

Minutes of the meeting of the Pharmacy Practices Committee (PPC) held on Wednesday 11 October 2017 at 09:30 hours in Training Room 4, Law House, Airdrie Road, Carlisle, ML8 5ER

The composition of the PPC at this hearing was:

Chair: Mr Michael Fuller

Present: Lay Members Appointed by NHS Lanarkshire Board

Mrs Carol Prentice
Mr John Woods

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)

Mrs Laura McGregor

Secretariat: Ms Jenna Stone, NHS National Services Scotland, SHSC Meetings

1. APPLICATION BY MR YASEEN YOUSAF

1.1. There was submitted an application and supporting documents from Mr Yaseen Yousaf received on 5 September 2017 to have his name included in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 130 Westburn Road, Cambuslang, G72 7SY

1.2. SUBMISSION OF INTERESTED PARTIES

The following documents were received:

- (i) Letter received via email on 26 September 2017 from Boots UK Ltd
- (ii) Letter received via email on 27 September 2017 from Lloyds Pharmacy Ltd
- (iii) Statement and supporting documents received on 4 October 2017 from Leslie Doherty Ltd t/a Leslie Chemist.
- (iv) Letter from Well, received by NHS Greater Glasgow & Clyde on 28 September 2017; circulation undertaken by NHS Greater Glasgow & Clyde Health Board by virtue of their boundary being within 2km of the proposed premises, as required by the Regulations

The following parties did not respond during the consultation period removing their rights to make representation to the PPC as interested parties:

- (v) Halfway Community Council
- (vi) Lanarkshire Area Pharmaceutical Committee
- (vii) Lanarkshire Area Medical Committee

1.3. Correspondence from the wider consultation process undertaken jointly by NHS Lanarkshire and the Applicants

- (i) Consultation Analysis Report (CAR).

2. PROCEDURE

- 2.1.** At 0930 hours on Wednesday 11 October 2017 the Pharmacy Practices Committee (“the Committee”) convened to hear the application by Mr Yaseen Yousaf (“the Applicant”). The hearing was convened under Paragraph 2 of Schedule 3 of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, as amended, (SSI 2009 No 183, SSI 2011 No 32 and SSI 2014 No 118) (“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 was 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 all to the meeting and introductions were made. When asked by the Chair, members confirmed that the hearing papers had been received and considered and that none had any personal interest in the application. The Chair informed members that the Applicant would attend and would be unaccompanied.. There would be representations from the following interested parties: Lloyds Pharmacy Ltd, Boots UK Ltd and Leslie Chemist.
- 2.3.** It was noted that Members of the Committee had previously undertaken site visits to Westburn 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 and other pharmacies and general medical practices or other amenities in the area such as, but not limited to, supermarkets, post office, banks, churches, schools or sports facilities.
- 2.4.** The Chair advised that Ms Stone was independent from the Health Board and was solely responsible for taking the minute of the meeting.
- 2.5.** There was a brief discussion on the application and the Chair invited Members to confirm an understanding of 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 invited the Applicant and Interested Parties to enter the hearing.

The Open session convened at 1005 hours

3. ATTENDANCE OF PARTIES

- 3.1.** The Chair welcomed all and introductions were made. For the Applicant, Mr Yaseen Yousaf would present his case and would be unaccompanied. From the

MINUTE: PPC/2017/02

Interested Parties eligible to attend the hearing the following accepted the invitation:

- Mr Tom Arnott, accompanied by Ms Jennifer MacDougall, representing Lloyds Pharmacy Ltd;
- Ms Tracey Wilson, accompanied by Ms Joanne Watson, representing Boots UK Ltd,
- Mr Michael Doherty representing Leslie Doherty Ltd t/a Leslie Chemist.

The Chair advised of the parties consulted but who failed to respond and therefore were ineligible to attend or make representation to the PPC

- Halfway Community Council
- Lanarkshire Area Pharmaceutical Committee
- Lanarkshire Area Medical Committee

- 3.2. The Chair advised all present that the meeting was convened to determine the application submitted by the Applicant in respect of premises located at 130 Westburn Road, Cambuslang, G72 7SY. The Chair 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, and according to the statutory test as set out in Regulations 5(10) of the 2009 regulations, as amended which the Chair read out in part:
- 3.3. “5(10) an application shall be ... granted by the Board, ... **only** if it is satisfied that 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.”
- 3.4. The Chair highlighted the three components of the statutory test – emphasising the difference between convenience and necessity - and confirmed that the Committee, in making its decision, would consider these in reverse order – ie to first determine the neighbourhood and then decide if the existing pharmaceutical services in and into that neighbourhood were adequate. Only if the Committee decided that existing services were inadequate would the Committee go on to consider whether the services to be provided by the Applicant were necessary or desirable in order to secure adequate services. That approach was accepted by all present.
- 3.5. The Chair confirmed that no Member or Officer in attendance had declared any interest in the application.
- 3.6. The Chair advised that Ms Jenna Stone, SHSC Meetings, NHS National Services Scotland, would be present throughout the duration of the hearing for the purposes of providing secretariat support to the Committee. The Chair confirmed that Ms Stone was independent of Lanarkshire NHS Board and would play no part in either the public or private sessions of the Committee.
- 3.7. The Chair confirmed that all members of the Committee had conducted site visits to the premises concerned on different days and at different times in order to

understand better the issues arising out of this application. No member of the Committee had any interest in the application.

- 3.8. The Chair stressed that, regardless of any references to previous applications referred to in written or verbal evidence, the current application would be considered solely on its merits based on the written and verbal evidence presented at the hearing that day, and that any references to the evidence and/or results of previous applications would be completely disregarded.
- 3.9. The Chair confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers circulated. He 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 Chair concluded the procedural part of the hearing by reminding each party that there could only be one spokesperson for each party.

4. **APPLICANT'S SUBMISSION**

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

- 4.1. The Applicant thanked the Committee for providing him with the opportunity to put forward his application for inclusion in the pharmaceutical list.
- 4.2. The Applicant said that the neighbourhood proposed for this application, in accordance with the Legal Test Regulation 5(10) was the village known as, Westburn. According to the regulations, the Applicant said he needed to define the neighbourhood in which the premises were located, but added that the areas on the cusp to Westburn should also be considered- namely the Newton Farm area, as a significant number of people had moved into the area with very few amenities available. People here would also be able to access pharmaceutical services from the new pharmacy.
- 4.3. The Applicant stated that the new pharmacy premises would be located within a convenience store, which also had a Post Office, so there would be a natural gravitation towards the area. In addition to this, planning permission would be sought to develop three units next to the convenience store, so that the area had a parade of shops.
- 4.4. The Applicant wished to make it clear, that he admired the contractors present and did not wish to cast any aspersions on the marvellous job they were doing and added that, if he was in their position, he would also be objecting, since nobody wished their revenue to dwindle. The Applicant asserted that nobody would cease trading as a result of his application being granted.
- 4.5. The Applicant acknowledged that the intricacies of presiding over his application involved looking at the adequacy of current pharmaceutical service provision or lack thereof and was not just about picking a nice looking area on the map. The Applicant added that, without sounding flippant, when the map of Cambuslang was viewed, the Committee could clearly see that there were three pharmacies located to the West, two pharmacies to the south and absolutely nothing to the East. It is this East side that the Applicant felt needed to be catered for, especially because of the developments that had come to fruition and the

number of people who had moved into the area.

- 4.6. The Applicant stated that the CAR report also supported the opening of a new pharmacy in the area, with respondents overwhelmingly favouring the proposal.
- 4.7. The Applicant said that Judicial guidance also allowed the Committee to take into account probable future developments in the area of Cambuslang, in its entirety, and noted this would affect adequacy. The Applicant claimed that current contractors were far too busy, with long waiting times and queues. The population of Cambuslang was increasing and people in the area had significant healthcare needs. Substantial residential developments were on the rise and the population increase would only exacerbate current service provision.
- 4.8. The Applicant said that extended opening hours and Sunday provision would also be highly desirable, as patients' expectations were changing and this model was the way forward.
- 4.9. The Applicant referred to his earlier comment that Newton Farm was on the cusp of his defined neighbourhood and said that a pragmatic approach should be adopted to consider this area in addition to his own defined neighbourhood. Pharmaceutical practices and services needed to adapt and he believed that, with both the spate of recent developments, and the increased significant healthcare needs of the residents, his Application should be granted.

This concluded the Applicant's presentation

- 4.10. Before opening up questions to the Interested Parties, the Chair sought clarity from the Applicant with regard to the boundaries of his neighbourhood, and asked if he was seeking to amend the boundaries around Westburn, given his comments regarding Newton Farm being on the cusp of his defined neighbourhood.

The Applicant replied that he had defined the Neighbourhood in which the premises of the new pharmacy would be located and added that the residents of Newton Farm had access to pharmaceutical provision from his neighbourhood, and it was a natural place to gravitate to in order to obtain provisions (noting that it was small) in addition to a post office. The Applicant added that he would be developing three additional units – an opticians, dental practice and one other. The Applicant added that the neighbourhood of Westburn was a rural village in an isolated area and he believed that residents exhibited a higher than average need to access the full range of pharmaceutical services. Although Westburn would be viable in itself, there would be additional footfall from people on the cusp from Newton Farm.

The Chair repeated his question to the Applicant and asked him to confirm that he wished to abide by the original neighbourhood boundaries as defined within the Application, and the Applicant confirmed.

5. INTERESTED PARTIES' QUESTIONS TO APPLICANT

- 5.1. ***Mr Doherty of Leslie Chemist was invited to question the Applicant.***
- 5.1.1. **Mr Doherty asked the Applicant where the residents of Westburn currently obtained their pharmaceutical services.**

The Applicant replied that residents were forced to travel outwith the neighbourhood, and travelled to Cambuslang which is where pharmacies were

currently situated.

5.1.2. Mr Doherty asked if the Applicant was aware of any complaints made to the Health Board.

The Applicant replied that as pharmacies were independent contractors, in his opinion many complaints were dealt with in-house and were not referred to the Health Board, which he believed to be an inadequate system. The Applicant believed all complaints should be reported to the Health Board, but he doubted this was being done.

