

**Minutes of the meeting of the Pharmacy Practices Committee (PPC) held on Monday 4 November 2019 at 09:30 hours in Law House, Airdrie Road, Carlisle, Lanarkshire ML8 5EP**

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 Neil Cassells

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

Mrs Laura McGregor

Secretariat: Ms Jenna Stone, NHS National Services Scotland  
Mrs Karen Nicholls, NHS National Services Scotland  
(observer)

Central Legal Office Ms Susan Murray, Senior Solicitor

**1. APPLICATION BY CARLIN HEALTHCARE LTD**

1.1. There was submitted an application (dated 16<sup>th</sup> September 2019 received on 20<sup>th</sup> September 2019) together with supporting documents from Carlin Healthcare Ltd to have their name included in the Pharmaceutical List of Lanarkshire Health Board in respect of a new pharmacy at 14 Dorlin Road, Cardowan, Stepps, G33 6AP

**1.2. Submission of Interested Parties**

The following documents were received:

- i) Letter received on 15 October 2019 from J P Mackie & Co Ltd t/a Mackie Pharmacy.
- ii) Letter received on 7 October 2019 from A & E Ceresa Ltd t/a Stepps Pharmacy accompanied by additional correspondence submitted by Mr Ceresa.
- iii) Email received on 22 October 2019 from Paul Cannon, Board Secretary on behalf of

- (a) Area Pharmaceutical Committee – NHS Lanarkshire
- (b) Area Medical Committee – NHS Lanarkshire

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

- Thomas McLean & Sons Ltd
- Stepps & District Community Council
- NHS Greater Glasgow & Clyde Health Board by virtue of their boundary being within 2km of the proposed premises as required by the Regulations.

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

- i) Consultation Analysis Report (CAR)

**2. PROCEDURE**

**2.1.** At 0935 hours on Monday 4 November 2019 the Pharmacy Practices Committee (“the Committee”) convened to hear the application by Carlin Healthcare Ltd (“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, all Committee 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 Ms Danielle McTaggart would make representations on behalf of the Applicant, Carlin Healthcare Ltd. There would also be representations from the following interested parties:

- (i) Mr Edoardo Ceresa on behalf of A & E Ceresa Ltd (t/a Stepps Pharmacy) accompanied by Mr Ronald Badger.
- (ii) Mr Jason Traynor on behalf of J P Mackie & Co Ltd (t/a Mackie Pharmacy).

The Chair also confirmed that the following parties were included in the consultation but did not respond:

- Thomas McLean & Sons Ltd
- Stepps & District Community Council
- NHS Greater Glasgow & Clyde Health Board by virtue of their boundary being within 2km of the proposed premises as required by the

Regulations.

- 2.3.** It was noted that Members of the Committee had previously undertaken site visits to Stepps independently during various times of the day and week to gather a sense of the natural working patterns of residents and visitors to the various premises. All confirmed that in doing so each had noted the location of the premises, pharmacies, general medical practices and other amenities in the area such as, but not limited to, banks, post office, supermarkets, libraries, churches, schools and 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 and would be accompanied by Mrs Karen Nicholls who was an observer to the proceedings. The parties to the hearing had been notified and had expressed no objection.
- 2.5.** The Chair confirmed that the services of Mrs Susan Murray, Senior Solicitor of the Central Legal Office had been retained as a legal assessor. Mrs Murray would be present at the open session of the proceedings if any legal advice was required. The parties to the hearing had been notified and had expressed no objection.
- 2.6.** 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, Ms Danielle McTaggart would present on behalf of Carlin Healthcare Ltd. From the Interested Parties eligible to attend the hearing, the following accepted the invitation: (i) Mr Edoardo Ceresa representing A & E Ceresa t/a Stepps Pharmacy accompanied by Mr Ronald Badger (ii) Mr Jason Traynor representing J P Mackie & Co Ltd t/a Mackie Pharmacy. The Chair stated that only one person would be permitted to speak on behalf of each party.
- 3.2.** The Chair advised of the parties consulted but who failed to respond and therefore were ineligible to attend or make representation to the PPC:
- o Thomas McLean & Sons Ltd
  - o Stepps & District Community Council
  - o NHS Greater Glasgow & Clyde Health Board by virtue of their boundary being within 2km of the proposed premises as required by the Regulations
- 3.3.** The Chair advised all present that the meeting was convened to determine the application submitted by Carlin Healthcare Ltd in respect of premises located at 14 Dorlin Road, Cardowan, Stepps, G33 6AP. 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:

- 3.4.** “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.”
- 3.5.** The Chair emphasised the three components of the statutory test and confirmed that the Committee, in making its decision, would consider these in reverse order in that they would determine the neighbourhood first 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.
- 3.6.** The Chair confirmed that a statutory joint Consultation had been undertaken to assess the current provision of pharmaceutical services in or to the neighbourhood and whether it was adequate and to establish the level of support of residents in the neighbourhood. The Consultation complied with the requirements of Regulation 5A(3)(b) which sets out the range of issues to be consulted upon. The Consultation Analysis Report (CAR) is presented as factual and has been provided to the Committee, the Applicant and all parties consulted. The Committee is required to include a summary of the CAR in its published determination and to illustrate how it was taken into account in its determination of the statutory test.
- 3.7.** The Chair confirmed that the committee would also have regard to the Report on Pharmaceutical Services that had been circulated to all attending as part of the papers. That report showed services currently provided in and to the neighbourhood and was a bespoke update to that outlined in NHS Lanarkshire’s Pharmaceutical Care Services Plan.
- 3.8.** 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.
- 3.9.** The Chair confirmed that all parties had been informed of the attendance of Mrs Karen Nicholls (a member of the Committee Services team at NHS National Services Scotland) at this hearing as an observer and nobody expressed any objections. Mrs Nicholls would be present for both the open and closed sessions but would play no part in the proceedings.

- 3.10. The Chair confirmed that Ms Susan Murray, Senior Solicitor, Central Legal Office was present in the event any legal advice was required so that all parties could hear the legal advice and be given the opportunity to ask questions. The parties had been notified in advance and had expressed no objections.
- 3.11. 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.
- 3.12. The Chair stressed that, regardless of any references to any previous applications 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. No previous decisions of the Pharmacy Practices Committee would have any bearing on the Committee's decision.
- 3.13. 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, and whether they had any questions or queries about those procedures and whether they were content to proceed. All confirmed agreement on all these points. 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 Ms Danielle McTaggart of Carlin Healthcare Ltd ("The Applicant" to speak in support of the application. The Applicant read from a statement.***

- 4.1. "Good Morning. Thank you for the opportunity to present my application today.
- 4.2. I believe this to be an exceptional application in terms of how unusual the events leading up to today have been but ask only that you remain open minded to the facts and evidence that I present before determining whether inclusion of Carlin Healthcare onto the NHS Lanarkshire pharmaceutical list is necessary or desirable.
- 4.3. The location of my proposed premises lies within the following boundaries:
- North: M80
  - East: A806 continuing to Dewar Road accounting for houses on both sides
  - South: Cardowan Moss
  - West: Station Road / Avenue End Road
- 4.4. Despite Stepps once being a rural village this neighbourhood boasts a population of over 7450 people. Older residents will remember pockets of this neighbourhood being referred to as Stepps Hill, Stepps Village, Cardowan and Millerston but the new housing in Frankfield Loch has linked these segregations and enabled people to move freely between the smaller

dwellings.

- 4.5. Anyone with local knowledge would confirm that my boundaries are a clear reflection of the natural movement and flow of residents. To the East of my boundary at Millerston there are two North Lanarkshire Council Lighting Poles displaying signage "Welcome to Stepps".
- 4.6. The rear entrance to Frankfield Loch allows access to Cardowan amenities including the Red Deer Village. Within these boundaries there are two doctors surgeries, two schools, two places of worship, three nurseries, a supermarket, library, community hub, two pubs, Ballantynes Gym, Brewers Fayre, numerous take away eateries and a business park with over 1000 employees.
- 4.7. Also on offer are two hotels in Stepps: Garfield House with 47 rooms and a Premier Inn with over 100 rooms. These two establishments provide accommodation and other services for travellers and tourists and, when fully occupied, this neighbourhood population is almost 8000 people which supports the notion that Stepps can no longer be viewed as a village.
- 4.8. The train station is positioned close to my proposed premises at 14 Dorlin Road whilst other shopping amenities are available on Cumbernauld Road including butchers, hairdressers, delicatessen, tanning salon, chiropodist, grocery store, and of course the single offering of pharmacy provision aptly named Stepps Pharmacy. The neighbourhood as defined by Carlin Healthcare is further supported by the Stepps and District Community Council who officially note that they service the exact same neighbourhood as defined by myself in both their minutes and website. They also have a community notice board on Cumbernauld Road displaying a map of the neighbourhood which is identical to the boundaries described by myself.
- 4.9. The growth in population of Stepps is one of the main reasons for Carlin Healthcare applying for an additional pharmacy contract. The first piece of evidence I present is the "Save Stepps Greenbelt" campaign led by the Community Council. This campaign has been through the Scottish Parliament and now at Westminster fundamentally opposing new housing because and I quote *"that the health and education facilities in Stepps cannot support the growth in population."*
- 4.10. St Joseph's Primary is working at 114% capacity with Stepps Primary functioning at a staggering 125% capacity. This is without placing requests and solely reflective of the influx of families into this neighbourhood in recent years. The worrying facts denoted in minutes from the Parent Council meetings tells of classrooms having to be erected in the playground and class sizes exceeding the Scottish Government's recommendation of 33 pupils. The Head Teacher of Stepps Primary regularly uses social media and newsletters to raise awareness of safety issues surrounding Stepps Primary with regard to the number of vehicles and density of people accessing services from the vicinity of the school. For those not familiar with the geography, Stepps Primary lies directly behind Cumbernauld Road and is only accessible by one road; Blenheim Avenue. The truth is such that all public sector facilities in Stepps are accessed via the same 100 yards of Road; the same single commercial area

that was suitable for a village population is the same commercial area now servicing over 8000 people.

- 4.11.** Given "Save Stepps Campaign" has been operational for several years and reached its pinnacle when aggressively opposing the recent housing development at Hornshill Farm; I was impressed by the commitment of this community particularly those in influential positions. The use of social media, leaflet drops, public meetings all proved engaging and none as prominent as the six foot green banner that was displayed across from Stepps Medical practice and adjacent to the Stepps Pharmacy. The banner encouraged all residents to unite on the basis that *"the health, education and transport providers cannot sustain the increase in population within Stepps area"*.
- 4.12.** As a result of the campaign, MP Hugh Gaffney held a transport meeting on March 23" this year which attracted over 100 people; many from the Cardowan area who are disgusted that their bus service has been removed completely. Other residents voiced concerns over the regularity and reliability of the bus service through Stepps to Chryston, Muirhead & Moodiesburn. Further frustration was expressed at disruption to rail services at Stepps train station which often leaves people stranded. Hugh Gaffney told the crowd that Ward 5 and 6 (i.e. these constituents in my neighbourhood) have the largest number of elderly people in the whole of North Lanarkshire, all of whom are at a real disadvantage when accessing services because of a lack in public transport.
- 4.13.** 365 people signed his petition resulting in the Scottish Government's Transport Minister now calling for a review of the lack of public transport across the Northern Corridor. For those not familiar the term "northern corridor" is used to reference Stepps, Chryston, Muirhead and Moodiesburn and these four neighbourhoods would boast a collective population of 20,000 people.
- 4.14.** Interested parties may present car ownership figures as a way of trivialising the serious concerns with public transport. However, car ownership in this neighbourhood is a concern in itself. Data provided in your pack shows over 80% of people having access to at least one vehicle. With very limited street parking available at the commercial area where the closest pharmacy is located, this is not an advantage. Especially since parking is shared with fourteen other businesses.
- 4.15.** More alarmingly though is the fact that there is not one disabled parking bay for the whole of Cumbernauld Road! That is to say that from the most eastern boundary to the most western boundary of my neighbourhood and with a population expanding beyond 8,000 people there is not a single disabled parking bay facility. I was astounded that this was the case and pursued statistics to -prove how inadequate this is.
- 4.16.** Using the Freedom of Information Act to access information from North Lanarkshire Council regarding disabled bay requests from individuals residing in this community I can confirm that in total 24 enforceable bays with another disabled bay currently going through legislative process to make it enforceable have been provided within my defined neighbourhood. North Lanarkshire Council confirmed that these bays are provided for disabled individuals

although not exclusively for their use and are generally provided in residential areas. There was no information held regarding any request from commercial premises regarding the provision of on street parking bays. I was informed that the information provided covers on street disabled parking bays requested and provided for those who are eligible under the Disabled Persons Parking Places (Scotland) -Act 2009.

