

## MINUTE: PPC/2013/02

Minute of the meeting of the Pharmacy Practices Committee (PPC) held on Friday 30<sup>th</sup> August 2013 in Training Room 4, Law House, Airdrie Road, Carluke, ML8 5EP

The composition of the PPC at this hearing was:

Chair: Mr Michael Fuller

Present: Lay Members Appointed by NHS Lanarkshire Board

Mrs Margaret Caraher  
Mr Stewart Daniels

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

Mr Kenneth Mackenzie

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

Mr David Sinclair  
Ms Yvonne Williams

Secretariat: Mrs Fiona Kennedy, Scottish Health Service Centre

### 1. APPLICATION BY WM MORRISON SUPERMARKETS PLC, GREENHILLS ROAD, LINDSAYFIELD, EAST KILBRIDE, G75 8TU

#### 1.1 Application

There was submitted an application from Wm Morrison Supermarkets PLC, received 2<sup>nd</sup> August 2012, for inclusion in the Pharmaceutical List of Lanarkshire NHS Board in respect of a new pharmacy within Morrisons Supermarket, Greenhills Road, Lindsayfield, East Kilbride, G75 8TU.

#### 1.2 Submission of Interested Parties

The following documents were received:

- (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

## **2. Procedure**

- 2.1 At 09.30 hours on Friday 30<sup>th</sup> August 2013, the Pharmacy Practices Committee (“the Committee”) convened to hear the 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”.
- 2.2 The Chair welcomed everyone to the meeting and asked all present to introduce themselves and their title. The Chair then 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. All Members confirmed that they had received and considered the papers and none had any personal interest in the application.
- 2.3 It was noted that Members of the Committee had previously undertaken site visits of the town of East Kilbride independently during various times of the day and week to gather a sense of the natural working patterns of residents and visitors to the various premises. All confirmed that in doing so 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.
- 2.4 The Chair then reported that Mr George Lindsay, Chief Pharmacist – Primary Care and Mrs Gillian Forsyth – Administration Manager, Primary Care would enter and withdraw from the hearing alongside the applicant and interested parties. The Chair emphasised that Mr Lindsay and Mrs Forsyth were 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. The Chair then advised that Mrs Kennedy was independent from the Health Board and would be solely responsible for taking the minute of the meeting.
- 2.5 The Chair further explained that should any questions or concerns arise during the closed session the Committee had the option of contacting the Central Legal Office (CLO) by telephone to obtain advice. Should this occur the meeting would return to open session to allow the applicant and interested parties to challenge or comment upon any advice given. This change in procedure complied with the recent Practice Note of 1 August 2013 issued by the Interim Chair of the National Appeal Panel. The

Chair asked Members for confirmation that they understood these procedures. Having ascertained that all Members understood the procedures the Chair confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers circulated. The Chair then instructed Mrs Kennedy to invite the applicant, interested parties, and officers of the Board were asked to enter the hearing.

**The open session convened at 10:10 am.**

**3. Attendance of Parties**

3.1 The Chair welcomed everyone and introductions were made. The applicant Wm Morrison supermarkets plc Ltd. was represented by Mr Fraser Frame who was accompanied by Mr Ian McNair. From the interested parties eligible to attend the hearing four had accepted the invitation as noted: J.P. Fenton & Son Ltd, Greenhill Pharmacy, was represented by Mrs Felicity Fenton, accompanied by Mr Lewis Campbell; L. Rowland & Co (Retail) Ltd was represented by Mr Alasdair Shearer and accompanied by Mr Michael Church; Apple Healthcare Group, was represented by Ms Susan Turnbull and accompanied by Ms Danielle McTaggart; and Lloyds Pharmacy Ltd, was represented by Mr Mark Malone.

3.2 Mr George Lindsay, Chief Pharmacist – Primary Care and Mrs Gillian Forsyth, Administration Manager – Primary Care also entered the meeting at this time.

3.3 The Chair advised all present that the meeting was convened to determine the application submitted by Wm Morrison Supermarkets plc Ltd, Greenhills Road, Lindsayfield, East Kilbride, G75 8TU. The Chair intimated that the application had been returned to the Board by the Interim Chair of the National Appeal Panel to be heard before a freshly constituted PPC. The Chair wished to confirm to all parties present that this was indeed a completely fresh hearing of the application, in front of a newly constituted PPC, and that the decision of the Committee would be based entirely on the evidence submitted in writing as part of the application and consultation process, and the verbal evidence presented at the hearing itself, without prejudice, and according to the statutory test as set out in Regulations 5(10) of the 2009 regulations as amended:

“5(10) an application made in any case other than one to which Paragraph (3) or (4) applies shall be granted by the Board, after the procedures set out in Schedule 3 have been followed, only if it is satisfied that the provision of pharmaceutical services at the premises named in the application is necessary or desirable 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.”

3.4 The Chair then advised the parties that the hearing would be conducted according to the procedure detailed within the Guidance Notes contained within the papers circulated. The Chair then explained a change in procedure to all parties. The Chair reported that Mr George Lindsay, Chief Pharmacist – Primary Care and Mrs Gillian Forsyth – Administration Manager, Primary Care had entered and would withdraw from the hearing alongside the applicant and interested parties. The Chair emphasised that Mr Lindsay and Mrs Forsyth were 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. The Chair then advised that Mrs Fiona Kennedy, SHSC would be present throughout the duration of the hearing for the purposes of providing secretariat support to the Committee. The Chair confirmed that Mrs Kennedy was independent of Lanarkshire NHS Board.

- 3.5 The Chair further explained that should any questions or concerns arise during the closed session the Committee had the option of contacting the Central Legal Office (CLO) by telephone to obtain advice. Should this occur the meeting would return to open session to allow the applicant and interested parties to challenge or comment upon any advice given. This change in procedure complied with the recent Practice Note of 1 August 2013 issued by the Interim Chair of the National Appeal Panel. The Chair asked all parties for confirmation that they understood these procedures. Having ascertained that all parties understood the procedures the Chair confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers circulated.
- 3.6 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 had any interest in the application.
- 3.7 The Chair asked for confirmation that all parties fully understood the procedures to be operated during the hearing as explained, and that they had no questions or queries about those procedures and were content to proceed. All confirmed their agreement. The Chair concluded the procedural part of the hearing by reminding each party that there could be only one spokesperson. All confirmed their understanding.

#### **4. Evidence Led**

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

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

#### **4.2 Neighbourhood**

The neighbourhood is defined as:

- North - Greenhills Road
- East - Auldhouse Road
- West - Newlands Road
- South - Open land south of the new housing developments
- (the same and as accepted at the last PPC hearing)

- 4.3 We view this as an entirely separate and discrete neighbourhood within East Kilbride referred to by local residents and annotated on local maps and sign posted as Lindsayfield.
- 4.4 The population of this neighbourhood is estimated to be around 5566 (SNS data enclosed for reference). The neighbourhood also continues to grow. There are currently five residential developments under construction/expansion in the area

namely; Highfield Manor (Miller Homes), The Ambles (Cala Homes - 69 homes), The Laurels (Taylor Wimpey 60 going to 90) and Ballerup Village (Persimmon Homes- 62), Barrett 98 homes with further development planned from the main site down to Newlandsmuir Road.

- 4.5 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**

- 4.6 The pharmacy will be located within the Morrisons store, Greenhills Road, G75 8TU. This store currently attracts approximately 31,000 customer visits each week.
- 4.7 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**

- 4.8 There are currently NO pharmacies in our defined neighbourhood.
- 4.9 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 nearly 50% of the retail 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 walk to cross the busy main Greenhills Road. There is one controlled crossing point located near the Stroud Rd roundabout.
- 4.10 Access to the pharmacy from large parts of our neighbourhood involve negotiating either a footbridge over the busy road or using underpasses. Greenhills Road is a significantly busy road. 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. The route on the right hand side going from our proposed site to Fentons isn't a continuous flat surface with 2 sets of steps near the flats of Larch Court going to the precinct making it very difficult for wheelchair users or those pushing prams.
- 4.11 Access for people with disabilities has been improved at Fentons and the shopping centre but was this only done as a result of this contract being granted in November? Currently the door to Fentons has a piece of paper highlighting its access. This is a make shift notice and isn't in the professional image of a Pharmacy

