

MINUTE: PPC/2014/04

Minutes of the meeting of the Pharmacy Practices Committee (PPC) held on Monday 13 October 2014 at 13:00 hours in Board Room, NHS Lanarkshire Headquarters, Fallside Road, Bothwell, G71 8BB

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 Charles Sargent
Pharmacists Nominated by the Area Pharmaceutical Committee (not included in any Pharmaceutical List)

Mrs Janet Park

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

Mrs Yvonne Williams

Secretariat Mrs Gillian Gordon, NHS National Services Scotland, SHSC

1. APPLICATION BY MR IAN NICOLSON, 25 LEVEN STREET, MOTHERWELL, ML1 2SY

There was submitted an application and supporting documents from Mr I Nicolson received 23 July 2014, for inclusion in the Pharmaceutical List of Lanarkshire NHS Board in respect of a new pharmacy at 25 Leven Street, Motherwell, ML1 2SY.

Submission of Interested Parties

The following documents were received:

- i) Letter received via email on 18 August 2014 from Lloyds Pharmacy Ltd
- ii) Letter received on 27 August 2014 from Boots UK Ltd
- iii) Email received on 1 September 2014 from Eskway Ltd
- iv) Letter received via email on 2 September 2014 from Area Pharmaceutical Committee
- v) Letter received on 2 September 2014 from Shehri Pharmacies Ltd

Correspondence from the wider consultation process undertaken by NHS Lanarkshire

None received.

2 Procedure

- 2.1** At 13:00 hours on Monday, 13 October 2014, the Pharmacy Practices Committee (“the Committee”) convened to hear the application by Mr I Nicolson (“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 Chairman welcomed all to the meeting and introductions were made. When asked by the Chairman, members confirmed that the hearing papers had been received and considered and that none had any personal interest in the application.
- 2.3** It was noted that Members of the Committee had previously undertaken site visits to the town of Motherwell 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 Chairman then advised that Mrs Gordon was independent from the Health Board and would be solely responsible for taking the minute of the meeting.
- 2.5** The Chairman asked Members to confirm an understanding of these procedures. Having ascertained that all Members understood the procedures the Chairman confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers circulated. The Chairman then invited the Applicant and Interested Parties into the hearing.

The open session convened at 1330 hours

3 Attendance of Parties

- 3.1** The Chairman welcomed all and introductions were made. The Applicant, Mr Ian Nicolson was unaccompanied. From the Interested Parties eligible to attend the hearing the following accepted the invitation: Mr Charles Tait accompanied by Ms Kathleen Cowle – Boots UK Ltd; Mr Tom Arnott accompanied by Mr Jamie McCall - Lloyds Pharmacy Ltd. The Chairman then advised that Mrs Gordon, NHS National Services Scotland SHSC would be present throughout the duration of the hearing for the purposes of providing secretariat support to

the Committee. The Chairman then advised that Mrs Gordon was independent from the Health Board and would be solely responsible for taking the minute of the meeting.

- 3.2** The Chairman advised all present that the meeting was convened to determine the application submitted by Mr Ian Nicolson in respect of premises at 25 Leven Street, Motherwell, ML1 2SY. The Chairman confirmed to all parties present 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.”

- 3.3** The Chairman advised all parties that the hearing would be conducted according to the procedure detailed within the Guidance Notes contained within the papers circulated.
- 3.4** The Chairman asked all parties for confirmation that these procedures had been understood. Having ascertained that all parties understood the procedures the Chairman confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers circulated.
- 3.5** The Chairman explained 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.
- 3.6** The Chairman asked for confirmation that all parties fully understood the procedures to be operated during the hearing as explained, had no questions or queries about those procedures and were content to proceed. All confirmed agreement. The Chairman concluded the procedural part of the hearing by reminding each party that there could only be one spokesperson. All confirmed understanding of this requirement.

4 Submission

- 4.1** The Chairman invited Mr Nicolson to speak first in support of the application and the following pre-prepared statement was read aloud:
- 4.2** “Firstly I would like to thank the committee for allowing me to present here today and for taking the time to look over my application for a new pharmacy at the proposed address.
- 4.3** My name is Ian Nicolson I am currently working as a locum community pharmacist around Glasgow. Previously I have managed independent pharmacy shops.

- 4.4** My application is for a contract to be granted to allow me to provide pharmaceutical services at 25 Leven Street, Motherwell.
- 4.5** The neighbourhood in which the premises are located is known as Knowetop and Airbles which is in South Motherwell:
- The Northern boundary is Airbles Road (B754)
- The Eastern boundary is Fir Park St travelling down to Woodlands Road.
- The Southern Boundary is open land and the River Clyde.
- The Western Boundary is the railway line to where it meets the river Clyde.
- 4.6** In this neighbourhood there are two newsagents, a barbers, 4 hairdressers, a bridal shop, a cash point, a Chinese takeaway, a football stadium, a health and beauty shop, a secondary school, a sandwich shop, a mechanics, a car garage, a petrol station, a social club and a Church of Scotland church (Motherwell South Parish Church), sheltered housing accommodation and the NHS Lanarkshire Airbles Road Centre. On the extreme edge of the neighbourhood there is Modyrvale Medical Centre (also known as Glencairn Medical Centre).
- 4.7** The local Spar is applying for a Post Office and the owner of the newly built units is looking to put a dental surgery in.
- 4.8** There are currently no pharmaceutical services within the defined neighbourhood other than a partial delivery service. The nearest pharmacies are clustered together in Motherwell town centre. With the closest pharmacy to the proposed site being approximately 1 mile away on Windmillhill Street in the town centre and not easily accessible due to busy roads.
- 4.9** The current pharmacy network for this community is set up in an out dated model, with most of the pharmacies being clustered together in the town centre. This is not in line with the Scottish Government's policy recommendation that community pharmacy lie at the heart of the community. With only a partial delivery service in the neighbourhood, this further highlights the inadequacy. Core NHS services which have been deliberately designed to improve health cannot be delivered from a van.
- 4.10** The route patients would need to take to access pharmaceutical services by foot would entail them crossing the very busy B754 which has only three crossings. The length of time this would take obviously varies depending on the person walking and where in the neighbourhood they have left from but for a reasonably fit person from the furthest away house it takes roughly 25 minutes which I feel is too long a distance for anyone to walk to access a pharmacy, with the majority of the route being uphill. To walk from the proposed site to the nearest pharmacy on Windmillhill Street takes about 15 minutes.
- 4.11** For those of poorer mobility these times would take considerably longer. The steep gradients and distance involved makes walking not an option for most. The distance and difficulty in accessing the town centre pharmacies is an indicator of inadequacy. Comments made to me by local residents echo this sentiment.
- 4.12** By bus there are only 2 services an hour that will take them to centre of the town and there are very few bus stops in the area and they only go along three of the roads- Leven St, North Lodge Avenue and Adele Street.
- 4.13** Bus services do nothing to reduce inadequacy. I believe people should be able to walk to their local pharmacy.