When Mr Doherty repeated his question whether the Applicant was aware of any complaints sent to the Health Board, the Applicant replied that making a complaint was an arduous process, and that people did not know how to make a complaint. The Applicant referred to the recent changes to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, with the introduction of the public consultation, and the fact that the public were at the forefront to be involved in the consultation process regarding whether they felt a pharmacy should be granted in the area, and commented that the respondents had voiced a desire for a new pharmacy – and said it was need, not convenience. The Applicant asserted that the existing pharmacy contractors were busy – and referred to comments made by respondents to the CAR regarding waiting times and queues – which he believed would only increase.

Mr Doherty concluded that the Applicant knew of no complaints made to the Health Board.

5.1.3. Mr Doherty asked for the Applicant's evidence of complaints made regarding to waiting times that had had referred to in the Applicant's opening statement

The Applicant referred to responses made in the CAR which had sought the views of the public, where respondents had mentioned long waiting times and queues, which he regarded as an inadequate service being provided by the current contractors.

Upon being pressed by Mr Doherty to provide proof of waiting time complaints, the Applicant repeated his comments regarding the responses in the CAR from the public.

5.1.4. Mr Doherty referred to the Applicant's comment in his statement regarding services being stretched, and asked the Applicant to explain how he had reached this conclusion.

The Applicant referred to the fact that judicial guidance took into account other factors regarding adequacy. The Applicant added that if the contract was granted, there could be a slight over provision of services as long as adequacy was secured into the future. The Applicant opined that service could be deemed inadequate, which needed to change, based on the number of prescriptions issued, size of GP practices and an ageing population with increasingly demanding healthcare needs. The Applicant added that a remedy needed to be found to the current problem, which would only increase with more people moving into the area, and said that they required adequate services.

Following Mr Doherty repeating his question of how the Applicant reached his conclusion that current pharmaceutical services were stretched, the Applicant replied that he had drawn his references by responses provided in the CAR where people had said that they had to wait, had regarded parking as an issue, and also that transport was an issue. The Applicant said that the whole picture needed to be looked at, with regard to barriers to residents obtaining an adequate level of service, which he believed needed to be rectified. The Applicant commented that he was only going by what was in the CAR, which was an extensive public consultation, which had flagged issues with waiting times, queues and busy pharmacies. The Applicant said that everyone needed to be considered – including the elderly, disabled, and parents with young children.

5.1.5. Mr Doherty referred to the Applicant's comment regarding core services and asked him to provide an example of core services not being met.

The Applicant acknowledged that all contractors needed to provide the core services as part of their Contract, but said that their pharmacies were in a different neighbourhood, so it could take a resident an hour round trip to visit a pharmacy, which could be busy, which is why the Applicant believed his application should be approved, as it would provide for people from an isolated rural area to be given the opportunity to improve their health, since there were currently no healthcare provisions in Westburn. The Applicant added that the Westburn population allowed for a viable pharmacy to operate.

Mr Doherty repeated his question for the Applicant to provide an example of core services not being met, and the Applicant referred to comments alluded to in the CAR, and added that although current contractors could cope at present, he doubted that they would be able to cope with the influx of residents moving into the area, new developments coming to fruition.

Mr Doherty concluded that the Applicant was unable to provide proof that core services were not currently being met by the current Contractors.

5.1.6. Mr Doherty asked the Applicant what core services would he be offering that were not currently offered in the area.

The Applicant replied that he would offer all core services. The Applicant acknowledged that core services were provided by the other contractors, but not within his neighbourhood, and stated that the reason he had put forward his application was because the residents in Westburn were from an isolated community in a rural area, which exhibited a higher than average need for pharmaceutical services in their own neighbourhood. The Applicant referred to the demographics in the surrounding area and said it made sense to have a pharmacy at his location in order to secure service provision going forward. The Applicant said that although Mr Doherty might regard services to be currently adequate, in his opinion, the current level of service should be deemed inadequate because of the developments he had earlier referred to, as well as the ageing population with increasingly demanding healthcare needs.

5.1.7. Mr Doherty asked what part of NHS Lanarkshire's Pharmaceutical Care Service Plan was not already being delivered to Westburn that the Applicant would deliver.

The Applicant replied that no Plan mentioned a shortfall and he would try to improve the current level of service. The Applicant said that he would enable residents to have access to the full range of core services 7 days a week, by providing extended opening hours: Monday-Friday 9am-6pm, Saturday 9am-5pm, and Sunday 10am-2pm. The Applicant said that he believed a pharmacy was required, which the CAR had overwhelmingly shown, and said it was clear that the service was inadequate as a whole.

- 5.1.8. Mr Doherty made reference to the Applicant's comment to extend his service to include residents of Newton, and asked if there had been any complaints of inadequacy from residents in Newton.**

The Applicant replied that there were fewer amenities in Newton. His proposal was for a small parade of shops which would be enough for people to gravitate to the area, and added that he was seeking to improve the lives and health of the population, 7 days a week.

Mr Doherty repeated his enquiry regarding the lack of complaints or inadequacies being brought from residents of Newton. The Applicant repeated that making a complaint through the Health Board was an arduous process, and people did not know how to make a complaint, which is why he believed the CAR was important, as it showed that people needed a pharmacy, since they were an isolated community with a limited bus service. The Applicant expressed frustration and said that some neighbourhoods which had a smaller population with less healthcare needs had been granted a pharmacy.

The Chair noted the Applicant's comment which referred to another application and reaffirmed that the results of other applications could not be taken into account

- 5.2. *Having ascertained that Mr Doherty had no further questions, the Chair invited questions from Mr Arnott of Lloyds Pharmacy Ltd.***

- 5.2.1. Mr Arnott asked whether the residents of Newton had chosen to reside in that area, and queried whether Newton Farm was within the Applicant's Neighbourhood.**

The Applicant acknowledged that there were nice houses in the Newton Farm area and said that it was on the cusp of his Neighbourhood, but was not within the borders of his Neighbourhood.

- 5.2.2. Mr Arnott asked whether the residents from Newton Farm were currently accessing their pharmaceutical services outwith their Neighbourhood, since he believed that from accessing services from the Applicant's Neighbourhood, the residents would still be accessing services outside their own Neighbourhood.**

The Applicant acknowledged that residents from Newton Farm were currently accessing pharmaceutical services outside of their own Neighbourhood, but would have to go past his pharmacy.

Mr Arnott repeated his question as whether residents from Newton Farm would

need to go outwith their own Neighbourhood in order to access pharmaceutical services from the Applicant's Neighbourhood.

The Applicant confirmed.

5.2.3. Mr Arnott asked the Applicant if he knew the population figures for his Neighbourhood.

The Applicant replied that he thought the population of Westburn was about 2,500 people.

Mr Arnott said that according to the Scottish Index of Multiple Deprivation ("SIMD") – and Wikipedia – the Westburn population was approximately 2000 and asked if the Applicant agreed with that figure.

The Applicant agreed.

5.2.4. Mr Arnott referred to the Applicant's earlier comments on demographics and asked, using the demographics of the Applicant's Neighbourhood, how difficult was it for residents from the data zones contained in the SIMD to access services

The Applicant replied that residents in the Neighbourhood currently needed to access pharmaceutical services outwith, and had to adapt, and maintained that, as a result, pharmaceutical services were not currently adequate.

5.2.5. Mr Arnott referred to the CAR and asked why only 30 people had responded out of 2000 residents.

The Applicant replied that it was impossible to get all residents to respond to a public consultation, which had been conducted by the NHS Lanarkshire Health Board.

5.2.6. Mr Arnott asked if the Applicant had met with the local Councillors.

The Applicant acknowledged that he had not met with them, and replied that the information had been sent to them but they had not responded.

5.2.7. Mr Arnott asked if the Applicant had discussed his application with the local GP practices.

The Applicant replied that he had mentioned it to them, but had also noted that there was a long standing relationship between them and the current contractors, including GP letters of support, which he had found ridiculous, since they did not deal with the provision of pharmaceutical services. The Applicant added that since there were already long standing relationships between GP practices and the current providers, it was difficult for an outsider to establish a relationship with a GP Practice.

5.2.8. Mr Arnott referred to the Applicant's proposal to obtain planning permission for 3 units – including an optician and a dentist – and asked why he was not taking the third unit, rather than proposing for his pharmacy to be placed within the convenience store.

The Applicant replied that it was commercially sensitive information relevant to his business and refused to respond to the question.

5.2.9. Mr Arnott asked about the suitability of the pharmacy space within the Convenience store.

The Applicant replied that there was ample space.

5.2.10. Mr Arnott noted that the convenience store had had its alcohol licence revoked for 6 months due to selling to under age children (3 incidents) and queried the suitability of the pharmacy being located within the convenience store.

The Applicant replied that his pharmacy would be a stand alone unit within the convenience store with its own shutters, and be a completely separate business.

5.2.11. Mr Arnott contested the Applicant's definition of "rural" since there were 5 pharmacies within 2 miles of the Applicant's Neighbourhood.

The Applicant replied that he had other revenue streams and the viability of his pharmacy was not in question.

5.3. *Having ascertained that Mr Arnott had no further questions, the Chair invited questions from Ms Wilson, Boots UK Ltd*

5.3.1. Ms Wilson referred to the Applicant's opening hours and asked, since his pharmacy would be within a convenience store, whether he was aware that the store seemed to close when it felt like it (Ms Wilson referred to a comment on Page 20 in the CAR).

The Applicant acknowledged that there may be issues, but was seeking to address them, as his pharmacy would be a separate unit within the convenience store, with separate access outside.

5.3.2. Ms Wilson referred to suitability and the Food Standards Agency report in 2016 which had highlighted that hygiene improvement was required in the convenience store. Ms Wilson asked whether the FSA concerns had been addressed.

The Applicant replied that he had been aware of the concerns and had spoken with the convenience store owner to tell him to improve his standards. The Applicant believed that improvements had been made and repeated that his pharmacy would be a separate entity.

5.3.3. Ms Wilson asked if the Applicant had planning permission for his proposed 3 units.

The Applicant replied that permission was being actively sought, and was also looking for an occupant for the third unit – possibly a florist or deli, and felt that the requirements may not be as stringent to obtain planning permission for that unit. He did not foresee any issues.

Ms Wilson asked again if the Applicant already had planning permission.

The Applicant replied that he did not, and asserted he would be able to obtain planning permission within 8 weeks.