- 4.17.** What we can deduce from these figures is not that there is an absence of demand for disabled bays but in fact that there is an unmet need in this neighbourhood! Compare this information with the lack of delivery service on offer from the single contractor in this neighbourhood surely confirms access to current pharmacy services are inadequate.
- 4.18.** It would be unfair to only consider the difficulty disabled people would have in accessing Stepps pharmacy without looking at the logistics of accessing services from the other pharmacy providers outwith the defined neighbourhood. Mr Green, owner of the nearest pharmacy outwith the neighbourhood, who significantly has chosen not to oppose this application, would surely agree that the double yellow lines directly outside his premises are an obvious barrier to access. Especially since the yellow lines continue round the side of the pharmacy with no disabled bay available either. If we extend our focus to the only other interested party here today; Mackie Pharmacy themselves have reported to the NHS that their branch at 63 Glenmanor Avenue is not DDA compliant.
- 4.19.** The people of Stepps are indebted to the Community Council as their hard work has proven successful in ensuring the attention of political figures is focussed on improving access to services for this expanding population.
- 4.20.** It seemed peculiar to me that with the work of this proactive, dedicated community council, investment in healthcare services had not manifested or been given the same priority and I was further bemused that when a healthcare provider such as myself initiated contact with the Stepps Community Council to discuss my proposal, I wasn't even dignified with a response! I know they received my e-mail because it was read out at the meeting in April and documented in the minutes but dismissed without discussion or even an extension to the room to see if any of the public were interested in hearing more. This dismissive reaction prompted me to examine every record of Community Council minutes over the past ten years and became aware not only does the owner of Stepps Pharmacy (Edoardo Ceresa) work as the local pharmacist, he also serves as local community councillor.
- 4.21.** I highlight Mr Ceresa's involvement in this, not to devalue the work they do, but as a reminder to the lay members that it is the responsibility of a community council to satisfy North Lanarkshire Council that they have taken positive steps to ascertain the views of the wider community within their area before making decisions on any matter on behalf of the community.
- 4.22.** Dr Kennedy is held in high regard within the Stepps community and rightly so considering he and his wife who is employed as the practice nurse have served this neighbourhood for well over twenty years. Despite not being here today I

would like to show him the respect of addressing his concerns. Dr Kennedy refers to himself in his own Surgery handbook as a *"single handed practice, not a partnership nor a company in terms of the GP contract. The contractor is solely Dr Sean Kennedy"*.

- 4.23.** This made me wonder how many patients one self-confessed single handed doctor could look after and I secured figures from ISD showing the number of patients registered at Stepps surgery in 2015 and compared them to the number of patients currently registered; the growth was staggering. There are 1000 more patients registered with Doctor Kennedy today than there were four years ago which is three times the national average when evaluating access to a GP per patient case load!
- 4.24.** Upon further investigation I looked on Stepps surgery website where I now quote Dr Kennedy *"We are aware that it is getting increasingly difficult for patients to book appointments. We regret this and are always open to suggestions on how to improve this situation. We have steadily increased the number of appointments available but are working at our limit! We are looking for suitably qualified and enthusiastic doctors to join our team"*.
- 4.25.** Given such a public admission of working at capacity Dr Kennedy should be commended for his transparency with patients. However, this surely contradicts the letter submitted to the Health Board during public consultation where he opposed the introduction of another healthcare provider into the neighbourhood that we are both keen to serve.
- 4.26.** Having been an independent prescriber for seven years, I could improve access to both pharmaceutical and medical services within the Stepps neighbourhood by providing clinics in contraception, addiction and asthma which supports how desirable this new contract would be.
- 4.27.** The extended opening hours proposed by Carlin Healthcare would be particularly advantageous when considering the success of pharmacy services such as pharmacy first, emas and unscheduled care. Currently there is no access to a healthcare professional in this neighbourhood from 1pm on a Saturday until a Monday morning which is particularly concerning as weekend provision and public holiday closures are proven to be when pharmacy services are needed most by the public!
- 4.28.** NHS Lanarkshire model business hours are 9am-5pm on a Saturday and not one contractor within this northern corridor works these model hours. This highlights a further undeniable inadequacy of service.
- 4.29.** Keen to establish how this inadequacy affects local people and with the community council offering no public platform to speak on I used "Stepps on the level" as a way of informing the public of what Carlin Healthcare was offering and professionally directed people to the survey monkey to express their views.
- 4.30.** For those unaware "Stepps on the level" is a community magazine issued monthly and used by many local businesses and community groups to keep

local people up to date with relevant information.

- 4.31.** My advert was in the May, June and July editions and told of my intention to work extended hours: opening at 8.30am- 6.30pm with no lunch closures. I was offering two private consultation rooms with premises uniquely designed to be autism and dementia friendly. I went on to inform the public that Carlin Healthcare would offer all core services as well as a free delivery service and a range of compliance aids including dosette boxes, with no waiting lists or exclusions. I was hopeful my advert would appeal to people within the neighbourhood, but the most interesting response came from Mr Ceresa himself when he subsequently placed two huge banners on the side of the vacant RBS building containing the exact wording from my advert! He pledged extended compliance aid services - no waiting lists, extended hours and a free delivery service! Followed by the phrase "Coming Soon". Confirmation indeed that these services are much needed and currently unavailable.
- 4.32.** NHS Lanarkshire Pharmaceutical Care Plan outlines that pharmacists are expected to assess patients using the "Compliance Needs Assessment Form" and establish whether or not the provision of a dosette box is required. I accept that demand will often outstretch resource but what we know from the CAR report is that many people are being directed outwith their neighbourhood without being assessed. That is a clear inadequacy in dispensing of NHS prescriptions. I expect the opposition parties to highlight that compliance aids are not core services or part of the national strategy. However, having been involved in the pilot scheme for NHS Lanarkshire when introducing MARs as an alternative to dosette boxes I am very familiar with the challenges that both these systems present.
- 4.33.** I represented community pharmacy as part of the multi-disciplinary team with a large input from social work and can confirm that without dosette boxes being provided care packages are often held up! It is wholly inadequate to have a vulnerable person in need of a carer and be unable to access the help because they are on a waiting list for a compliance aid.
- 4.34.** Medicines are the most common form of treatment in the NHS but they can prove harmful when patients fail to adhere to the prescribed drug regime. There is a 3.8 fold increased risk of death following a heart attack with non-compliance of medication as well as an 80% increased risk of death amongst diabetic patients being attributed to non-adherence.
- 4.35.** I foresee the interested parties informing the panel of their "buddy system" where Mr Mackie will deliver dosette boxes into my proposed neighbourhood to overcome this inadequacy but, from my 12 years as a practicing pharmacist, I know this presents further pharmaceutical care issues for the patient. How does the patient return their box to Mackie Pharmacy almost four miles away when a change in medication has been requested by the GP? Or how does the medication within the compliance aid get removed if shown to interact with an antibiotic that is prescribed as an acute? These situations present regularly and whilst I appreciate the commitment from Mackie's over the many years it does nothing to relieve inadequacy.

- 4.36. Dementia is one of the biggest challenges facing society today. The Government's challenge on dementia states that by the end of 2020 the UK will be the first dementia friendly nation. This means providing opportunities to support every person with dementia to continue to do the things they enjoy and, critically, to retain their independence. Relying on a delivery service for access to medication is contradictory to the agenda and vision for dementia patients as there is no opportunity for contact with the wider healthcare team. Jeremy Hughes, CEO of Alzheimers Scotland, firmly believes that dementia will not be defeated in a lab or care setting; we need a societal response. It is the responsibility of us all to change the way we think, talk and act about the condition and all of society has a part to play. Social isolation is proven to impair cognitive and behavioural functions and I do believe that it is hugely desirable to have a pharmacy accessible to people which fully understands the needs of these patients.
- 4.37. Stepps pharmacy recognised the usefulness of using 'Stepps on the level' because in the last edition before public consultation closed, they too placed an advert. I quote "*Stepps pharmacy is currently working to adapt and accommodate new practices and growth in population. Edoardo Ceresa has served this community for the past 46years is retiring but Stepps Pharmacy will continue under new ownership and management. The existing location of the pharmacy is too small to provide the services which modern day pharmacy is obliged to provide and is due for major re-fit. Last November A & E Ceresa Ltd' acquired the former RBS building at 183 Cumbernauld Road with a view to re-locating next month*". I am sure you will agree it is appropriate to allow Mr Ceresa to share with us his plans for relocation and I look forward to hearing about them but I am perplexed that a public advert in July declaring a relocation in the month of August has still not materialised three months on. The application by Carlin Healthcare remains necessary and desirable because the decision is based on current provision and currently the only contractor in this neighbourhood has publicly declared inadequacy!
- 4.38. Given the "Save Stepps" campaign has proved successful at stalling housing development but not preventing it, I now wish to present four important housing developments within this neighbourhood and therefore particularly relevant to this application:
- The widely accepted 150 new homes with full planning permission at Buchanan Gate with the addition of a new supermarket, petrol station and 484 car spaces.
  - Hornshill Farm for 200 new homes (reduced from an initial 400). This lies directly behind Mount Harriet Drive and Garfield Hotel.
  - Whitehills Farm proposal of 500 homes.
- 4.39. The development of housing in Millerston was requested using the Environmental Information Scotland Regulations 2004 from the Council. I specifically requested details of housing that would lie south of the M8 border and therefore entirely in my neighbourhood boundaries. I was told that at the time of the request the following developments have either received full planning approval or that work is underway: Bellway homes 200 units Stewart Milne homes 169 units. The postcode for these new homes makes occupiers

eligible to register with both the GP practices in Stepps. I recognise the importance of only presenting housing development that is underway or indeed has planning permission and that is why I offer the population increase conservatively at 1726 as a consequence of these developments. So what we know for certain is that by the end of 2020 the population of my defined neighbourhood will be almost 10,000. Even using the most cautious of business plans that would require a population of 3000 patients to be viable, we can conclude that this neighbourhood exceeds that three times over!

**4.40.** Upon your site visit of Dorlin Road you will not have failed to notice the spare land that lies behind my proposed premises. I can tell you that planning permission has been submitted last month for 250 new homes to be built on this land, with work expected to commence next year. There is to be a public exhibition on 19<sup>th</sup> November in the Garfield Hotel with representatives from Miller Homes on site to answer questions.

**4.41.** The Northern Corridor has been identified as a community for growth area by the Scottish Government. This development behind Dorlin Road will contribute to the North Lanarkshire Council target of 5,000 new homes over the five year period from 2016 - 2021 with the development contributing to the 1,500 target of affordable homes during the same time period.

**4.42.** My neighbourhood alone will home over 11,500 people and the Northern Corridor will have increased to a population of over 22,000 with no subsequent increase in health services. The chairperson for Stepps Community Council has called upon local councillors to intervene with this housing development behind Dorlin Road for the reason that "health and education facilities cannot support the growth in population in line with the Save Stepps greenbelt campaign" which explains the unanimous support of my application from Councillor John McLaren and Councillor Lyn Anderson. The MSP has pledged support in Hugh Gaffney's absence who understandably is working in London) dealing with Brexit. This support is despite being fully aware of the potential relocation proposed by the existing contractor. Credible evidence surely that the minor relocation is irrelevant to this application for an additional pharmacy contract.

**4.43.** Keen to present as much evidence as possible for the lay members to understand the demand for health services in this neighbourhood, I used the Freedom of Information Act to access submissions to North Lanarkshire Council made in Oct 2018 regarding the recent housing development at Hornhill Farm. The initial 118 objections I would like to present as another piece of evidence. Despite the objections, planning permission was granted. This decision prompted a further 26 submissions to North Lanarkshire Council about concerns regarding the development. All of the 26 responses echoed the same message: the population size has exceeded what the current services can support. Names and addresses from all the submissions are provided to prove validity and I can pass on copies to the lay members for verification. Amongst the submissions were opinions of four doctors who specifically mention, and I quote: "*Stepps only has two GP practices. More houses will lead to more people having to register with these Practices. General Practice is under considerable pressure with a wide shortage of*

*doctors to fill current posts. It is unclear how local services will cope".* I trust these comments will be useful when considering Dr Kennedy's submission to the Health Board. It is significant that four members of the same profession completely disagree with his opinion.

- 4.44.** Having accepted that the housing development will go ahead many objections told of how the housing expansion and I quote "*will have a negative impact on education, health and well being of this community. Building more houses in the local area will obviously add to this. There are huge problems with the volume of traffic at the school at present. Having more people is a safety issue that needs to be considered"*
- 4.45.** .Other comments from the submissions include:
- "Community facilities are struggling to cope with the number of people in the area. Developers and North Lanarkshire Council need to invest in the local area to improve these".
  - "Parking is already an issue. Increasing the number of houses in the area adds to volume of traffic and it is already very difficult to park anywhere near the school, shops and community facilities"
- 4.46.** The Chairperson from Stepps Community Council Ken Maxwell summed up the situation well.in his submission to the Council by saying: "*Development in this area leaves residents worse off as a result of increased traffic, population density increase and a further pressure on over subscribed local services. Whilst a Section 75 Agreement has been reached between the developers and North Lanarkshire Council on the provision of increased educational facilities no such provision has been made for the sustaining of other community facilities. A road traffic assessment from Crow Wood roundabout to North Lanarkshire Council boundary at Millerston must be carried out to assess the congestion and grave concerns with parking in conjunction with Stepps Community Council."*
- 4.47.** So legitimate are these concerns for safety that councillors from different political parties have united to escalate concerns to Business Manager and Head of Environmental and Road Services John Ashcroft at North Lanarkshire Council. Safety reviews on Cumbernauld Road and Blenheim Avenue are being carried out because of the number of vehicles accessing services from this short length of road, and there is dubiety whether the road is fit for purpose.
- 4.48.** Whilst I am keen for Mr Ceresa to share with us details of what is common knowledge; his plans for an alleged minor relocation, these safety concerns are very relevant when considering the impact of any potential relocation of Stepps Pharmacy from one side of Cumbernauld Road to the other. Although I admire the current pharmacy provider's ambition to rectify the inadequacy in provision, consideration must be given to the logistics of condensing vital services of a large neighbourhood into the geometry of a small village.
- 4.49.** To be clear over 100 opposition letters submitted to the Council - including the

very Community Council that Mr Ceresa is a member of - were asking for additional health services, not a minor relocation of existing ones that potentially compel a bigger community issue!