- 4.14** When you factor in the time it takes to walk to the bus stop, waiting for the bus to arrive (hopefully on time), congestion and travel time there and back and waiting for the prescription to be made up. A return trip could take well over an hour. I accept that there is a partial collection and delivery service but this cannot be viewed as a suitable substitute.
- 4.15** For people travelling by car to the nearest pharmacy there are also problems with high levels of traffic, congestion and the time it takes to get a parking space. With parking restrictions on the street outside and the rear Macdonald car park constantly being busy and hard to find a space and cars parked all over the pavement.
- 4.16** The population size of the neighbourhood is approximately just over 3000 with a higher than average elderly population of approximately 21.4% (obtained from the Scottish Neighbourhood Statistics website (www.sns.gov.uk)).
- 4.17** The population will increase in the near future with the building of 131 3/4/5 bedroom houses and apartments at Barons Gate. This is happening in three stages with the first 79 houses being built at the moment, the second stage will see four apartment building being built then the final stage is a further 51 3/4/5 bedroom houses. The population of the neighbourhood will potentially increase by more than 500 people. The size of this neighbourhood would easily be able to support a newly opened pharmacy.
- 4.18** The demographics of the area vary, with a small part of the neighbourhood in the top 5% most deprived neighbourhoods in Scotland according to the Scottish Index of Multiple Deprivation. Even although this is not the most deprived area in Motherwell, the residents still have pharmaceutical needs and should have a local easily accessible pharmacy.
- 4.19** During my time spent in the neighbourhood I received a very positive response. Many residents I have spoken to feel aggrieved that they don't have a local chemist especially since the pharmacy in North Motherwell was granted not so long ago.
- 4.20** I will quote from the responses of the public consultation.
- "the pharmacies in the town centre are so busy, it takes so long to get your prescription, if they can get it at all and reaching them is a problem at my age"
"We need a pharmacy, I hope you 'll be opening soon"
"It would make my life and the rest of the communities lives a lot easier if we didn't have to travel so far to get my prescription or a box of paracetamol!"
"Going up that town with 4 kids when you need the minor ailments is awful"
- 4.21** I have a layout proposal for the shop unit having consulted with an experienced pharmacy shop-fitter, and do not envisage any issues with converting it into professionally fitted out and modern premises with a consultation room, easily within 6 months. It will also be DDA compliant and fitted with a hearing induction loop system and will meet all the requirements of the Equalities Act 2010. There is also ample free car parking outside the premises.
- 4.22** The opening hours for the proposed pharmacy are:
- Monday to Friday - 8am to 7pm
Saturday - 9am to 5pm
Sunday - Closed
- With the early opening time of 8am and the late closing time of 7pm I feel will be beneficial to the area, even though there is a pharmacy which has extended opening hours.

- 4.23** The pharmacy would participate in all core aspects of the pharmacy contract including any local health board initiatives.
- 4.24** Core NHS services - Acute Medication Service, Chronic Medication Service, Minor Ailments Service and Public Health Service
- 4.25** Additional NHS services would include- advice to care homes, smoking cessation, compliance support, healthy start vitamins service, stoma service, and substance misuse services.
- 4.26** Other services we would provide in the pharmacy would be free blood pressure testing, blood -glucose testing, weight management service, an ACWY and flu vaccination service, a travel clinic and of course a free collection and delivery service.
- 4.27** In keeping with implementation of CMS as successfully as possible, we would be available to give advice and support to help tackle issues which can lead to poor health and illness such as obesity, excessive alcohol consumption and consequences of physical inactivity and poor diet. Education of medicine use and minimising non-adherence, and identifying need and providing compliance initiatives where necessary would be high on our agenda, this is especially relevant given aims set out in the recent Scottish Government paper of 2013 "Prescription for Excellence" emphasising the roles pharmacists should be playing in clinical interventions and preventing ill-health.
- 4.28** The distribution of pharmacies is completely wrong in Motherwell with the majority all situated within walking distance of each other. North Motherwell has a pharmacy, Forgewood has a pharmacy, Muirhouse has a pharmacy the town centre has many pharmacies. However there is no provision for pharmaceutical care in the south of the town.
- 4.29** The reasons I applied for a pharmacy in this neighbourhood were, while working as a locum in Motherwell, I heard from many patients complaining about long waiting times for their prescriptions and an inability of the pharmacies in Motherwell (Boots and Lloyds) to source patients' medication. I understand that Boots and Lloyds only obtain their stock from one wholesaler. Due to this they often run out of selected items that can easily be sourced by using other wholesalers. If this contract is granted the pharmacy will be serviced by the three main wholesalers and six short line wholesalers.
- 4.30** Also while working in North Motherwell I saw a lot of emergency supply prescription from doctors that needed delivery that day and had to be phoned to Motherwell Pharmacy due to the refusal of Boots and Lloyds to deliver. I asked the receptionists and the staff at the pharmacy why the patient's normal pharmacy wouldn't deliver. One of the reasons was that they didn't have the stock. Another was that Lloyds can't take any deliveries after 3pm as the 'van is away and won't be back' and Boots only deliver to certain areas on certain days. If the contract is granted, the pharmacy will employ a full time delivery driver to avoid this problem. I understand that deliveries are not a core service in the pharmacy contract; however it is a service that is very highly sought after by people in the community.
- 4.31** In conclusion, the neighbourhood is that of Knowetop and Airbles. It is isolated geographically from the current network of pharmacies, which are located in such a way as to be as close to the medical practices as possible and can only be accessed after a lengthy walk or a bus journey. Existing services are clearly inadequate. The patients in the defined neighbourhood do receive pharmaceutical service from somewhere, but unfortunately it has to be sought out with the area. A new pharmacy would go a long way to securing adequate services and is both necessary and desirable for this neighbourhood.