5.4. ***Having ascertained that Ms Wilson had no further questions, members of the Committee were invited to ask questions in turn to the Applicant***

6. **COMMITTEE QUESTIONS TO APPLICANT**

6.1. ***The Chair invited Mr Mackenzie to ask questions to the Applicant***

6.1.1. **Mr Mackenzie asked how many prescriptions the Applicant required in order to run a viable pharmacy.**

The Applicant replied that, based on staffing levels, he needed at least 1500 prescriptions per month for the first year, which he believed was achievable.

6.2. ***Having ascertained that Mr Mackenzie had no further questions, Mrs McGregor was invited to ask questions to the Applicant***

6.2.1. **Mrs McGregor asked whether the Applicant intended to purchase or to lease the premises, and if he intended to lease, how long a lease would he be seeking to obtain.**

The Applicant confirmed he intended to lease the premises, and the length of the lease would be discussed after he had received approval of his application, but would likely request a 20 year lease.

6.2.2. **Mrs McGregor expressed concern that the Applicant said that complaints were not handled by the current pharmacies and asked him to expand.**

The Applicant replied that he had not intended his comments to cover every contractor. The Applicant stated his from own experience as a contractor, he looked at what constituted a complaint and whether it could be dealt with in-house (such as whether an item was out of stock) rather than being escalated to the Health Board, for more serious complaints.

6.3. ***Having ascertained that Mrs McGregor had no further questions, Mrs Prentice was invited to ask questions to the Applicant***

6.3.1. **Mrs Prentice asked about the value to the Applicant's proposed Sunday opening hours, and asked what evidence he had to indicate that the volume of service on a Sunday was not currently provided.**

The Applicant replied that one pharmacy opened in Cambuslang on Sunday. In his opinion, the Applicant felt that young professionals, who worked during the week, would only be able to access services such as the minor ailments services or other services which were part of the contract.

6.3.2. **Mrs Prentice asked whether the Applicant agreed that evening opening hours of current providers would provide for working families.**

The Applicant agreed, but added that people expected more from pharmacies, and believed that a 7 day service was important, as residents were often more inclined to visit a pharmacy at weekends.

6.3.3. Mrs Prentice asked whether the Applicant agreed that residents planned to obtain their prescriptions in advance.

The Applicant agreed that some residents did, but other residents did not, especially if they worked, or if they had a young family that was busy in the town during the week, who would benefit from Sunday opening which would be a quieter day in which to access pharmaceutical services.

6.3.4. Mrs Prentice referred to the Applicant's comment that the public did not know how to make a complaint to the Health Board and asked whether that was a fair comment to make by assuming that residents were not well informed.

The Applicant replied that making a complaint was an arduous process. For independent contractors, the process was more challenging as it involved a different process. The Applicant repeated that some complaints would be managed in-house rather than being referred to the Health Board, and highlighted the different views that may be had between contractors on what might be regarded as frivolous or more serious. The Applicant felt it was good for the public to be involved in the CAR so that they were more engaged in the process for the application for a new pharmaceutical contract.

6.4. *Having ascertained that Mrs Prentice had no further questions, Mr Woods was invited to ask questions to the Applicant*

6.4.1. Mr Woods asked the Applicant to provide evidence to explain his comments regarding developments in Newton Farm being on the rise.

The Applicant stated that a new school would be opening shortly, and there would be a significant number of people would be moving into the area with varying degrees of healthcare requirements. The Applicant said that there were many developments in Phase 2, and some which still had to come to fruition, but he was looking at a population increase of more than 2000 based on the current number of developments. The Applicant added that he had extrapolated his figure based on current dwellings and using an average occupancy of 3 people per household.

6.4.2. Mr Woods referenced adequacy and asked if the Applicant was solely reliant on the CAR for his information on current services being inadequate.

The Applicant confirmed he was reliant on the CAR, and other anecdotal information such as demographics, population, and the fact Westburn was an isolated rural area, with no current healthcare provision in the area, and referenced the additional residents from the developments at Newton Farm, which lay on the cusp of his neighbourhood.

6.4.3. Mr Woods asked the Applicant to provide evidence to back up his comments that residents from his Neighbourhood exhibited a higher level of pharmaceutical requirements.

The Applicant referred to information from the SIMD which mentioned car ownership and that 30% of the population was deprived, which he believed showed a clear correlation of a number of people from a deprived community who needed access to pharmaceutical services. The Applicant acknowledged that this was not contained in the information pack provided.

- 6.4.4. Mr Woods asked the Applicant to comment on the number of prescriptions issued which had shown a downward trend over the past 3 years, given his comments regarding long waiting times and queues.**

The Applicant said people obtained other services from pharmacies, other than prescriptions, which could explain the comments of long waiting times in the CAR, such as residents requiring a consultation with a pharmacist.

- 6.4.5. Mr Woods asked where the Post Office was located.**

The Applicant replied that the Post Office was located within the convenience store.

- 6.4.6. Mr Woods referred to the Applicant's comment of having separate access to the pharmacy via a roller shutter door and asked whether this was located within or outside the convenience store.**

The Applicant confirmed that access would be from the outside, and added that because of the problems with the convenience store, he did not want people to assume a link between the pharmacy and the convenience store.

- 6.4.7. Mr Woods asked if access from outside the convenience store required a change of use in the Applicant's planning application.**

The Applicant replied that it did not, and added that planning permission should take eight weeks and he believed everything required would be completed within six months of the application being granted.

- 6.5. *Having ascertained that Mr Woods had no further questions, the Chair had questions to ask the Applicant.***

- 6.5.1. The Chair sought to clarify the definition of the Applicant's Neighbourhood and asked the Applicant to confirm that his Neighbourhood, as earlier defined, was correct, given that the Applicant had not included Newton, or part of Halfway or Hallside.**

The Applicant confirmed his Neighbourhood remained as defined in his application.

- 6.5.2. The Chair asked the Applicant to clarify that he understood that the Committee would consider question of adequacy in relation to services in or provided to his defined Neighbourhood.**

The Applicant confirmed he understood, but added that he also wished the Committee to take into account the development of the additional units for the retail parade.

- 6.5.3. In relation to adequacy, whilst requesting that the Applicant note the difference between convenience and necessity, the Chair asked the Applicant to provide evidence of defects in services into Westburn, other than from responses provided in the CAR.**

The Applicant confirmed that he had no other evidence to provide, other than what had been provided by responses to the CAR, and pointed out that residents were having to travel outwith the Neighbourhood in order to obtain pharmaceutical services, which he did not equate with convenience, given that residents without access to a car, especially the disabled, elderly, or parents with young children, could experience long journey times, which would be increased if the resident also had to wait for a prescription in a busy pharmacy, which could deter people from going. The Applicant said that it had been difficult to find evidence as he did not know where else to obtain the information.

- 6.5.4. With regard to the CAR, the Chair referred to the Applicant's comments made by residents with regard waiting times and queues, in addition to having highlighted praise for the existing contractors. The Chair asked how the Applicant would weight the difference between those respondents who felt they had received a good service, as opposed to respondents who had felt disenchanting.**

The Applicant replied that the long established relationships between the residents and the existing pharmacies made it difficult to change people's opinions, and acknowledged that if the service provided was good, this would also need to be taken into account. The Applicant added that, equally, some respondents had not had a positive experience, and replied that in order to reach a decision and clarify the weight to apply, he would need to consider the changes to the pharmaceutical practice, the ageing population who required more healthcare, and the length of time the current contractors would take in order to implement the changes to services necessary.

- 6.5.5. The Chair asked for further clarity on what the Applicant referred to.**

The Applicant referred to core services, and said that the public had expectations regarding the level of service. For those who had not received a positive experience, the contractor would need to work out what was needed in order to get the service up to the required level, and added that services would be strained further with the influx of people moving into the area, which would mean that service provision could diminish.

- 6.5.6. The Chair referred to the CAR and asked if the Applicant agreed as many respondents had positive responses, as those who had raised concerns.**

The Applicant agreed, but added that if a person had visited a particular pharmacy for a number of needs, they would write positively, and suggested that customers visiting their current pharmacy would be invited to fill in a feedback form following a positive experience. The Applicant acknowledged that the current contractors were excellent but added that his application was based in Westburn – a rural area with an isolated population which allowed a viable pharmacy to operate.

The Applicant referenced other applications which had been granted. The Chair

replied that other applications could not be considered in relation to the current application.

- 6.5.7. **The Chair referred to the residents of Newton Farm travelling to Westburn to obtain pharmaceutical services, and asked if the Applicant also expected to take business from pharmacies in Halfway, Hallside and other surrounding areas.**

The Applicant replied yes, but not much.

- 6.5.8. **The Chair asked if the Applicant's quote of 1500 prescriptions per month was sustainable for his business.**

The Applicant confirmed it was.

7. **ADDITIONAL QUESTIONS TO APPLICANT**

Having heard the responses to the questions asked so far, the Chair gave all Interested Parties and Committee Members an opportunity to ask further questions of the Applicant.

Having ascertained that there were no further questions for the Applicant, the Chair invited Mr Arnott to make representation on behalf of Lloyds Pharmacy Ltd

8. **THE INTERESTED PARTIES SUBMISSIONS**

8.1. **LESLIE CHEMIST SUBMISSION**

The Chair invited Mr Doherty to make his representation behalf of Leslie Chemist.

- 8.1.1. Mr Doherty said that he agreed with the boundary for Westburn outlined by Mr Yousaf and added that it was a small community within the bigger area of Cambuslang. In an interest search on the history of Westburn, Mr Doherty said it was described as "something of a rural village as opposed to a neighbourhood within a medium sized town". Mr Doherty explained that he knew Westburn well as he had lived in Cambuslang for 3 year and had travelled through Westburn twice daily for 17 years on his commute to work at Leslie Chemist in Main Street, Cambuslang.

- 8.1.2. Mr Doherty said that Westburn definitely did not require a pharmacy, because there was no inadequacy in pharmaceutical provision to Westburn. Mr Doherty added that he would explain why there was no shortfall in pharmaceutical services and would also clarify that the community of Westburn was well served by the current contractors in the area.

