work outwith the area, and that as 50% of the retail space in Greenhills was no longer occupied this suggested that people do not want to visit that area leading to the overall majority of residents being very much in favour of a new pharmacy and as they were not happy with the current service. This led to Mr Woods asking about the response rate to their public consultation and it was confirmed that there had been 29 responses. Mr Woods then asked if Mr Frame had audited those responses and was advised that he had not.

Mr Woods then asked how Mr Frame knew a delivery service would be required and was told that it would be provided if customers requested it and that they would conduct a survey of patients. As a final point Mr Woods asked how Morrisons determined the footfall of 30,000 customers. Mr Frame advised that this was the number of transactions through the till, when questioned he clarified that this was transactions not items sold.

Mrs Wilson had no questions for Mr Frame

Mr Mallinson began by enquiring whether Mr Frame needed an NHS contract to provide flu and travel vaccinations. Mr Frame answered that these were private services which led Mr Mallinson to ask if they could open a pharmacy to provide over the counter medication and private flu and travel vaccinations without an NHS Contract; Mr Frame confirmed this was correct.

Mr Mallinson then asked if the map showing the whereabouts of the healthy and allergen free foods would be freely available in store. Mr Frame replied that it was currently being piloted and required pharmacy input. Mr Mallinson then asked if the map would be available to customers irrespective of whether the information about lifestyle changes had been provided by the pharmacy or by their GP or dietician. Mr Frame advised that customers could only access the service through the pharmacy.

Mr Mallinson then asked what material changes had occurred since Morrison's previous application approximately four years ago. Mr Frame replied that the population has grown significantly from 3,000 to nearly double that, there is more emphasis on public health, CMS is becoming more prevalent and that Morrisons could have a greater input into the health of the neighbourhood of Lindsayfield.

Mr Mallinson asked why Morrisons would have a greater input than other pharmacies. He was advised that that Morrisons was more accessible as it was open longer and that

they intended to open Monday to Saturday until 20:30 hours and Sunday from 10:00 hours until 18:00. Mr Mallinson queried why Morrisons, Stewartfield closed at 22:30 but this pharmacy would close at 20:30. Mr Frame replied that based on evidence from other Morrisons' pharmacies there was little demand for pharmaceutical services after 20:30. When asked where patients in Lindsayfield would go after 20:30 Mr Frame answered that Lloydspharmacy was open until 22:00 but he did not know where they would go after that time.

Mrs Stitt began by enquiring what route a resident of Crosshouse Road would take to get to Morrisons. Mr Frame advised that the best way would be past the school to the underpass and then along Greenhills Road. Mrs Stitt then enquired if there were pavements on that side of Greenhills Road or if people would have to cross. Mr Frame replied that the pavement was on the left so there would be no need to cross the road. She then asked how long it would take to walk from the bottom of Crosshouse Road and was told approximately fifteen minutes. Mrs Stitt then asked if the Stewartfield pharmacy provided a delivery service and Mr Frame advised that it did.

Mrs Stitt next asked on the status of the housing developments to which Mr Frame responded that some were almost finished but others were still ongoing. Mrs Stitt then enquired if there were any other proposed developments in the area. Mr Frame replied that he was only aware of the four he had mentioned.

Mr Allan asked whether it was Mr Frame's impression that the reason for 50% of shops at Greenhills Shopping Centre closing was because of poor service. Mr Frame replied that Lindsayfield was growing however despite this the neighbouring shopping area was reducing business and closing down which to him indicated a psychological barrier for Lindsayfield residents accessing local services in Greenhills. Mr Allan remarked that the reduction in shops would suggest there was adequate parking for the remaining facilities Mr Frame made no comment. Mr Allan's attention then turned to public consultation asking if Morrisons had advertised the proposed pharmacy in store as well as in the local newspaper and it was confirmed they had. This led to Mr Allan asking why a footfall of 33,000 customers per week had led to only 29 responses querying the timescale of consultation. Mr Frame replied that the consultation had lasted for 3 weeks.

Having ascertained that there were no further questions for Mr Frame the Chair invited Mrs Felicity Fenton to make representation on behalf of Fentons Pharmacy.

Mrs Fenton thanked the committee and read the following pre-prepared statement:

"I'm Felicity Fenton from Greenhills Pharmacy. We are a family business which has been located at Greenhills Square since 1974 when we relocated from the East End. We are situated next to the other neighbourhood facilities, where there is car parking to the front and rear, including disabled spaces and the shop also allows for disabled access.

At the moment we provide all core services including eMas, smoking cessation, sexual health services and urgent supply of medication. We are also "up and running" with the chronic medication service.

We have a private consultation area for advice in privacy, and to provide our methadone and subutex/suboxone supervision.

For those having problems managing their medication we supply a dossette tray if appropriate.

We also offer a prescription collection service from all East Kilbride surgeries and a delivery service free of charge for anyone who is housebound or just unable to call in.

Our opening hours are 09:00 to 18:00 Monday to Friday and contrary to the applicant's information we provide a full day service till 17:00 on Saturdays.

I would now like to consider the Legal Test and start with the "Neighbourhood"

My neighbourhood varies from that described by the applicant, not least because residents in streets such as Mallard Crescent would be shocked to hear that having lived in Greenhills all their life they are now a resident of Lindsayfield. Also we could almost jump out our back door and be in Sanderling Place.

The neighbourhood I describe is the one which has previously been agreed by a PPC.

This is bounded by Westwood Road along Murray Road to its junction with Kelvin Road, then taking a line due south to include the greenbelt area and Ballerup playing fields to Greenhills Road until it joins Shields Road. Use Shields Road till it joins Jackton Road and west along Jackton Road to the greenbelt to the west of Newlands Road, heading north to Westwood recreation ground and joining Westwood Road again.

Within this neighbourhood there are two pharmacies - myself at Greenhills Square, which mainly services the area, and the Westwood Pharmacy. Also located very nearby in adjacent neighbourhoods are Apple Pharmacy and the seven day opening, late night Lloydsparmacy.

To consider the adequacy of the services these pharmacies provide in the area we only need to look back at a previous application at the same site which was rejected as the PPC agreed unanimously that existing services meet the needs of the population within the neighbourhood, this includes elderly, less mobile and disabled, young mothers and those requiring additional services.