- 4.32 Every individual in Scotland has equal right to have access to healthcare services irrespective of their level of deprivation or affluence and that includes access to a pharmacy.
- 4.33 I believe this contract is needed to secure adequate pharmaceutical services to this neighbourhood now and ask that it should be granted.

Mr Nicolson concluded his presentation.

- 4.34 The Chair referred to the neighbourhood Mr Nicolson had described and asked that he talk the meeting through this using the map with which all parties present had been given. Mr Nicolson duly did this.

5 Questions from Interested Parties to the Applicant

- 5.1 The Chairman invited the Interested Parties in turn to question the Applicant, beginning with Mr Tait from Boots UK plc.
- 5.2 Mr Tait opened the questioning by asking why Mr Nicolson described the neighbourhood as “isolated”. Mr Nicolson replied that this was because Airbles Road was a busy dual carriageway with limited crossings. In response to a further question, Mr Nicolson confirmed that there were three crossings, one of which was on Windmillhill Street near a Boots pharmacy.
- 5.3 Mr Tait asked Mr Nicolson about walking times from Manse Road where it met Knowetop Avenue to both the proposed pharmacy and the nearest existing pharmacy. Mr Nicolson replied that this was about 10-15 minutes to either. Mr Tait disputed as the existing pharmacy was about one third of the distance.
- 5.4 Mr Tait asked how he would describe the demography of the neighbourhood. Mr Nicolson stated that apart from the area at the top of Leven Street, which was deprived, the rest of the neighbourhood was quite affluent. He stressed that just because an area was affluent did not mean that it did not need pharmaceutical services in the neighbourhood.
- 5.5 Mr Tait asked about the walk from Camp Road /Harvest drive and asked how someone would get to the proposed pharmacy from there. Mr Nicolson indicated that one would walk up Clyde Valley Avenue. He acknowledged that this was up an incline. He also agreed with Mr Tait that this area was the most affluent and disagreed with Mr Tait that everyone would use a car. He said that this would depend on the person.

Mr Tait had no further questions

- 5.6 Questions were then invited from Mr Arnott. Mr Arnott asked how long it would take someone to walk from the end of Woodlands Road and Mr Nicolson said it would take 10-15 minutes. Mr Arnott then listed other journeys from various parts of the proposed neighbourhood to both the proposed pharmacy and existing pharmacies and asked how long these would take. Mr Nicolson indicated that they would all take about 10-15 minutes. Mr Arnott indicated that he disagreed and that in some instances, the time to the Windmillhill Street pharmacy would be a lot less.
- 5.7 Mr Arnott referred to the retailers in the neighbourhood and asked where they were situated and what they were. Mr Nicolson replied that most were in Leven Street, Manse Road and Gavin Street and constituted: Spar store, church, health and beauty salon, hairdressers, barbers, a social club a fashion and

bridal shop, a Chinese takeaway, a bakery and Fir Park stadium. Mr Arnott said that this did not seem to be a lot and asked if only people in the area used them or would others outwith the area access them. Mr Nicolson replied that it would be variable some would be used by locals only and others, like the bridal shop would have customers from anywhere.

- 5.8** Mr Arnott asked about the response to the local press advert and Mr Nicolson indicated that there had been four responses, but Mr Nicolson conceded that only two of the responses were a direct result of the public advertisement – the other two were comments made direct to Mr Nicolson by residents. Mr Arnott enquired whether this indicated that the local residents did not feel the need for a pharmacy. Mr Nicolson replied that it may be that some people had not seen it or some did not want to take the time to reply. He denied that this response rate indicated that there was no need for a pharmacy as everyone he had spoken to had said there was a need.
- 5.9** Mr Arnott where people in the area went for their main shopping, GP and banking. Mr Nicolson replied that there was a cash machine within the neighbourhood but other services could be accessed in Motherwell generally.
- 5.10** When asked if people in Motherwell had to pay for parking, Mr Nicolson confirmed that this was free.

Mr Arnott had no further questions.