- 4.50. Having familiarised myself with the regulations of applying for a new pharmacy contract I trust you can see that this application is the result of several years of commitment, hard work and evidence. I have deliberately avoided insulting the existing contractors out of respect for our profession and I hope this reflects the type of relationship I would like to have with them if this application was successful. It is my understanding that the first assessment to be made by the PPC is whether or not there is inadequacy in current provision.
- 4.51. Given that the current and only provider in this neighbourhood has taken out a public notice to confirm the inadequacy there can be no dispute. The decision progresses on to whether it is necessary or desirable.
- 4.52. Whilst I anticipate an impressive presentation from an experienced businessman in regards to a potential relocation I urge you to consider that this same experienced businessman has publicly announced his intention to retire and therefore cannot guarantee any of the ambitious plans.
- 4.53. The only way to secure adequate provision of pharmacy service in this neighbourhood is to grant the application by Carlin Healthcare that I will personally be overseeing.
- 4.54. I appreciate your consideration and graciously await your decision.”
- 4.55. This concluded the Applicant’s presentation.

## 5. INTERESTED PARTIES’ QUESTIONS TO APPLICANT

- 5.1. ***Mr Ceresa of Stepps Pharmacy was invited to question the Applicant.***
- 5.1.1. Mr Ceresa asked what were the internal dimensions of the unit at 14 Dorlin Road.
- 5.1.2. The Applicant confirmed 800 square feet.
- 5.1.3. Mr Ceresa asked why there did not seem to be a significant level of interest in the CAR.
- 5.1.4. The Applicant acknowledged that the CAR was an important part of the process but was not the whole process. The Applicant stated that she had provided an evidence based application and added that she had support of two Councillors, and an MSP who had also chosen to support the application, and therefore she did not acknowledge that the application had minimum support.
- 5.1.5. Mr Ceresa asked whether the Applicant had been aware of the plans at Stepps Pharmacy prior to making her application.
- 5.1.6. The Applicant confirmed she had not been aware.

- 5.1.7. Mr Ceresa asked whether the Applicant would have proceeded with her Application if she had been aware of the plans at Stepps Pharmacy.
- 5.1.8. The Applicant replied that Mr Ceresa had applied for a minor relocation and that there would be no significant impact on another contract, since part of Mr Ceresa's business was currently directed to Mackie Pharmacy, which she thought he might continue to do. Mr Ceresa said he would not.
- 5.1.9. Mr Ceresa noted that Stepps Pharmacy had operated for 46 years and asked if the Applicant was aware of the longevity of businesses in Dorlin Road.
- 5.1.10. The Applicant replied that she could not see the relevance of the question.
- 5.1.11. Mr Ceresa clarified that if business came and went, then it would suggest that there was insufficient footfall to support the businesses.
- 5.1.12. The Applicant replied that the population of Stepps was nearly 8000: Millerston had around 1082, Stepps had 1023 and the majority of residents lived in Cardowan - over 3700 - so footfall was not a problem.
- 5.1.13. Mr Ceresa said that the population was not there, which is why there was so much movement in the business units – opening and closing and changing hands, and this suggested there must be a reason. Mr Ceresa said that if the population was not there to serve the Applicant's pharmacy, it would cause a problem for her.
- 5.1.14. The Applicant disagreed and said that a Chinese Takeaway's needs could not be compared with those of a pharmacy.
- 5.1.15. Mr Ceresa referred to the Applicant's opening hours and stated that the opening hours of Stepps Pharmacy complemented the opening hours of the surgery, and asked how the Applicant would justify the longer opening hours of her pharmacy.
- 5.1.16. The Applicant replied she was pledging to extend the opening hours as this meant that pharmacies could open longer to accommodate people who worked.
- 5.1.17. Mr Ceresa commented that when he sold the pharmacy to the new contractor, he (Mr Badger) would also be offering longer opening hours, providing more services as they now had the space and room to do that. Mr Ceresa added that one of the reasons his new relocated pharmacy had not opened sooner was due to the Applicant's application which had put off potential buyers, and he had struggled with the sale of the pharmacy as a result of the Applicant's application.
- 5.1.18. Mr Ceresa asked if the Applicant's proposed hours were realistic and economic to maintain long term.
- 5.1.19. The Applicant replied that they were.

- 5.1.20. Mr Ceresa asked whether a lease was currently in place.
- 5.1.21. The Applicant replied that she had provided details to the NHS to progress the application, and added that she was leasing the property from the owner, and she had submitted a letter to the Council for approval.
- 5.1.22. Mr Ceresa stated that the Applicant therefore had not yet got a lease, and asked what were the terms of the lease with regard to the term and break clauses.
- 5.1.23. The Applicant said that she had been through the appropriate department at North Lanarkshire Council and had been put through to an assignation team and believed there would be no problem with the extension on the lease, and the impression she had received was that this was secure.
- 5.1.24. Mr Ceresa repeated his question on the terms of the break clause and worst case scenario if the business was not performing and if she had to close down, and queried if the Applicant had a long lease, then without a break clause, she would then be liable for the full term of the lease, and asked if the Applicant had a break clause in her proposed lease.
- 5.1.25. The Applicant replied that she was not aware of one.
- 5.1.26. Mr Ceresa had no further questions.

**5.2. *Having ascertained that Mr Ceresa had no further questions, the Chair invited questions from Mr Traynor to the Applicant.***

- 5.2.1. Mr Traynor had no questions.

**6. COMMITTEE QUESTIONS TO APPLICANT**

***Having ascertained that Mr Traynor had no questions, members of the Committee were invited to ask questions in turn of the Applicant.***

**6.1. Questions from Mr Cassells to the Applicant.**

- 6.1.1. Mr Cassells referred to the Applicant's comments of parking issues by Stepps Pharmacy and asked how patients accessed the GP surgery.
- 6.1.2. The Applicant said that this compelled the issue why a new pharmacy was required. There were two GP Practices and all healthcare provision was being provided within 100 yards and was an issue for access.
- 6.1.3. Mr Cassells queried that people must somehow manage to access the GP surgeries.
- 6.1.4. The Applicant said she presumed so.
- 6.1.5. Mr Cassells referred to the Applicant's comment that the core hours on Saturday were 9am-5pm and stated that the core hours were currently 9am-

1pm on Saturday

- 6.1.6. The Applicant stated that the core opening hours had changed in May 2019 and were now 9am-5pm on Saturday
- 6.1.7. Mr Cassells referred to the Applicant's comment that as an Independent Prescriber, she was intending to provide additional services and queried what funding was available for the additional services.
- 6.1.8. The Applicant replied that she was confident of obtaining investment. There was a recruitment issue on Dr Kennedy's website so this would meet the needs of the residents. The vacancy had been on Dr Kennedy's website for a year, so was a widely accepted problem. The Applicant said that funding was available from the NHS to put pharmacists into practices so although it was not official, she was confident she would receive an investment as there was a need for those skills to be utilised
- 6.1.9. Mr Cassells had no further questions.

## **6.2. Questions from Mrs McGregor to the Applicant**

- 6.2.1. Mrs McGregor asked how the Applicant intended to provide parking facilities in the area outside the Applicant's proposed premises,
- 6.2.2. The Applicant replied that there was on street parking available, and a separate area was available for deliveries. One of the operational units opened at 4pm so there was a long period of time throughout the day without any competing traffic from the Chinese Takeaway. The Applicant acknowledged that parking was an issue which is why John Ashcroft had called for a review. The Applicant added that she was offering something that was not there at present, but acknowledged there was room for improvement.
- 6.2.3. Mrs McGregor said that from what she had seen, parking was not great outside the Applicant's proposed premises.
- 6.2.4. The Applicant acknowledged Mrs McGregor's opinion but stated that she believed she offered something better than that which was currently available, as Stepps Pharmacy was in competition with 14 other places including the GPs and schools.
- 6.2.5. Mrs McGregor asked who was behind Carlin Healthcare.
- 6.2.6. The Applicant replied that this was herself. She had worked in a community pharmacy for 12 years and had also worked for independent contractors, and had advanced to management level. The Applicant admitted that whilst she had never owned a business, she had worked in a busy pharmacy in East Kilbride, which was less prescription based, and more service based.
- 6.2.7. Mrs McGregor asked how the Applicant would manage being the contractor in addition to prescribing for GPs, and asked how she could afford it.

6.2.8. The Applicant said that she had a business plan that had been drawn up with a Chartered Accountant who also looked after 70 other pharmacies and during the first year it would take time for prescription numbers to grow, which would free up time for the clinics. The Applicant said she also had a budget for weekend provision of a pharmacist to support her.

6.2.9. Mrs McGregor had no further questions.

### **6.3. Questions from Mrs Prentice to the Applicant**

6.3.1. Mrs Prentice asked what staffing levels the Applicant had planned for the services she intended to offer.

6.3.2. The Applicant replied that she would have two consultation rooms which she did not envisage would take up a large area, and added that the prescribing numbers would take time to build and during that time she would invest in additional public health services with support from a wider team, including two part time dispensers and a health care assistant. She also had two people who would move with her from her current pharmacy and would also recruit locally. As the business grew, she would be able to employ a checking technician and train up dispensers.

6.3.3. Mrs Prentice asked for more detail on the Applicant's comment about a dementia friendly service and what she would offer that was different from what was currently offered.

6.3.4. The Applicant replied that with her background, and working with 14 members of staff in her current shop, she had introduced dementia friendly training. She had worked with Alzheimers UK – when people were diagnosed with dementia, the first thing they felt was fear so instead of being encouraged to remain active, dementia sufferers would often just stay in the house and hide. This was not an appropriate attitude. The Applicant said she would introduce dementia friendly fixtures – a matt finish on the walls opposed to shiny. Lighting also had an impact. Also the pharmacy would not be overwhelming with lighting, messaging and sound. It would be dementia friendly. The Applicant added that she would upskill staff to reassure patients – for example if a patient came in but forgot to pay, or had forgotten to bring cash or could not remember the PIN on the bank card, the pharmacy would offer a direct debit service so could send a bill at the end of each month.. The Applicant added that building relationships with patients and families was important, as was ensuring that they remained active in the community and were not hidden away, which is why the Applicant wanted to move away from providing a delivery service.

6.3.5. Mrs Prentice asked how the Applicant anticipated accessing the wholesalers in order to guarantee a sufficient supply of medicines, given the increased population that the Applicant anticipated.

6.3.6. The Applicant replied that she currently used 2 main wholesalers and others and had a good relationship with all of them. The Applicant added that she currently bought in stock from a large independent group with which she was familiar and, with her background of 12 years experience, it was an area she

knew well.

- 6.3.7. Mrs Prentice referred to the Applicant's map in relation to proposed new developments.
- 6.3.8. The Applicant said that Hornhill Farm development was not new. The Whitehill Farm development with 500 new homes was probably the most controversial and the application had been running since 2010. The Applicant added that the housing development at Millerston was for 1600 homes which were currently under construction, a lot of this was off the M80 in Robroyston, which is why she had presented figures of 200 units by Bellway and 169 units by Stewart Milne being under construction. Dorlin Road had been identified as a community for growth area by the Council which is why there was so much development going on and the timeframe was between 2016-2021.
- 6.3.9. Mrs Prentice asked about the use of the units at the Buchanan Gate development.
- 6.3.10. The Applicant confirmed that there was full planning consent for 150 new homes, and there would also be a supermarket, petrol station and 484 parking spaces.
- 6.3.11. Mrs Prentice had no further questions.

**6.4. Questions from Mr Woods to the Applicant**

- 6.4.1. Mr Woods asked what was the status of the four major developments – whether there was full planning consent for the Buchanan Gate site.
- 6.4.2. The Applicant confirmed there was.
- 6.4.3. Mr Woods asked the same question relating to the Hornhill Farm development.
- 6.4.4. The Applicant replied that this had been reduced to 200 (from 450) and that planning permission had been granted, but work was not yet underway.
- 6.4.5. Mr Woods asked the same question about Whitehills Farm development of 500 units.
- 6.4.6. The Applicant confirmed that the Millerston development was under construction.
- 6.4.7. Mr Woods asked whether this included the population increase of 1726 that the Applicant had referred to.
- 6.4.8. The Applicant replied that it excluded Whitehill Farm.
- 6.4.9. Mr Woods asked what staffing resources were available to cover at lunchtime at the Applicant's proposed pharmacy.
- 6.4.10. The Applicant said that she would take regular breaks throughout the day. The

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Applicant acknowledged that this was her first business and was willing to make sacrifices. She intended to be onsite between 08:30-18:30 and would take regular breaks – but remain onsite - when the shop was not busy.