Since little has changed since this application, aside from a few houses which are even further from the site in question it would be most unusual for the PPC to decide that existing services are now inadequate.

From the application it seems that there is a question mark surrounding some services e.g. methadone supervision, a more necessary service in the area than flu and travel vaccinations which almost all eligible patients access via their GP surgery. Surely granting an application to a pharmacy providing fewer services than those that already exist would be pointless.

It's clear from the public responses, all 29 of them, that they do not understand the legal test or the issue of necessity and desirability, this is evident from the use of the words "convenient" and "handy", one was even looking for a job! Let's face it, if a member of the public were asked if they wanted a pharmacy at the end of their street most would agree it would be a great idea.

The regulations are clear, the most important question is "are services in the neighbourhood of the proposed premises adequate?" - not can they be made more convenient or handy? If the services provided to the area in question are currently adequate then the application fails no matter what the local population may believe.

A Pharmaceutical service cannot be made more adequate more parking, longer opening hours or two minutes walk to a pharmacy for all, makes no difference as there is no degree of adequacy, it is a fixed point, adequate or not, and the PPC agreed, as did the NAP, when it refused an appeal, that services in this area were adequate.

The regulations are designed to allow a new pharmacy only when it is desirable to plug a gap in adequacy, if no such gap exists then the application fails before it begins.

There is good reason for this. A new contract is not cost neutral to the NHS, it doesn't simply dilute the global sum. This global sum is informed by the total cost of the pharmacy network, running an additional pharmacy would add to this cost, a cost eventually picked up by the taxpayer. It is right that the board considers the needs of patients but there is also a need to have a rational and efficient network which allows best value to the NHS. That's why it is so important to only grant applications which are desirable and necessary to secure an adequate pharmaceutical service, not just because local residents may find them convenient. Both pharmacies in the neighbourhood, myself at Greenhills Square and Westwood Pharmacy provide an excellent pharmaceutical service which is supplemented by the pharmacies in adjacent neighbourhoods, Apple and the seven day, late opening Lloydspharmacy.

The applicant has failed to provide any evidence of inadequacy as there is none.

If we consider Lindsayfield, the housing estate in which the premises are located, and which the applicants are claiming to be a discreet neighbourhood, the population of these parts are more affluent and have at least one car, if not two, very few would even walk to Morrisons. There are no local services in these sorts of areas as people who move to them do not expect them, they access their daily needs by car.

There is some council housing in this area, some used by Turning Point which we service and some sheltered housing where most residents are not mobile to the extent of requiring our delivery service.

Morrisons is a supermarket which services the entire area of East Kilbride south of the Queensway, to which all travel by car. The fact it happens to be on the edge of a small residential settlement is irrelevant. Giving Morrisons a pharmacy here would be nothing more than an exercise in business poaching, a practice which could damage all surrounding pharmacies, in particular my own at Greenhills Square.

Since Morrisons came to the area our counter trade is all but gone, we couldn't take a similar effect on our NHS business. The through traffic to our pharmacy also generates business to the butchers and bakers which have struggled against the supermarket, we all support each others' existence and cannot allow this application to threaten our viability, we're talking reducing our prescription numbers possibly by half at least.

It's also worth pointing out that if someone lived at the far end of Lindsayfield, say Bancroft Avenue it would take 5 minutes to travel to Morrisons by car and a further 2

minutes to get to us at Greenhills. It would take approximately 6 minutes extra to reach us on foot.

So even if we were to call Lindsayfield a neighbourhood in its own right, a fact which I would dispute, it doesn't make any difference to this application - pharmaceutical services provided to Lindsayfield by the existing pharmacy network are adequate and accordingly I ask that this application should not be granted.

To conclude no matter how we split the wider area into neighbourhoods the fact remains that no-one in the area of Lindsayfield has any difficulty in accessing Pharmaceutical services - adequate services are already being provided by the existing pharmacy network.

Additional services would be a cost to the NHS and can only be justified where it is necessary and desirable to plug a gap in adequacy, if no gap exists then granting this contract would be both unnecessary and undesirable. Thank you.

Following Mrs Fenton's representation the Chair then invited Mr Frame to ask questions of Mrs Fenton

Mr Frame began by questioning Mrs Fenton about how a disabled person would access Fentons Pharmacy given that there is no electric door. Mrs Fenton responded that the door is wide enough with sufficient staff to open the door, and that their consulting room has been designed to accommodate a wheelchair. Mr Frame then asked if she thought it was acceptable that a disabled person would have to wait until someone came to open the door. Mrs Fenton replied that they would not have to wait for long.

Mr Frame then questioned Mrs Fenton's assertion that little had changed since the previous application asking why a doubling of population would not have had a significant effect. Mrs Fenton replied that the population had not doubled as some of the houses had not sold requiring them to be taken over by the local authority which only relocates existing residents.

Mr Frame next enquired how Fentons Pharmacy would help people requiring a prescription dispensed or over the counter medicines after 6pm. Mrs Fenton replied that they would be unable to help as they would be closed as would the GP surgery.

Mr Frame then asked what relevance Mrs Fenton thought the global sum had to an application for a new pharmacy contract as surely it was about whether it was necessary or desirable not about cost. Mrs Fenton answered that necessity and desirability were the most important but that cost should also be considered, the point being that it is not necessary or desirable and if the contract is granted on convenience that would incur a cost which would be another reason not to grant the contract. Mr Frame then asked where in the statutory test the factor of viability appeared. Mrs Fenton replied that it was relevant because if Fentons closed there would be a gap in adequacy. When Mr Frame responded that Morrisons would be there she stated that this would have been due to "poaching" and would prove retrospectively that there is no need for an additional pharmacy.

Mr Frame's final question was to ask why she had chosen The Murray Road as the boundary of her neighbourhood and was informed that it was because The Murray had an existing pharmacy.

Having ascertained that Mr Frame had no further questions, the Chair then invited questions from the interested parties to Mrs Fenton. Mr Henry was invited to begin the questioning.

Mr Henry asked Mrs Fenton what businesses remained open at Greenhills shopping centre. Mrs Fenton listed a butcher, baker, hairdresser, M McColl and the unit which was previously occupied by a supermarket is due to re-open as a charity operation in 4-6 weeks time. Mr Frame asked if there was not an optician and was advised that the optician, a chip shop and Iceland store were located outside the arcade.