6 Questions from the Committee to the Applicant

- 6.1** Mrs Williams referred to the neighbourhood as described by the applicant and asked why he had not taken the eastern boundary to Dalziel Drive or Shields Road and why he had not included the western part of Airbles Road. Mr Nicolson replied that he had defined his neighbourhood from speaking to people in the area and asking what they considered the neighbourhood, the railway line formed a natural barrier on Airbles Road, although he acknowledged that there was a footbridge over the railway. Also those to the west of this referred to their area as Watsonville.
- 6.2** Mrs Williams asked where the crossings over the B754 (Airbles Road) were situated. Mr Nicolson said there was one at Airbles Station, one at the roundabout at Windmillhill Street and one halfway between those two.
- 6.3** Mrs Williams then referred to the population and asked how many datazones had been used. Mr Nicolson said that he had used 4, which, although had a bit of an overlap, nicely fitted his proposed neighbourhood. He had reduced his population estimate to take account of this.
- 6.4** Turning to the premises, Mrs Williams asked Mr Nicolson to describe these. He indicated that these were new with two units on the bottom and one on the top. He also indicated that the landlord was looking for a tenant for the upstairs unit.
- 6.5** Mrs William asked Mr Nicolson about his experience working in Motherwell as a locum and asked where people accessed pharmaceutical services. He said that it was difficult to say as he had only worked in North Motherwell but many people came in because of waiting times or supply difficulties at Boots and Lloyds.

6.6 Referring to responses to the consultation, Mr Nicolson confirmed that he had received four and that the first two quoted in his opening statement were what people had said to him rather than a formal response to the consultation.

Mrs Williams had no further questions.

6.7 Mrs Park was then invited to question the applicant. She opened by referring to the neighbourhood he had described noting that this was quite small and asked why. Mr Nicolson said it was mainly because of the physical barrier of the railway line on one side and the football stadium and school on the other which also formed a barrier.

6.8 Mrs Park then asked where people in Alexander Gibson Way and Greenacres would go to access pharmaceutical services. Mr Nicolson replied that they would likely go to either Windmillhill Street or his proposed pharmacy in the first instance or for the second to North Motherwell or the new pharmacy.

6.9 Referring to the consultations undertaken, Mrs Park asked how he had gathered the opinions of local people and determined the area. Mr Nicolson replied that he had spoken to people in the Spar shop and in the area of Airbles Road to gather their thoughts on the area and the need for a pharmacy. Those on the other side of Airbles Road described themselves as coming from Watsonfield. He had also used the fact that Motherwell South Parish Church served his proposed neighbourhood and used SNS datazones which clearly delineated each side of Airbles Road as different.

6.10 Turning to the premises, Mrs Park asked for confirmation of the completion of the premises. Mr Nicolson said they were complete inside and almost complete outside. He had been assured that they would have level access. He stated that he did not yet have a detailed internal layout. He had spoken to a contractor who was experienced in fitting out pharmacies and was confident that the premises could be ready within 6 months of receiving approval. He stated that he had not had detailed plans drawn up in advance because of the cost.

6.11 Mrs Park then asked about his opening hours. He replied that he would open at 8 am as his experience in North Motherwell proved that this could be a busy time with people calling in on their way to work. The town centre pharmacies earliest opening time was 8.45 am.

6.12 Mrs Park enquired about staffing levels and Mr Nicolson said that he would have one full time dispenser and 2 part-time staff initially but this could increase depending on level of business.

Mrs Park had no further questions

6.13 Mr Sargent was then invited to put his questions. He opened by asking whether Mr Nicolson was aware that the proposal to close the Windmillhill Post Office had been shelved. Mr Nicolson replied that he was unaware of this and did not know what effect this would have on his landlord's application to open a post office in the Spar shop.

6.14 Mr Sargent queried whether the residents would use a pharmacy in the morning as most had a car or took the train into Glasgow and would be more likely to access services near their place of work. Mr Nicolson replied that this was

possible but they would have the option to use his proposed pharmacy either before or after work.

- 6.15** Mr Sargent asked Mr Nicolson to confirm which part of the proposed neighbourhood was deprived. He stated that this was at the top of Leven Street where the tower blocks were; the rest of the area was reasonably affluent. He stressed that the classification came from SNS.
- 6.16** Referring to the population, Mr Sargent asked how the 3000 figure was arrived at. Mr Nicolson confirmed that he had used for SNS datazones: the east having 881; above Leven Street with 678; south of Leven Street 783 and to the right 659. The figures had been taken from the 2011 census. He also noted that this was likely to increase because of the new build.
- 6.17** Mr Sargent asked if Mr Nicolson would accept that those who lived towards the top end of Knowetop Avenue would be more likely to go to the pharmacies in Windmillhill Street rather than Leven Street. Mr Nicolson said that this was possible but he had heard that Boots and Lloyds were so busy with long waiting times it would be quicker to go to Leven Street. He had also heard that they had difficulty in getting stock to fill prescriptions. Mr Nicolson did accept that those using Motherwell Health Centre would use the nearest pharmacy.

Mr Sargent had no further questions.

- 6.18** Mrs Caraher then put her questions. She opened by asking how Mr Nicolson envisaged pharmacy services of the future. He replied that pharmacists would be dealing with the public, speaking to people and giving face to face advice on medicines rather than just filling prescriptions. The other pharmacies were already very busy and the new pharmacy would assist in providing the range of services required in future.
- 6.19** Mrs Caraher asked if his premises would be big enough to cope with this extra service. Mr Nicolson assured her that this was the case.
- 6.20** Mrs Caraher asked if there was anything extra he would offer apart from the services outlined in his presentation and application. Mr Nicolson said he would offer flu vaccinations, travel clinic, blood glucose and weight management. Mrs Caraher asked if he would be able to cover all these demands if he was the sole pharmacist. He said he would do what others did and get locum cover for a few hours to free the time.

Mrs Caraher had no further questions.