- 8.1.3. In November 2008 there had been another application for a pharmacy at the same address and at the same boundaries. Westburn had not had any significant changes over that time. In the PPC's findings it had stated that "*within the neighbourhood defined, there were no pharmacies. Within Cambuslang as a whole, however, there were 5 pharmacies, one of which was a relatively new contract in Drumsagard Village. These pharmacies provide the full range of*

pharmaceutical services including supervised methadone. The Committee considered that the level of existing services ensured that satisfactory access to pharmaceutical services existed within the defined neighbourhood. The Committee therefore considered that the existing pharmaceutical services in the neighbourhood were adequate". The PPC findings had also stated that "The Committee took into consideration comments made by the applicant regarding the potential workload that would be placed on the current pharmacies from the various new developments in the area. The Committee did not share the applicant's view that the workload would be too onerous or that the contractors would be unable to cope with the demand placed upon it by patients who would come into the area from the new residential developments." Also stated in the findings was that "residents living in the defined neighbourhood were required to travel outwith the area to access all services, other than basic provisions. They moved freely within the area and to Cambuslang town centre where there were 3 pharmacies situated in close proximity".

- 8.1.4.** Mr Doherty repeated that for those that do not know Westburn well, Westburn had not changed since the hearing in 2008 and said that on those grounds alone, the application should be dismissed, as there was no inadequacy of pharmaceutical services in Westburn.
- 8.1.5.** Mr Doherty said that in the Applicant's application, the Applicant "does not accept the fallacy that because people travel outwith the neighbourhood to Cambuslang, they can access pharmaceutical services whilst there, and somehow this is acceptable". Mr Doherty said that he had no idea which "fallacy" the Applicant referred to and commented that in his opinion, the only fallacy was the Applicant's application.
- 8.1.6.** Mr Doherty referred to the Applicant's comment in his application that "*full exposure must be given to the core services available within a pharmacy*". Mr Doherty confirmed that this is what happened within the Westburn area which formed a part of Cambuslang and which was adequately serviced by 5 local pharmacies.
- 8.1.7.** Mr Doherty stated that he owned two pharmacies in Cambuslang Main Street – Leslie Chemist, and took great pride on the level of service that the two contracts provided and added that his staff went the proverbial extra mile to give the best service in Cambuslang. Mr Doherty further added that this was verified by various comments contained in the CAR and commented that it was one thing to strive to offer the best service possible, but to see it mentioned within the CAR was gratifying.
- 8.1.8.** Mr Doherty added that he provided all the core services that the Applicant offered, and offered the same opening hours as the Applicant from Monday to Saturday. Mr Doherty had a full time delivery driver working Monday to Friday, and an additional driver who covered 3 hours on Saturday. The delivery service was fully inclusive and free of charge. Mr Doherty repeated that every service proposed by the Applicant was already offered by Leslie Chemists and the other three pharmacies in the area.
- 8.1.9.** Mr Doherty stated the Applicant's pharmacy would be one of convenience and not one that was required, and added that convenience and necessity were completely different: necessity and requirement were covered by pharmacy

regulations, whereas convenience was not.

- 8.1.10.** Mr Doherty referred the Committee to the CAR and to some respondent comments that they were not happy with the proposed location of the new pharmacy. Mr Doherty referred to the convenience store's reputation in Westburn which had had its licence revoked for 6 months for selling alcohol to minors. Mr Doherty added that police had lobbied to have the licence revoked indefinitely since Mr Lalli had been asked to appear in front of the licensing panel 3 times for this offence. Mr Doherty concluded that the convenience store was not an ideal location for siting a pharmacy, regardless of it also being unrequired.
- 8.1.11.** Mr Doherty said that Westburn was serviced by two buses (7A and 164) with several bus stops within the neighbourhood boundary. Newton train station was a few minutes away, with links to Cambuslang and Glasgow City Centre in one direction, and Hamilton, Larkhall and Motherwell in the other direction. Mr Doherty said that Westburn was far from removed from every day amenities and just like the nearby new housing developments, people of Westburn had to leave the neighbourhood to access those amenities, and added that the only thing one could do within Westburn was obtain some convenience groceries and, as of a few weeks ago, obtain a kebab – everything else happened outwith the boundaries of the Applicant's neighbourhood – including doctors, dentists, pharmacies, places of worship, supermarkets and restaurants.
- 8.1.12.** Mr Doherty said that for residents who were unable to access the pharmacy, then Leslie Chemist could deliver to them – and nobody was excluded. Mr Doherty had taken a count of deliveries to Westburn for the two weeks commencing 18th September 2017 and had seen very little demand for deliveries to Westburn. Mr Doherty asserted that he could cater for an upturn of delivery numbers to Westburn.
- 8.1.13.** Mr Doherty referred to the Applicant's comments in his application that "service provision was stretched and the opening of a new pharmacy would help to ameliorate the workload and pressure being put on contractors". Mr Doherty said that he knew all the contractors, including his own and stated that the provision of services was certainly not stretched and, in his case, there was scope for increase in provision, whether it be prescription numbers, number of deliveries, number of MAS items or number of dosette boxes provided. Mr Doherty said that he had looked at the prescription numbers for the 5 pharmacies local to Westburn from 2014-present, and stated that there was no stretch of pharmaceutical services in the area – and added this was not his opinion, but fact. Looking at the projected prescription numbers for 2017, the prescription numbers were up 1.21% on 2016, down 0.45% on 2015 and down 3.62% on 2014.
- 8.1.14.** As a collective of 5 pharmacies, Mr Doherty said that they processed 17,252 less prescriptions now than they did in 2014, and therefore to say that services in the area were stretched was untrue. Mr Doherty added that they would process 40,490 less prescriptions in 2017 than they had in 2014. He had not decreased his staff levels over this time and the pharmacy could increase its workload dramatically if required. Mr Doherty did not believe there was a need to ameliorate the stretched workload, because the workload was not stretched.
- 8.1.15.** Looking at MAS items over the same time period and projection for the rest of 2017, Mr Doherty noted that there had been an increase of less than 5% since

2014, and expected the number to increase year on year as the service became an integral part of pharmacy. Mr Doherty said this was not an excessive or unmanageable increase, and admitted that MAS was a part of the service he enjoyed the most, and hoped that more patients used the service, which was not stretched for his pharmacies, and he could not see that it was stretched for the other contractors.

- 8.1.16.** Looking more closely at the CAR, Mr Doherty said he could not see any proof of inadequate pharmaceutical service being provided, but acknowledged that there were suggestions that a pharmacy would be convenient. Mr Doherty commented that convenience was not a reason to grant a contract to Westburn.
- 8.1.17.** Mr Doherty noted comments from the CAR regarding waiting times and said that there were no waiting times at Leslie Chemist, adding that he worked in the busiest pharmacy in the area and average waiting times were less than 5 minutes, and waiting time to see a pharmacist was also in minutes if not straight away. Mr Doherty stated that there were no long waiting times, the service was not stretched and there was plenty of scope for growth in numbers.
- 8.1.18.** Mr Doherty dismissed the comments about long queues as nonsense, and said that he worked in the busiest pharmacy and saw more patients than any contractor. He had not had he witnessed any long queues in his own pharmacy or in any other pharmacy in the area.
- 8.1.19.** Mr Doherty said that he vetted the local professionals about the service in the area and asked if they had were aware of inadequacy of pharmaceutical services in Westburn. Mr Doherty referred to the replies from North Ave Surgery, Craigallion Ave Surgery, Ardoch Grove Surgery and Dr McCann's Surgery which had all agreed there was no inadequacy. Mr Doherty had also asked the nurses at Johnston Drive Clinic whether they believed there were any inadequacies in the service. The Clinic provided services to attending patients but also provided services to housebound patients in the area. Mr Doherty said that Nurse Margaret Nealon had replied on behalf of the Clinic nurses who had agreed that there was no inadequacy, and regarded the service as exceptional.
- 8.1.20.** Mr Doherty said that he had also spoken with professionals outwith the medical profession – Father Morton of St Bride's Parish Church, and noted that Fr Morton had served Cambuslang for 17 years and probably knew more people than most in the area. Mr Doherty said he had asked Fr Morton if he had heard of any shortcomings in the pharmacy service in the area, and the response had been no shortcomings noted, and he had in fact praised the service in the area. Mr Doherty said that the fact that all the professionals he had consulted were happy with the quality of pharmaceutical service provided, and the fact that some of the professionals also praised the service, was something he felt all the contractors involved should be proud of.
- 8.1.21.** Mr Doherty referred to previous PPCs attended, which he had found frustrating listening to someone tell him that the service he provided was inadequate, when he knew the opposite was true. Mr Doherty was reassured by the responses from the health professionals who agreed with that fact.
- 8.1.22.** Mr Doherty summarised that there was no inadequacy in pharmaceutical

services. The neighbourhood was well served by 5 local pharmacies, which he said was the opinion of the people from Westburn and the local health professionals, not just his opinion. Mr Doherty stated that the contract was not required and requested the panel to reject the application.

This concluded the presentation by Mr Doherty on behalf of Leslie Chemist

8.2. QUESTIONS FROM THE APPLICANT

The Chair then invited questions from the Applicant to Mr Doherty

8.2.1. The Applicant had no questions

8.3. QUESTIONS FROM THE OTHER INTERESTED PARTIES

8.3.1. *Having ascertained that there were no questions from the Applicant, the Chair invited Mr Arnott to ask questions to Mr Doherty.*

8.3.1.1. Mr Arnott had no questions

8.3.2. *Having ascertained that there were no questions from Mr Arnott, the Chair invited Ms Wilson to ask questions to Mr Doherty.*

8.3.2.1. Ms Wilson had no questions

8.4. QUESTIONS FROM THE COMMITTEE TO MR DOHERTY

8.4.1. *Having ascertained that there were no questions from Ms Wilson the Chair invited the Committee to ask questions to Mr Doherty*

8.4.1.1. **Mr Mackenzie asked how many prescriptions were issued each month from the two pharmacies.**

Mr Doherty replied that numbers fluctuated between 16,000-18,000 prescriptions from the main pharmacy, as it included a nursing home. The second pharmacy issued approximately 5,000 prescriptions.

8.4.1.2. **Mr Mackenzie asked Mr Doherty's to clarify his comment that he had capacity to increase his service.**

Mr Doherty said that 3 years ago he had issued between 22-23k of prescriptions with the same number of staff.