- 4.12 For those patients that choose to drive to Fenton's Pharmacy the existing parking facilities are limited (6 disabled spaces) with an uneven surface and state of general disrepair. Delivery vehicles also hamper access to the car park.
- 4.13 Finally, it is strange to see evidence of a declining footfall despite the large amount of housing development in Lindsayfield. This strongly suggests that people in Lindsayfield do not consider Greenhills precinct as part of their neighbourhood and do not readily access it.
- 4.14 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 majority of our 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) 5pm 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.
- 4.15 This matter is compounded when the specific services including, EHC, MAS, Chronic Medication Services and other PHS which all require continuity of care to be successful.
- 4.16 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 of the store. The store also boasts specific equipment and trained staff to help people with limited mobility.
- 4.17 The 'Mybus' service for disabled patients routinely carries passengers to the Morrisons store, allowing easy access to the proposed pharmacy for these vulnerable patients.
- 4.18 To support the working population, Morrisons also intends to open extended hours (8.30am - 8pm) six days a week and 10am to 6pm on a Sunday. We have 501 car parking spaces, 18 dedicated Mother/child and 21 dedicated disabled. Currently, there is only one pharmacy within 2.1 miles of the Morrisons store and one over 3 miles from the other side of our defined neighbourhood, which has late night access.
- 4.19 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.
- 4.20 In fact the recently published Review of NHS pharmaceutical care of patients in the community in Scotland (Wilson Review) in discussion with patients described what they wanted from their pharmacist was accessible services. The review further went onto say readily accessible advice on selfcare and appropriate treatment of common conditions is an important role of the Pharmacist in the community

## **Services**

- 4.21 An adequate pharmacy service doesn't just mean a good dispensing service but also the provision of over the counter medication and pharmaceutical advice.
- 4.22 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. Morrisons also intend to participate in any locally negotiated services to support the local Health Board and the local population.
- 4.23 Morrison also intends to offer a comprehensive private flu vaccination service, travel vaccination service.
- 4.24 Additionally, Morrisons intends to offer a FREE Cholesterol, Blood Glucose, Weight, 8MI 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 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, joint pains as examples.
- 4.25 This service has also included taking people around the store to help select different products that are more appropriate i.e. 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 effect the lives positively for 4 or 5 others.
- 4.26 We can offer this to any patient should they ask or on intervention.
- 4.27 Moreover, public health is also very important. The Morrisons store enjoys over 31,000 customer visit per week as part of fabric of their everyday 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.
- 4.28 Morrisons will provide all of these pharmacy services from modern, well equipped premises with a full consultation room designed specifically to support these.
- 4.29 Morrisons Pharmacy will also offer a free prescription collection service from local surgeries.
- 4.30 As a business we have also started a position of community champion within all stores who will work with the local area on all aspects of the community. e.g. Brilliant Bellshill

## **Other Points**

- 4.31 We would like to draw to the panel's attention a sample of the responses to the public survey

"I think this would be a very good addition to the store in Lindsayfield... and I for one would support it fully."

"I think this would be of great benefit to the community as there are no chemists within walking distance that are open in the evening or on a Sunday."

"This is much needed and would be a huge boost to the residents of Lindsayfield."

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

- 4.33 Morrisons believe that this application is both necessary and desirable to secure the adequate provision of pharmaceutical services within the neighbourhood and therefore respectively request that NHS Lanarkshire Health Board grant this application.

### **Mr Frame concluded his presentation.**

- 5. The Chair then invited questions from the interested parties to Mr Frame. Mrs Felicity Fenton of J.P. Fenton & Son Ltd. was invited to question Mr Frame.**

- 5.1 Mrs Fenton challenged the population figure Mr Frame had presented for his proposed neighbourhood stating that it was too high. Mr Frame replied that the figure of 5566 was taken from the Scottish National Statistics (SNS), therefore he could not comment any further on this point.

- 5.2 Mrs Fenton then referred to Mr Frame's argument that access to her pharmacy at Greenhills was awkward for residents at Lindsayfield to access and asked Mr Frame what the estimated distance was when emerging from Morrisons supermarket to the roundabout at Greenhills. Mr Frame replied 0.4 of a mile but argued that there was no suitable crossing. Mrs Fenton disagreed.

- 5.3 Mrs Fenton concluded her questioning by asking Mr Frame if Morrisons hoped to use their proposed pharmacy as a marketing tool to promote food products. Mr Frame replied the pharmacy would be in place to provide pharmaceutical services but as it would be based in the retail store then it would also be used to promote healthy lifestyles.

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

- 5.6 Mr Shearer asked Mr Frame if residents of Greenhills took ill late in the evening and required pharmaceutical services, would he find the walk acceptable from Greenhills to



Morrisons. Mr Frame replied that it would not obviously be ideal to walk especially if ill but it may be the only option for some.

- 5.7 Mr Shearer then referred to Mr Frame's argument about a transient population to Morrisons and asked Mr Frame what were the main trunk routes in the area. Mr Frame replied the A725 and A77. Mr Shearer then asked if these were the main routes used, would Mr Frame agree that a driver would be passing at least one late night pharmacy and not Morrisons. Mr Frame agreed.
- 5.8 Mr Shearer's asked Mr Frame what someone at Lindsayfield would do for out of hours services. Mr Frame replied they could possibly go to Lloyds or Morrisons at Stewartfield.
- 5.9 **Having ascertained that Mr Shearer had no further questions, the Chair then invited questions from Ms Susan Turnbull, Apple Healthcare Group to Mr Frame.**
- 5.10 Ms Turnbull began by asking Mr Frame if he had any hard evidence that there was inadequate pharmaceutical services within the neighbourhood, namely had there been any complaints about the current service provision to the Health Board. Mr Frame replied that he had contacted the Board but had not received any information as yet.
- 5.11 Ms Turnbull replied that she had contacted the Patient Affairs Manager for NHS Lanarkshire earlier in the week who confirmed that there had been no complaints made by the public regarding inadequacies in the provision of pharmaceutical services in East Kilbride in the last six months.
- 5.12 Ms Turnbull then referred to Mr Frame's assertion that there was no direct bus service from the neighbourhood as he defined it to the other pharmacies. Ms Turnbull advised that the First Bus number 21 went to Murrayhill Road and stopped outside Lloyds Pharmacy; a journey time of approximately 10 minutes. Mr Frame stated that he did not know of this route. Ms Turnbull then advised that the number 18 bus stopped outside Apple Healthcare Pharmacy.
- 5.13 Ms Turnbull finally asked Mr Frame if Morrisons would offer a delivery service. Mr Frame replied that they currently offered one from their Stewartfield branch and if it was deemed necessary from Lindsayfield they would implement one.
- 5.14 **Having ascertained that Ms Turnbull had no further questions, the Chair then invited questions from Mr Mark Malone, Lloyds Pharmacy Ltd to Mr Frame.**
- 5.15 Mr Malone had no questions for Mr Frame.
- 5.16 **The Chair then invited questions from Members of the Committee in turn to Mr Frame.**
- 5.17 Ms Williams referred to Mr Frame's comment that the proposed plan of the pharmacy may not be how it would be finally implemented, if approved, and asked Mr Frame for clarification on what he meant. Mr Frame replied that it may be a different style of layout such as a galley style, similar to a Boots Pharmacy layout. He informed that they were currently looking at various options.

- 5.18 Ms Williams then asked for clarification of exactly where in the store the proposed pharmacy would be located. Mr Frame replied that on entering the store turn immediately left where the security point jutted out and walk along there to where the café was situated. He further confirmed there would also be a separate entrance directly to the pharmacy.
- 5.19 Ms Williams noted that Mr Frame had mentioned the Wilson Review. She highlighted that another important factor mentioned in this Review was the importance of continuity of care and ensuring the public knew their pharmacists and asked Mr Frame how Morrisons would ensure this was met particularly considering the large amount of customer visits they currently had to their store. Mr Frame replied that in all of their branches they employed two pharmacists as a minimum. With regard to having named pharmacists he argued it depended on how one interpreted the Review. It would be similar to having a named GP, although a member of the public may not always see that same GP but Morrisons would certainly be able to have the names of the pharmacists on display if that was required.
- 5.20 Ms Williams asked how Morrisons managed their staffing levels. Mr Frame replied that they use staff planning tools, such as “intelligent labour planning” which worked out the suitable number of staff required. He advised that he had not used it to work out the staffing requirements for the proposed pharmacy but that there would always be the possibility of increasing the number of staff required.
- 5.21 Ms Williams concluded her questioning of Mr Frame by enquiring if any work had been done on the amount of business that Lindsayfield, if approved, would obtain from prescriptions. Mr Frame replied no work had been done.
- 5.22 Mr Sinclair first asked what the catchment area for the supermarket was. Mr Frame replied they had a core population of about a mile and a half but like any retail business they also had a transient population.
- 5.23 Mr Sinclair then noted that in Mr Frame’s evidence he had referred to a drop in demand at Greenhills shopping precinct and asked if he had any quantifiable evidence to support this claim. Mr Frame replied that he did not have any quantifiable evidence just the fact that more and more houses had been built and the population had doubled but the units open in the shopping centre had declined which, in his opinion, spoke volumes.
- 5.24 Mr Sinclair asked Mr Frame to re-state the percentage of current developments taking place in the area. Mr Frame replied Cala Homes - 69; Taylor Wimpey - 60 up to 90; Persimmon Homes – 62, and Barrett – 98. He advised that he had also been speaking to Cala Homes and that they had informed him that more sites were being made available for development.
- 5.25 Mr Mackenzie asked if the proposed pharmacy opening times of 8.30am to 8.45pm would be reviewed if demand was not as high as envisaged. Mr Frame replied this would remain the same as this was the same as their core business.
- 5.26 Mr Daniels asked if the pharmacy was approved how long would it be before it was ready to open. Mr Frame replied generally it would be open in about six months.