- 6.21** The Chairman referred to the statutory definition and that applications could only be granted if certain criteria were met and referred particularly to the neighbourhood and the provision of an adequate service. He referred to the statement and responses to question and asked the applicant if these referred to convenience more than adequacy.
- 6.22** Mr Nicolson replied that he believed the service to the proposed neighbourhood was inadequate not only because there was no pharmacy in the neighbourhood but also because there was only a partial delivery service – Boots only delivered on certain days and to certain areas and Lloyds would not take a delivery after 3pm. In response to a question from the chairman, he did agree that delivery was not a core service but was one which was highly thought of.

- 6.23** The Chairman referred to core services and asked Mr Nicolson to explain in what way the current service was inadequate. Mr Nicolson replied that he believed the current service to be inadequate from speaking to people and listening to what they said about not being able to get prescriptions and having to wait up to 30 minutes to see a pharmacist. This was apart from the fact that a van and a delivery driver could not provide pharmacy services to the area.
- 6.24** The Chairman then asked if anybody wanted to ask additional questions in light of the information that had been provided in the responses to questions raised so far. Mr Arnott asked if North Motherwell was an area, what did the Applicant regard as the other areas. Mr Nicolson said that North of Hamilton Road was North Motherwell where there were two pharmacies and south of that could be regarded as South Motherwell. Mr Arnott took issue with this as they were town centre rather than South Motherwell which was not an area he had heard of before.

7 The Interested Parties' Cases

7.1 Mr C Tait, Boots (UK) Ltd

Mr Tait thanked the Committee for the opportunity to speak.

- 7.2** He opened by referring to the definition of the neighbourhood which he thought was an interesting question. He noted that the Area Pharmaceutical Committee had defined a significantly larger neighbourhood and he was inclined to believe that the area was bigger than that in terms of the number of cases to service and the way people moved around.
- 7.3** He would define the neighbourhood as from the east of Hamilton Road, taking in a large part of the town centre then following the railway line north and east past the vacant steel works to the area described as Flemington and then down Dalzell Drive where there were colleges, schools, Fir Park and car showrooms. Further east people would consider themselves to be in either Craigneuk or Muirhouse.
- 7.4** He indicated that the area encompassed a fairly large and varied population with little deprivation. The area was fairly easy to move around with good regular bus routes. It had a number of different small local centres with services being accessed in the town centre.
- 7.5** He said that all the pharmacies were within the town centre and Windmillhill Street was easily accessible on foot especially from the area east of the railway line. He believed that the applicant had not shown that there was any inadequacy in the provision of pharmacy services, either in the neighbourhood defined by the applicant or his own larger neighbourhood. He said that the applicant had consistently mentioned 10/15/20 minute walks to get to existing or new pharmacies. However he believed that most people south of Leven Street would access all services by car as the area was particularly affluent, being in the 18th quintile for health and wealth.
- 7.6** He acknowledged that for some it may be nice to walk to a pharmacy and a 15 minute walk was not excessive. However many would not walk no matter how close and most would use a car or a bus and would access several sites, including Craigneuk and Muirhouse. The parking in Motherwell itself was free

and easy to find.

- 7.7 There was therefore no evidence of inadequacy as the applicant was not offering anything different to what was already on offer to both patients and members of the public.

Mr Tait then concluded his statement

- 7.8 The Chairman asked Mr Tait to expand on his definition of the neighbourhood and Mr Tait replied that he would put his western boundary at from the nature reserve up Hamilton Road (rather than the railway line; then go north to the town centre taking in Muir Stret, Menteith Road onto Brandon Street and then east to Dalzell Drive where the industrial/car showroom area formed a natural break. He indicated that the population for this area would be about 8000.

Applicant Questions to Mr Tait

- 7.9 The Chair then invited the applicant to question Mr Tait who asked if Boots delivered by van. Mr Tait replied that they did according to their national delivery policy.
- 7.10 The applicant said that he had not been told this when he called the pharmacy and the GP receptionist had said the Boots did not deliver. Mr Tait replied that it would depend on what question he asked. If there was an emergency the pharmacist would take it rather than rely on the delivery system. He denied that Boots delivered a service from the "back of a van" but did so from their pharmacies.
- 7.11 Mr Nicolson asked if services were delivered from the heart of the community. Mr Tait replied that it was difficult to determine what the heart of the community was. If it were to be where people congregated and did most of the business of their daily lives he did not think that a Spar shop and a cash machine would qualify as the heart of the community.

The applicant had no further questions

Interested Party's Questions to Mr Tait

- 7.12 The Chair then invited Mr Arnott to put questions to Mr Tait. Mr Arnott referred to the waiting times quoted by the applicant and asked for comment. Mr Tait said the most could be filled in 5-10 minutes depending on complexity. Normally there were good supplies of drugs as Boots operated with 3 or 4 wholesalers and the only time there would be difficulty would be if there was a national shortage.
- 7.13 Mr Arnott said that Lloyds offered flu vaccination and a travel service and did Boots do the same. Mr Tait said that they did not offer a personalised travel service but did supply vaccines to GPs and were intending to expand the service.

Mr Arnott had no further questions

Committee Questions to Mr Tait

- 7.14 The Chairman then invited questions from the Committee. Mrs Williams

referred to the information on the range of pharmaceutical services provided by individual pharmacies in the area and asked why the 2 Boots in Windmillhill Street did not supply a compliance aids service. Mr Tait said that they operated a hub system and the branch at Brandon Parade provided this service for all units. The aids could either be delivered to the patient or the pharmacy, whatever was required.

7.15 Mrs Williams referred to the population estimate of 8000 made by Mr Tait and asked if this included any transient population. Mr Tait replied that it did not as there was no transient population.

7.16 Mrs Williams then asked the reason for not providing a methadone service at 120 Windmillhill Street. Mr Tait replied that it was because it was too close to the other Windmillhill Street premises which was a historical situation and they were looking to move them further apart.