8.4.2. *Having ascertained that there were no further questions from Mr Mackenzie, the Chair invited Mrs McGregor to ask questions to Mr Doherty*

8.4.2.1. Mrs McGregor had no questions.

8.4.3. *Having ascertained that there were no questions from Mrs McGregor, the Chair invited Mrs Prentice to ask questions to Mr Doherty*

8.4.3.1. Mrs Prentice had no questions.

8.4.4. *Having ascertained that there were no questions from Mrs Prentice, the Chair invited Mr Woods to ask questions to Mr Doherty*

8.4.4.1. Mr Woods asked Mr Doherty how many pharmacy assistants he had.

Mr Doherty replied he always had two pharmacy assistants in 222 Main Street, and one in the other pharmacy, which were both fully open at lunchtime.

8.4.4.2. Mr Woods asked how someone who was a smoker would know that Mr Doherty's pharmacies provided a cessation service.

Mr Doherty acknowledged that the cessation service was not advertised on the window, but was advertised on their website and on the Health Board's website.

8.4.4.3. Mr Woods asked how someone who was in a wheelchair could access the pharmacy for pharmaceutical services.

Mr Doherty acknowledged that there was no automatic door to permit entry, but the person could knock on the door and someone would come and let them in. Mr Doherty acknowledged that he might consider looking into changing this.

8.4.4.4. Mr Woods said that if a person in a wheelchair had been able to enter the pharmacy, where would they be able to go in order to hold a private conversation with a pharmacist.

Mr Doherty said that the smaller pharmacy did not have the space to cater for a consultation room, and that they would have to wait for the right moment and go to the left of the counter by the pillar. Mr Doherty added that in the other pharmacy, they had created a consultation room since the chiropodist, who had previously used the space, had left.

8.4.4.5. Mr Woods asked if Mr Doherty was fully "DDA compliant" as stated in his contract.

Mr Doherty acknowledged that he did not have an automatic door and was therefore not fully compliant.

8.4.5. *Having ascertained that there were no further questions from Mr Woods, the Chair asked questions to Mr Doherty*

8.4.5.1. The Chair reported that the Panel would disregard the part of Mr Doherty's statement which referred to previous applications and decisions.

8.4.5.2. The Chair asked whether Mr Doherty knew of the current level of pharmaceutical service provided to Westburn – ie whether he segregated the prescriptions by area for customers.

Mr Doherty replied he did not segregate prescriptions but conjectured that there was an older population, which might suggest that they may not be as mobile, which is why he did ask his delivery drivers to write a report regarding deliveries to Westburn, which had been surprisingly few.

8.4.5.3. The Chair asked what the impact would be on his business if the

Application was granted by losing prescriptions to another pharmacy.

Mr Doherty confirmed that the loss would not make his own business non-viable, but doubted the viability of a pharmacy issuing only 1500 prescriptions per month, which would not be a sustainable figure for him. Mr Doherty suggested that a figure between 3500-4000 prescriptions per month would be required to run a sustainable business.

8.5. ADDITIONAL QUESTIONS FROM THE APPLICANT AND OTHER INTERESTED PARTIES.

Having ascertained that there were no further questions from the Committee, the Chair invited the Applicant and other Interested Parties to ask additional questions to Mr Doherty

8.5.1. The Applicant referred to the Mr Doherty's comments regarding the few deliveries in relation to older residents who were less mobile, and asked where the residents were currently receiving their pharmaceutical services.

Mr Doherty said that the Applicant's point proved that the Westburn residents were mobile and, if his pharmacy was not delivering, the residents were obviously obtaining their services elsewhere.

8.5.2. The Applicant refuted Mr Doherty's comment on viability and said that with one member of staff, the pharmacy would be viable with 1500 prescriptions per month, and said that he would increase staff levels accordingly.

Mr Doherty commented that with only one member of staff, a pharmacy would not be well run, and would need 2-3 members of staff, which would mean more prescriptions would be required.

8.6. LLOYDS PHARMACY LTD SUBMISSION

Having ascertained that there were no further questions to be asked of Mr Doherty, the Chair invited Mr Arnott to make his representation behalf of Lloyds Pharmacy Ltd

8.6.1. Mr Arnott stated that the Applicant's reason for making this application seemed to be that the Pharmaceutical Services provided by current Contractors were inadequate only because there no Pharmacy Premises were provided within his definition of the neighbourhood.

8.6.2. Mr Arnott said that, numerous examples from Pharmacy Practice Committee Hearings and National Appeal Panel Hearings stated that adequate pharmaceutical services could be provided to a neighbourhood from pharmacies situated outwith that neighbourhood, which Mr Arnott said was the case in Westburn. Mr Arnott added that previous applications in the Applicant's neighbourhood had been refused as existing services were deemed to be adequate – and nothing had changed.

8.6.3. Mr Arnott quoted from the Advice and Guidance that those attending the PPCs must consider "what are the existing pharmaceutical services in the

neighbourhood or in any adjoining neighbourhood”.

- 8.6.4.** Mr Arnott stated that Cambuslang’s population of 27,000 was adequately serviced by the existing 5 Pharmacies, which included the 2000 residents of the Applicant’s proposed neighbourhood. Mr Arnott added that the existing Contractors had no issues in meeting the pharmaceutical requirements of the residents of the Applicant’s proposed neighbourhood.
- 8.6.5.** Mr Arnott said that the Panel needed to take into account whether the granting of an Application would adversely impact on the security and sustainable provision of existing NHS primary medical and pharmaceutical services in the area concerned. Mr Arnott added that the data from the SIMD indicated that, as far as access to services were concerned, many of the residents had much better accessibility to services - including pharmaceutical services - than many neighbourhoods in Scotland.
- 8.6.6.** Mr Arnott said that at the Applicant’s proposed site was a Convenience Store, (the site for the Pharmacy) which Mr Arnott did not regard as the Hub of a Neighbourhood and demonstrated that the residents of the Applicant’s proposed neighbourhood travelled outwith the neighbourhood on a regular basis, in order to access services such as Supermarkets, Banks and GP Surgeries.
- 8.6.7.** Mr Arnott said that, although Delivery was not a Core Service, all Contractors offered this service for anyone who was housebound. Mr Arnott added that all the existing Pharmacies offered all Core Services and emphasised that the Lloyds Pharmacies were fully engaged with CMS e MAS and AMS.
- 8.6.8.** Mr Arnott stated that convenience was not a reason for granting a pharmacy contract and added that the Applicant had shown no inadequacies in current Service Provision
- 8.6.9.** Mr Arnott said that The Applicant has carried out a Consultation Exercise in support of his application. From a population of approximately 2,000, Mr Arnott noted that CAR had generated 82 responses - only 3.6% of the Residents - and of those respondents, only 30 (1.5%) thought that the current service provision had any gaps or deficiencies (Question 4). Mr Arnott said that this was the lowest response I have ever seen and was surprised that the Applicant had not withdrawn his Application following the results of the CAR.
- 8.6.10.** Mr Arnott referred to the new Regulations which required that the Applicant "establish the level of public support of the residents in the neighbourhood to which the application relates" then, in Mr Arnott’s opinion, although the Applicant had tried to gain public support, Mr Arnott believed the Applicant had failed to gain the support of the residents simply because there was little public support for the application, which was because the existing Contractors already provided an adequate pharmaceutical care service to the Applicant’s proposed neighbourhood.
- 8.6.11.** Mr Arnott said that, despite all the Applicant’s efforts, he has received only 82 responses from the residents of his proposed neighbourhood and not all of those responses support the Application, although many mentioned convenience. Mr Arnott quoted from a response on Page 11 of the CAR “*A Pharmacy which I am guessing would be trading from the premises where the landlord has been*

cautioned for selling cigarettes and alcohol to underage teenagers. It has sold out of date food. Already this would make me question the relationship between landlord and potential Pharmacy owner. This seems to be an unethical combination”.

- 8.6.12.** Mr Arnott repeated that the Applicant had shown no inadequacies in current pharmaceutical provision, and added that there was little or no Public support for this application. Mr Arnott stated that the residents had no difficulties in accessing pharmaceutical services, and travelled outwith the neighbourhood on a regular basis to meet their daily needs. Mr Arnott stated that the Application was about convenience - not adequacy or need, and that convenience was not a reason for granting a pharmacy contract
- 8.6.13.** Mr Arnott said that the Panel needed to consider what the existing pharmaceutical services were in the neighbourhood - or in any adjoining Neighbourhood, and confirmed that there were 5 pharmacies who all met the pharmaceutical needs of the residents of the Applicant's proposed neighbourhood.
- 8.6.14.** Mr Arnott said that he had examined the NHS Lanarkshire Pharmaceutical Care Services Plan and could find no reference to a requirement for a pharmacy in the Applicant's proposed neighbourhood, and noted that there had not been any complaints to the Health Board regarding existing service provision and accessibility.
- 8.6.15.** Mr Arnott requested that the Panel refuse the 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.

This concluded the presentation by Mr Arnott on behalf of Lloyds Pharmacy Ltd

8.7. QUESTIONS FROM THE APPLICANT

The Chair invited questions from the Applicant to Mr Arnott.

- 8.7.1. The Applicant asked whether Lloyds Pharmacy Ltd premises were fully DDA compliant.**

Mr Arnott confirmed that they were.

- 8.7.2. The Applicant asked how many prescriptions did his pharmacy issue per month.**

Mr Arnott replied that the detail was contained in the information provided.

8.8. QUESTIONS FROM THE OTHER INTERESTED PARTIES

- 8.8.1. *Having ascertained that there were no further questions from the Applicant, the Chair invited Mr Doherty to ask questions to Mr Arnott***

- 8.8.1.1. **Mr Doherty referred to Mr Arnott's comments regarding no complaints being made to the Health Board, and asked if Mr Arnott was aware of any complaints made to Lloyds Pharmacy Ltd in relation to excessive waiting times or a stretched service.**

Mr Arnott replied that he was not aware of any such complaints.

- 8.8.1.2. **Mr Doherty asked if Mr Arnott had scope for increased services, compliance packs or deliveries.**

Mr Arnott confirmed he had capacity for all the above.

- 8.8.2. ***Having ascertained that there were no further questions from Mr Doherty, the Chair invited Ms Wilson to ask questions to Mr Arnott.***

- 8.8.2.1. Ms Wilson had no questions.

8.9. **QUESTIONS FROM THE COMMITTEE TO MR ARNOTT**

- 8.9.1. ***Having ascertained that there were no further questions from Ms Wilson the Chair invited the Committee to ask questions to Mr Doherty***

- 8.9.1.1. **Mr Mackenzie asked how much of a percentage for increased capacity that Lloyds Pharmacy Ltd had.**

Mr Arnott confirmed that they had capacity to increase up to 50%.