- 5.27 Mr Daniels asked if the pharmacy proposed to offer a methadone service. Mr Frame replied that he understood this service to be considered a bit controversial but they currently ran this service successfully in other branches and if the demand was there he did not see why they would not offer it at this pharmacy.
- 5.28 Mrs Caraher had no questions for Mr Frame.
- 5.29 The Chair asked Mr Frame if he had any evidence on how many customers used Morrisons by car or on foot. Mr Frame replied no.
- 5.30 The Chair then asked Mr Frame if he knew how many people came from the neighbourhood to use the store. Mr Frame replied that the catchment area was usually about a mile and a half and within that neighbourhood there were 31,000 transactions. He explained that figure related to till transactions not individual people as some people could visit the store two or three times in a week.
- 5.31 The Chair asked Mr Frame if Morrisons had done any work on what the impact of opening a pharmacy would be on other local pharmaceutical businesses. Mr Frame replied no as this was not part of the legal test but asserted that it was seen as a benefit to the local businesses in general.
- 6. The Chair asked if anyone had any further questions for Mr Frame. Having ascertained that there were no further questions, the Chair then invited Mrs Felicity Fenton to make representation on behalf of J.P. Fenton & Son Ltd.**

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

- 6.1 Good morning Panel, I am Felicity Fenton from Greenhills Pharmacy. I'd like to start by telling you a bit about the pharmacy and the services we provide there.
- 6.2 We're situated at Greenhills Square next to the other neighbourhood facilities, GP surgery, dental practice, library and the community centre.
- 6.3 The shop itself is in an arcade which has fully DDA compliant doors as does our pharmacy, allowing easy wheelchair access that has been recently installed.
- 6.4 There were plans to redevelop the site although these are not ongoing at the moment due to the economic climate. This uncertainty has prevented us from moving forward with refurbishment and possibly increasing the size of the pharmacy but when we can be sure this will not be a wasted exercise, not least financially we hope to improve facilities even further.
- 6.5 At the moment we provide all core services- minor ailments, smoking cessation, healthy start vitamins, stoma services, c card services, urgent supply, disposal of unwanted medicines, supervised consumption of methadone/suboxone/antabuse. We are also achieving targets with our chronic medication service; we have recently signed for the anaphylaxis campaign and are anticipating the new gluten free service.
- 6.6 We also provide dossette trays after assessment for those who are having problems managing their medication. For provision of these services within the pharmacy we have a private consultation area which also has full wheelchair access.

- 6.7 For those unable to call in personally we offer a free collection and delivery service which covers the whole of East Kilbride and all its surgeries.
- 6.8 Patients can order their repeats either directly through us or we also have a website which offers a repeat prescription ordering facility. Another benefit of this is that patients receive e-mails updating them on the status of their order, whether its ready for collection or delivery, ensuring multiple visits to the pharmacy are not an issue. There are also "prompts" sent via email when items require re ordering, allowing better compliance and reducing the need for urgent supplies.
- 6.9 To consider the Legal Test with regard to the application,
- 6.10 Firstly the neighbourhood:
- 6.11 The neighbourhood I have defined to all intents and purposes fits the bill of East Kilbride South. I had discussion with local councillor Jim Docherty and he agreed that the areas of Greenhills, Whitehills and Lindsayfield formed his ward, East Kilbride South .He also confirmed that these areas were serviced by neighbourhood facilities at Greenhills and that there were no plans for reconfiguration within the next ten years. I do have maps which highlight the area which I'm referring to.
- 6.12 [The Committee and other parties all referred to the map enclosed in the documentation previously circulated at this point.]
- 6.13 So the neighbourhood to the North would be Westwoodhill, at Lickprivick Road running East via Murray Road to the junction at Whitehills Terrace, we would travel south to Stroud Road , then east along to Singer Road to the junction at Greenhills Road. From here we travel West to Shields Road, then South down to Jackton Road, west along here to Newlands Road and North through greenbelt back to Westwood Hill. I've excluded the East side of East Kilbride South mainly because it's made up of industrial units.
- 6.14 So what are the existing services in the neighbourhood?
- 6.15 As is clear from the map there are two pharmacies in this neighbourhood, firstly ourselves at Greenhills which, according to Google maps is only 0.7 miles away from Morrisons and also Apple pharmacy, both of which provide a full range of services and are easily accessible. These are further supplemented by pharmacies in adjacent neighbourhoods, both at Westwood Square and Lloyds pharmacy which provides extended opening hours and a Sunday service for those resident in East Kilbride South.
- 6.16 It can be agreed that Lindsayfield has a population with high car ownership, who use their cars to access their daily needs, including their GP and pharmaceutical services, it would be unlikely for those in all but a few surrounding streets to visit Morrisons without their car.
- 6.17 There's car parking to the front and rear at the Greenhills shops, around 180 spaces with some designated to disabled drivers. I believe there are 13 disabled parking spaces; 21 are offered at Morrisons.

- 6.18 However for those wishing to access these services on foot, there are a variety of safe options. Firstly they can cross Greenhills and Lickprivick Roads using pelican crossings, both of which are manned at busier times of day. If they don't wish to cross at ground level, there are also underpasses and two overground footbridges at Crosshouse Road and Greenhills Road.
- 6.19 It's quite unusual for crossings to be provided at three levels but means that no one has any difficulties accessing the services.
- 6.20 There is also a bus service, the 395 which connects Lindsayfield with Greenhills and the town centre. This service replaced the number 21 which was actually cancelled due to lack of use - again proving that people who live within such a development are mobile and access their daily needs by car.
- 6.21 For the elderly the "MyBus" service operates daily and both drops and picks up at Greenhills Square.
- 6.23 So, are these services adequate or not?
- 6.24 When considering adequacy the best indication of whether services can be described as this is to ask the people that use them, so this is what we did in the form of a survey which I believe you all have. [The Chair asked all to confirm that they were in receipt of the survey. With the exception of Mr Frame all confirmed that they were. The Chair arranged for Mr Frame to be provided with a further copy.]
- 6.25 It was our intention to run this for around two weeks but to allow it to be distributed on time for today we had to curtail it a bit sooner than planned. We gathered about 70 responses from a variety of sources, some in the pharmacy/some online and some who were in receipt of a delivery. When considering the number of people using our service in the time period this amounted to around a 10% sample. I believe this gives it a bit more credibility than the 30 or so people who voiced any opinion at all when asked to do so in Morrisons consultation period.
- 6.26 From the results we compiled a report which shows that with regard to general satisfaction and adequacy over 85% of responses were favourable. The same applied when we asked the question of accessibility.
- 6.27 We had many supportive comments and those which were less so we will use to positive ends to improve our service. For internal purposes we also audited waiting times and balances issued. Balances were around the 1% mark which considering current supply issues seem quite acceptable. Waiting times averaged out at around 6 minutes and although I'm unsure of any National average I thought this was quite reasonable.
- 6.28 It's clear to see from these results that existing services meet the needs of the population within the neighbourhood; this was previously agreed unanimously by a PPC and since little has changed it would be unusual for the services now to be deemed inadequate. There is a small expected growth in population but with only 700 more patients registered in the last five years at Greenhills surgery it's clear to see that many residents of Lindsayfield have relocated from other areas of East Kilbride and

still access services there. They are using existing pharmacies within the network, they're registered for minor ailments there and if appropriate are using the chronic service and have care plans already in place and active.