- 6.4.11. Mr Woods asked about the dosette boxes.
- 6.4.12. The Applicant said that people needed to be assessed. Demand always outweighed resource but said that the pharmacist needed to have the conversation with the patient in order to assess their need and to ascertain if there were other services would could help – eg help with ordering or a reminder to collect medicines. The Applicant noted that liquids were not appropriate items for dosette boxes and said that pilot in Lanarkshire opposed the use of MARs by healthcare workers. The proper assessment of a dosette box need was a crucial part of the service.
- 6.4.13. Mr Woods asked for the Applicant's view on adequacy vs convenience.
- 6.4.14. The Applicant said that in her neighbourhood she had seen evidence based on need, not convenience. The Applicant acknowledged that residents of Millerston would not consider it to be convenient to visit a pharmacy without passing another pharmacy along the route via Loch Road, Clayhouse Road and along Dorlin Road. It was not a point of convenience, but need.
- 6.4.15. Mr Woods referred to the Applicant's assertion relating to population growth and asked where was the evidence to support this, and asked whether this was in the CAR or elsewhere.
- 6.4.16. The Applicant replied that the CAR was not evidence based, but was opinion based and was unable to authenticate where the opinion had come from. As a result, the Applicant had an evidence based application. The Applicant acknowledged that comments from the CAR stated that people were being sent outwith the neighbourhood to source deliveries of medications and compliance aids. When a person was sent 4 to 5 miles outwith their neighbourhood, this indicated that the current provision was inadequate. The Applicant noted that it was significant that Mr Green had chosen not to contest the application, since the nearest pharmacy outwith the neighbourhood was in Muirhead, but patients were having to go past Muirhead and a further two miles to visit Mackie's Pharmacy. The Applicant said that information contained in the CAR dealt with issues of those who were disabled who had problems with transport, since Stepps Pharmacy was directing patients outwith the neighbourhood, which she therefore pointed out as an inadequacy of service. The Applicant added that Mr Ceresa himself had taken out an advert saying that his premises were "too small to provide the services a modern day pharmacy is obliged to provide". The Applicant stated that the pharmacy income largely came from dispensing, but funding was now about investing in services. Since Mr Ceresa had said that his current pharmacy was too small, this was why she had felt it appropriate to state that the current provision of pharmaceutical services was inadequate.
- 6.4.17. Mr Woods referred to the Applicant's comments about the elderly population in the neighbourhood and asked what public transport was available in the area,

and queried whether the bus service had been removed.

- 6.4.18. The Applicant confirmed that the bus service had been completely removed from Cardowan, so there was now a population of over 3000 residents without a bus service. The Applicant reported that she knew of these issues because of a Transport Meeting which had been attended by over 100 people and 175 people had signed a petition – not only was the provision of pharmaceutical services inadequate, there were also other inadequate services in public transport. If residents were being sent outwith the neighbourhood who did not have access to a car, they were then unable to rely on public transport to get to a pharmacy 4 miles away
- 6.4.19. Mr Woods asked how the location would affect access via public transport.
- 6.4.20. The Applicant referred to the neighbourhood and said that the majority of residents stayed in the area near Dorlin Road, and she felt she was planning to provide for and accommodate the majority of people within the neighbourhood. The Applicant referred to the SIMD statistics which showed Cardowan being one of the top 14% - in some SIMD areas it was the top 7% - of the most deprived areas, which supported her informed choice to choose Dorlin Road for the pharmacy.
- 6.4.21. Mr Woods had no further questions.

## **6.5. Questions from the Chair to the Applicant**

- 6.5.1. The Chair queried how long it would take for the pharmacy to open if the application were to be granted.
- 6.5.2. The Applicant confirmed that she had funding in place and the contractors and was not dependent on obtaining planning permission, and had received confirmation from the NHS that the Council would be happy to progress the lease. The Applicant believed that the Council met every 6 weeks (at which time they would be able to approve the lease), so believed the new pharmacy would be able to open within six months.
- 6.5.3. The Chair asked what would happen before that time.
- 6.5.4. The Applicant confirmed that she had had an architect look at the property and had been assured that they would be able to have a concrete roof.
- 6.5.5. The Chair asked whether 800 square feet of floor space was sufficient and suitable for the services the Applicant wished to provide.
- 6.5.6. The Applicant confirmed that the shopfitters and architect had completed drawings – there would be two consultation rooms, the pharmacy would be fully DDA compliant, there was also a toilet, staffing area and dispensing area. The Applicant added that she had taken advice from two local police officers – one of whom had been promoted to Sergeant – and she was confident that concerns of security had been addressed, as the security plan had been assessed and the police had taken confidence from this fact.

- 6.5.7. The Chair asked if the Applicant was aware that there were no bus services from the southern edge of her neighbourhood boundary and therefore this meant that people would be dependent on cars to access the Applicant's pharmacy.
- 6.5.8. The Applicant said that within the neighbourhood, the population of Millerston was 1082, Cardowan / Dorlin Road was 3700 people and 2500 people from Stepps village, and she had positioned her pharmacy in the area where the majority of people lived. The Applicant acknowledged there were no bus services to access the pharmacy, but people could easily walk to the pharmacy.
- 6.5.9. The Chair asked whether residents were most likely to access the amenities in the area by car.
- 6.5.10. The Applicant confirmed that residents could also access services on foot as St Joseph's Primary School and St Joseph's Church were very close. The mini market and takeaway were also very close, and also other amenities. The Applicant added that the train station was also nearby.
- 6.5.11. The Chair asked what parking provision was nearby for customers wishing to access the Applicant's premises.
- 6.5.12. The Applicant said that there was parking available on the street. There were no yellow lines, and she had used an FOI request to ascertain the position in relation to disabled parking bays and understood that there were currently 24 spaces going through the legislative process.
- 6.5.13. The Chair asked about future developments and future population and asked about Buchanan Gate development for 150 new homes and asked what the Applicant meant when she said that work was underway onsite.
- 6.5.14. The Applicant said that the Community Council had undertaken a survey in regard to the Buchanan Gate development and had indicated a proposal for 150 new homes.
- 6.5.15. The Chair asked for the timeline.
- 6.5.16. The Applicant replied that she knew that planning permission had been obtained and a survey by the Community Council had informed local residents of its. The Applicant acknowledged that, she did not have the statistics to back up her statement.
- 6.5.17. The Chair asked for the position in relation to planning permission having been granted for Hornshill Farm and asked how long it would be before the units were occupied.
- 6.5.18. The Applicant confirmed that from one member of the public she had been informed that bulldozers were onsite but was unable to clarify when work would be underway.

- 6.5.19. The Chair asked what was the position and timescale in relation to the units being built by Stewart Milne.
- 6.5.20. The Applicant confirmed that the arrival of the new train station at Robroyston had sped up development; houses were already on sale and were expected to complete early next year.
- 6.5.21. The Chair referred to Interested Parties' concerns relating to the granting of the application and asked whether the Applicant had conducted an impact assessment on the existing pharmaceutical services in the area.
- 6.5.22. The Applicant acknowledged that she should not reference previous PPCs, but commented from the previous PPC hearing relating to the unit at Dorlin Road that if the application on the same site had been granted, it could affect 1/3 of the turnover of Mr Ceresa's business and the PPC had concluded that there would be no impact. This was documented in the minutes. With regard to the growth of the population, the Applicant believed that this would not make Stepps Pharmacy unviable and looked forward to working with Mr Badger.
- 6.5.23. The Chair asked whether the catchment area would be sustainable – and what population figure the Applicant had used to base her assessment.
- 6.5.24. The Applicant replied that she had taken advice and based her figures on a smaller neighbourhood – of Cardowan itself with a population of 3700 – which she believed would be more than enough to make her pharmacy viable. The Applicant added that the whole point of defining the neighbourhood was to define the potential catchment which would be a population of 8000 – which was viable for two pharmacies.
- 6.5.25. The Chair noted the Applicant's comment that the CAR was opinion based and reminded her that the Committee were obliged to take the CAR into account during their deliberations and would consider both current pharmaceutical services in the neighbourhood and services that were supplied into the neighbourhood. The Chair asked how the Applicant had concluded that current services were inadequate.
- 6.5.26. The Applicant replied that it was not only comments from the CAR that had led her to this conclusion, but also a statement by Mr Ceresa himself when he had acknowledged this in a public article when he had said that his premises were "too small for a modern day pharmacy". The Applicant noted several comments in the CAR related to lack of privacy as there was no consultation room, and added that the small consultation area made Pharmacy First and MAS difficult. People were being directed outwith the neighbourhood which was inadequate, and people had made reference to lunch closures, which was inadequate.
- 6.5.27. The Chair asked if the Applicant accepted that, given the minor relocation of Stepps Pharmacy, if they were in the new premises, the Applicant would not have the same argument relating to inadequacy of services.

- 6.5.28. The Applicant said that a building did not make the services adequate and referred to the banners that Mr Ceresa had put up which pledged extending opening hours, and said that if Mr Ceresa had felt these were needed, he could have extended his opening hours in his current premises but he had chosen not to do so – also opening at lunchtime was an option he could do at his present premises. Therefore, the premises itself was not about adequacy.
- 6.5.29. The Chair asked if Stepps Pharmacy moved to the new premises, whether the Applicant felt there was still a need for an additional pharmacy.
- 6.5.30. The Applicant said 100%, she had been approached by a Councillor in the Community Council who had referred to the new housing to be built in the area and that the population needed another pharmacy. The Applicant reiterated that it was not just her own assertions, but also that of elected people from the Council.
- 6.5.31. The Chair noted that the Community Council had not felt strongly enough about the application to submit a response.
- 6.5.32. The Applicant said that the Community Council had not acknowledged her proposal.

*The Chair had no further questions.*

***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.***

## **7. ADDITIONAL QUESTIONS TO APPLICANT**

- 7.1. Mr Traynor referred to Dr Kennedy and asked if there was a substantial increase in the population to the area, how would the Applicant's pharmacy address the issue of capacity of patients registering with the GP as they would be forced to go to GPs outwith the area, in which case the people would also be more likely to use a pharmacy outwith the area.
- 7.2. The Applicant said that there were two GP practices in Stepps, and she had not said that they would not have capacity but that a higher number of patients would need to register. The Applicant said that Nalagatla Medical Practice used pharmaceutical services in Muirhead and added that Stepps needed two separate GP surgeries and should not need to share pharmaceutical services. Public acknowledgement showed a demand in the area, and Dr Kennedy had previously worked in a multi-GP Practice before setting up his own practice.
- 7.3. Mr Ceresa referred to the extended hours of Stepps Pharmacy and stated that it was a new pharmacy and he had already extended the core hours in excess of what was required. With the new services in Stepps Pharmacy - because of the larger space available – new clinics would be introduced which meant adding on extra hours.
- 7.4. The Applicant said she appreciated any investment in healthcare and clinics

and looked forward to hearing what clinics Mr Badger would be offering which she hoped would be compatible with the clinics she would offer and looked forward to working together. The Applicant added that this was long overdue for the neighbourhood and showed a clear current inadequacy due to the increased demand.

- 7.5. The Chair referred to the location of the Applicant's proposed pharmacy and noted that, unlike Stepps Pharmacy, it was nowhere near a GP practice and asked if there would be an impact on the Applicant's business.
- 7.6. The Applicant said from what she had seen, there was no need to have a pharmacy close to a GP practice. Whilst she acknowledged a large proportion of business came from prescriptions, it was an asset to the larger community to have a healthcare provider in the area which also provided increased access to services. The Applicant emphasised that a lot of prescriptions were due to repeat business so closeness to a GP practice was of little value, and so she could see no reason why this would be problematic.

***Having ascertained that there were no further questions for the Applicant, the Chair invited Mr Ceresa to make representation on behalf of Stepps Pharmacy.***

## **8. THE INTERESTED PARTIES' SUBMISSIONS**

### **8.1. Mr Ceresa on behalf of A & E Ceresa t/a Stepps Pharmacy**

- 8.1.1. Mr Ceresa had sent a copy of his submission objecting to the application and supporting documentation in advance of the hearing. The correspondence received from Mr Ceresa was included in the papers circulated for the hearing therefore available to all PPC Members, all Interested Parties and the Applicant. When invited by the Chair Mr Ceresa declined the invitation to make an oral representation stating that the panel had seen his letter within the hearing papers and he had nothing further to add, and did not wish to repeat it.
- 8.1.2. The Chair added a caveat that any reference to previous PPC decisions would not be taken into account by the Committee in making their decision at the hearing today.
- 8.1.3. Mrs Murray noted that she had not seen a situation hitherto where an Interested Party had not taken the opportunity to make an oral presentation and clarified that all parties had seen the written statement by Mr Ceresa – a letter dated 29<sup>th</sup> September 2019 from Stepps Pharmacy which contained a letter by Mr Ceresa dated 4<sup>th</sup> July.
- 8.1.4. The Applicant confirmed she had received the letter and was happy to taken it as read rather than being repeated orally. All parties present confirmed the same.
- 8.1.5. Mr Ceresa confirmed that he did not wish to make an oral presentation.
- 8.1.6. For completeness of the minute and the information considered by the PPC a

copy of the representation submitted by Mr Ceresa is reproduced below:

**8.1.7.** "Thank you for your communications resting with the consultation Analysis Report of 25th. September 2019.

I will commence by laying out events since the last failed new pharmacy application as recently as the 3rd. May 2018.