- 8.9.2. ***Having ascertained that there were no further questions from Mr Mackenzie, the Chair invited Mrs McGregor to ask questions to Mr Arnott***

- 8.9.2.1. **Mrs McGregor asked what counter staff were employed in the Lloyds Pharmacy Ltd in Cambuslang.**

Mr Arnott confirmed he had 2 full time technicians, 2 full time dispensers, 2 full time health care assistants, 2 pharmacists with double cover provided once a month.

- 8.9.3. ***Having ascertained that there were no further questions from Mrs McGregor, the Chair invited Mrs Prentice to ask questions to Mr Arnott***

- 8.9.3.1. **Mrs Prentice asked whether the pharmacy closed at lunchtime.**

Mr Arnott confirmed that the pharmacy stayed open and did not close at lunchtimes.

- 8.9.4. ***Having ascertained that there were no further questions from Mrs Prentice, the Chair invited Mr Woods to ask questions to Mr Arnott***

- 8.9.4.1. **Mr Woods asked whether Mr Arnott accepted the validity of the CAR that the PPC panel would need to consider, given his comments that there had only been 82 responses.**

Mr Arnott said that part of the process would be to take account of public opinion,

but due to the low number of responses, in his opinion this indicated either that residents were apathetic or that they were satisfied with current pharmaceutical service provision; however Mr Arnott agreed that the PPC panel needed to take the CAR into consideration.

- 8.9.4.2. Mr Woods raised an issue with Mr Arnott's claim that the pharmacy was DDA compliant, saying that, if he had been in a wheelchair, he would not have not been able to enter the premises.**

Mr Arnott replied that there was a push-button on the outside of all Lloyds pharmacies. Mr Woods said that he had noted a black rubberised box at the doorway, situated 6 feet above the ground (not waist height), which he had pressed twice but nobody had answered.

Mr Arnott replied that all Lloyds Pharmacy Ltd premises were required to be DDA compliant and agreed to check the position and rectify if required.

- 8.9.5. *Having ascertained that there were no further questions from Mr Woods, the Chair asked questions to Mr Arnott***

- 8.9.5.1. The Chair asked Mr Arnott to quantify the impact on his business if the application was to be granted,**

Mr Arnott replied that he could not specify the impact, but added that pharmacies were different now than they had been years ago, and that every penny counted. Mr Arnott added that any loss of business would have an impact, maybe not immediately, but in future, especially when investing in one's business.

- 8.9.5.2. The Chair asked Mr Arnott if he had information on how many residents of Westburn used his pharmacy in Cambuslang.**

Mr Arnott had no figures.

- 8.10. ADDITIONAL QUESTIONS FROM THE APPLICANT AND OTHER INTERESTED PARTIES.**

Having ascertained that there were no further questions from the Committee, the Chair invited the Applicant and other Interested Parties to ask additional questions to Mr Arnott

- 8.11. BOOTS UK LTD STATEMENT**

Having ascertained that there were no additional questions to be asked of Mr Arnott, the Chair invited Ms Wilson to make her representation behalf of Boots UK Ltd

- 8.11.1.** Ms Wilson stated that the issue was whether the application was necessary or desirable to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the pharmaceutical list. Boots' case was that the existing pharmacy provision met the needs of the local population and persons within the neighbourhood.

- 8.11.2.** Ms Wilson stated that the neighbourhood proposed by the Applicant was of a limited size. The boundaries defined by the Applicant reflected the area of what was known locally as Westburn which did not include Newton. Westburn was a part of the town of Cambuslang.
- 8.11.3.** Ms Wilson said that if the Panel adopted the neighbourhood defined by the Applicant which does not have a pharmacy located within it, the panel would be aware of the need to have regard to pharmaceutical services provided to the neighbourhood from pharmacies located outwith. Ms Wilson added that there was little by way of key amenities within the neighbourhood and in the vicinity of the proposed pharmacy. Patients will have to go outwith the defined neighbourhood for all but the very basic convenience items.
- 8.11.4.** Regarding access, Ms Wilson said that there were a number of pharmacies that were reasonably accessible from the Westburn area, and disagreed with the Applicant's statement that Westburn was an isolated community. Ms Wilson said that bus services ran through and to Westburn, in particular the 7/7a service, which had three designated bus stops in Westburn and ran half hourly during the day to Cambuslang and central Glasgow. In addition to the 7/7a service, bus 164 ran from Glasgow to Halfway in the evening, making 3 stops at Westburn enroute. Bus stops were located for both directions of travel only a short distance from the proposed site, almost directly outside.
- 8.11.5.** Ms Wilson stated that car ownership in Cambuslang (according to the 2011 Census) was higher than the national average (70.4% compared to 69.5%). Ms Wilson added that, for those travelling by car, on road parking was available at the Boots Halfway pharmacy, with a disabled space immediately outside. Car parking was also available in Cambuslang with 99 long stay and 64 short stay spaces in the car park to the rear of Main Street (Allison Street), with on-street disabled spaces available near Leslie Chemist. In the event that a patient could not access a pharmacy using one of these methods, delivery services were available.
- 8.11.6.** Ms Wilson stated that the existing pharmacies provided access to an extensive range of pharmaceutical services as well as access to services six days a week. Ms Wilson added that Boots could open on Sundays if there was a need; however, they had tried opening on Sundays in the Cambuslang pharmacy, but the Sunday service had not been utilised.
- 8.11.7.** The CAR indicated that all services were provided by one or more pharmacies in the Cambuslang area. The CAR also confirmed that residents had access to a consultation room and were DDA compliant.
- 8.11.8.** Ms Wilson said that their pharmacies in Cambuslang and at Halfway provided an extensive range of services to patients – ie a delivery service, Needle Exchange, smoking cessation, MAS, Hep C, EH, eMAS, Gluten Free, CMS, Medisure, PCS/FRPS, text, Malaria prophylaxis; and both stores had assisted entry doors. Ms Wilson noted that data had demonstrated that both pharmacies provided dispensing services to patients living in both the Westburn and Newton areas.
- 8.11.9.** Ms Wilson stated that there was no evidence to suggest that the existing level of service provision was anything other than adequate and no suggestions that the existing contractors could not meet the current, or any future demand for pharmaceutical services. Ms Wilson said that the Cambuslang Business Survey

2017 stated that a sizeable proportion of retailers in Cambuslang had experienced declining performance in the past three years. The Applicant has not provided any evidence to support their comments that service provision in Cambuslang was stretched nor pressure being put on the existing contractors.

- 8.11.10.** Ms Wilson reported that Boots had analysed and mapped the prescription data for their pharmacies at Cambuslang and Halfway. This exercise showed that both pharmacies served patients residing in Westburn and that a significant number of their items come from those patients. Ms Wilson asserted that the opening of a pharmacy in Westburn would have an adverse effect on both Boots pharmacies in the immediate area.
- 8.11.11.** Ms Wilson referred to the CAR, noting that only 82 people had responded, of which 3% completed the survey. Of the 82 responses:
- A third didn't agree with the neighbourhood defined.
 - A third felt the proposed pharmacy would have an impact on other NHS services including other pharmacies.
 - Almost a third of those that answered the relevant question did not support the proposal to open the pharmacy
 - Regarding the question whether the respondent thought there were gaps in service, 42 people did not know, or replied "no", and 10 people skipped the question.
- 8.11.12.** In summary, Ms Wilson concluded that there were a number of pharmacies that were currently providing services to the neighbourhood and that were reasonably accessible from the proposed site. Ms Wilson added that the Applicant had not identified a need for a particular service or hours of service that could not be met by the existing contractors, there were no gaps in service provision identified, and that the existing pharmacy provision provided to the neighbourhood is adequate. Ms Wilson said that the proposed pharmacy was neither necessary nor desirable to secure the provision of pharmaceutical services in the neighbourhood in question, and that the application should be refused.

This concluded the presentation by Ms Wilson on behalf of Boots UK Ltd

8.12. QUESTIONS FROM THE APPLICANT

The Chair invited questions from the Applicant to Ms Wilson

- 8.12.1. The Applicant asked how many people from Westburn used the two Boots pharmacies.**

Ms Wilson's observer referred to data obtained the pharmacy Patient Medication Record ("PMR") using postcodes for Cambuslang and Halfway.

- 8.12.2. The Applicant asked whether Ms Wilson agreed that there were clear geographical barriers between Halfway and Cambuslang.**

Ms Wilson disagreed, and said it was obvious that people accessed services outwith the neighbourhood, and there had been no substantive comments from

the CAR to indicate that people had any trouble accessing those services.

8.12.3. The Applicant asked if the two Boots UK pharmacies were DDA compliant.

Ms Wilson confirmed both Boots UK pharmacies were DDA compliant.

8.13. QUESTIONS FROM THE OTHER INTERESTED PARTIES

Having ascertained that there were no further questions from the Applicant, the Chair invited Mr Doherty to ask questions to Ms Wilson.

8.13.1. Mr Doherty had no questions.

8.14. *Having ascertained that there were no further questions from Mr Doherty, the Chair invited Mr Arnott to ask questions to Ms Wilson.*

8.14.1. Mr Arnott had no questions.

8.15. QUESTIONS FROM THE COMMITTEE TO MS WILSON

Having ascertained that there were no further questions from Mr Arnott the Chair invited the Committee to ask questions to Ms Wilson.

8.15.1. **Mr Mackenzie asked how many items were issued each month from the two Boots pharmacies.**

Ms Wilson replied that the Cambuslang Boots UK pharmacy issued approximately 4300 items per month, and approximately 6000 items were issued each month from the Boots UK Halfway pharmacy.

8.15.2. **Mr Mackenzie asked whether the two Boots UK pharmacies had the ability to increase capacity.**

Ms Wilson confirmed they did.

8.16. *Having ascertained that there were no further questions from Mr Mackenzie, the Chair invited Mrs McGregor to ask questions to Ms Wilson*

8.16.1. **Mrs McGregor asked how long Ms Wilson had trialled the Sunday opening hours.**

Ms Wilson replied that the exercise had been undertaken a couple of years previously, for a few months over winter. Cambuslang had been very quiet on a Saturday and it was not viable to open on a Sunday.