- 6.29 The growth since Lindsayfield has been established has already been absorbed and any further growth would be negligible in the grand scheme. Our prescription numbers have grown less than the Scottish average in recent years, proving the population changes have put no strain on our service.
- 6.30 The poor response to the public consultation by Morrisons also demonstrated that there is all round public satisfaction thus proving that it is not necessary to grant this application to secure adequate services, they are satisfied with those already in place.
- 6.31 It is undesirable to grant an application in a perceived neighbourhood which is already adequately served and which is barely larger than that which would support an Essential Small Pharmacy. This would only have a destabilising effect on existing services and further drain the already stretched global sum.
- 6.32 The applicant has not demonstrated they will provide any NHS services not currently undertaken by ourselves and other pharmacies in the neighbourhood, private services being irrelevant when considering an application for an NHS contract. They have failed to provide any evidence of inadequacy as there is none.
- 6.33 It is for all these reasons that I deem the application to be neither necessary nor desirable and I ask respectfully that it may not be granted.

Thank you.

**Mrs Fenton concluded her presentation.**

- 6.34 Mr Frame announced that he did not have a copy of the survey that Mrs Fenton referred to in her statement. The Chair arranged for Mr Frame to be given a further copy of the survey which had been distributed to all parties in advance of the hearing. The Chair also gave Mr Frame time to read the content of the survey by departing from the order within the guidance notes to allow questioning of Mrs Fenton by the other interested parties and members of the Committees. Mr Frame replied that that he appreciated the Chair's actions and consented to this change in procedure.
- 6.35 **Following Mrs Fenton's representation and to allow Mr Frame time to review the survey the Chair invited Mr Shearer, L. Rowland & Co. (Retail) Ltd. to ask questions of Mrs Fenton.**
- 6.36 Mr Shearer had no questions for Mrs Fenton.
- 6.37 **The Chair then invited Ms Turnbull, Apple Healthcare Group, to question Mrs Fenton.**
- 6.38 Ms Turnbull referred to Mr Frame's comment in his statement that 50% of the units in Greenhills Shopping Centre were closed and asked Mrs Fenton had she noticed a drop in her business. Mrs Fenton replied that she had not noticed a decline her business.

- 6.39 **Having ascertained that Ms Turnbull had no further questions, the Chair then invited questions from Mr Malone, Lloyds Pharmacy Ltd, to Mrs Fenton.**
- 6.40 Mr Malone had no questions for Mrs Fenton.
- 6.41 **The Chair then invited questions from Members of the Committee in turn to Mrs Fenton.**
- 6.42 Ms Williams referred to the neighbourhood as defined by Mrs Fenton and asked Mrs Fenton if this included Greenhills, Lindsayfield and Newlandsmuir. Mrs Fenton replied yes. Ms Williams then asked Mrs Fenton if people in Greenhills and Newlandsmuir would consider themselves to be neighbours of Lindsayfield. Mrs Fenton replied yes.
- 6.43 Mr Sinclair asked Mrs Fenton how people gained access to the survey Fentons had conducted. Mrs Fenton replied that it had been offered in the pharmacy, online on the website and to some of those who used the delivery service in that time frame. Mr Sinclair asked if it would be fair to state that the majority of people who completed the survey were already customers of the pharmacy. Mrs Fenton replied yes.
- 6.44 Mr Sinclair then referred to Mr Frame's comment on the decline of occupancy of units in the shopping centre and asked Mrs Fenton if she had any idea what had led to this. Mrs Fenton replied that she assumed it was down to the current economic climate which had hit small businesses very hard.
- 6.45 Mr Sinclair finally asked Mrs Fenton if she could estimate the percentage of her customers that used Morrisons for their shopping. Mrs Fenton replied about 90%.
- 6.46 Mr Mackenzie commented that when he had visited the Greenhills Pharmacy it was indeed very busy. He then asked Mrs Fenton what their general waiting time was and when were the busy periods. Mrs Fenton replied that the general waiting time was six minutes. The busy periods tended to be first thing in the morning and school pick up time.
- 6.47 Mr Daniels asked how much custom came directly from the General Practice (GP) surgery. Mrs Fenton could not put an exact figure on this but stated that they did have a lot of "waiters" – people who waited for prescriptions. This was in addition to repeat prescriptions.
- 6.48 Mrs Caracher stated that she had also visited the pharmacy and asked Mrs Fenton what she thought she could do to improve their service. Mrs Fenton replied that ideally she would like to move to a larger unit and had enquired with the landlord the possibility of extending into the unit next door to the pharmacy. She advised though that some time ago it had been mooted that there were plans to knock down the whole shopping centre to build a new one but these had been shelved. Mrs Fenton further stated that the move to a larger unit would be a huge upheaval for her business but it was certainly something that she wished to do.
- 6.49 Mrs Caracher asked how long Greenhills Pharmacy had been in that area. Mrs Fenton replied since 1974 and she had personally been there for 25 years.

- 6.50 Mrs Caracher asked if people from Greenhills considered Lindsayfield as neighbours. Mrs Fenton replied yes.
- 6.51 **The Chair asked Mr Frame if he had sufficient time to consider the survey conducted by Fentons. Mr Frame replied yes. The Chair then invited questions from Mr Frame to Mrs Fenton.**
- 6.52 Mr Frame asked Mrs Fenton to describe the neighbourhood as she defined it. Mrs Fenton pointed to her own map of the East Kilbride South area and described the neighbourhood as starting from the North run along Westwoodhill, at Lickprivick Road to running East via Murray Road to the junction at Whitehills Terrace then travel South to Stroud Road, then east along to Singer Road to the junction at Greenhill Road, then travel West to Shields Road, then South to Jackton Road and west along to Newlands Road and then North again through the greenbelt back to Westwood Hill. Mr Frame asked for clarification on what Mrs Fenton considered the physical or natural barriers were within this neighbourhood. Mrs Fenton stated that her definition of the neighbourhood was based on a Council Ward.
- 6.53 Mr Frame asked if any of these roads were particularly hard to cross. Mrs Fenton replied some were very busy roads. She explained that she had not included part of Westwoods Road as it was mainly an industrial estate.
- 6.54 Mr Frame expressed his confusion as Mrs Fenton had stated in her presentation that they offered a free collection and delivery service covering the whole of East Kilbride. Mrs Fenton replied that anyone could access this service if they had difficulty in accessing services and wanted to use the Greenhills Pharmacy.
- 6.55 Mr Frame re-iterated that he was struggling to understand the neighbourhood as Mrs Fenton defined it as it was based on a Council Ward.
- 6.56 He then reported that in comparison to Greenhills shopping centre all the other shopping centres in the area were fully occupied. He asked Mrs Fenton if Greenhills had any large housing estates close to them. Mrs Fenton replied West Murray at Westwood Square and Calderwoods, but she did not know exactly.
- 6.57 Mr Frame asked Mrs Fenton if she knew how long Morrisons at Lindsayfield had been open. Mrs Fenton replied no. Mr Frame informed her that it had been open for well over 10 years.
- 6.58 Mr Frame asked Mrs Fenton to confirm the opening hours of Greenhills Pharmacy. Mrs Fenton replied Monday to Friday from 9.00am to 6.00pm and on Saturday from 9.00am to 5.00pm. Mr Frame replied he could not see it displayed at their store.
- 6.59 Mr Frame then asked why there was only a paper sign to notify customers of the disabled access. Mrs Fenton replied because it had just been recently installed.
- 6.60 Mr Frame asked how many people Mrs Fenton thought accessed the Greenhills Pharmacy from Lindsayfield. Mrs Fenton replied maybe a third of the people. Mr Frame asked where she thought the rest of the population came from. Mrs Fenton replied Greenhills or Whitehills.