Having ascertained that Mr Henry had no further questions, the Chair then invited questions from Mr Shearer to Mrs Fenton.

Mr Shearer asked Mrs Fenton if her business had dropped by 50% over the previous two years. Mrs Fenton advised that it had not. Mr Shearer then asked her if this confirmed that the shops closing had made no impact on patients accessing pharmacy services in Fentons Pharmacy which she agreed.

Having ascertained that Mr Shearer had no further questions, the Chair then invited questions from Ms Turnbull to Mr Frame. On being advised by Ms Turnbull that she had no questions for Mrs Fenton the Chair then invited questions from Dr Ali to Mrs Fenton

Dr Ali enquired whether there was a GP surgery close to Fentons Pharmacy and was advised by Mrs Fenton that there was. Dr Ali then enquired whether the majority of patients would use Fentons Pharmacy, and was informed that a high percentage did.

Having ascertained that Dr Ali had no further questions for Mrs Fenton the Chair invited questions from Members of the Committee to Mrs Fenton

Mr Sargent enquired if Mrs Fenton accepted that Lindsayfield was a growing area to which she replied that she did. Mr Sargent then asked how many staff were employed by Fentons and was advised that there were 10 staff working different shifts. Mr Sargent asked if her pharmacy could cope with the growing population. Mrs Fenton replied that they can cope since, despite what had been suggested, the increase of 50% in population had not led to double the number of prescriptions.

Mr Woods asked for clarification regarding how Fentons met DDA requirements requesting that she describe how a disabled person would access her shop. Mrs Fenton replied that if the person was accompanied the companion would open the door and if they were unaccompanied then staff would open the door. Mr Woods suggested that if the shop were busy staff might not notice the disabled person outside. Mrs Fenton replied that if the shop were busy one of the customers would open the door. Mr Woods asked if she could accept his point regarding disabled access to which she responded that she did and that she would seek the views of disabled customers in order to address any issues they may have.

Mr Woods then enquired how Mrs Fenton knew that the service she was providing was adequate. Mrs Fenton replied that she had not received any complaints. Mr Woods asked if there was any formal mechanism to inform her of customer satisfaction. Mrs Fenton replied that she had worked in the pharmacy for 20 years and that customers are comfortable to say if they are not entirely happy just as much as compliment their services. Mr Woods asked if Mrs Fenton could take a more pro-active approach to engaging with customers. She replied that she takes every opportunity to speak to them on a personal level but did not conduct mass surveys.

Mr Woods remarked that in cases of inadequacy interested parties have to prove themselves to be adequate. Mrs Fenton replied that this was demonstrated by only 29 people responding to Morrisons' consultation, suggesting that there would have been a greater response if the current service was perceived to be inadequate.

Mrs Wilson asked if Fentons had any plans to upgrade their premises. Mrs Fenton replied that their landlord had indicated they had plans to redevelop the site so Fentons were reluctant to upgrade at this time.

Mr Mallinson enquired how many methadone patients attended Fentons and was told that there were 20 including three patients on suboxone or subutex but that not all of them attended daily. Mr Mallinson asked whether these patients came from within her defined neighbourhood or further afield and she confirmed they came from within.

Mr Mallinson then asked if Fentons were dependent on their landlord to improve disabled access to the shop. Mrs Fenton explained that they were not constrained by their lease and could refit the shop but that they were concerned about the plans and timing for redevelopment of the whole site.

Mrs Stitt asked where people would access services such as a post office, bank or dentist. Mrs Fenton advised that there was a post office in the arcade as well as cash points but that the nearest bank was in the town centre, there was however a dentist in the Health Centre.

Mrs Stitt then enquired about the potential developments wondering if the shopping centre was all owned by one landlord. Mrs Fenton explained that the centre had been built in two phases 15 years apart but that it was all owned by the same landlord.

Mr Allan asked if Fentons Pharmacy collected prescriptions from other GP surgeries in East Kilbride and she advised that they collect from all practices in East Kilbride. Mr Allan then asked if Mrs Fenton could give an estimate of the proportion of prescriptions from within her neighbourhood to which she replied that it would be about 80%.

Having ascertained that there were no further questions for Mrs Fenton, the Chair then invited Mr Henry to make representation on behalf of Lloyds Pharmacy Ltd.

Mr Henry thanked the committee for the opportunity to make his representation and read the following pre-prepared statement:

“NEIGHBOURHOOD

For the purpose of this application we would suggest that the northern boundary of the neighbourhood should be extended to Westwood Road, as argued by Mrs Fenton, leading into Murray Road as the housing in the area is similar.

We would suggest that Morrison's appear to be carving up the area into discrete neighbourhoods which are not representative of the area. Using Greenhills Road as the northern boundary means that Morrison's have cut off Fenton Pharmacy but Fenton Pharmacy quite clearly serves the area around Morrison's and I would not place them in separate neighbourhoods. However, whether the applicant's neighbourhood is upheld or not I think it is fair to say that a person would not be in a position to walk to Morrison's. Even from the housing nearby it is not a particularly easy walk and therefore would rely on transport. In such circumstances it would be just as easy to access the existing pharmacies which are also close to medical services and other local community facilities.

LLOYDS PHARMACY

Lloydspharmacy situated on Alberta Avenue trades from 08.30 - 22.30 Monday - Friday and 09.00 – 20.00 on a Saturday and Sunday. It is located approximately 1.2 miles from the proposed site. We have a dedicated consultation room which enables us to provide a number of locally negotiated services. We also provide a prescription collection service from the GP's and we have a dedicated van and staff member for the delivery of prescriptions to patients.

Our extended hours 7 days per week allows convenient access to all pharmaceutical services including CMS, MAS, PHS and CPUS and we have adequate parking outside the shop. We collect from a number of surgeries and have a delivery service to patients' homes. The application states that Morrisons accept that some pharmacies in the EK area offer a delivery service which they believe is no substitute for having Pharmaceutical Care delivered in an appropriate setting from qualified pharmacy health professionals. However the extended hours of our pharmacy and the Morrisons at Stewartfield means that patients have better access than most communities to the said pharmaceutical care. There is nothing in the NHS Lanarkshire Pharmaceutical Care Services Plan which suggests that a pharmacy in this area is either necessary or desirable.