8.17. *Having ascertained that there were no further questions from Mrs McGregor, the Chair invited Mrs Prentice to ask questions to Ms Wilson*

8.17.1. Mrs Prentice had no questions.

8.18. *Having ascertained that there were no further questions from Mrs Prentice, the Chair invited Mr Woods to ask questions to Ms Wilson*

- 8.18.1. **Mr Woods asked if Ms Wilson appreciated that the Committee would need to take the CAR into consideration, given her comment that only 82 responses had been received.**

Ms Wilson confirmed she was aware of the consideration to be given.

- 8.19. ***Having ascertained that there were no further questions from Mr Woods, the Chair asked questions to Ms Wilson***

- 8.19.1. **The Chair asked if Ms Wilson had a breakdown for the number of people from Westburn who used the pharmacies.**

Ms Wilson acknowledged that they had no specific numbers but had based the figure from data obtained from the PMR.

- 8.19.2. **The Chair asked Ms Wilson if she had any information on the number of deliveries from either of the Boots pharmacies to Westburn residents.**

Ms Wilson said that there were a few deliveries made from the Halfway pharmacy, and was unable to provide information for Cambuslang. Ms Wilson added that the service was offered free of charge if desired.

- 8.19.3. **The Chair asked what the impact would be on the business if the application were granted.**

Ms Wilson said that it depended from where they lost patients, but said that the impact would likely require a change of the business model and to reduce staff, but it was difficult to predict what that impact would be.

- 8.19.4. **The Chair asked how many staff were on site at the two pharmacies.**

Ms Wilson was not sure, but thought there were 3 staff in each store in addition to a pharmacist.

- 8.20. **ADDITIONAL QUESTIONS FROM THE APPLICANT AND OTHER INTERESTED PARTIES.**

Having ascertained that there were no further questions from the Committee, the Chair invited the Applicant and other Interested Parties to ask additional questions to Ms Wilson.

- 8.20.1. **Mr Arnott queried the Boots UK pharmacy issued 4300 items per month and asked whether the pharmacy would remain viable if she lost 1500 items per month due to the Applicant's application being granted. In his opinion, a pharmacy needed to issue at least 5500 items monthly in order to be viable.**

Mrs Wilson stated that it was not a decision she could make and would need to consider the figures if that arose.

9. **SUMMARIES**

After the Chair had confirmed that there were no further questions or comments from those present and participating in the hearing, the various

parties were asked in reverse order to sum up the arguments.

9.1. BOOTS UK LTD

Mrs Wilson had no additional commentary to provide.

9.2. LLOYDS PHARMACY UK

Mr Arnott referred to the pertinent points he had raised earlier: (i) that there had been little public support for the application (ii) convenience was no reason to grant the contract (iii) urged the Committee to take account of the pharmaceutical services being provided to the neighbourhood from an adjoining neighbourhood (iv) there was no services in the NHS Lanarkshire service care plan which were not currently provided by the existing pharmacies (v) and highlighted the potential impact on the existing pharmacies.

9.3. LESLIE CHEMIST

Mr Doherty said that in order for the Application to be approved, the Committee would need to show true inadequacy of pharmaceutical services being provided to the area. In this case, inadequacy had not been proven by the Applicant as there was no stretched services or long waiting times. There had not been any complaints submitted through the Health Board regarding service in the area, and therefore Mr Doherty said that there was no requirement for a pharmacy in Westburn and urged the panel to reject the application.

9.4. THE APPLICANT.

9.4.1. The Applicant referred to the size of GP practices and current strain on the pharmaceutical service and stated that although he did not believe this Application was necessary, he believed it was, at the very least, highly desirable. In order to consider this, service provision must be deemed to be inadequate.

9.4.2. The Applicant said that there would be an even greater demand for pharmaceutical service provision in Cambuslang, as the population was growing and ageing like never before, so this would no doubt exacerbate service provision in the area as a whole, so a remedy would be required to fix this.

9.4.3. The Applicant did not believe that the opening of his pharmacy would affect the viability of the current contractors to such a detriment to cause them to cease trading.

9.4.4. The Applicant referred to Judicial guidance which allowed the Committee to take developments into account, which would affect adequacy. The Applicant alluded to further substantial residential developments on the rise and population increase will he believed would exacerbate current service provision in the town, as a whole.

9.4.5. Rowlands v The National Appeal Panel - Bonnyrigg (2006).

- Lord MacPhail held that it was reasonable for the NAP to conclude that while it was not necessary to grant the application in order to secure

adequate pharmaceutical provision, it would be desirable to do so.

Lloyds Pharmacy Limited v The National Appeal Panel (2004).

- Lord Drummond Young's decision stated that a PPC or panel could award a contract which resulted in some degree of "present over provision" if it secured adequacy into the future.

- 9.4.6.** The Applicant referred to the legal test document under section 7.1 of General points regarding "Need to Consider Future Changes" where it said "*you must not just consider the present. You must consider the future, and in particular, changes which it is known will occur in the future. New Housing developments, or business parks for example, may have an effect upon existing services and may make it desirable to grant an application now, even though the existing service is adequate without such a development*".
- 9.4.7.** Referring to the point about over provision in order to secure adequacy into the future, the Applicant asked if it was necessary to grant his application in order to secure adequate provision of pharmaceutical services in the neighbourhood. The Applicant noted that this consideration would be affected by the already large number and influx of new patients eligible for the minor ailment service, substance misuse patients, the pressure that changes to the public health service would bring, along with the increased time that it took to implement the acute medication service and the chronic medication service. The Applicant considered that these all added up to create an even greater demand for local health needs to be met in the pharmacy environment.
- 9.4.8.** The Applicant asserted that a flexible approach should be adopted in the granting of this application, as local needs will change over time, as there will be an even greater demand for pharmaceutical services and a pattern of service provision must adapt accordingly.
- 9.4.9.** The Applicant stated that his pharmacy premises would be fully DDA compliant and requested that this be taken into consideration since at least 2 contractors were not DDA compliant – whether someone was in a wheelchair, elderly, inform, or a parent with a pram. The Applicant that these considerations needed to be considered as providing an inadequate service, since service provision also included the ability to access services.
- 9.4.10.** The Applicant hoped that the Committee agreed with his findings and unanimously agreed to grant a new pharmacy contract, since he believed that a pragmatic and responsible approach must be adopted.
- 9.4.11.** **The Chair noted that in the Applicant's summary, he had introduced commentary from legal tests which colleagues had not had the opportunity to consider. The Chair stated that those tests included references to necessity or desirability.**

The Chair clarified that, in reaching a decision, the Committee would first need to define the neighbourhood and answer the question of adequacy before considering whether a pharmacy would be necessary or desirable. If current services were deemed adequate, then the Committee's consideration of the application would proceed no further.

Only if current pharmaceutical services were deemed inadequate would the Committee take deliberations to the next stage in order to consider whether granting of the application for an additional pharmacy could be considered necessary or desirable.

10. RETIRAL OF PARTIES

- 10.1. The Chair then invited each of the parties present to individually and separately confirm that a fair hearing had been received and that there was nothing further to be added. The Applicant and each of the Interested Parties, separately confirmed that they had had a fair hearing and the Chair advised that the Committee would consider the application and representations prior to making a determination.
- 10.2. The Chair 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. If the Committee required further factual advice from the Applicant or Interested Parties, or legal advice from Central Legal Office, the open session would be reconvened so that all parties could hear the advice and have the opportunity to challenge or comment on that advice.
- 10.3. The Chair informed all parties 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.

The hearing adjourned at 1215 hours. The Applicant and the Interested Parties left the room.

11. COMMITTEE DELIBERATIONS

11.1. Supplementary Information.

The Committee noted the following:

- (i) That each Committee Member had independently undertaken a site visit of Westburn and noted the location of the proposed premises and other facilities and amenities in the area.
- (ii) A map showing the location of the proposed pharmacy in relation to existing pharmacies and Medical Practices within Westburn and the surrounding area]
- (iii) Prescribing and Dispensing figures for GP practices and pharmacies in Cambuslang from July 2016-June 2017.
- (iv) Report on Pharmaceutical Services provided within the township of Cambuslang.
- (v) Demographic Information on the township of Cambuslang taken from the 2011 census.
- (vi) Information extracted from pharmacy quarterly complaints returns to NHS Lanarkshire – April 2014 – June 2017.
- (vii) Complaints received by NHS Lanarkshire about pharmacy services in South Lanarkshire in the last 5 years.
- (viii) The Application and supporting documentation, including the Consultation Analysis Report (CAR) provided by the Applicant on 5 September 2017.

12. SUMMARY OF CONSULTATION ANALYSIS REPORT (CAR)

12.1. Introduction

12.1.1. NHS Lanarkshire undertook a joint consultation exercise with the Applicant regarding his proposed application for a new pharmacy contract at 130 Westburn Road, Cambuslang, Glasgow, G72 7SY.

12.1.2. The purpose of the consultation was to seek views of local people who may use this new pharmacy. The consultation also aimed to gauge local opinion on whether people felt access to pharmacy services in the area was adequate, as well as measuring the level of support for the new pharmacy.

12.2. Method of Engagement to Undertake Consultation

12.2.1. The consultation was conducted via Survey Monkey to capture respondents' definitive responses and free text views for accurate reproduction graphically and textually. The consultation link was hosted on NHS Lanarkshire's (NHSL) public website www.nhslanarkshire.org.uk.

12.2.2. The Consultation was publicised via NHSL press release, an advertisement in the Rutherglen Reformer, NHSL Facebook page, Twitter account, and on the NHSL website homepage. South Lanarkshire Council was also notified for dissemination to local groups and elected representatives and the relevant Public Partnership Forums. The Halfway Community Council was also informed as they were local to the proposed area. All these media gave details of how to access a paper copy of the questionnaire for those with no computer facilities, and also details of how they could obtain a copy of the questionnaire in different format or language.

12.3. Summary of Questions and Analysis of Responses

12.3.1.