- 6.61 Mr Frame asked for confirmation on the waiting time in the pharmacy. Mrs Fenton replied that six minutes was the average waiting time.
- 6.62 Mr Frame asked for confirmation on the number 21 bus route. Mrs Fenton understood that this bus from Lindsayfield was no longer running.
- 6.63 Mr Frame noted that Mrs Fenton had stated that Greenhills prescription numbers had grown less than the Scottish average in recent years but Mr Frame asked how that could be when evidence had shown the population had doubled since 2009. Mrs Fenton disagreed.
- 6.64 Mr Frame then referred to the survey presented by Fentons which was entitled an "Adequacy Survey" and asked how the pharmacy explained the term adequacy to customers. Mrs Fenton replied that they did not go through each question with the customer. Mr Frame argued that the survey could be viewed as biased given that there was no definition of "adequacy" and it was primarily current customers that it was available to, whereas Morrisons conducted a public consultation. Mrs Fenton disagreed re-iterating that the survey was also available on the website.
- 6.65 Mr Frame then asked how many people Mrs Fenton consulted with regarding disabled access to the pharmacy. Mrs Fenton replied that this was a long process as firstly they had to consult with the landlord of the shopping centre as she explained there was no suitable disabled access to the centre therefore it would have been redundant to put in place disabled access to the pharmacy when disabled people could not gain access to the shopping centre itself.
- 6.66 Mr Frame then asked Mrs Fenton if she thought the facilities at Greenhills were adequate. Mrs Fenton replied yes. Mr Frame then asked why then was Mrs Fenton considering refurbishment and extension. Mrs Fenton replied that like anyone they were always looking to improve; in her opinion there was not a degree of adequacy.
- 6.67 Mr Frame noted that Mrs Fenton had mentioned that she did not want a refurbishment to be a wasted exercise and asked her what she meant by that. Mrs Fenton explained that it would have been a wasted exercise if in six months time the landlord decided to demolish the shopping centre. As she had explained earlier this had been a possibility.
- 6.68 **Having ascertained that Mr Frame had no further questions, the Chair then questioned Mrs Fenton.**
- 6.69 The Chair noted that Mrs Fenton had drawn boundary lines around a much larger neighbourhood than the applicant and asked Mrs Fenton what other features were present in this area to suggest it be recognised as a neighbourhood. Mrs Fenton replied that from discussion with the Councillor of that Ward it was clear it contained all the necessary services that define a neighbourhood and the Councillor confirmed that was the way Greenhills was designed.
- 6.70 The Chair then asked Mrs Fenton if there were any obvious patterns of travel within this area. Mrs Fenton replied that Greenhills Road was the main trunk road. She

stated that Lindsayfield did not have any schools or GP surgeries; it was just a housing development..

- 6.71 The Chair noted that Mr Frame explained the different types of houses in his statement and asked Mrs Fenton what type of housing was in Greenhills. Mrs Fenton replied that there was a bit of a mix of housing some local authority and some ex-local authority. She understood that some of the new developments had to be sold off to local authority for housing as the company had difficulty in selling them.
- 6.72 The Chair asked if Mrs Fenton had any knowledge as to where her customers came from. Mrs Fenton replied that yes from prescriptions as they contained addresses. The Chair further asked if she had any customers from the neighbourhood defined by Mr Frame. Mrs Fenton again replied yes, particularly from a sheltered housing complex. She confirmed that given the spread the bulk of customers came from Greenhills and Whitehills but this was not to do with any access issues as suggested by Mr Frame.
- 6.73 The Chair asked if Mrs Fenton had any knowledge as to the percentage of her customers came by foot or by car. Mrs Fenton could not give any figures but suggested that it was probably a mix.
- 6.74 The Chair then asked Mrs Fenton what hours the GP surgery was open. Mrs Fenton replied it was open Monday to Friday from 9am to 6pm but not open on a Saturday. The Chair asked what percentage of prescriptions came to her business from the health surgery. Mrs Fenton replied about 80%.
- 6.75 The Chair enquired if Mrs Fenton had made any assessment of the impact on her business should Morrisons open a pharmacy. Mrs Fenton replied that she had not done anything formally but imagined it would be similar to the over the counter sales which experienced a huge downfall. The Chair then asked how this would impact on the viability of her business. Mrs Fenton replied if the number of prescriptions were to do go down then they would have to lay off staff. She also stated that a number of the other businesses within the shopping centre relied on the pharmacy footfall but appreciated that was not relevant to the Committee's deliberations.
- 6.76 The Chair noted that the pharmacy was a very busy business and asked how they would be able to cope with any growth. Mrs Fenton re-stated that she had heard there had been plans to redevelop the whole shopping mall but these had been shelved. As she stated earlier she had spoken with the Landlord about taking over the unit next door to expand but in the current climate everything was in limbo.
- 6.77 The Chair noted that there was the potential for expansion but understood Mrs Fenton's reason for not going forward but asked if the additional demand had been handled adequately by the pharmacy. Mrs Fenton replied that any additional demand had been absorbed without issue so far and she did not foresee any problems as she had explained their prescriptions rate was growing below the Scottish average.
- 6.78 **As Mr Frame had required additional time to review the survey the Chair then asked him if he had any further questions for Mrs Fenton.**

- 6.79 Mr Frame stated again that he could not grasp the size of the neighbourhood that Mrs Fenton had proposed. He noted that it encompassed Lickprivick Road and asked Mrs Fenton if she would not consider this to possibly be a barrier, particularly coming from the Westwood area as it was quite a steep road for people to walk up especially if they came from Christchurch Place. Mrs Fenton disagreed and stated that Lickprivick Road was not any busier than Greenhills Road. Mr Frame argued that Lickprivick Road was a physical barrier but Mrs Fenton argued that there was an adequate crossing point; an underpass.
- 6.80 Mr Frame then asked for clarification on the amount of prescription business that Mrs Fenton had stated, in that he considered 80% to be rather high. Mrs Fenton replied that this was an estimate. Mr Frame went on to state that pharmaceutical services were more than just supplying prescriptions. Mrs Fenton agreed but had framed the answer in relation to the question put to her.
- 6.81 Mr Frame then asked why Mrs Fenton had not moved to bigger premises if her rate of prescriptions were growing. Mrs Fenton re-iterated that she was not sure what was happening with the shopping mall.
- 6.82 Mr Frame then asked if the figure of 80% of prescriptions coming from Greenhills was accurate. Mrs Fenton replied it was a rough estimate. Mr Frame then asked why she would consider including Newlandsmuir. Mrs Fenton replied she would not.
- 6.83 Mr Frame concluded his questioning by asking Mrs Fenton whether she considered if people from Lindsayfield would, on arriving home late at night, would want to walk or drive to Greenhills or other pharmacies further afield, if they were particularly unwell. Mrs Fenton could not answer the question. Mr Frame proposed that people would not wish to go far.
7. **The Chair asked if anyone had any further questions for Mrs Fenton. Having ascertained that there were no further questions, the Chair then invited Mr Alasdair Shearer to make representation on behalf of L. Rowland & Co (Retail) Ltd.**

Mr Shearer thanked the committee and read the following pre-prepared statement:

- 7.1 Firstly, I'd like to come to the issue of neighbourhood. Today I would be happy to accept the neighbourhood given by the applicant, which really covers the area referred to locally as Lindsayfield. That is:
- To the North - Greenhills Road  
To the East - Auldhouse Road  
To the West- Newlands Road  
To the South - the open land
- 7.2 I do believe this is a distinct neighbourhood within the town of East Kilbride. Greenhills Road forms a natural boundary. However within this neighbourhood, I don't believe there would be everything required for all the residents to carry out the fabric of their daily lives, despite the multiple services already provided in Morrison's supermarket.

- 7.3 As a result, we can presume that the residents within these boundaries will freely move out and around the rest of East Kilbride town.
- 7.4 It can be seen that there is no pharmacy within the boundaries defined. But does there need to be? Greenhills pharmacy sits right on the edge of the neighbourhood, and could be seen to easily serve the population of Lindsayfield.
- 7.5 In East Kilbride, GP registration 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.
- 7.6 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 anyone of the 11 other pharmacies around the town to get their script. All pharmacies are operating collection services from the GPs, and providing a delivery service to those that need it.
- 7.7 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. Residents will head out of the neighbourhood, perhaps into the town centre to use amenities there, or indeed to work in places further afield.
- 7.8 Just driving around the new housing developments, you can see it is a relevant affluent area with many young families. I would describe the housing as large, low density housing, with multiple car ownership. These people will be used to travelling out with the neighbourhood to access other services, shopping and work.
- 7.9 I am not saying that these residents don't need pharmacy services, nor that we should expect that they should make great efforts to get to a pharmacy, merely that I think it is fair to say that these residents would not struggle to reach one of the existing contractors.
- 7.10 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.
- 7.11 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 having two extended hours pharmacies provide an adequate service to the whole population of the town.
- 7.12 I believe existing contracts are easily accessed by foot, public transport or car. Much was made of disabled access in existing pharmacies at previous hearings. In an ideal world, every pharmacy would have automatic doors. I believe current pharmacies are DDA compliant, and that should not serve as the main crux of an argument regarding access adequacy.