Mrs Williams had no further questions

7.17 Mrs Park asked Mr Tait to define the neighbourhood for Windmillhill Street. Mr Tait replied that this was tricky but it was at the centre of the neighbourhood he had defined for the Committee. The area round about comprised the civic centre and could be described as central Motherwell. He believed that people went there from all over Motherwell but believed that the area he had defined could be regarded as its neighbourhood.

Mrs Park had no further questions.

7.18 Mr Sargent enquired about waiting times for prescriptions and availability of drugs, as he had had some experience of Boots service. Mr Tait said the average time was 10 minutes per prescription – some would be shorter and some longer if more complex. Regarding supplies he indicated that Boots had received no formal complaints but, unless there was a national shortage or problems with the manufacturer then this should not happen often. All branches had access to the same suppliers. He agreed to look into this.

7.19 Mr Sargent then moved to ask about the neighbourhood. Mr Tait confirmed that the boundary would go up Hamilton Road and round the town centre into Menteith Road. He confirmed the eastern boundary as Dalzell Drive. He also confirmed that people within this neighbourhood would access pharmaceutical services at the Windmillhill branches.

Mr Sargent had no further questions

7.20 Mrs Caraher referred to the neighbourhood defined by Mr Tait and said that looking at the map it looked as if Leven Street would be the best place to access services. Mr Tait stated that this may be the geographical centre but was not the population centre and was not a natural street for people to travel through.

7.21 Mrs Caraher asked Mr Tait to expand on the national delivery service operated by Boots. Mr Tait replied that the items were delivered to the pharmacy, booked in and the driver would pick up from the pharmacy and deliver to the patient's house. He emphasised that all drivers were vetted.

7.22 Mrs Caraher asked what happened in an emergency where the GP had issued

a prescription on a home visit and the patient was not well enough to get to the pharmacy. Mr Tait said that sometimes the GP themselves would give the drug. However if this was not the case then a member of staff would get the prescription from the GP and deliver to the patient without using the delivery service. If medication was required then Boots staff would do all they could to supply it.

Mrs Caraher had no further questions.

7.23 The Chairman referred to complaints, which appeared to be minimal from the documentation before them. Mr Tait confirmed that Boots made a quarterly return on complaints per contract. These however were formal complaints and not the hearsay complaints referred to that day.

7.24 The Chairman then asked what would be the impact on Boots business, if the application were to be granted. Mr Tait replied that it would not close any of their businesses but there would be an impact in that it would make life edgier. He indicated that the major issue was that the pharmacy contract was in a state of flux as a lot of the extra services were not paid for and the baseline was still determined by prescriptions and any dilution of that would result in a diminution of Boots' ability to provide the other services.

The Chairman had no further questions.

The Chairman then asked if anybody wanted to ask additional questions in light of the information that had been provided in the responses to questions raised so far.

7.25 Mr Nicolson said that he had also experienced situations of national shortage when supplies could not be obtained from the wholesaler but it was possible to fax the manufacturer who would deliver directly to the pharmacy and did Boots not do this. Mr Tait replied that the situation was as Mr Nicolson described and it was part of the job to deal with those. If there was nothing available then that was that but if it was a question of exceeding a quota then a fax could be sent to the supplier who would deliver for a named patient.

7.26 Mr Nicolson asked if the Boots pharmacies in Motherwell followed these procedures as his experience was that they did not. Mr Tait indicated that Mr Nicolson was working under a mistaken assumption.

7.27 The Chairman indicated that Mr Nicolson was perhaps referring to the number of wholesalers that different pharmacies had access to. Mr Tait replied that Boots had 4 national suppliers, one of which they owned and also had a number of short line suppliers so there was no lack of wholesalers.

Mr T Arnott, Lloyds Pharmacy Ltd

7.28 Mr Arnott read the following pre-prepared statement:

7.29 "I would like to thank the Panel for allowing me to speak today.

7.30 The Applicant's main argument seems to be that the Pharmaceutical Services provided by current Contractors is inadequate only because there are no Pharmacy Premises in his definition of the neighbourhood.

- 7.31** There are, as the Panel is aware numerous examples from Pharmacy Practice Committee Hearings and numerous National Appeal Panel Hearings that adequate Pharmaceutical Services can be provided to a neighbourhood from Pharmacies situated out with that neighbourhood.
- 7.32** The Applicant has provided no evidence of any inadequacy in the Services provided by existing Pharmacies, other than there is no Pharmacy within his defined neighbourhood, and has only received 3 Responses to his Advertisement in the Local Press, this is probably the lowest response rate I have ever seen.
- 7.33** The population of his neighbourhood has not increased significantly since 2001, and having spoken to the Site Agent at the Dundas Development at Barons Gate the total number of houses being built by the end of 2015 is 79 in total , these will be a mix of 3/4/5 Bed roomed Private Dwellings
- 7.34** Having visited the Applicants defined neighbourhood the majority of the neighbourhood could be described as affluent.
- 7.35** Motherwell itself has, according to the papers provided, a Population of 31,906 as at the 2011 Census and has 7 Pharmacies if you exclude I.J Allan in Muirhouse and McIntyre and Cairns in Wishaw.
- 7.36** The Applicant states that the residents currently have to access the Pharmacies in the Town Centre, which he states are some distance away, There are in fact 2 Pharmacies within 0.8 miles of his proposed Pharmacy and a further 7 Pharmacies within 2 miles. The Applicants proposed site appears to be at the North Western extremity of his proposed Pharmacy and I believe that the only other retailer or service is a small Spar Convenience Store, hardly the Hub of a neighbourhood
- 7.37** Residents currently access all Services in Motherwell Town Centre itself, and there is more than adequate parking which appears to be free.
- 7.38** The Area Pharmaceutical Committee do not support the Application as they see no inadequacy in the current service provided by current Pharmacies, who they state provide a variety of Services to the neighbourhood, they also comment that the 3 responses received to the Public Consultation, suggest little more than additional convenience.
- 7.39** NHS LANARKSHIRE PHARMACEUTICAL CARE SERVICES PLAN makes no mention whatsoever of any NEED for a further Pharmacy in Motherwell. The NHS Lanarkshire Pharmaceutical Care Services Plan states:
- 7.40** ADEQUACY COMMENT Dispensing of Prescriptions
The Health Board has no evidence of patients having difficulty in accessing dispensing services