	Question	Yes	No	Don't Know	Replied	Skipped
Q1	Do you agree that the area within the red border represents the neighbourhood that would be served by the proposed pharmacy?	52	26	4	82	0
Q2	Would a pharmacy at this proposed location be accessible for patients in and around the neighbourhood?	70	9	3	82	0
Q3	With regard to the neighbourhood, as defined in Section A, do you think that the current pharmaceutical services being provided in and to the neighbourhood are adequate?					
Q3a	Dispensing of NHS Prescriptions	26	42	4	72	10
Q3b	Advice and medicines under the Minor Ailment Service	27	40	5	72	10
Q3c	National Pharmaceutical Public Health Services including smoking cessation and supply of emergency hormonal contraception	25	32	15	72	10
Q3d	Chronic Medication Service – for people with long term conditions	23	36	13	72	10
Q3e	Substance Misuse services	22	30	20	72	10

MINUTE: PPC/2017/02

Q3f	Stoma Service – appliance supply for patients with a colostomy or urostomy	24	27	21	72	10
Q3g	Gluten Free Foods	23	30	19	72	10
Q3h	Unscheduled Care – urgent health matters/ supply of emergency prescription medicines	23	35	14	72	10
Q3i	Support to Care Homes	24	25	23	72	10
Q4	Do you think that the current provision of pharmaceutical services has any gaps or deficiencies?	30	20	22	72	10
Q5	Mr Yaseen Yousaf is proposing to provide the services listed below. Do you think the proposed pharmacy needs to open in order for people in the neighbourhood to have adequate access to these services?					
Q5a	Dispensing of NHS Medications	50	20	2	72	10
Q5b	Supply of medicines under the Minor Ailment Service	49	20	3	72	10
Q5c	National Pharmaceutical Public Health Services including smoking cessation and supply of emergency hormonal contraception	46	18	8	72	10
Q5d	Chronic Medication Service – for people with long term conditions	48	19	5	72	10
Q5e	Substance Misuse services	38	27	7	72	10
Q5f	Stoma Service – appliance supply for patients with a colostomy or urostomy	44	19	9	72	10
Q5g	Gluten Free Foods	42	20	10	72	10
Q5h	Unscheduled Care – urgent health matters/ supply of emergency prescription medicines	48	19	5	72	10
Q5i	Support to Care Homes	43	20	9	72	10
Q6	Do you think that the proposed hours are appropriate?	54	14	3	71	11
Q7	If this proposal is successful, do you think that there would still be any gaps or deficiencies in the pharmaceutical services provided?	3	44	24	71	11
Q8	In your opinion, would the proposed application help other healthcare providers to work more closely together – eg GPs, community nursing, other pharmacies, dentists, optometrists and social services	39	19	13	71	11
Q9	Do you believe this proposal would have any impact on other NHS services, eg GPs, community nursing, other pharmacies, dentists, optometrists and social services	24	34	13	71	11

MINUTE: PPC/2017/02

Q10	Do you support the proposal to open a new pharmacy at 130 Westburn Road, Cambuslang, Glasgow, G72 7SY	49	21	1	71	11
Q11	Please indicate whether you are responding as an	Individual 66	Organisation 3	Skipped 13		
Q12	This question is optional and you can remain anonymous if you prefer	Name Organisation Name Address Town Post Code Email Skipped Answered Question			26 1 23 16 19 15 53 29	
Q13	Where contact information has been provided, we will make your responses available within the CAR on the following basis.	<ul style="list-style-type: none"> • Make response name and address available • Make response available except name and address • Make response and name available, but not address • Skipped 			13 48 8 13	

13. DISCUSSION

The Committee in considering the written evidence submitted during the period of consultation, written and oral evidence presented during the hearing, the contents of the CAR and recalling observations from site visits carried out on different days and at different times, first had to decide the question of the neighbourhood in which the premises, to which the application related, were located.

13.1. Neighbourhood

13.1.1. The Committee discussed the neighbourhood and noted:

- the Applicant's definition
- the views expressed by the Interested Parties
- the maps provided in the consultation document; the maps supplied with the papers; the map provided on the day
- natural and physical boundaries such as roads, waterways and open land

13.1.2. They then discussed the lack of general amenities such as GP surgeries, schools, places of worship, restaurants, pubs, large supermarkets, library, banks. The Committee discussed the distances residents had to travel to obtain pharmaceutical and other services and also the availability of public transport and levels of car ownership.

13.1.3. The Committee also looked at the Newton / Newton Farm communities, as they were mentioned as being "on the cusp" of the neighbourhood as defined by the applicant.

13.1.4. The Committee agreed with the Applicant and the Interested Parties that the neighbourhood should be defined as:

South	The railway line
East	Newton Burn following the Burn north to the River Clyde

MINUTE: PPC/2017/02

North The River Clyde
West Old Mill Road to Westburn Road, travelling across open countryside where it meets the River Clyde.

- 13.1.5.** The neighbourhood proposed by the Committee contained the following amenities: a Post Office, a convenience store, a TV shop, a village hall and a driving school. There was also a mix of public and private housing developments. Although the number of public and private facilities and amenities in the defined neighbourhood was acknowledged to be very limited, there was a general acceptance by the Applicant, the Interested Parties and the responses by the public to the CAR that Westburn was a defined and recognised community, with a developed identity and association within the area of Cambuslang. In the light of the evidence given, the Committee was happy to accept that Westburn constituted a neighbourhood for the purposes of the Application.
- 13.1.6.** The Committee noted the comments by the Applicant that future housing and educational developments were scheduled for the adjoining neighbourhood of Newton Farm, from which he extrapolated a potential population increase of 2,000 people. However, no firm evidence was presented to the Committee by the Applicant to substantiate any part of that claim. In addition, the Applicant firmly rejected an opportunity at the hearing to expand the boundaries of the defined neighbourhood of Westburn to include the area of Newton Farm.
- 13.1.7.** The Committee noted that although there were no pharmacies within the defined neighbourhood, there were 5 pharmacies within 2km of Westburn. All were easily accessible by foot, car or public transport.
- 13.2. Adequacy of existing provision of pharmaceutical services and necessity or desirability**
- 13.2.1.** Having reached a conclusion as to the defined neighbourhood, the Committee was then required to consider the adequacy of pharmaceutical services to that neighbourhood and, if the Committee deemed them inadequate, whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood.
- 13.2.2.** The Committee noted that the onus was on the Applicant to show inadequacy. He had relied almost entirely on the comments from the CAR and had not produced any substantive evidence at all of real inadequacies in any of the core services from the existing pharmacies, despite repeated questioning from the Committee and Interested Parties.
- 13.2.3.** There were no pharmacies in the Applicant's neighbourhood but there were 5 pharmacies within 2km which provided services into the area.
- 13.2.4.** From the information provided to the Committee and the oral presentations made; all of the pharmacies provided all of the core services and did not have any capacity issues and all appeared to be coping with the demands made upon them and had spare capacity. Despite a few adverse comments in the CAR, no substantive evidence had been provided of excessive waiting times or stretched services, or of lack of qualified staff to provide any of the essential services or to be available for consultation

- 13.2.5.** All of the pharmacies were easily accessed either on foot if it was near to where the patient lived or by bus as two bus services went in the direction of Cambuslang Town Centre which was the natural direction of travel.
- 13.2.6.** Regarding accessibility, it was noted that regardless of where the current pharmacies were located, residents were able to access pharmaceutical services through the use of public transport and the ownership of cars.
- 13.2.7.** Regarding access to pharmaceutical services, the Committee noted the Applicant's comment that his premises would be fully DDA compliant. The Committee considered access to pharmacy premises for patients, together with access to a private area for consultations. Whilst noting that two of the current contractors may not be 100% DDA compliant, the Committee acknowledged that Lloyds Pharmacy Ltd were taking immediate steps to rectify the issue.
- 13.2.8.** The Committee took into consideration the relatively low number of monthly prescriptions that the Applicant felt would be appropriate for a viable business, compared to other opinions that at least 4000 monthly prescriptions would be required for a viable business.
- 13.2.9.** The Committee noted that there had been very few complaints made to the Health Board and acknowledged the Applicant's point regarding complaints being handled in-house rather than being escalated to the Health Board.
- 13.2.10.** The Committee took into account the Applicant's closing statement that granting him a contract may not be necessary, but could be considered desirable.
- 13.3. Consultation Analysis Report ("CAR")**
- 13.3.1.** The Committee then went on to consider in detail the Consultation Analysis Report (CAR). Although the response numbers had been limited, it was noted that the majority of respondents' comments related to inconvenience rather than necessity. The Committee also considered the possibility that some respondents may not distinguish between necessity and having convenient access to services. It also had to be read in the context of what was said at the hearing.
- 13.3.2.** The Committee noted that the number of responses was very low and that this point had been made during the presentations. On close examination of the responses, taking into account, "don't know", skipped questions, looking at additional comments and noting a number of comments which praised the current services provided, the Committee noted that, taken in totality there was very little evidence either in support or against the application. However, the Committee noted that, of the people responding to CAR, only 30 had said that there were any gaps or deficiencies in pharmaceutical services. Whereas the figures provided by the Interested Parties illustrated a clear drop in the number of prescriptions dealt with locally in the last 3 years, whilst staffing levels had remained the same, demonstrating to the Committee's satisfaction that the existing pharmacies had sufficient capacity to deal with current and future demands. The Applicant admitted that, outside CAR, his evidence was only anecdotal.
- 13.3.3.** Overall, the Committee believed that there problems with some of the questions listed in the Consultation Analysis Report (CAR) and that some respondents could have found them difficult to answer without detailed knowledge of the services

offered by either the NHS or by local pharmacies. The Committee also believed that the questions seemed repetitive. Despite those reservations, the Committee was confident that the evidence obtained from the CAR was both accurate and adequate for the purpose of considering this application. The Committee was in no way diverted or swayed by any (apparent) restrictions or imperfections in the CAR process from giving due weight to the expressions of public opinion, as set out in that Report.

14. DECISION

Mr Mackenzie and Mrs McGregor left the meeting room

- 14.1.** Following the withdrawal of the pharmacist members 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 pharmaceutical service within or provided to Westburn was adequate. The Committee concluded that there was no evidence of any substance provided to demonstrate any inadequacy of pharmaceutical services to the defined neighbourhood.
- 14.2.** Accordingly, the decision of the Committee was unanimous that the establishment of a new pharmacy at 130 Westburn Road, Cambuslang, Glasgow, G72 7SY 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.
- 14.3.** Mr Mackenzie and Mrs McGregor were requested to return to the meeting, and informed of the decision of the Committee.

The meeting closed at 13:25 hours