OTHER PHARMACIES

It is not necessary for me to highlight all the other pharmacies in the area, but I would say that collectively the existing pharmacies already meet the local needs of the population through the provision of all the locally negotiated services. There are three pharmacies located within close proximity of the proposed site all of which adequately serve the needs of the population.

ADEQUACY

Morrison's suggest that the Greenhills Road Pharmacy (Fenton Pharmacy) is not adequate as it closes at 18:00. There is no evidence at all that this is not adequate. There is also no evidence that there is a specific need or demand for NHS services on Sundays. Anything outwith core hours should not really be considered as the applicant is not obliged to adhere to extra hours once a contract is granted.

From the comments included as part of the consultation I see those in favour see it as being 'helpful' or of 'benefit' and generally more convenient but there is little or no reference to any dissatisfaction or inadequacy of current provision. There is an unsubstantiated comment regarding Fenton Pharmacy being small and struggling to cope but there is no evidence to support this.

Fenton Pharmacy is situated within the Greenhills Shopping Centre where other local services are situated including a health centre, Iceland Store, Library, Community Hall, opticians, post office, butchers, hairdressers etc. There is also extensive parking and is well placed along with the other pharmacies in the wider area to meet the needs of patients and residents. Delivery services are also available. I suspect that the new housing is more affluent and therefore needs or demand for pharmacy services in this area may well be lower.

We submit that the applicant deems the existing pharmaceutical services inadequate based on the fact that there is no pharmacy in their proposed neighbourhood and therefore he believes the existing pharmacies to be inaccessible. Our view and one which has been supported in guidance is that the absence of a pharmacy within neighbourhood does not necessarily render the existing service inadequate. We would therefore suggest that this application is based more on reasons of convenience rather than of adequacy. The hours proposed by the applicant does not go over and above the hours currently being provided by the pharmacies close by.

SUMMARY

To summarise in our opinion the application is neither necessary nor desirable to secure in the neighbourhood the adequate provision of pharmaceutical services. The public consultation does not appear to have identified any inadequacy within existing provision. There are already pharmacies in the surrounding area which adequately meet the needs of the population. Lloydspharmacy is not aware of any complaints regarding existing services and therefore deems it to be adequate. Patients have a reasonable choice of pharmacies with three situated in close proximity to the proposed site. Based on the location of the existing pharmacies and the hours provided by these contractors we believe that access to existing pharmacy services is good. For the above reasons this application is neither necessary nor desirable and we would ask the panel to refuse this application accordingly.”

Following Mr Henry’s representation the Chair then invited Mr Frame to ask questions of Mr Henry

Mr Frame asked why Mr Henry used Westwood Road as the northern boundary of the neighbourhood. Mr Henry replied that the housing was similar to Greenhills and above Westwood Road is The Murray, also that it had been agreed by a previous PPC that Westwood Road was the boundary. Mr Frame again asked why Mr Henry had chosen Westwood Road and Mr Henry repeated that it was the same type of housing and the only difference from Mr Frame’s defined neighbourhood was that it was more affluent and asserted that, although the housing in The Murray is similar, Westwood Road is a natural boundary.

Mr Frame then asked if Mr Henry would consider Lindsayfield to be part of his neighbourhood. Mr Henry replied that he would not in the same way as residents of Greenhills would not consider themselves to be the same neighbourhood as those in

Lindsayfield. Mr Frame then asked why he had included them within his boundary. Mr Henry replied that they were the same style of housing.

Mr Frame then asked if an over the counter service is beneficial as it allows people to avoid having prescriptions by self-medicating especially later in the day. Mr Henry replied that this was a beneficial service.

Mr Frame then queried Mr Henry's suggestion that Morrisons were carving East Kilbride into discrete neighbourhoods which were not representative of the area, asking if he would class Stewartfield as a discrete area within East Kilbride. Mr Henry replied that he was unsure as he did not know East Kilbride well enough.

Mr Frame then questioned Mr Henry about his assertion that Lloydspharmacy on Alberta Avenue was 1.2 miles from the proposed site. Mr Henry replied that the distance was taken from a 2km radius on the map which would equate to 1.2 miles. Mr Frame then asked how he would travel by car and Mr Henry stated that his distance was as the crow flies and there were various routes which could be taken. Mr Frame asked if Mr Henry would agree that the distance was more than 2 miles, possibly closer to 3. Mr Henry did not agree.

Mr Frame next enquired why Lloydspharmacy opened on a Sunday if there was no need for a Sunday service. Mr Henry replied that he had said that there was no evidence that there is a specific need or demand for NHS Services on Sundays and that Lloydspharmacy had chosen to open on Sundays.

Mr Frame then asked how Lloydspharmacy would change their opening hours if they wished to do so. Mr Henry answered that if it was outwith core hours they just had to inform the Health Board. Mr Frame then enquired if the Health Board could prevent Lloyds from changing their hours and Mr Henry advised that it could do so only if the hours were reduced to less than the core hours.

Mr Frame then asked whether Mr Henry thought that more affluent people were more likely to self-medicate. Mr Henry replied that this was not necessarily so but that they might as they could afford to.

Mr Frame then asked how Mr Henry would know if there were any complaints about Lloydspharmacy. Mr Henry replied that they had a customer charter and followed company policy. Mr Frame then asked how Mr Henry knew that there were no complaints about other pharmacies. He answered that this information came from others' presentations and responses. Mr Frame then asked if Mr Henry had contacted the Health Board for this information and was advised that he had not.

Mrs Fenton, Mr Shearer, Ms Turnbull and Dr Ali all advised that they had no questions for Mr Henry. Accordingly the Chair invited questions in turn from the Committee

Mr Sargent asked how many prescriptions Lloyds processed from Lindsayfield. Mr Henry advised that he did not know.

Mr Woods asked if Mr Henry could make an estimate. Mr Henry responded that it was quite a lot but that he could not give a percentage.

Mrs Wilson advised that she had no questions for Mr Henry

Mr Mallinson asked for clarification regarding applications to change opening hours. Mr Henry replied that it was his impression that the Health Board could only object if the change resulted in a drop below model hours.