- 7.13 Morrison's draws over 30.000 visitors to the Lindsayfield shop each week. Lets not kid ourselves, most of the shop's customers are coming from out with the defined neighbourhood from a neighbourhood where pharmacy services are adequate. Certainly, the public response would have been a lot more if there was a gap in service provision.
- 7.14 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.
- 7.15 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 individual pharmacist's efforts.
- 7.16 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 we completed a large extension of our St Leonards Pharmacy helping facilitate the delivery of all our professional services. We also constantly review the needs of our patients, and can change opening hours of our pharmacies to match what is required by patients and GPs. This should surely be a sign that existing contractors continue to invest in and improve existing services?
- 7.17 Ask anyone if they wish a pharmacy on their doorstep, of course they will say yes. However; I don't believe there is truly any indication of an inadequacy in the current contracted service provision
- 7.18 Do the people who live in Lindsayfield currently have any difficulty whatsoever in accessing that all important face to face contact with a pharmacist? I would suggest that the answer is no.
- 7.19 I believe that this application is neither necessary nor desirable and as such ask that it be refused.

Thank you

**Mr Shearer concluded his presentation.**

- 7.20 **The Chair then invited questions from the interested parties to Mr Shearer. Mr Fraser Frame of Wm Morrison Supermarkets Plc Ltd. was invited to question Mr Shearer.**
- 7.21 Mr Frame asked Mr Shearer where customers parked to visit the Hunter Street branch. Mr Shearer replied that there was parking behind the building. Mr Frame asked if that was the only parking available. Mr Shearer replied no there were numerous areas around the locale to park. Mr Frame noted that customers would have to pay for parking. Mr Shearer replied that yes this was unfortunate but it was very common in many town centres. Mr Frame asked if Rowlands refunded customers if they paid for parking. Mr Shearer replied no.

- 7.22 Mr Frame referred to the comment made by Mr Shearer in his statement that DDA compliance should not serve as the main crux of an argument regarding access and adequacy but he noted that the St Leonards Square branch had recently been refurbished but automatic doors had not been installed and asked Mr Shearer why this was the case. Mr Shearer replied that there was a door bell for people to ring should they need help in entering the shop which would signal staff. Mr Frame stated he did not see a door bell. Mr Frame then posited that in this day and age this was not acceptable, and in his opinion, considering a lot of money had been spent on refurbishment why not also include an automatic door to comply with the DDA regulations. Mr Shearer replied that it was not mandatory in the regulations to install an automatic door and by having a door bell to alert staff complied with the DDA. Mr Shearer re-iterated that granting a pharmacy should certainly not be based on having an automatic door.
- 7.23 Mr Frame asked about the situation at the Hunter Street branch. Mr Shearer informed him that it was the same as St Leonards where there was the same ability to signal staff. Mr Frame argued that staff might be too busy to immediately respond and people might be left out in the rain. Mr Shearer replied that Hunter Street was not a particularly busy branch and staff were very customer focused and would attend to someone waiting at the door very quickly.
- 7.24 Mr Frame asked Mr Shearer how they knew their services were adequate. Mr Shearer informed him that every year they conducted an in-house survey with their customers which provided a good indication. He further stated the issue of wheelchair access had never been raised by anyone.
- 7.25 Mr Frame asked Mr Shearer if he would agree that if people were unhappy with the service that they would tend to complain to friends and family and not through a survey. Mr Shearer agreed but also stated that unhappy people would also complain with their feet but they had not noticed a drop in custom.
- 7.26 Mr Frame asked how much custom Rowlands got from the residents of Lindsayfield. Mr Shearer replied that it was not a particularly large percentage probably 5 to 10% roughly, certainly no more than that. Mr Frame then asked why then anyone would travel that distance from Lindsayfield to access pharmaceutical services. Mr Shearer replied that they may be used to attending the Alison Lea Medical Centre and perhaps were content with the services available in that area.
- 7.27 Having ascertained that Mr Frame had no further questions, the Chair then invited questions from Mrs Fenton to Mr Shearer.**
- 7.28 Mrs Fenton had no questions for Mr Shearer.
- 7.29 The Chair then invited questions from Ms Turnbull to Mr Shearer.**
- 7.30 Ms Turnbull had no questions for Mr Shearer.
- 7.31 The Chair then invited questions from Mr Malone to Mr Shearer.**
- 7.32 Mr Malone had no questions for Mr Shearer.

**7.33 The Chair then invited questions from Members of the Committee in turn to Mr Shearer.**

7.34 The Members of the Committee confirmed that they had no further questions.

7.35 The Chair noted that from looking at the maps, which he appreciated could be deceptive he noted that Rowlands' branches were a reasonable distance away from Morrisons and asked Mr Shearer what impact there would be on his business should Morrisons open a pharmacy. Mr Shearer replied that in reality it would not be a large impact and confirmed it would not affect the viability of his business.

**8. The Chair asked if anyone had any further questions for Mr Shearer. Having ascertained that there were no further questions, the Chair then invited Ms Susan Turnbull to make representation on behalf of the Apple Healthcare Group.**

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

8.1 Ms Turnbull began by noting that this application had been heard before. The Chair intervened and reminded all present that this application was being considered afresh and that the previous decision would not be taken into consideration.

8.2 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 six years however, there has been a community pharmacy there for approximately 50 years. I have been the pharmacy manager for over eight years and have been supported by Danielle McTaggart, our full time pharmacist, for the last six 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.

8.3 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.

8.4 As we have two full time pharmacists, a pre-registration pharmacist and also an ACT working in the shop and we do not close for lunch, there are not often times during the day in which our customers have to wait to access these services. Our waiting times for dispensing of prescriptions are also kept to a minimum. It also allows home visits to take place when necessary.

8.5 Danielle McTaggart has been qualified as an independent prescriber for two years 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 in the near future.

8.6 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.

- 8.7 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.
- 8.8 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 and disabled access from the car park to the pharmacy and other shops. Disabled and elderly customer can also reach the Murray square using the Mybus service.
- 8.9 Pharmaceutical services in East Kilbride are currently provided by eleven community pharmacies.
- 8.10 Morrisons Supermarket at Stewartfield and Lloyds pharmacy at Alberta Avenue both provide excellent extended hours of opening. They are easily accessible, have ample parking and dedicated disabled parking bays. Lloyds is only 2.1 miles from the Applicants location. (approx 6min drive).
- 8.11 Four pharmacies currently provide pharmaceutical services on a Sunday. Boots Plaza until 6pm, Boots Princes Square until 5pm, Morrisons at Stewartfield until 6pm and Lloyds Alberta Avenue until 8pm. Do the residents of East Kilbride really need another pharmacy to provide pharmaceutical services on a Sunday?
- 8.12 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 good and allows ease of access to all areas.
- 8.13 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? The residents of the Applicants proposed neighbourhood of Lindsayfield have to leave the area to access other commonly used services such as GP's surgeries, the Post Office and banks. The area of Lindsayfield may well be signposted, however other areas of East Kilbride are also signposted, not all of which have pharmacies eg. Mossneuk and Whitehills.
- 8.14 We also have to consider the type of housing and the type of people buying property in the Lindsayfield area. The housing is mainly owned and the people are likely to be affluent, healthy and car owners. It is unlikely that they will walk to Morrisons to purchase their shopping.
- 8.15 I consider the neighbourhood to be as follows. The boundary to the north to be the Murray Road heading west along Westwood Road, then a line south, through the green belt 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. This definition of the neighbourhood is the one which has previously been agreed by a PPC.



- 8.16 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 the majority of patients are more likely to access pharmaceutical services at the pharmacy closest to their GP practice. 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.
- 8.17 Our pharmacy has a large number 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.
- 8.18 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.
- 8.19 Information obtained from the Patient Affairs Manager for NHS Lanarkshire this week confirms that there have been no complaints 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 in the last six months.
- 8.20 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

**Ms Turnbull concluded her presentation.**

- 8.21 The Chair reminded all parties that in Ms Turnbull's presentation she made reference to the decision made by a previous PPC hearing and advised everyone that this would not be taken into consideration when the Committee made its deliberations.
- 8.22 **The Chair then invited questions from the interested parties to Ms Turnbull. Mr Fraser Frame of Wm Morrison Supermarkets Plc Ltd. was invited to question Ms Turnbull.**
- 8.23 Mr Frame asked Ms Turnbull why she had selected the roads specified in her statement. Ms Turnbull replied that Jackton Road and Shields Road were natural barriers because the green belt was below that. Murray Road was a main road therefore a physical barrier and towards the east side it was mainly an industrial estate. She acknowledged that it could also be argued to include Hairmyres towards

the east but did not include that. Mr Frame asked Ms Turnbull if she would not consider Lickprivick Road and Greenhills Roads as main roads. Ms Turnbull agreed that they were but Lindsayfield did not have any other services.