- 3rd. May 2018 Health Board Refused Application pending appeal
- 25th. May 2018- No appeal was made - issue consider closed.
- June 2018 – Former RBS property came up for sale
- 13th. September 2018 – My offer was accepted for purchase .
- 23rd November 2018 – Purchase was completed.
- 17th. December 2018 – Prelim plans for the site at 183 Cumbernauld Road, Stepps intimated to NLC and Lanarkshire Health Board
- 3rd January 2019 Intimation of Minor Relocation of Stepps Pharmacy from 140 Cumbernauld Road Stepps to Ground Floor 18 Cumbernauld Stepps
- February/March 2019 - Private Sale of Stepps Pharmacy commenced – failed
- March 2019 - Private Sale No 2 commenced. March 2019 – Received word of new pharmacy contract application Dorlin Road was reopened by Carlin Healthcare.
- March 2019 – Disclosure of new pharmacy contract application at Dorlin Road on Stepps Pharmacy - sale became problematic
- 31st. July 2019 Minor relocation of Stepps Pharmacy approved with conclusion date of 31st. December 2019
- 20th. September 2019 Private Sale No 2 failed – terms relating to the uncertainty of New Pharmacy contract status.

I have read over the CAR, viewed the colourful charts and note that one was missing namely Population v Respondents. At 2012 the population of the defined area was given as 6,730. The respondents to the survey numbered 141 giving a response rate of 0.02%, which in my mind is totally insignificant.

This leads me to the conclusion that the decision taken by the Board in April 2018 which states [reprinted below] should be upheld.

16.1 No evidence of any substance provided to demonstrate any inadequacy of pharmaceutical services to the defined neighbourhood.

16.2 The committee's decision was unanimous stating the application for new pharmacy contract "was neither necessary nor desirable"

I will be 70 on my next birthday, having served this community for 47 years. From my small beginnings as an independent pharmacy in a small unit, I have always made improvements and adjustments to keep up to date to provide best practice.

My ongoing legacy to the community will be a large modern pharmacy

offering many more services and set within a multifunctional healthcare facility.

However, the new pharmacy contract application on the periphery of the defined area has complicated matters immeasurably, caused much uncertainty, and as a result delayed all my plans on retirement and substantial investment in the new Stepps Pharmacy.

We trust that the board will uphold the recent decision by rejecting this new contract application.”

- 8.1.8.** “Reprinted below is our objection to the proposed application made for this site last year which was unanimously rejected following a Health Board PPC hearing on the 19<sup>th</sup> April 2018.

All that was said then still stands but in addition in the intervening period material changes have occurred within the defined neighbourhood. Stepps Pharmacy is in the process of major changes and substantial investment to vastly improve its pharmaceutical and healthcare services to this area.

During September 2018 Stepps Pharmacy acquired the former RBS branch at 183 Cumbernauld Road Stepps with a view to relocation – which has been approved by the Health Board - and pending ratification by the GPhC. Attached to this letter are proposals for the refitting of the new pharmacy which is double the size of the original establishment. The new pharmacy is the first stage in a grander plan to improve healthcare facilities to this area. T Mclean and Sons are new ownership with total refit of the pharmacy again adding to improvements to pharmacy services in the area.

The decision from the PPC on the 19 April 2018 states

- 16.1 No evidence of any substance provided to demonstrate any inadequacy of pharmaceutical services to the defined neighbourhood.
- 16.2 The committee's decision was unanimous stating the application for new pharmacy contract "was neither necessary nor desirable"

This aggressive promotion by Carlin Healthcare, with the blessing of Mr John Maclaren Local Councillor who has gone public with his endorsement of this application to the detriment of the current pharmacy service providers, has caused untold frustration, annoyance, the withholding of funds for investment and as a consequence the rethinking of our proposed future plans for enhanced healthcare provision in the area.

We trust that the board will uphold the recent decision by rejecting this new contract application.

'We commence our response to this application with an historical introduction and overview to the pharmaceutical service provision in the Stepps area. Stepps Pharmacy opened in 1973 in an area with ONE general practitioner and NO pharmaceutical service and was described at the time by a surveyor as a 'backwater', a place where people passed through without stopping. For

the first twelve years our pharmacy was in the Essential Pharmacy (EP) category and at times it was touch and go whether it would ever *be* viable.

When the original GP retired in 1984 the opportunity arose to develop the land adjacent to our property in constructing a purpose built surgery which opened in 1985 and attracted TWO GPs. Shortly afterwards we moved out of the EP category due to increasing numbers of prescriptions dispensed. The GP practice took on a partner in 1989 to the benefit of healthcare services in the local community. The GP practice expanded in 1993 to occupy two units adjacent to the pharmacy. After a split up of the GP partnership, one of the partners moved into the vacant unit next door, until he was able to obtain a larger premises across Cumbernauld Road.

Also during this time the Stepps by-pass was built and traffic calming measures were introduced, allowing people to pass through at a more leisurely pace and stop and more easily access all the services currently on offer. The population also expanded and continues to grow with new developments in the immediate area. Stepps Pharmacy has kept pace with the changes, the pharmacy was fully refitted to modern up to date standards in 2003. Stepps Pharmacy can be labelled as an average sole independent pharmacy dispensing between 6000 - 6500 prescriptions monthly and offering a comprehensive range of services. In the process to meet all demands we have also built up an exceptional team to provide these services which include THREE full time pharmacists, TWO pharmacy technicians and THREE dispensing assistants.

Since the beginning of 2007 and every year hence', agencies wishing to operate a pharmacy in this area have behaved honourably and made approaches for a buy out of the Stepps Pharmacy contract, which at present is not on the market. However, it can be assumed that these agencies views on the issue of entering the neighbourhood is that one viable contract is preferable to two non viable contracts operating in the same small area.

During 2008, Assura Pharmacy Ltd applied for entry to GG&C Healthboard Pharmaceutical List at premises 63 Cumbernauld Road, Stepps. This application was unsuccessful.

During 2014 Stepps Pharmacy along with the other north corridor pharmacies moved from GG&C Health Board to Lanarkshire Health Board.

The local population continues to grow and so far with our continued investment in the business we are well able to meet current demands and serve the needs of our patients. Dilution to the level of service by the introduction of another pharmacy in such close proximity will without doubt have a negative effect to pharmaceutical provision in this area.

Following our preamble, we raise the following objections;

Proximity - The proposed new pharmacy is approximately half a mile from Stepps Pharmacy.

Location - Stepps pharmacy is located at Stepps Cross which is regarded as the geographical central point of the area and adjacent to the two medical

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practices and Podiatry/Chiropody centre in Stepps. The proposed new pharmacy on the other hand is 'well off the beaten track', in an obscure position, and far from medical and ancillary services.

Opening Hours – The original intimation for inclusion showed no significant difference in the opening hours of Stepps Pharmacy, which complement the local surgery hours and are stated as:-

MONDAY	9.00am to 1.00pm - 2.00pm to 6.30pm
TUESDAY	9.00am to 1.00pm - 2.00pm to 6.30pm
WEDNESDAY	9.00am to 1.00pm - 2.00pm to 6.30pm
THURSDAY	9.00am to 1.00pm - 2.00pm to 6.30pm
FRIDAY	9.00am to 1.00pm - 2.00pm to 6.30pm
SATURDAY	9.00am to 1.00pm - CLOSED
SUNDAY	CLOSED
LUNCH	1.00pm to 2.00pm
HALF DAY CLOSING	SATURDAY

However, the Schedule enclosed shows a big *increase* in hours and including Sunday opening. Having experience of this area for 45 years I am unable to see how these hours in the proposed location can be sustainable. They appear to look good on paper but will not work in practice.

Excess To Requirements – the granting of a new pharmacy contract would be surplus to actual needs of the area which already has ELEVEN pharmacy contracts shown on *the map* which excludes Boots in Lenzie and J P Mackies in Moodiesburn.

Wasteful Of Resources - the global pharmaceutical provision fund is finite and is already under pressure and stretched, and new contracts serve to dilute this fund, increasing the strain on diminishing resources. Money for new contracts would be better spent in areas of genuine need.

Additional Information – There have been alleged reports of suspect activity regarding sales of legal highs out of this unit in which the police have been involved, an issue which should be investigated.

All essential services in the area are under stress with the loss of the post offices in Stepps and Millerston and the imminent closure of the RBS in Stepps increasing stress levels.

We cannot justify this application. Should this application be successful it can only cause disruption to the fine balance of the pharmaceutical services provided in our area and help to fuel the rise of similar applications elsewhere in Scotland to the detriment of pharmacy in general. Furthermore, should it gain approval, falter and fail in the short term the damage caused to service provision as a whole in this area will take a long time to recover.

We are sure that the LHB will take our points raised into serious consideration with a detailed investigation and a due diligence report of the KKJ Pharma Ltd before making their decision.”

- 8.2. The Chair invited questions from the Applicant to Mr Ceresa**
- 8.2.1.** The Applicant asked if Mr Ceresa had attended the PPC in 2008 to open a pharmacy within the co-operative supermarket at 63 Cumbernauld Road.
- 8.2.2.** Mr Ceresa confirmed that he had.
- 8.2.3.** The Applicant referred to the Minutes where Mr Ceresa had commented that he had been looking for larger premises for two years prior to the PPC, and asked if this meant that Mr Ceresa had been looking to relocate since 2006.
- 8.2.4.** Mr Ceresa confirmed that he had been looking to relocate for a long time. He had looked at the Buchanan Business Park but had rejected this as being too far from the centre of the Community and when the RBS building had come up for sale, it had provided the opportunity to relocate for the first time in 20 years.
- 8.2.5.** The Applicant asked why Mr Ceresa had had no desire to move to larger premises last year.
- 8.2.6.** Mr Ceresa said that the opportunity had not arisen at that time which was why he had asked the Applicant when had she become aware of his minor relocation plans. Mr Ceresa added that it took a long time to get things done and he had provided a timetable of dates for clarity and since the Applicant had submitted her proposal in March, it had knocked the previous sale on the head but he was hoping that the sale to Mr Badger would still proceed.
- 8.2.7.** The Applicant asked at what point had Mr Ceresa had a significant change of opinion from informing the PPC panel that there had been no inadequacy in the neighbourhood to proposing to double the size of the pharmacy and add a four storey health centre at the rear of the building.
- 8.2.8.** Mr Ceresa said that it was not inadequacy and he had mentioned previously that the NHS was struggling, and anything that could be done to pre-empt what might happen in the future was a benefit going forward. Mr Ceresa said that he could not pinpoint a specific date.
- 8.2.9.** The Applicant noted that in Mr Ceresa's submission, the private sale of his business sale had failed in February/March and asked for a specific date.
- 8.2.10.** Mr Ceresa said that he could not provide a date.
- 8.2.11.** The Applicant asked how Mr Ceresa could therefore credit her application as the reason why the sale had fallen through since he could not pinpoint the date of the failed sale.
- 8.2.12.** Mr Ceresa said it was towards the end of March – between 25-27<sup>th</sup> – but he could not be specific. At the moment, the situation was in the hands of his solicitors.
- 8.2.13.** The Applicant repeated her question how Mr Ceresa could credit the failure since he would not have heard of her application until 26<sup>th</sup> March.

- 8.2.14.** Mr Ceresa said this was irrelevant.
- 8.2.15.** The Application refuted this and stated that this was relevant – and referred to Mr Ceresa’s comment that the second sale had fallen through in March 2019 since the second purchaser would not have been aware of her application.
- 8.2.16.** Mr Ceresa said that the purchaser had been aware, and this is what had thrown a spanner in the works, as they had realised how much business they would lose if the application were to be granted. They had tried to work through the imponderables for 6 months and eventually it had failed.
- 8.2.17.** The Applicant asked whether Mr Ceresa would remain the landlord of Mr Badger’s pharmacy. Mr Ceresa confirmed he would be.
- 8.2.18.** The Applicant asked if potentially a tenancy agreement had been the reason for the failure of the sale of his business rather than her application for a pharmacy in Dorlin Road.
- 8.2.19.** Mr Ceresa noted that there had been several factors that had occurred – the Bank had pulled the purchaser’s funding since they did not know whether the new application would be approved, so the purchaser had needed to seek another source of income/funding, which put a strain on the deal and it eventually the purchaser had withdrawn. The main reason for the withdrawal was based on discussions between legal side and the bank as to what would happen if the Applicant’s application was granted.
- 8.2.20.** The Applicant asked whether Mr Ceresa agreed that this indicated that many people would use her pharmacy.
- 8.2.21.** Mr Ceresa said this was imponderable and although he it would have an impact on all pharmacies in the area to a degree, Stepps Pharmacy would suffer the most – the pharmacies further out such as Mackie Pharmacy and Thomas McLean & Sons would suffer less.
- 8.2.22.** The Applicant asked Mr Ceresa to substantiate his comments on “aggressive promotion by Carlin Healthcare” in the letter of 4<sup>th</sup> July.
- 8.2.23.** Mr Ceresa replied that he had not intended the word “aggressive” to be used in a bad way, but that the Applicant had visited the churches, Community Council and various other people, some of whom had reported to him what was happening. From his viewpoint, that was aggressive. For the previous application, there had not been that feeling – they had done the work but had not gone knocking on doors.
- 8.2.24.** The Applicant denied she had knocked on doors.
- 8.2.25.** The Applicant asked about the last Community Council when her proposal had been read out.
- 8.2.26.** Mr Ceresa said he had not attended Community Council meetings for several

months as he did not have the time. He had finished late the previous evening and the last thing he wanted to do was to attend a Community Council meeting.