Mrs Stitt advised that she had no questions for Mr Henry

Mr Allan enquired whether the number of prescriptions dispensed on a Sunday represented one seventh of the pharmacy's business. Mr Henry replied that he did not have exact figures but that the pharmacy was busy on a Sunday.

Having ascertained that there were no further questions for Mr Henry, the Chair then invited Mr Shearer to make representation on behalf of L Rowland & Co (Retail) Ltd.

Mr Shearer thanked the Chair and Panel and read from the following pre-prepared statement:

“Firstly, I'd like to come to the issue of neighbourhood. Today I would be happy to accept the neighbourhood given by the applicant. Again, for confirmation:

To the North - Greenhills Road

To the East - Auldhouse Road

To the West- Newlands Road

To the South - the open land

I understand why the applicant has given this as a distinct neighbourhood within the town of East Kilbride. The people residing within the boundaries would refer to living in Lindsayfield, not necessarily considering themselves a neighbour of those living in, for instance Whitehills Road.

However within this neighbourhood, there is not everything required by the residents to carry out the fabric of their daily lives, despite the multiple services already provided in Morrison's supermarket. As a result, we can presume that the residents within these boundaries will move freely out and around the rest of East Kilbride town.

And of course, there is no pharmacy within the boundaries defined. But does there need to be?

Firstly, what could be deemed the neighbourhood's "local" pharmacy is Greenhills Pharmacy. This sits right on the edge of the neighbourhood, and could be seen easily to serve the population of Lindsayfield.

However, what we also need to look at is East Kilbride as a whole, and the use of GPs and Pharmacies. GP registration in the town is not confined to geographical limits, and as such, people can be registered with GPs across the town. Therefore, it is less likely that residents will be confined to their own neighbourhood for healthcare. There is the possibility that a resident of Lindsayfield is registered with one of the GPs in Alison Lea Medical Practice. They may choose to use one of the pharmacies nearby for their prescriptions, or they may use any of the 11 other pharmacies around the town to get their prescription.

All pharmacies are operating collection services from the GPs, and providing a delivery service to those that need it. Those responding to the public consultation may

find it more convenient to pick up a prescription while they pick up their messages, but let's not confuse that with the current service being inadequate. Many of these responses use words such as "convenient", "handier", "easier" "a boon" again and again. This does not indicate necessity. As I alluded to before, residents will head out of the neighbourhood, perhaps into the town centre to use amenities there, or indeed to work in places further afield.

When you look at the neighbourhood itself, there are a number of new houses, and further developments planned. Just driving around the area, you can see it is larger low density housing, with multiple car ownership, a generally affluent area with many young families. Residents will be used to travelling outwith the neighbourhood to access other services, shopping and work. I think it would be fair to say that these residents would not struggle to reach one of the existing contractors. So, while the defined neighbourhood may not have a pharmacy, it is served by numerous pharmacies in adjoining neighbourhoods. These must be considered when decided on whether services to the neighbourhood are adequate.

East Kilbride is already catered for by two extended opening hours pharmacies – Lloyds and Morrisons' own site at Stewartfield. While these might not be on the doorstep of the residents of Lindsayfield, for a town of its size, I would suggest that these provide a more than adequate service to the whole population of East Kilbride.

In terms of both contracted and non-contracted pharmaceutical services, East Kilbride is covered by more than what NHS Lanarkshire expects - as seen from the information in the application pack. I believe these are being provided to a more than adequate standard. Certainly from Rowlands perspective, we have been recognised for our exceptional success with providing both contracted and non contracted services. Within our East Kilbride teams, we have collected numerous awards recognising both team and pharmacist's individual effort over the last two years. Morrisons introduce nothing new with this application.

While individuals may take exception to individual pharmacies, there is more than adequate choice in the town and there continues to be investment in furthering these pharmacies - for instance Rowlands ourselves have recently completed a large extension of our St Leonards Pharmacy helping to facilitate the delivery of all our professional services. We constantly review the needs of our customers, and this can be seen in that we have recently extended the early opening of our Calderwood branch to coincide with the GPs. This should surely be a sign that existing contractors continue to invest in, and improve existing services?

Ask anyone if they wish a pharmacy on their doorstep, of course they will say yes. However is there any indication of an inadequacy in the current service provision? I would suggest the answer is no.

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

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

Thank you"

Following Mr Shearer's representation the Chair then invited Mr Frame to ask questions of Mr Shearer

Mr Frame asked how Mr Shearer knew that services were adequate. Mr Shearer replied that as previously mentioned there were various ways for customers to complain including direct to contractors and to the Health Board. Mr Frame then enquired if he had checked with the Health Board whether any complaints had been received. Mr Shearer advised that he had not done so.

Mr Frame then asked why Mr Shearer had said that Morrisons did not offer anything different to the other pharmacies as they would offer their Healthy Shopper services. Mr Shearer replied that this was not a core pharmaceutical service. Mr Frame asked if he agreed that other pharmacies would be unable to offer this service. Mr Shearer confirmed that that indeed they would not be able to release staff to accompany patients around Morrisons' store.

Mrs Fenton, Mr Henry, Ms Turnbull and Dr Ali all advised that they had no questions for Mr Shearer. Accordingly the Chair invited questions in turn from the Committee

Mr Sargent questioned the assumption that people living in affluent areas do not need a local pharmacy, continuing to ask if he was aware of the number of elderly people living in the area. Mr Shearer replied that the area was mostly larger houses with young families but that there was still a service on the doorstep to assist the elderly.

Mr Woods enquired how many prescriptions Rowlands Pharmacy dispensed for patients from the Lindsayfield area. Mr Shearer replied that it was hard to quantify but as they had a collection service he would guess approximately 5% from Greenhills Surgery, however as patients from Lindsayfield may be registered with GPs in other areas this may increase the figure by another 10%.

Mr Woods then asked what awards Rowlands had received for their service. Mr Shearer replied that they had received awards from Community Pharmacy Scotland and Scottish Pharmacy Review Awards.

Mrs Wilson, Mr Mallinson, Mrs Stitt and Mr Allan all advised that they had no questions for Mr Shearer.

The Chair then invited Ms Turnbull to make representation on behalf of Apple Healthcare Ltd.