- 8.24 Mr Frame argued that throughout East Kilbride as a whole there were a number of discreet neighbourhoods that had their own pharmacy and asked Ms Turnbull if she agreed with his point. Ms Turnbull agreed.
- 8.25 Mr Frame then asked how many disabled car parking spaces were available at Murray Square. Ms Turnbull replied two. Mr Frame noted that in Ms Turnbulls' presentation she stated that Apple were forward thinking and asked how they applied that thinking to their premises when someone required wheelchair access as it was agreed that there was a step into the shop. Ms Turnbull replied that they had a portable ramp to accommodate wheelchair users; she intimated that the step height was about three inches. In addition they had a door bell which rang inside the shop along with a flashing light. Mr Frame questioned again whether this was acceptable in this day and age. Ms Turnbull replied that it was acceptable for the DDA.
- 8.26 Mr Frame asked how many prescriptions Apple Pharmacy handled from residents in Lindsayfield. Ms Turnbull replied up to approximately 20% but this was a guess.
- 8.27 Mr Frame noted that Ms Turnbull had argued that the services were adequate but that it was possible to allow people to choose pharmaceutical services outwith that area. Ms Turnbull agreed but it could lead to job losses and affect the viability of current business. Mr Frame replied that these were not part of the legal test.
- 8.28 Mr Frame referred again to his argument about how most people complained about services. Ms Turnbull agreed with Mr Shearers' response, that most people voted with their feet. She also informed Mr Frame that they had a comment box in their shop which people could post comments and suggestions and it was anonymous.
- 8.29 Mr Frame asked Ms Turnbull what she considered an acceptable waiting time for customers. Ms Turnbull replied that at busy times it could be up to 10 minutes but like Fentons their average was up to six minutes and they also had two pharmacists.
- 8.30 **Having ascertained that Mr Frame had no further questions, the Chair then invited questions from Mrs Fenton to Ms Turnbull.**
- 8.31 Mrs Fenton had no questions for Ms Turnbull.
- 8.32 **The Chair then invited questions from Mr Shearer to Ms Turnbull.**
- 8.33 Mr Shearer had no questions for Ms Turnbull.
- 8.34 **The Chair then invited questions from Mr Malone to Ms Turnbull.**
- 8.35 Mr Malone had no questions for Ms Turnbull.
- 8.36 **The Chair then invited questions from Members of the Committee in turn to Ms Turnbull.**

- 8.37 Ms Williams noted that Ms Turnbull had answered that up to 20% of prescription business came from Lindsayfield and asked Ms Turnbull, if Morrisons application to open a pharmacy was granted how would that impact on their business. Ms Turnbull responded that it would not make their business unviable but they may have to lose staff.
- 8.38 Mr Mackenzie asked Ms Turnbull how many prescriptions came from Greenhills Surgery. Ms Turnbull replied possibly 25%.
- 9.0 **The Chair asked if anyone had any further questions for Ms Turnbull. Having ascertained that there were no further questions, the Chair then invited Mr Mark Malone to make representation on behalf of the Lloyds Pharmacy Ltd.**

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

- 9.1 Thank you for the opportunity to present to you today on behalf of Lloyds pharmacy.
- 9.2 Our Lloyds pharmacy branch at Alberta Avenue in East Kilbride is open from 08.30 to 22.30 Monday - Friday and 09.00 - 20.00 on a Saturday and Sunday. Within the property we have a dedicated consultation room and we provide a prescription collection service from the GP surgeries in East Kilbride.
- 9.3 Our extended hours over 7 days per week allow convenient access to all pharmaceutical services and we have adequate parking outside the shop, which is fully DDA compliant. As mentioned we collect from a number of surgeries and have a delivery service to patients' homes.
- 9.4 It would be our opinion that through Lloyds pharmacy and the combined service provision of all the other pharmacies in the area, the local needs of the population is already being met through the provision of all the locally negotiated services. The pharmacies located within close proximity of the proposed site adequately serve the needs of the population.
- 9.5 In particular, access to the Fenton Pharmacy, which is conveniently located on the exact border of the applicants neighbourhood, is not difficult and pharmaceutical 'provision is readily available along with other local services including a health centre, Iceland Store, Library, Community Hall, opticians, post office, butchers and hairdresser, public house and so on. There is adequate parking and this unit is well placed along with the other pharmacies in the wider area to meet the needs of patients and residents. The new housing developments which form large parts of the applicants stated neighbourhood appear to form detached and executive style home types and this private housing will undoubtedly be attracting a more affluent and mobile population who will be willing to access services further afield no matter how the neighbourhood is officially defined.
- 9.6 Our view is that providing a new pharmacy contract within the Morrisons store would purely be a matter of convenience, and this view does appear to be backed up by the responses garnered from local consultation. The fact that it may be more convenient to site a pharmacy within a specific neighbourhood does not, however, point to the fact

that existing services are inadequate which is the true test of whether the grant should be made.

- 9.7 In summary, our opinion is that the application is neither necessary nor desirable to secure in the neighbourhood the adequate provision of pharmaceutical services. There are already pharmacies in the surrounding area which adequately meet the needs of the population. Lloyds pharmacy is not aware of any complaints regarding existing services and therefore deems it to be adequate. Patients have a good choice of pharmacies which are readily accessible and 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.

**Mr Malone concluded his presentation.**

- 9.8 **The Chair then invited questions from the interested parties to Mr Malone. Mr Fraser Frame of Wm Morrison Supermarkets Plc Ltd. was invited to question Mr Malone.**

- 9.9 Mr Frame pointed out that there were three parts to the legal test the first one being definition of the neighbourhood and asked Mr Malone to confirm his definition of the neighbourhood. Mr Malone replied that his understanding of the neighbourhood were in agreement with Mrs Fentons' definition. Mr Frame then asked why Mr Malone would use Westwood Hill Road as a natural boundary. Mr Malone replied he was relying on Mrs Fenton's knowledge of the local area.

- 9.10 Mr Frame then asked how would someone access Lloyds pharmacy via public transport, late at night, from Lindsayfield. Mr Malone replied that he did not know.

- 9.11 Mr Frame asked, if the services were considered adequate, why did the Area Pharmaceutical Committee unanimously support Morrisons application. Mr Malone replied he did not know.

- 9.12 Mr Frame asked Mr Turnbull what the population was in the neighbourhood as he defined it. Mr Malone guessed approximately 15,000. Mr Frame questioned the likelihood of one pharmacy serving such a large population.

- 9.13 Mr Frame then asked if Mr Malone thought that a population of 5,566 was a more realistic number. Mr Malone replied that he accepted that figure.

- 9.14 **Having ascertained that Mr Frame had no further questions, the Chair then invited questions from Mrs Fenton to Mr Malone.**

- 9.15 Mrs Fenton asked Mr Malone what percentage of business occurred after 6pm. Mr Malone could not put an exact figure on this but stated that it was well taken up and very popular at the branch.

- 9.16 **Having ascertained that Mrs Fenton had no further questions, the Chair then invited questions from Mr Shearer to Mr Malone.**

- 9.17 Mr Shearer had no further questions for Mr Malone.
- 9.18 **The Chair then invited questions from Ms Turnbull to Mr Malone.**
- 9.19 Ms Turnbull had not further questions for Mr Malone.
- 9.20 **The Chair then invited questions from Members of the Committee in turn to Mr Malone.**
- 9.21 The Members of the Committee all confirmed that they had no further questions for Mr Malone.
10. **After the Chair had confirmed that nobody present and participating in the hearing had any further comments or questions, he asked the various parties to sum up their arguments, proceeding in reverse order of their earlier presentations.**
- 10.1 **The Chair then invited Mr Malone to sum up his presentation.**
- 10.2 Mr Malone re-stated that the application by Morrisons was neither necessary nor desirable to secure pharmaceutical services in the neighbourhood as there was currently adequate service provision in the surrounding areas.
- 10.3 **The Chair then invited Ms Turnbull to sum up her presentation.**
- 10.4 Ms Turnbull re-iterated that the pharmaceutical services in the proposed neighbourhood had not been shown to be inadequate. There have been no complaints made by any member of the public concerning inadequacies in the provision of pharmaceutical services in the Lindsayfield area, or any other area in East Kilbride. As there were no inadequacies of pharmaceutical services then the application is neither necessary nor desirable and reiterated her request that the committee not grant this application.
- 10.5 **The Chair then invited Mr Shearer to sum up his presentation.**
- Mr Shearer read the following statement:
- 10.6 "While it may not be on their doorstep, I believe the residents at Lindsayfield enjoy access to a number of pharmacies in adjoining neighbourhood, and even further afield. East Kilbride has two existing extended hours opening pharmacies providing an adequate out of hours services. All pharmacies provide all core services, and many additional services too. I believe they can cope with any changes in services required in the future.
- 10.7 I don't believe Morrisons at Lindsayfield, brings anything new for residents in the area, and a pharmacy here would be nothing more than convenient.
- 10.8 As a result, I don't believe the application is necessary or desirable."
- 10.9 **The Chair then invited Mrs Fenton to sum up her presentation.**

Mrs Fenton read the following statement:

10.10 “To sum up, I firstly question the mention of supplying dietary services in Morrisons statement as this is not part of the legal test. I would like to say that the area in question, Lindsayfield, is a housing development which forms part of East Kilbride South, it is not a discreet neighbourhood. The people that live here access neighbourhood services at Greenhills.