7.41 ADEQUACY COMMENT Minor Ailments Service

The Health Board has no evidence of patients having difficulty in accessing the Minor Ailments Service

7.42 As stated I have never seen such a low response rate to a Public Consultation. The Applicant has shown no inadequacies in current Pharmaceutical Provision other than to state there are no Pharmacies in his proposed neighbourhood.

7.43 I would therefore ask the Panel to refuse this application as it is neither **necessary** nor desirable in order to secure the adequate provision of Pharmaceutical Services in the neighbourhood in which the premises are located.”

Questions from the Applicant to Mr Arnott

7.44 Mr Nicolson asked if Lloyds was in the defined neighbourhood and whether people from that area would use that pharmacy. Mr Arnott replied that it was in neither that defined by the APC nor Mr Nicolson. He could not say how many used the pharmacy as it would depend on what they were doing in the area.

7.45 When asked about deliveries, Mr Arnott said that they followed Standard Operation Procedure and used a drive to deliver to those requiring the service. They delivered in the morning and afternoon. If there was an emergency they would send a member of staff in a taxi with the medication.

7.46 Mr Nicolson indicated that he had called to say he may need an emergency prescription delivered for his grandmother in the afternoon and was told that no deliveries were sent after 3pm Mr Arnott replied that he was surprised and it would depend on how the question was asked. It was not Lloyds’ policy to leave a patient without medication in an emergency. All branches were authorised to use a taxi to send a member of staff with the delivery. They would never just send the medicine in a taxi – as he believed others did.

7.47 Mr Nicolson then asked what would happen if someone was slow to answer the door as he had heard of situations when the driver had just gone away. Mr Arnott said it was difficult to answer a hypothetical question. However their drivers were instructed to call the pharmacy if there was a delay in receiving a response to their knock who would then call the patient. In general their drivers were very caring and also knew the patients.

7.48 The Chair interjected and said that it would be difficult to quantify or prove that sort of complaint as there was nothing formal and the exchange at the moment was not productive.

Mr Nicolson had no further questions.

7.49 The Chairman invited Mr Tait to question Mr Arnott. Mr Tait had no questions.

The Chairman invited questions from the Committee.

Committee Questions to Mr Arnott

7.50 Mrs Williams opened by asking Mr Arnott to define the neighbourhood and where the pharmacies were located. Mr Arnott replied that he struggled to define a neighbourhood. As far as he was concerned the neighbourhood was Motherwell as people congregate and conduct their business and access services in the town centre. Everyone he asked, including staff, described themselves as coming from Motherwell, not a particular district. He had occasionally heard North Motherwell being referred to; so by default there had to be a South. As far as the pharmacies were concerned, he would say there were 2 in the North and 5 in the South.

Mrs Williams had no further questions

7.51 Mrs Park asked him to define the neighbourhood in which his pharmacy was located. Mr Arnott referred to his previous answer and said that if pressed, he would say it was in the south but easily accessed by anyone in Motherwell.

Mrs Park had no further questions

7.52 Mr Sargent referred to the applicant's proposed neighbourhood and asked if the Spar could be considered the hub of that area. Mr Arnott replied that he would not consider a small shop to be a hub of a neighbourhood and when he visited between 1030 and 1300 hours there were very few people about.

7.53 Mr Sargent then referred to the supply situation and asked for comment. Mr Arnott said he would echo what Mr Tait had said on the availability of medicines or drugs in that if they were not available that was that. Lloyds received two deliveries a day and if the order cut off was missed then there could be a slight delay until the following day.

7.54 When asked about the waiting time for prescriptions, Mr Arnott replied that the average would be about 6-7 minutes.

Mr Sargent had no further questions

7.55 Mrs Caraher referred back to the neighbourhood question and Mr Arnott confirmed that the dividing line between North and South Motherwell would be the A723 (Hamilton Road).

7.56 Mrs Caraher referred to the number of pharmacies and asked if so many were required in the town centre. Mr Arnott stated that if one was starting from scratch, the pharmacies would be located elsewhere but there were where they were and all were readily accessible to the people of Motherwell.

Mrs Caraher had no further questions

7.57 The Chairman referred to the affluence of the area and asked for confirmation of the assumption that the more affluent required to use pharmaceutical services less. Mr Arnott agreed that it was generally said that the more affluent a population was the more healthy it was.

7.58 In response to a question about the impact a new pharmacy would have on Lloyds' business, Mr Arnott said that there would be an impact but would not lead to closure. He referred to the Prescription for Excellence and the change of focus to provide extra services to communities and that all pharmacies would need to look at the economics before investing in new consulting rooms and extra facilities to deliver these.

7.59 Regarding complaints reported, Mr Arnott said that Lloyds submitted these quarterly.

The Chairman then asked if anybody wanted to ask additional questions in light of the information that had been provided in the responses to questions raised so far. All parties confirmed that there was nothing further they wished to ask.

8 Summaries

8.1 The Chairman sought confirmation from the applicant and the interested parties that there were no further points that they wished to make or questions that they wished to raise or any additional information that they wished to submit to the hearing for the Committee's consideration. Mr Nicolson and the representatives of Boots and Lloyds all confirmed as much.