Ms Turnbull thanked the committee and read the following pre-prepared statement:

“Apple Pharmacy at 37 Murray Square, East Kilbride is one of a small group of independent pharmacies. We have been known as Apple for the past five years however, there has been a community pharmacy there for approximately 50 years. I have been the pharmacy manager for eight years and have been supported by Danielle McTaggart, our full time pharmacist, for the last five years. We currently have ten trained support staff. During my time as manager we have had an extremely low turnover of staff which I believe is beneficial to the pharmaceutical care of our customers.

Currently we provide the following services. AMS, CMS, MAS, MDS (dosette boxes), smoking cessation, EHC, healthy lifestyle advice, stoma services, urgent supply of medication, repeat prescription collection service, delivery service, service and advice to nursing homes, methadone/suboxone/subutex dispensing and supervision and palliative care.

As we have two full time pharmacists and also an ACT working in the shop and we do not close for lunch, there are no times during the day in which our customers cannot access these services. Our waiting times are also kept to a minimum. It also allows home visits to take place when necessary.

Danielle McTaggart has been qualified as an independent prescriber for 18 months and runs a twice monthly addiction clinic within the pharmacy. We are currently looking at her prescribing role and hope to extend and develop her role within the shop in the near future.

We have a full time delivery driver. This service is well run and has become extremely successful. It is a vital service to our customers who are not always able to attend the pharmacy. Emergency deliveries are always accommodated as we also have access to a second delivery driver employed by the Apple Group.

In summary, Apple Pharmacy are complying with all areas of the pharmacy contract and have shown that we are forward thinking and embracing new services, all of which enable our customers to access improved pharmaceutical care.

The Murray area of East Kilbride is centrally situated in the area south of the Queensway. Public transport to our area is very good. Disabled and elderly customers are also able to access the Murray Square using the Mybus service.

New car park regulations were introduced in the Murray Square in October 2012. No staff from businesses on the Square can park there, meaning ample parking spaces for customers. We also have dedicated disabled parking bays. The steps on the Square have recently been replaced, making access safer for pedestrians. There is also wheelchair access from the car park to the pharmacy.

Pharmaceutical services in East Kilbride are currently provided by eleven community pharmacies. Morrisons Supermarket, Stewartfield and Lloydspharmacy, Alberta Avenue both provide excellent extended hours of opening. They are easily accessible, have ample parking and dedicated disabled bays. Lloydspharmacy is only 2.1 miles from the applicant's location (approximately a 6 minute drive).

Four pharmacies currently provide pharmaceutical services on Sundays namely, Boots, The Plaza until 18:00, Boots, Princes Square until 17:00, Morrisons, Stewartfield until 18:00 and Lloydspharmacy, Alberta Avenue until 17:00. Do the residents of East Kilbride really need another pharmacy to provide pharmaceutical services on a Sunday which are already readily available and easily accessible?

The population of East Kilbride is an extremely mobile one with approximately 70% of households owning at least one car. It is a new town. The road infrastructure is therefore good and allows ease of access to all areas.

The Applicant has defined their neighbourhood as Lindsayfield. Whilst I accept that this is a developing area, can it really be considered a neighbourhood in its own right?

It can be difficult to agree on how a neighbourhood is defined. Indeed we could argue that East Kilbride is the neighbourhood. However, I consider the neighbourhood to be as follows. The boundary to the north to be the Murray Road along to Westwood Road, then a line south to meet Newlands Road to the west. The boundary to the south is Jackton Road and Shields Road, then to the east along Greenhills Road, then a line North past Ballerup playing fields to the junction of Kelvin Road and The Murray Road.

We also need to consider the type of people buying property on the new developments in the Lindsayfield area. They are likely to be affluent, healthy, car owners and it is unlikely that they will walk to Morrisons to purchase their shopping.

The pharmaceutical needs of the residents of the neighbourhood are already well served by two pharmacies. Fentons Pharmacy, located at Greenhills shopping centre, which is only 0.4 miles from the Applicants location. Greenhills shopping centre has a large car park with dedicated disabled parking bays. This is also where Greenhills Health Centre is situated. It is a fact that patients are more likely to access pharmaceutical services at the pharmacy closest to their GP practice. Walking access to the Applicants location is certainly no easier than that to Fentons Pharmacy as the same, busy Greenhills Road may have to be crossed. The second pharmacy is the Westwood Pharmacy. It is situated 2 miles from the Applicants location. It also has a good sized car park with dedicated disabled parking bays. There are other pharmacies, including Apple, just outside the neighbourhood boundaries.

Our pharmacy has a large amount of customers from the neighbourhood defined by the Applicant. The Applicant quite clearly states in their proposal that by offering extended hours of opening they hope to attract customers from neighbouring communities i.e. out with their defined neighbourhood. I believe that granting a contract to the Applicant would be detrimental to the pharmaceutical services provided by us and the other pharmacies in East Kilbride. Any resulting loss in business for us would be devastating, especially in the current economic climate, and could result in job losses, thereby impacting on the pharmaceutical services provided.

The letters of support for the Applicant all suggest that having a pharmacy in Morrisons Supermarket would be convenient. This does not pass the Statutory Test. The pharmaceutical services in the proposed neighbourhood have to be proven to be inadequate.

The information available from the Patient Affairs Manager for NHS Lanarkshire confirms that there has been no complaint made by any member of the public concerning inadequacies in the provision of pharmaceutical services in the Lindsayfield area, or indeed any area of East Kilbride.

I have shown in my statement that there are no inadequacies in the provision of pharmaceutical services in the neighbourhood. This contract is neither necessary nor desirable. With this in mind I respectfully ask the committee that this contract not be granted.”

Following Ms Turnbull’s representation the Chair then invited Mr Frame to ask questions of Ms Turnbull.

Mr Frame asked if Apple Pharmacy could stop providing a delivery service at any time as this was not a contracted service. Ms Turnbull replied that they employed a full time delivery driver on a permanent contract so they were not likely to stop.

Mr Frame then asked about disabled access to Apple Pharmacy and was advised that there is a small step but there is also a doorbell with a notice so disabled people can access the pharmacy. Mr Frame enquired if ringing a bell was part of the DDA regulations. Ms Turnbull informed him that it met the requirements of the act.