10.11 The demographic of the area shows that there are a larger than average number of car owners, though those that are not mobile can safely access pharmacy services on foot or by public transport. Those who are disabled are also accommodated both in the pharmacy and through our free delivery service.

10.12 In short, the people of Lindsayfield enjoy easy and safe access to a full range of pharmaceutical services which we have proven to be adequate, and granting the application would be neither necessary nor desirable. Thank you.”

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

10.14 Mr Frame reiterated that the proposed pharmacy at Morrisons was necessary to secure an adequate pharmacy service within their defined neighbourhood and mentioned that other discreet neighbourhoods had access to their own pharmacies.

10.15 The SNS data provided the figure of 5566 as the current population of this neighbourhood and in addition, Mr Frame argued that there was a clear demarcation between the housing developments and stressed their neighbourhood was more than just a housing development.

10.16 He expressed his opinion that it was not acceptable that disabled customers were made to stand outside pharmacies and ring a bell to gain access and posited that this was clear discrimination as defined under Section 19 of the Discrimination Act. He highlighted that one of the clear findings from the Wilson Review was that patients described that what they wanted from their pharmacists was accessible services; he believed the current services did not offer this but it was a clear consideration of Morrisons.

10.17 He noted that the Interested Parties had mentioned that there were a high volume of car owners within the neighbourhood and stated that because people were affluent they should not be discriminated against with regard to local pharmaceutical services.

10.18 Mr Frame further highlighted the overwhelming support for a pharmacy to be located in Morrisons as was seen from the 92% that responded positively from the public consultation. He emphasised that they did not canvass customers and compared it to the survey carried out by Fentons which he maintained was biased as they did not explain “adequacy”.

10.19 Mr Frame then emphasised the desirability of granting the application by detailing the services that Morrisons would provide:

- 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 31,000 customer visits per week to promote key public health matters to improve health and wellbeing
- Provision of a modern well equipped pharmacy with easy access and parking for people with disabilities or parents with children
- Provision of a unique health “Know your numbers” service with lifestyle and dietary advice linked to the main supermarket which could have a profound effect on public health and related costs which no other existing contractor in the area could provide.

10.20 Mr Frame proposed that all of the aforementioned points highlighted that the proposed pharmacy was highly desirable and he reminded the Committee that the APC had unanimously confirmed this in their letter.

10.21 In conclusion Mr Frame respectfully requested the the Local Health Board grant this pharmacy contract application on the grounds of it being both necessary and highly desirable.

10.22 **The Chair thanked everyone for their contributions.**

## 11. Retiral of Parties

11.1 The Chair then invited each of the parties present participating in the hearing to individually and separately confirm that they had received a fair hearing and that there was nothing further that 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 who wished 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.

11.2 The Chair reminded the Applicant and Interested Parties that they may wish to remain in the building until the Committee had completed its private deliberations should the Committee require factual or legal advice, at such time they would all return to an open session.

11.3 At the Chair’s request Mr Frame, Mr McNair, Mrs Fenton, Mr Campbell, Mr Shearer, Mr Church, Ms Turnbull, Ms McTaggart, Mr Malone, Mr Lindsay and Mrs Forsyth withdrew from the meeting.

**The hearing adjourned at 12 noon.**

**The Committee re-convened at 12:30pm.**

## 12. 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 April 2012 to March 2013.
- iv. Dispensing statistics of the Pharmacies within the town of East Kilbride during the period April 2012 to March 2013.
- 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 dated 5 October 2012, 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 2 August 2012.
- xi. Pharmacy Services Adequacy Survey – Greenhills and Lindsayfield provided by Mrs Felicity Fenton of J.P Fenton & Son Ltd, Interested Party.

### 13. **Decision**

13.1 The Committee in considering the evidence submitted during the period of consultation, presented during the hearing and recalling observations from their site visits, first had to decide the question of the neighbourhood in which the premises, to which the application related, were located.

#### **Neighbourhood**

13.2 The Committee noted the neighbourhood as defined by the Applicant and the views of the Interested Parties. It took into account a number of factors in defining the neighbourhood, including those who were resident in it and the social mix of housing, that it had natural and physical boundaries, the location of general practices, general amenities such as schools, churches, shopping areas and the distance over which those who were resident in the neighbourhood had to travel by private car and also the availability of public transport, to obtain pharmaceutical services. The Committee then agreed that the neighbourhood should be defined as Greenhills Road as the Northern



boundary as this was a busy main road, running in a westward direction from the Newlandsmuir roundabout along Greenhills Road till the roundabout at Auldhouse Road, then travelling in a southern direction along Auldhouse Road joining Shields Road till the junction with Jackton Road. Then travelling along Jackton Road in an eastward direction till it joined Newlands Road then following Newlands Road in a northern direction back up to the roundabout with Greenhills Road. The West, South and East boundaries were considered natural boundaries as they were adjacent to either areas designated as Greenbelt/open land or and an Industrial Estate. The northern boundary of Greenhills Road was considered a physical boundary as it was a busy main road.

**Adequacy of existing provision of pharmaceutical services and necessity or desirability**

- 13.3 Having reached a conclusion as to neighbourhood, the Committee was then required to consider the adequacy of existing pharmaceutical services in the neighbourhood, and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood.
- 13.4 Within the neighbourhood, as defined by the Committee, it was noted that there were no existing contract Pharmacies within the neighbourhood, however it was recognised from the evidence provided that there was one Pharmacy (Fentons t/a Greenhills Pharmacy) located in close proximity (under a mile) to the proposed pharmacy location. In addition there are a number of contract pharmacies within reasonable distance of the neighbourhood; all in a range of two to four miles by road. Together these pharmacies provide a comprehensive range of pharmaceutical services to the neighbourhood fulfilling the core requirements and meeting the needs of the elderly, less mobile and those with young children. Collection and delivery is available as is opening over extended hours.
- 13.5 The Committee also had regard for the viability of these pharmacies should the application be granted. It was noted from the oral evidence that whilst all would remain viable it had been emphasised by a number of parties that granting the application could have a detrimental effect on their business and would make it difficult to maintain the adequate provision of pharmaceutical services to the neighbourhood in question. In some cases, such as Fentons, granting the application could lead to a reduction in the number of staff employed in that business.
- 13.6 The Committee noted that the resident population was likely to increase by approximately 1,000 through five new housing developments all situated either within or close proximity to the neighbourhood. The Committee accepted that existing pharmaceutical services in the neighbourhood could cater for the projected increases in population. Further, in that regard the Committee gave consideration to the issue of accessibility considering this expected increase in population. The Committee recognised that this was an area of relatively high car ownership however the Committee also considered the needs of those reliant on public transport and found that there is a reasonably frequent bus service between the neighbourhood and existing pharmaceutical services. In addition those who chose to access service by foot from the neighbourhood could do so safely and within a reasonable amount of

time to the closest pharmacy (Greenhills). The Committee had regard to the public consultation exercise carried out by Lanarkshire Health Board.

13.7 Following the withdrawal of Ms Williams, Mr Sinclair and Mr Mackenzie 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, for the reasons set out above, considered that the existing pharmaceutical service in and into the neighbourhood was adequate. In the circumstances it was the decision of the Committee that the application be refused. Subject to the right of appeal as specified in Paragraph 4.1, Regulations 2009, as amended.

13.8 **Ms Williams, Mr Sinclair and Mr Mackenzie were then requested to return to the meeting, and advised of the decision of the Committee.**

**The meeting closed at 13:25 hrs.**