8.2 Mr Arnott referred what he had said previously and asked the Panel to refuse this application as it was neither necessary nor desirable in order to secure the adequate provision of Pharmaceutical Services in the neighbourhood in which the premises were located.

8.3 Mr Tait stated there was no evidence to show anything but an adequate service in the proposed small neighbourhood and in the larger neighbourhood. The small neighbourhood was very affluent, highly mobile and accessed services across a wide area. He asked that the application be refused.

8.4 Mr Nicolson read the following statement and added that just because an area was affluent did not mean they deserved lesser access to a pharmacy than more deprived areas:

"I believe it is unacceptable to expect residents of Knowetop and Airbles to use public transport to access pharmaceutical services, residents should be able to walk to their nearest pharmacy. Delivery services are not a substitute for a full pharmacy service! A new pharmacy would go a long way to securing adequate services and is both necessary and desirable for this neighbourhood."

9 Retiral of Parties

9.1 The Chairman specifically asked the applicant and the interested parties to confirm whether they had received a full and fair hearing and Mr Nicolson and the representatives of Boots and Lloyds willingly confirmed that they had. The Chairman advised 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 issued to all parties as soon as possible. The letter would also contain details of how to make an appeal

against the Committee's decision and the time limits involved.

- 9.2** The Chairman reminded the Applicant and Interested Parties that it was in their interest to remain in the building until the Committee had completed its private deliberations. This was in case the open session was reconvened should the Committee require further factual or legal advice.

The hearing adjourned at 1530 hours.

10 Supplementary Information

Following consideration of the oral evidence, the Committee noted:

- i. That each member had independently undertaken a site visit of the town of Motherwell 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 Motherwell.
- iii. A map of Motherwell and surrounding areas.
- iv. Prescribing statistics of the Doctors within the town of Motherwell.
- v. Dispensing statistics of the Pharmacies within the town of Motherwell.
- vi. Demographic information on the town of Motherwell taken from the 2011 Census.
- vii. Report on Pharmaceutical Services provided by existing pharmaceutical contractors within the town of Motherwell
- viii. The application and supporting documentation provided by the Applicant on 23 July 2014

11. Decision

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

11.2 Neighbourhood

The Committee noted the neighbourhood as defined by the Applicant and the views of the Interested Parties. A number of factors were taken into account in defining the neighbourhood, including those resident in it, natural and physical boundaries, general amenities such as schools/shopping areas, the distances residents had to travel to obtain pharmaceutical services and also the availability of public transport.

- 11.3** The Committee agreed that the neighbourhood should be defined as:

North - The A723 Hamilton Road from the River Clyde to the town centre along Muir Street and Menteith Road
East - Continuing on to Brandon Street, to Crosshill Street then

along the railway line to the roundabout at the Junction of the B754 with Windmillhill Street, along Windmillhill Street to Dalzell Drive

South & West- Follow the road past the cricket ground to the Dalzell Burn to Manse Road, along the unnamed road until it meets the River Clyde, then follow the river to rejoin Hamilton Road.

- 11.4** The neighbourhood as defined by the Committee contained the following features that were seen as important features of an established neighbourhood - public parks, a mixture of public and private housing, a shopping centre, a football ground, primary and secondary schools, playing fields, a Civic Centre, Theatre and Concert Hall, and good parking facilities

Adequacy of existing provision of pharmaceutical services and necessity or desirability

- 11.5** Having reached a conclusion as to neighbourhood, the Committee was then required to consider the adequacy of existing pharmaceutical services in that neighbourhood, and whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood.
- 11.6** It was noted that there were 5 contracted pharmacies (1 Lloyds and 4 Boots) within the neighbourhood as defined by the Committee which were all readily accessible by public or private transport and that currently provided services to the neighbourhood. Committee members who were very familiar with the area were able to describe walking routes and confirm times, gradients and crossings to satisfy other members that the pharmacies were accessible on foot. All of these existing pharmacies were also within walking distance of GP services, major food and other retail outlets and all city centre services. All provided the whole range of pharmacy services to the neighbourhood as well as a delivery service which was not part of the NHS contract. In addition none of the existing pharmacies had any capacity issues. The lay members applied their detailed local knowledge of the local population and of where they gathered, of the regular bus routes and the means of access, of a broadly affluent, car-owning community, and agreed that the proposed siting of the pharmacy could not be considered as the hub of the community. The proposed new pharmacy was at the geographical centre of the redefined area but this was not the hub of the community.
- 11.7** The Committee did not put much weight on the anecdotal accounts of waiting times for a prescription or lack of supplies of drugs or medicines because there was no evidence of any complaints about such matters.
- 11.8** The Committee considered the response to the public notice which was very small. The four formal responses all referred to convenience rather than necessity and no other surveys had been undertaken. The Committee also recalled that Mr Nicolson conceded that only two of the responses were a direct result of the public advertisement – the other two were comments made direct to Mr Nicolson by residents.

Mrs Park, Mrs Williams and Mrs Gordon left the meeting

- 11.9** Following the withdrawal of Mrs Park, Mrs Williams and Mrs Gordon 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 Committee, for the reasons set out above, considered that the existing pharmaceutical service into the neighbourhood was adequate.
- 11.10** Accordingly, the decision of the Committee was that the provision of pharmaceutical services at the premises was neither necessary nor desirable in order to secure adequate provision of pharmaceutical services within the neighbourhood in which the premises were located by persons whose names were included in the pharmaceutical list, and accordingly the application was rejected. This decision was made subject to the right of appeal as specified in Paragraph 4.1, Regulations 2009, as amended.
- 11.11** Mrs Park, Mrs Williams and Mrs Gordon were requested to return to the meeting, and advised of the decision of the Committee.

The meeting closed at 16:45 hours