Mr Frame then went on to ask how patients from Lindsayfield would access Apple Pharmacy by public transport. Ms Turnbull replied that the Murray Road was the busiest bus route in East Kilbride. Mr Frame then asked how someone living in Campsie Road would access Rowlands. Ms Turnbull stated that she thought there would be a bus from Greenhills Road but did not know if there was a direct route. Mr Frame then enquired how far she thought it was reasonable for someone who was unwell to travel to access pharmacy services. Ms Turnbull replied that this would depend on circumstances but for a car owner her personal view would be 2-3 miles.

Mr Frame then asked why Ms Turnbull had excluded The Murray from her definition of the neighbourhood. Ms Turnbull stated that The Murray was a different neighbourhood. Mr Frame then asked if the Murray Road was easy to cross. Ms Turnbull replied that it is easy but that she saw it as a boundary.

Mr Frame then asked whether residents of Lindsayfield should not walk anywhere just because it was an area of high car ownership. She replied that they should be able to choose to walk.

Mr Frame then asked Ms Turnbull to clarify during what period there had been no complaints to the Health Board. Ms Turnbull replied that it had been for the last year. Mr Shearer said that this was different information to that which he had received.

Mrs Fenton, Mr Henry, Mr Shearer and Dr Ali all advised that they had no questions for Ms Turnbull. Accordingly the Chair invited questions in turn from the Committee

Mr Sargent asked, given that most people will complain to friends and family not direct to the provider of services, whether her patients knew how to complain about the service they receive. Ms Turnbull advised that they have leaflets about their complaints service within the shop.

Mr Woods asked whether Ms Turnbull considered that ringing a bell for access was adequate. Ms Turnbull replied that they were unable to install a ramp as it would impede access to the shop. Mr Woods then asked if any complaints leaflets had been used. She replied that there had been no completed forms returned to the shop.

Mrs Wilson advised that she had no questions

Mr Mallinson asked for clarification of the neighbourhood boundaries. Ms Turnbull confirmed that the boundary was:

To the north along Westwood Road/The Murray road to the junction at Kelvin Road, to the east a line down to Greenhills Road at the junction with Shields Road, to the

South along Shields Road and Jackton Road to Newlands Road and to the West along Newlands Road then a line north to meet Westwood Road.

Mrs Stitt and Mr Allan advised that they had no questions for Ms Turnbull.

The Chair then invited Dr Ali to make representation on behalf of Ernarxo Ltd.

Dr Ali thanked the committee and stated that most of what he had to say had already been covered by his colleagues. He then read the following pre-prepared statement:

“We have recently become the new owners of the Pharmacy in Westwood Square, previously known as Fraser Pharmacy, and now known as Westwood Square Pharmacy.

We have not yet established ourselves in the Pharmacy, and we would see any change in the contracts in the neighbourhood as being detrimental to us so soon after becoming the new owners. We have invested a significant amount of funds in the business, and we continue to strive to improve and increase the services that we provide. We anticipate adding a delivery service in the very near future, as we already operate a collection service.

We are in the process of making enquiries regarding the start up of Methadone services in the Pharmacy, and hopefully with the support of the local Community Addiction Team, we will be commencing this in the near future.

Also we have noted that there is an increasing demand for a prescription collection service, and a prescription delivery service. Therefore we are making a decision regarding the set-up costs for this service, and hope to also introduce this in the near future.

It appears to us that the previous owners of the Pharmacy were content to run the Pharmacy in their traditional way, and appears they were resistant to change. We are very keen to establish current best practices in our business, and we are willing to continue to invest heavily to provide this to the local and surrounding community.

As we are a new business I do not have a lot of information about other pharmacy services in the area but they appear to me to be adequate. I hope that the Pharmacy Practices Committee will take these factors into account, and come to the decision that the application by Wm Morrison Supermarkets is not necessary or desirable.”

Following Dr Ali’s representation the Chair then invited Mr Frame to ask questions of Dr Ali.

Mr Frame enquired whether Westwood Square Pharmacy had a consultation room and Dr Ali replied that it did. Mr Frame then asked where it was located. Dr Ali answered that it was in front of the counter where there was a private area with a table, two chairs and a computer. Mr Frame then enquired if it was accessible for wheelchairs to which Dr Ali replied that he believed it to be.

Mr Frame next asked about wheelchair access to the shop and Dr Ali replied that there was no automatic door but that customers would be seen by staff who would let them in.

Mrs Fenton, Mr Henry, Mr Shearer and Ms Turnbull all advised that they had no questions for Dr Ali. Accordingly the Chair invited questions in turn from the Committee

Mr Sargent had no questions for Dr Ali

Mr Woods enquired if Dr Ali had any idea how many patients from Lindsayfield used Westwood Square Pharmacy. He responded that he did not know, but thought that they mostly served the local community.

Mr Woods then asked if Dr Ali thought that the current wheelchair access to the pharmacy was acceptable. Dr Ali replied that there had been no complaints in six months but that they would look into it.

Mrs Wilson, Mr Mallinson, Mrs Stitt and Mr Allan all advised that they had no questions for Dr Ali.

The Chair then invited Mrs Fenton to sum up her representation

Mrs Fenton made the following statement:

No matter how we split the wider area into neighbourhoods the fact remains that no one in the area of Lindsayfield has any difficulty in accessing Pharmaceutical services - adequate services are already being provided by the existing pharmacy network.

Additional services would be a cost to the NHS and can only be justified where it is desirable and necessary to plug a gap in adequacy, if no gap exists then granting this contract would be both unnecessary and undesirable – thank you”

The Chair then invited Mr Henry to sum up his representation

Mr Henry read the following statement:

“To conclude in our opinion the application is neither necessary nor desirable to secure in the neighbourhood the adequate provision of pharmaceutical services. The public consultation does not appear to have identified any inadequacy within existing provision. There are already pharmacies in the surrounding area which adequately meets the needs of the population. Lloydspharmacy is not aware of any complaints regarding existing services and therefore deems it to be adequate. Patients have a reasonable choice of pharmacies with three pharmacies situated in close proximity to the proposed site. Based on the location of the existing pharmacies and the hours provided by these contractors we believe that access to existing pharmacy services is good. For the above reasons this application is neither necessary nor desirable and we would ask the panel to refuse this application accordingly.”