- 8.2.27.** The Applicant said that there had been elections the previous month.
- 8.2.28.** Mr Ceresa said he had not attended and that he was considering handing in his resignation as a community councillor, which would coincide with his retirement.
- 8.2.29.** The Applicant asked for the date that Mr Ceresa had applied for a building warrant for the RBS building.
- 8.2.30.** Mr Ceresa confirmed he had applied in January 2019, which coincided with his sale of the pharmacy. The second purchaser had said that they would refit the pharmacy and Mr Ceresa had offered to refit the whole building by taking it back to a shell, and the second purchaser had said he had his own plans, and did not want Mr Ceresa to refit the building. Mr Ceresa added that he had taken the doors out, but could not provide the specific date of the building warrant.
- 8.2.31.** The Applicant stated that North Lanarkshire Council had Mr Ceresa's building warrant application dated 15<sup>th</sup> August and asked how could he tell the public in July that he was going to relocate in August when he did not even have a building warrant.
- 8.2.32.** Mr Ceresa said the second sale of the pharmacy had fallen through, many things were happening and the sale had not materialised, and it had not his been intention to mislead.
- 8.2.33.** The Applicant did not dispute Mr Ceresa's intent but asked, in relation to the CAR, if someone had been told that Stepps Pharmacy was relocating in August but in fact Mr Ceresa had no building warrant, this could potentially have jeopardised residents' responses to the CAR.
- 8.2.34.** Mr Ceresa said he did not believe it would.
- 8.2.35.** The Applicant asked if Mr Ceresa agreed that it could be seen as misleading.
- 8.2.36.** Mr Ceresa said no it was not misleading.
- 8.2.37.** The Applicant asked when Mr Ceresa had applied his banners to the outside of the RBS Building.
- 8.2.38.** Mr Ceresa could not be specific about the date, and added that Hugh Gaffney had the police for a pop-up meeting to be held in the RBS car park. Mr Ceresa said he had informed Mr Gaffney that this was his land and had informed Mr Gaffney of his proposals, and had met 3 times since then.
- 8.2.39.** The Applicant asked Mr Ceresa to confirm that he could not recall the date which he had put up the banners on the RBS building.

- 8.2.40.** Mr Ceresa said he could not recall the exact date, but it coincided with the pop up meeting with Hugh Gaffney.
- 8.2.41.** The Applicant asked if Mr Ceresa agreed that if he had informed people that services would be coming soon but that in fact he had no building warrant, it could jeopardise her application.
- 8.2.42.** Mr Ceresa said that the date had said 1<sup>st</sup> December.
- 8.2.43.** The Applicant said that Mr Ceresa had informed people that the new pharmacy would be coming in August.
- 8.2.44.** Mr Ceresa acknowledged this but added that he did not think what the Councillor said was appropriate and was derogatory, and that the Applicant had a lot of folk saying that Mr Ceresa was not doing anything when he had said what he had done. .
- 8.2.45.** The Applicant referred to Mr Ceresa's comment on the banner that there would be a free collection and delivery service coming soon and asked if he currently provided a delivery service.
- 8.2.46.** Mr Ceresa acknowledged that he did not.
- 8.2.47.** The Applicant asked if Mr Ceresa had extended his hours to comply with no waiting times.
- 8.2.48.** Mr Ceresa acknowledged that he did have waiting times.
- 8.2.49.** The Applicant asked if Mr Ceresa had any private consultation rooms.
- 8.2.50.** Mr Ceresa confirmed he did not at present, and it had been agreed by Glasgow in the 2008 refit.
- 8.2.51.** The Applicant asked Mr Ceresa to confirm his extended hours and the services that would be provided that were currently unable to be provided.
- 8.2.52.** Mr Ceresa confirmed he had already extended his opening hours and was open longer than the core hours dictated. Mr Ceresa added that Mr Badger would be open through the lunch hour and would also be open between 9am-6pm on Saturdays since clinics would be available in the new premises, so there was a possibility of a requirement of longer hours on Saturday afternoons to accommodate people coming in to the clinics.
- 8.2.53.** The Applicant asked whether the sale had yet concluded.
- 8.2.54.** Mr Ceresa replied that the sale had not yet concluded but there was a relationship.
- 8.2.55.** The Applicant asked if it was reasonable for lay members of the Committee to consider that the services Mr Ceresa was offering on his banner meant that the

services were required in the neighbourhood.

- 8.2.56.** Mr Ceresa said that there would always be a demand for services, and he could offer more services but in the current pharmacy he could not do this as it was too small. At the new premises, more services could be offered because of the size and location.
- 8.2.57.** The Applicant said that during her consultation there were 4 public holidays including Easter and the May bank holidays, and asked what hours were worked at Stepps Pharmacy on the Saturday on those weekends.
- 8.2.58.** Mr Ceresa said that on a holiday weekend, based on the level of business they had, they would usually only open between 10am-12pm.
- 8.2.59.** The Applicant asked why Mr Ceresa adjusted the working hours before a public holiday.
- 8.2.60.** Mr Ceresa said that there was no requirement to open for four hours when they were only likely to have 4 customers during that time.
- 8.2.61.** The Applicant asked what were the opening hours before.
- 8.2.62.** Mr Ceresa said that there was no demand on public holidays
- 8.2.63.** The Applicant asked why Mr Ceresa believed that there would be a demand in the new RBS building and asked if Mr Badger would reduce his hours on a Saturday before a public holiday.
- 8.2.64.** Mr Ceresa said that Mr Badger had made a big investment and would work the full hours including public holidays – not just the bank holiday Mondays – if the Health Board asked, Mr Badger would open.
- 8.2.65.** The Applicant said that currently Stepps Pharmacy reduced the working hours on Saturday prior to a public holiday and asked Mr Ceresa if he was aware of the opening hours of Mr Green's pharmacy on a Saturday prior to a bank holiday, or of Mackie Pharmacy.
- 8.2.66.** Mr Ceresa said that each pharmacy operated a different model.
- 8.2.67.** The Applicant stated that Mr Green's pharmacy was in a different neighbourhood.
- 8.2.68.** Mr Ceresa said that it was a different model.
- 8.2.69.** The Applicant stated that Mackie Pharmacy continued to remain open between 9am-1pm on Saturdays prior to a bank holiday and asked if it would be reasonable for residents of the neighbourhood to be disadvantaged in accessing services if Mr Stepps operated shorter opening hours.
- 8.2.70.** Mr Ceresa said that that there would be no disadvantage.

- 8.2.71.** The Applicant asked who had submitted the letter from Dr Kennedy to the Health Board and asked if he had submitted the letter himself.
- 8.2.72.** Mr Ceresa confirmed that Dr Kennedy had signed the letter but he (Mr Ceresa) had submitted the letter on Dr Kennedy's behalf.
- 8.2.73.** The Applicant asked if Mr Ceresa had also submitted the views of Nalagatla Medical Practice.
- 8.2.74.** Mr Ceresa confirmed that he had no views from the Nalagatla Medical Practice.
- 8.2.75.** The Applicant asked if Mr Ceresa had sought the views from the Nalagatla Medical Practice – had Dr Nalagatla walked into Stepps Pharmacy to ask Mr Ceresa to submit his views to the NHS.
- 8.2.76.** Mr Ceresa clarified that Dr Kennedy's submission had been made on a previous survey monkey consultation and had provided a copy to Mr Ceresa, who had submitted the letter on Dr Kennedy's behalf.
- 8.2.77.** The Applicant asked if Mr Ceresa was going to submit a letter on behalf of a GP, would he normally seek views of other GP Practices.
- 8.2.78.** Mr Ceresa said that he had not asked Dr Kennedy for the letter; Dr Kennedy had passed a copy of his submission to Mr Ceresa.
- 8.2.79.** The Applicant noted that the submission was not in relation to her own application but to the previous application for 14 Dorlin Road.
- 8.2.80.** Mr Ceresa said that Dr Kennedy had amended it and it was still relevant.
- 8.2.81.** The Applicant acknowledged that references to previous applications were not permitted but asked whether Dr Kennedy had or had not considered the application by Carlin Healthcare thoroughly.
- 8.2.82.** Mr Ceresa said that Dr Kennedy was well versed in what was happening in the area and sat on two Committees.
- 8.2.83.** The Applicant acknowledged this but noted factual inaccuracies in Dr Kennedy's submission in relation to the application by Carlin Healthcare.
- 8.2.84.** Mr Ceresa said it was a minor discrepancy.
- 8.2.85.** The Applicant noted that Dr Kennedy said that his GP Practice opening hours mirrored exactly the opening hours of the current pharmacy on Cumbernauld Road, and asked if Mr Ceresa operated the core model operating hours each Saturday.
- 8.2.86.** Mr Ceresa noted that this had already been discussed.
- 8.2.87.** The Applicant asked if Stepps Pharmacy remained open at lunchtime.

- 8.2.88.** Mr Ceresa confirmed it did not and noted that the core hours permitted closure at lunchtime.
- 8.2.89.** The Applicant referred to Dr Kennedy's submission in response to Question 7B that it would "risk the viability of the existing Stepps Pharmacy" and said that Dr Kennedy's response at Question 2B stated that the two GP surgeries were located close to the existing pharmacy in Cumbernauld Road which would most likely get the majority of prescriptions", and asked if Mr Ceresa acknowledged that these statements contradicted each other.
- 8.2.90.** Mr Ceresa acknowledged that there was a conflict but said that the statements were not completely contradictory.
- 8.2.91.** The Applicant asked whether the existing Stepps Pharmacy would remain viable if the Applicant's pharmacy opened.
- 8.2.92.** Mr Ceresa stated that the current Stepps Pharmacy operated with 3 pharmacists until two years ago – when one full time pharmacist had taken maternity leave, and they now operated with two full time pharmacists and a relief pharmacist. Mr Ceresa noted that from the figures provided at the last PPC in 2018, Stepps Pharmacy could lose between 2000-3000 of prescriptions, but if the level dropped to 3000 prescriptions, the pharmacy would be back where it was 20 years ago.
- 8.2.93.** The Applicant said that Stepps Pharmacy dispensed 7000 prescriptions and asked whether dropping to 5000 of prescriptions would be the worst case scenario.
- 8.2.94.** Mr Ceresa said that the current number was lower, and Stepps Pharmacy had peaked at 7000 prescriptions.
- 8.2.95.** The Applicant asked, since Stepps Pharmacy did not provide a delivery service and was directing patients who required deliveries to Mackie Pharmacy, and given the population expansion under way, would this mean that the current level would be unviable.
- 8.2.96.** Mr Ceresa confirmed it would be unviable. However, it would be viable if he worked for nothing, but a balance was required.
- 8.2.97.** The Applicant noted the point Mr Ceresa made that he would not be viable if he lost 2000 prescriptions, and was down to 5000 prescriptions per month but noted that Mackie Pharmacy had remained viable on average prescriptions of 4000 per month, and queried why Stepps Pharmacy would not be viable with an average of 5000 prescriptions per month.
- 8.2.98.** Mr Ceresa said that he did not know the number of staff that worked in Mackie Pharmacy.
- 8.2.99.** The Applicant said given the neighbourhood, and one pharmacy being able to be viable for 20 years on 4000 prescriptions per month, how did Mr Ceresa project that operating on 7000 prescriptions per month with a potential loss of

5000 prescriptions would be unviable, considering he was not providing a delivery service and sending patients outwith the neighbourhood for prescriptions.

- 8.2.100.** Mr Ceresa said that he was seeking to relocate his pharmacy and add more services, as he was trying to move Stepps Pharmacy forward; however, the Applicant's proposal would knock that back.
- 8.2.101.** The Applicant said that she was aware that the owner of Thomas McLean & Sons Ltd was Martin Green who was Chair of the Community Pharmacy Scotland who had a remit and 25 years of experience to protect the viability of each contract, who had invested in his own business in the past year with a refurbishment, but he had not opposed her application, and asked Mr Ceresa if this was significant.
- 8.2.102.** Mr Ceresa said that at the previous PPC, Roger McLean had felt an obligation to attend.
- 8.2.103.** The Applicant said that Mr Roger McLean had retired and the current owner was the Chair of Community Pharmacy Scotland, with a remit to protect viability and his pharmacy was only two miles away from her premises. The Applicant said that he had not opposed her application and asked whether this was significant.
- 8.2.104.** Mr Ceresa said that it could be seen as conflict of interest from Mr Green's viewpoint.
- 8.2.105.** The Chair interjected to state that Thomas McLean & Sons Ltd had been involved in the consultation but had chosen not to respond. This was different from saying that they did not oppose the application.
- 8.2.106.** The Applicant acknowledged this point and added that if there had been a serious threat to viability, one would have expected a representative from the business to take the opportunity to state their views.
- 8.2.107.** The Applicant said Dr Kennedy had mentioned Stepps Village, which discounted Millerston and Cardowan, and asked if Mr Ceresa accepted the Applicant's defined neighbourhood.
- 8.2.108.** Mr Ceresa confirmed that his neighbourhood covered the same area as the Applicant's.
- 8.2.109.** The Applicant asked why Dr Kennedy only mentioned Stepps Village.
- 8.2.110.** Mr Ceresa said that historically, Stepps had been regarded as a village, albeit larger now. Mr Ceresa added that the viability of the business in Dorlin Road impacted on the businesses on the main street of Cumbernauld Road – businesses there had better longevity compared to businesses in Dorlin Road which suggested to him that the main thoroughfare was the middle of Stepps.
- 8.2.111.** The Applicant accepted the gravitational pull to the Village but said that the

expansion of the neighbourhood had extended – with investment in a business park at Buchanan Gate, with a supermarket, petrol station, 150 houses, and asked Mr Ceresa if he agreed that there was investment to expand further.

- 8.2.112.** Mr Ceresa agreed there was movement but added that you could not tell what would happen in 10-15 years and did not think that there would be development at the back of Dorlin Road.
- 8.2.113.** The Applicant stated that there was a planning proposal for 250 houses on the land at the rear of Dorlin Road.
- 8.2.114.** Mr Ceresa said that he did not believe there was as there were several lochs and an element of the land had been designated that no building was allowed.
- 8.2.115.** The Applicant confirmed that planning permission had been submitted for 250 houses at the back of Dorlin Road in the previous month.
- 8.2.116.** With regard to the RBS building, the Applicant asked if Mr Ceresa would be using the full building for the pharmacy.
- 8.2.117.** Mr Ceresa replied no, and added that there would be additional consulting rooms on the upper floors and in the basement would be an office and more consulting rooms. They would not form part of the pharmacy however, he had received requests from opticians, audiology and ultrasound nurses to carry out services and conduct clinics. These were separate from the pharmacy which would have its own consultation rooms.
- 8.2.118.** The Applicant asked about the private parking rights at the RBS and asked how many spaces Mr Ceresa had on the site.
- 8.2.119.** Mr Ceresa confirmed between 15-18 designated spaces as this depended on how wide each space was, but it was likely to be 17 spaces. Mr Ceresa added that there would also be 2 disabled car spaces which would form part of the 17 spaces.
- 8.2.120.** The Applicant asked how many staff would work in the pharmacy.
- 8.2.121.** Mr Ceresa confirmed there would be 5 members of staff.
- 8.2.122.** The Applicant asked how many offices were planned.
- 8.2.123.** Mr Ceresa confirmed there would be 4 offices upstairs and 1 downstairs, which would be 7 people in total.
- 8.2.124.** The Applicant noted that this would equate to 12 staff members requiring car spaces, and a car space for a delivery van, and asked if this meant that there would only be 4 spaces available for customers, two of which were disabled spaces.
- 8.2.125.** Mr Ceresa said that all staff lived locally and would not be parking at the rear of the pharmacy. Mr Ceresa commented that the Applicant offered on-street

parking at Dorling Road.

- 8.2.126.** The Applicant replied that she was not sharing or competing with 14 other businesses.
- 8.2.127.** Mr Ceresa added that there was a private car park across the road which could be used by customers.
- 8.2.128.** The Applicant asked if Mr Ceresa had submitted a request to North Lanarkshire Council to increase parking
- 8.2.129.** Mr Ceresa confirmed he had submitted a request in December 2018 to purchase land and turn it into a car park.
- 8.2.130.** The Applicant asked if Mr Ceresa had received planning permission from North Lanarkshire Council.
- 8.2.131.** Mr Ceresa admitted that he had not, and also had no date.
- 8.2.132.** The Applicant asked if Mr Ceresa was aware that Stepps Primary School was to decant 400 people to a new building and a new car park and was moving closer to Blenheim Avenue.
- 8.2.133.** Mr Ceresa said that it was moving further away and not closer to his pharmacy.
- 8.2.134.** The Applicant asked if anyone going to the school would still use the car park.
- 8.2.135.** Mr Ceresa replied that he had no idea as it depended on where the car park was – as there was portacabins on playing fields on Mount Harriet Drive.
- 8.2.136.** The Applicant asked whether residents from Frankfield Loch, Millerston or Cardowan would be expected to drive along Mount Harriet Drive and back to get to the school.
- 8.2.137.** Mr Ceresa suggested that the Applicant speak with North Lanarkshire Council on their proposed change for the school.
- 8.2.138.** The Applicant referred to Mr Ceresa's point on the gravitational pull to Cumbernauld Road and asked where patients would currently park; if 400 children were being decanted, the chances of this area being approved by the North Lanarkshire Council were slim.
- 8.2.139.** Mr Ceresa said it would possibly take a year until the school was sorted and did not think anything would happen regarding his request until then
- 8.2.140.** The Applicant noted that there was no additional car parking approved, and no timescale as to when it might be approved, and was intrigued to know more about the 3-4 floor health care centre that Mr Ceresa proposed at the rear of the new premises and asked who had this been proposed to.
- 8.2.141.** Mr Ceresa said that it had been proposed to the Council and Health Board.

These were plans for the future and were unlikely to be completed next year as these were long term proposals to move forward and implement. Mr Ceresa added that, for example for the 3-4 floor building at the rear, the whole bottom area could be a car park.

- 8.2.142.** The Applicant asked whether a car park was part of the proposal that Mr Ceresa had submitted to the Council and Health Board.
- 8.2.143.** Mr Ceresa said that it depended as they may say that it was not permitted.
- 8.2.144.** The Applicant referred to Mr Ceresa's proposal for the 3-4 floor health care centre which had no mention of a car park and asked if this was correct.
- 8.2.145.** Mr Ceresa confirmed this was correct, but it was envisaged – it was a vision rather than a plan.
- 8.2.146.** The Applicant asked if Mr Ceresa envisaged requiring a 4 storey healthcare centre behind the pharmacy, which would double the health provision needs beyond what was available.
- 8.2.147.** Mr Ceresa said that the NHS was stretched and he was talking of things for the future, and referred to services for the current election with the Government striving to put money into the NHS to meet the shortfalls. Mr Ceresa added that there were already current shortfalls and he was not sure what the situation would be in 5-10 years time.
- 8.2.148.** The Applicant noted that Mr Ceresa had said he had submitted a proposed development to the Council, but said that there was no record in the Community Council Minutes, and asked who he had made his proposal to, as she did not know the process.
- 8.2.149.** Mr Ceresa admitted it was new territory for him. He had sent his proposal to the Health Board in December 2018.
- 8.2.150.** The Applicant asked if Mr Ceresa had received a response.
- 8.2.151.** Mr Ceresa replied that it was difficult to get an application through for a pharmacy.
- 8.2.152.** The Applicant asked whether it was fair to note that with regard to the 4 storey health centre proposed by Mr Ceresa, he had no planning permission, no building warrant and no confirmed car park.
- 8.2.153.** Mr Ceresa said that the plans for the pharmacy were going ahead and the proposed date was 1<sup>st</sup> April 2020.
- 8.2.154.** The Applicant asked whether the 3-4 storey health care centre would be sharing the car park with only 4 spaces available for all customers.
- 8.2.155.** Mr Ceresa said this was not the case the proposals for the health centre were to accommodate future developments and added that the Applicant could offer

that in Dorlin Road if she wished to expand.

- 8.2.156.** The Applicant said that inadequacy in current provision was proved, since nothing was more certain than Mr Ceresa saying that he was going to add in a 4 storey health centre to meet the needs of the community, as this confirmed current inadequacy.
- 8.2.157.** Mr Ceresa said this was not the case and it was future planning.
- 8.2.158.** The Applicant asked whether Mr Ceresa had received the building warrant for the relocation of Stepps Pharmacy.
- 8.2.159.** Mr Ceresa said that he and Mr Badger had been discussing this since October 2018; plans were in place and he anticipated receiving the building warrant within the week.
- 8.2.160.** The Applicant stated that the building warrant had been applied for on 15<sup>th</sup> August and was still pending consideration – and she had checked the website that morning. The website had also said that 20 working days was standard practice, noted this deadline was out of the timeframe and also noted that Mr Ceresa still did not have a building warrant.
- 8.2.161.** Mr Ceresa said that that this was with the planning department – and it took anywhere between 6 weeks and longer to get a response as the department was short staffed.
- 8.2.162.** The Applicant referred to her application and said that she could secure adequate provision of services as she was not reliant on planning permission or a building warrant as she already had those in place. The Applicant said that Mr Ceresa was waiting on three variables that he still did not have: a building warrant, missives, and a request for parking to North Lanarkshire Council which may not be granted.
- 8.2.163.** Mr Ceresa confirmed that Stepps Pharmacy would continue at its current location until 1<sup>st</sup> April. There would be a smooth transition from 140 to 183 Cumbernauld Road.
- 8.2.164.** The Applicant asked Mr Ceresa to confirm that the relocation was pending on several variables outwith his control.
- 8.2.165.** Mr Ceresa confirmed.

**The Applicant had no further questions.**

**8.3. Questions from Mr Traynor to Mr Ceresa**

- 8.3.1.** Mr Traynor had no questions.

**Having ascertained that the Interested Parties had no further questions, the Chair invited questions from the Committee Members**

**8.4. Questions from Mr Cassells to Mr Ceresa**

8.4.1. Mr Cassells queried if the move was definitely going ahead or whether the sale was conditional or would have an impact if the Applicant's proposal was granted.

8.4.2. Mr Ceresa confirmed that the move was definitely going ahead, and added that there could be an impact if the application were granted.

8.4.3. Mr Cassells asked what was the floor space of the new location.

8.4.4. Mr Ceresa confirmed it would be 1040 square feet.

**Mr Cassells had no further questions.**

**8.5. Questions from Mrs McGregor to Mr Ceresa**

8.5.1. Mrs McGregor had no questions.

**8.6. Questions from Mrs Prentice to Mr Ceresa**

8.6.1. Mrs Prentice had no questions.

**8.7. Questions from Mr Woods to Mr Ceresa**

8.7.1. Mr Woods asked whether the minor relocation date of 1<sup>st</sup> April was linked to the date of 26<sup>th</sup> December.

8.7.2. Mr Ceresa confirmed that the date of 26<sup>th</sup> December was the final date for him to have his pharmacy up and running, but he also had until 25<sup>th</sup> November to submit a request to extend, which he did not see as a problem. Mr Ceresa acknowledged that the relocation would not be completed by 26<sup>th</sup> December.

8.7.3. Mr Woods asked whether Mr Ceresa had already submitted his request to extend the deadline beyond 26<sup>th</sup> December.

8.7.4. Mr Ceresa acknowledged that he had still to submit the request.

8.7.5. Mr Woods asked about the extended hours.

8.7.6. Mr Ceresa said that the model hours stated that pharmacies closed at 5.30pm but Stepps Pharmacy opened until 6.30pm on weekdays which accommodated the GP surgery which opened until 6pm which is why Stepps Pharmacy remained open until 6.30pm. The other hours were as stated on the report.

8.7.7. Mr Woods said that the current location of Stepps Pharmacy was very small and asked how long it had been there.

8.7.8. Mr Ceresa replied it had been there since 1973.

- 8.7.9.** Mr Woods asked when the pharmacy became too small.
- 8.7.10.** Mr Ceresa said that following the refit in 2003 – at that time they were part of the Glasgow Health Board – they had struggled as they had to modify the dispensing area and negotiate over the requirement for a private consulting area which they had no space for. The current pharmacy was 500 square feet. Mr Ceresa said that although they struggled, they still managed. All core services were provided and there was an adequate service in the community. Mr Ceresa acknowledged that, moving forward, the population of the area was increasing and GPs were struggling to accommodate this, and the new breed of Independent Prescriber helped alleviate problems that GPs had. However, this created a problem for Stepps Pharmacy at 140 Cumbernauld Road as they were not able to offer a private consulting room. With the relocation, the new pharmacy would have 1000 square feet of space, which would double what was currently available, and would therefore be able to accommodate the increase in the population.
- 8.7.11.** Mr Woods asked, in relation to the modern pharmacy and Mr Ceresa's comment that the existing location was too small, what modern day services were available that he was unable to currently provide.
- 8.7.12.** Mr Ceresa said that when compliance aids came in, they could accommodate up to 30 patients, but this has now increased to 75 patients, which was double their capacity. Mr Ceresa said that they were coping but had to rationalise. Once the minor relocation was complete, they could take on more patients and accommodate the additional workload. For independent prescriber services they would need a consultation room but only had a private area, and this would be accommodated once they relocated to the 183 Cumbernauld Road where they would have a consultation room.
- 8.7.13.** Mr Woods said that only the compliance aids had been mentioned on the banner regarding modern day services and asked what other services he would or currently provided.
- 8.7.14.** Mr Ceresa said that a vaccination clinic was something they could not currently offer, and also travel clinics. People asked for these services, but they were not able to provide this as it required injections in a private area.
- 8.7.15.** Mr Woods asked if Stepps Pharmacy provided a methadone dispensing service as it was on the banner.
- 8.7.16.** Mr Ceresa confirmed that they provided methadone dispensing and compliance aids but were limited to capacity. Stepps Pharmacy also operated a buddy system with another local pharmacy. They would send stuff to Mackie Pharmacy and likewise Mackie Pharmacy would send patients to Stepps Pharmacy, and the same with Thomas McLean & sons Ltd in Muirhead.
- 8.7.17.** Mr Woods asked if Mr Ceresa was sending the patients to other pharmacies, or just the work – eg dosette boxes.
- 8.7.18.** Mr Ceresa confirmed that they handled their current patients but other dosette

box requests were to another pharmacy to deliver to the patient. Mr Ceresa noted that there were others on the list and it was difficult to add more patients to the list.