The Chair then invited Mr Shearer to sum up his representation

Mr Shearer stated that a new contract at Morrisons would be more convenient for the population of Lindsayfield but that does not deem it necessary. Current services are adequate and I do not believe that access to existing pharmacies is a problem for Lindsayfield residents. If 5000 plus residents really required a pharmacy perhaps more than 29 responses would have been received. Morrisons bring nothing new to pharmaceutical services and convenience for a few residents should not be confused with necessity and desirability. Thank you.

The Chair then invited Ms Turnbull to sum up her representation

Ms Turnbull stated that we have not been shown today any inadequacies and that a new pharmacy contract would not provide anything new.

The Chair then invited Dr Ali to sum up his representation

Dr Ali stated that they had not yet established themselves and would see any new contract as detrimental and that he hoped that the PPC would refuse the contract.

The Chair then invited Mr Frame, to sum up in relation to his application

Mr Frame made the following statement:

We believe that our proposed pharmacy is necessary to secure an adequate pharmacy service within our defined neighbourhood.

It is not acceptable that disabled customers have to wait outside until someone is able to let them into existing pharmacies and I believe that our premises will provide a better and more accessible service.

Just because people are affluent they should not be discriminated against with regard to local pharmaceutical services and it is interesting to note that the Area Pharmaceutical Committee were unanimously in favour of a new pharmacy.

The Interested Parties say that there are no inadequacies but most do not know how many complaints have been made to the Health Board.

Further, if you also consider desirability to be a sliding scale, ranging from not desirable to highly desirable, with Morrisons providing:

- 7 day extended hours opening to serve the local working population
- 7 day access to critical health services including EHC, Minor Ailments, Prescription dispensing and OTC medicines
- A private Flu vaccination service suitable to be commissioned by the Local Health Board
- A private travel vaccination service
- Access to the population through 33,000 customer visits per week to promote key public health matters to improve health and wellbeing
- 92% plus support for the pharmacy proposal from the public consultation (we did not want to canvass customers)
- Provision of a modern well equipped pharmacy with easy access and parking for people with disabilities or parents with children.

And finally, if you consider that our diet, next to genetics, has a major impact on our health, wellbeing and longevity then the provision of a unique health "Know your numbers" service with lifestyle and dietary advice linked to the main supermarket can have a profound effect on public health and related costs which no other existing contractor in the area can provide.

This is why we believe that this proposed pharmacy, as the APC unanimously confirms in their letter, is also highly desirable.

Consequently, we respectfully request that the Local Health Board grant this pharmacy contract application on the ground of being both necessary and highly desirable.

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 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 Frame, Mr Tucker, Mrs Fenton, Mr Henry, Ms McCabe, Mr Shearer, Mr Church, Ms Turnbull, Ms McTaggart, Dr Ali, Dr Ahmed and Mr Lindsay withdrew from the meeting.

Supplementary Submissions

Following consideration of the oral evidence

THE COMMITTEE

noted:

- i. that they had each independently undertaken a site visit of the town of East Kilbride noting the location of the proposed premises, the pharmacies, general medical practices hosted and some the facilities and amenities within.
- ii. a map showing the location of the proposed Pharmacy in relation to existing Pharmacies and GP Surgeries within East Kilbride.
- iii. prescribing statistics of the Doctors within the town of East Kilbride during the period July 2011 to June 2012
- iv. dispensing statistics of the Pharmacies within the town of East Kilbride during the period July 2011 to June 2012

- v. demographic information on the town of East Kilbride taken from the 2001 Census
- vi. comments received from the Area Pharmaceutical Committee and Interested Parties in accordance with the rules of procedure contained within Schedule 3 to the regulations
- vii. report on Pharmaceutical Services provided by existing pharmaceutical contractors within the town of East Kilbride
- viii. letter received on 18 September 2012 from South Lanarkshire Council
- ix. letter received from Mrs J Arthur, PFPI Project Assistant, NHS Lanarkshire intimating the views of the East Kilbride and District Public Partnership Forum
- x. the application and supporting documentation provided by the applicant on 2nd August 2012

Decision

THE COMMITTEE

then discussed the oral representation of the Applicant and the 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 National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 (S.S.I. 2009 No. 183), as amended.

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 area encompassed by the following boundaries:

North –	Greenhills Road
East -	Shields Road
West -	Newlands Road
South -	Jackton Road

THE COMMITTEE

in reaching this decision was of the opinion that the neighbourhood constituted a distinct area bounded by significant roads and surrounded by open land as a natural boundary. The Committee also noted that the neighbourhood as defined was signposted as Linsdayfield and recognised as a discrete neighbourhood within the town, with its' own sense of belonging.

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

recognised that there were no existing contract Pharmacies within the neighbourhood, however from the evidence provided including the report collated by the office of the Chief Pharmacist – Primary Care, it was demonstrated that there was one Pharmacy (Fentons t/a Greenhills Pharmacy) located in close proximity, and a number of other pharmacies in a range of 2 to 4 miles by road, all of which provided a comprehensive range of Pharmaceutical services alongside the core requirements of the new contract.

Adequacy

THE COMMITTEE

discussed the test of adequacy and concluded that existing services could not be considered adequate for the whole neighbourhood. In reaching this decision the Committee noted the location of Lindsayfield and the topography and road layout of the area and significant roads which could not be safely traversed without use of a footbridge or underpass which might not be easily reached by a proportion of residents who would choose to walk to access pharmaceutical services at the closest pharmacy in Greenhills.

THE COMMITTEE

further noted an additional difficulty for less ambulant or disabled patients who in some case, would not be able to gain entry to Greenhills Pharmacy without assistance from available members of staff or customers entering or exiting the Pharmacy given that the door was a manual entry system with no independent wheelchair access.

Accordingly, for the reasons set out above the Committee could not be satisfied that existing services were adequate for the population of Lindsayfield.

Following the withdrawal of Mr I Allan, Mrs C Stitt 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 that the provision of pharmaceutical services at the Premises was desirable in order to secure adequate provision of Pharmaceutical Services within the neighbourhood in which the Premises were located by persons whose names are included in the Pharmaceutical List and, accordingly, the application was granted subject to the right of appeal as specified in Paragraph 4.1, Schedule 3 of The National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, as amended.

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