- 8.7.19.** Mr Woods asked whether the patient had to visit another pharmacy in order to obtain their dosette box.
- 8.7.20.** Mr Ceresa said that yes, if it was a dosette box, then that pharmacy could deliver. Mr Ceresa commented that, with the current shortage of medicines with the current wholesale suppliers, it was still a struggle. So if they had no stock, he would call another pharmacy to see if they had a supply and refer the patient on – and vice versa - this was the buddy system between the pharmacies.
- 8.7.21.** Mr Woods asked how he would know what services were provided by Stepps Pharmacy – eg smoking cessation, since there was no sign in the window.
- 8.7.22.** Mr Ceresa replied that they had leaflets.
- 8.7.23.** Mr Woods said that there was no signposting of this NHS service on his pharmacy window.
- 8.7.24.** Mr Woods replied that they could put up a board.
- 8.7.25.** Mr Woods asked how a person with a wheelchair would get access to Stepps Pharmacy.
- 8.7.26.** Mr Ceresa confirmed that the pharmacy was wheelchair friendly.
- 8.7.27.** Mr Woods pointed out that the door could not be pushed open.
- 8.7.28.** Mr Ceresa acknowledged that there was no automatic door opening system. Mostly, if anyone in a wheelchair required access, they made a sign to someone behind the counter as you could see through the window, and then the staff would open the door.
- 8.7.29.** Mr Woods asked what happened if there was only one person at the counter who was already serving another customer.
- 8.7.30.** Mr Ceresa said that there were four people on site every day, although only one person might be seen.
- 8.7.31.** Mr Woods asked whether there was a dignified access for someone in a wheelchair.
- 8.7.32.** Mr Ceresa acknowledged there was not.

Mr Woods had no further questions

**8.8. Questions from the Chair to Mr Ceresa**

- 8.8.1. The Chair referred to Mr Ceresa's comment in his submission that the Applicant's application had affected the prior sale of his existing business.
- 8.8.2. Mr Ceresa confirmed that this was the view of people who wished to purchase the pharmacy.
- 8.8.3. The Chair noted Mr Ceresa's comment that the minor relocation would be completed on 1<sup>st</sup> April and stated that the decision of the Committee needed to be remitted to all parties within 15 working days of the current hearing. The Chair sought advice from Ms Susan Murray in relation to what extent the panel could take into account issues raised that would not be resolved for several months, or whether the panel were confined to consider the current services.
- 8.8.4. Ms Murray stated that the most common reason for PPCs looking at an element of the future was in relation to future housing developments. Part of the Regulation 5(1) which had been read out by the Chair included the word "secure". This was a word which courts had interpreted in legal precedence in disputes. This allowed a PPC Committee to take into account – to an extent – future developments and changes. However, precedence in Court was not set in stone. Every decision needed to be based on the individual facts and circumstances of each case. CLO advised clients that the change has to be reasonably approximate to the day that the Decision was made. For the Decision at the hearing today, the Committee could take into account future developments – such as housing developments and the minor relocation. CLO advised that, as a rule of thumb, the timeframe was around 3-6 months. The Committee also had a requirement to consider future changes on housing developments such as planning permissions, whether development was under way, whether units were sold etc. If there was an issue in relation to an existing pharmacy within the neighbourhood (which was relocating to larger premises, which may then be providing more services) then the Committee needed to look at the timing of that in relation to the element of certainty. So for this minor relocation, it had been understood that this had already been granted. Within Regulation 8 when applying for a minor relocation, the Health Board may put the minor relocation applicant on a provisional pharmaceutical list and the applicant would then be given a 6 month period to complete the relocation. If the move was not made by that time, then 28 days prior to the expiry of the date when the relocation was due to complete, the applicant could apply for an extension up to an additional 9 months. The Provision in Regulation 8(5) states *"Where a person whose name has been included in the provisional pharmaceutical list applies in writing to the Board not later than twenty eight days before the date by which, in terms of paragraph (4) above, the applicant is required to submit Form B, that the applicant wishes the Board to extend the period for submission of that Form and the Board is satisfied that, due to circumstances outwith that person's control and which could not reasonably have been anticipated at the date of the application, there is no reasonable prospect of such person being able to submit that Form by that date, the Board may extend the period for submission of Form B by a further period not exceeding nine months"*. So the Health Board that is considering an extension would need to take into account the circumstances that may have arisen outwith the control of the applicant which could not have reasonably been anticipated at the date they had originally submitted their application. If

the Health Board did not grant the extension, the Applicant could reapply. Given that the minor relocation of Stepps Pharmacy related to moving several doors down on the same road, it was possible that it would be granted if it was applied for a second time.

- 8.8.5.** The Chair asked if any party had any wish to ask questions to Mrs Murray. All declined.
- 8.8.6.** The Chair explained that in the private session, they would look at the evidence of the current services provided and the limitations, and also they would look at the potential to remedy the deficiencies in March/April based on the assurances of Mr Ceresa that this would go ahead.
- 8.8.7.** The Chair asked Mrs Murray whether the Committee were entitled to consider the current services – even if they were hypothetically currently inadequate but would be made adequate in 2020.
- 8.8.8.** Mrs Murray confirmed this was possible, subject to consideration of the time period within which the potential change would occur and the extent to which it had been confirmed that it would happen.
- 8.8.9.** The Chair asked Mr Ceresa what certainty there was in relation to the minor relocation regarding timings and conditions – what certainty he had in the process that was being undertaken.
- 8.8.10.** Mr Ceresa said from 1<sup>st</sup> February, Mr Badger would have a licence to move into 183 Cumbernauld Road for the purposes of refurbishing the pharmacy. Mr Badger would be leasing the property from himself as the owner; however, the missives would not be signed until the date of entry into the new building on 1<sup>st</sup> April 2020.
- 8.8.11.** The Chair asked if Mr Ceresa was providing assurance that from April 2020, the pharmacy relocation would be complete and would be up and running.
- 8.8.12.** Mr Ceresa stated that the assurance was as near set in stone as it could be, and added that Mr Badger had also signed a contract for a dispensing robot to be installed in the premises, which cost a sizeable amount of money and showed commitment and it would be installed on 1<sup>st</sup> March.
- 8.8.13.** The Chair asked who owned the RBS building.
- 8.8.14.** Mr Ceresa confirmed he owned the building and would be granting a lease to Mr Badger. The lease would start on 1<sup>st</sup> April. The licence would be granted two months prior to that in order to enable the refit to take place.
- 8.8.15.** The Chair asked whether 1040 square feet was all devoted to pharmaceutical services.
- 8.8.16.** Mr Ceresa replied 1000 square feet.
- 8.8.17.** The Chair asked what would be changed when the pharmacy relocated to the

RBS building – for example, currently Stepps Pharmacy closed at lunchtime. Would the new premises remain open at lunchtime.

- 8.8.18.** Mr Ceresa confirmed it would.
- 8.8.19.** The Chair said that currently Stepps Pharmacy did not make deliveries. Would this service be offered at the new premises.
- 8.8.20.** Mr Ceresa confirmed it would.
- 8.8.21.** The Chair said that currently Stepps Pharmacy used Mackie Pharmacy for dosette boxes. Would that cease and could the new pharmacy cope with demands.
- 8.8.22.** Mr Ceresa said that the new pharmacy had capacity for 300 dosette boxes.
- 8.8.23.** The Chair said that there was currently no consultation area in Stepps Pharmacy and asked how many there would be in the new premises.
- 8.8.24.** Mr Ceresa said that would be one dedicated Consultation Room and two private areas on the ground floor.
- 8.8.25.** The Chair asked whether the 1000 square feet was only on the ground floor.
- 8.8.26.** Mr Ceresa confirmed it was.
- 8.8.27.** The Chair asked what would the opening hours be on Saturday.
- 8.8.28.** Mr Ceresa said it would be 9.00-am-5.30pm.
- 8.8.29.** The Chair asked whether Mr Ceresa offered these hours currently at Stepps Pharmacy or was this a change.
- 8.8.30.** Mr Ceresa confirmed it was a change.
- 8.8.31.** The Chair asked whether the new premises would open on a Sunday.
- 8.8.32.** Mr Ceresa said that if there was a need, the new pharmacy would be prepared to open on a Sunday and said that there was no rota in the area.
- 8.8.33.** The Chair asked how Mr Ceresa would determine a need.
- 8.8.34.** Mr Ceresa said it was up to the Health Board to make a request, but a new 24-hour collection point would also be installed.
- 8.8.35.** The Chair asked if the new premises would be compliant with disabled access requirements.
- 8.8.36.** Mr Ceresa confirmed that the building was already compliant and had an automatic door.

- 8.8.37.** The Chair noted the statistics provided which indicated population increases and asked whether Stepps Pharmacy could cope with that.
- 8.8.38.** Mr Ceresa said that with the dispensing robot installed, they should be able to double the prescription volume that could currently be fulfilled, so there was plenty of capacity.
- 8.8.39.** The Chair referred to Mr Ceresa's comments on stock control and asked how that would change – would there be more space for stock in the new premises.
- 8.8.40.** Mr Ceresa said he not referred to stock control, but had referred to access to medicines being a problem. From time to time, issues arose with stock availability and he would phone Mackie Pharmacy and Thomas McLean & Sons Ltd to ascertain whether they had stock for a particular medicine on their shelf; there was no point asking the wholesaler if they did not have the stock.
- 8.8.41.** The Chair queried that this did not reflect the size of the premises.
- 8.8.42.** Mr Ceresa confirmed it did not.
- 8.8.43.** The Chair asked what stock levels would be maintained at the new premises.
- 8.8.44.** Mr Ceresa said that robot would hold 12000 packs of stock which freed up space in the dispensary, so there would be adequate room for storage.
- 8.8.45.** Mr Traynor interjected to confirm that Mackie Pharmacy had a small robot – which stacked items high, and was linked to a computer to dispense prescriptions.
- 8.8.46.** The Chair asked what changes there would be in staffing in the new premises.
- 8.8.47.** Mr Ceresa said that there were currently two full time pharmacists, 1 relief pharmacist and 4 part time dispensers.
- 8.8.48.** Mr Badger interjected to say that he was a pharmacist, his wife was a pharmacist and would work in the branch with dispensing staff.
- 8.8.49.** The Chair asked whether Mr Badger could maintain service levels with a full time pharmacist.
- 8.8.50.** Mr Badger confirmed he could.

The Chair had no further questions.

**8.9. All parties were invited to ask additional questions to Mr Ceresa**

**Questions from the Applicant to Mr Ceresa**

- 8.9.1.** The Applicant asked what services were not currently provided as he had not mentioned Public Health Services or MAS in terms of sexual health, and asked if Mr Ceresa was confirming he had no private consultation area.

- 8.9.2.** Mr Ceresa said that Stepps Pharmacy offered EHC (Emergency Hormonal Contraception) and MAS and methadone dispensing and confirmed they had a private area.
- 8.9.3.** The Applicant asked about the flu and travel vaccinations and asked whether these were private or NHS funded.
- 8.9.4.** Mr Ceresa said it depended on the allocation of the funding.
- 8.9.5.** The Applicant asked about funding for the flu vaccination.
- 8.9.6.** Mr Ceresa confirmed it was currently privately funded.
- 8.9.7.** The Applicant asked Mr Badger whether he owned any other pharmacies.
- 8.9.8.** Mr Badger confirmed he owned one pharmacy which he had sold in order to set up the pharmacy at 183 Cumbernauld Road.
- 8.9.9.** The Applicant asked whether Mr Badger had owned pharmacies in Roslin and one in Jedburgh.
- 8.9.10.** Mr Badger replied Roslin.
- 8.9.11.** The Applicant asked what Mr Badger's opening hours were on Saturday at his previous pharmacy.
- 8.9.12.** Mr Badger said that they were irrelevant as the pharmacy was in the middle of nowhere with the health centre on the periphery, and opened 9am-12pm on Saturday and also offered a Saturday delivery service.
- 8.9.13.** The Applicant asked for Mr Badger's affiliation with the pharmacy in Jedburgh.
- 8.9.14.** Mr Badger said he had not been involved with the pharmacy for two years.
- 8.9.15.** The Applicant asked whether the Jedburgh pharmacy closed on Saturdays.
- 8.9.16.** Mr Badger said it was not relevant but thought it might close at 1pm.
- 8.9.17.** The Applicant explained that Mr Badger had a history of closing on Saturdays at 1pm and the new business did not yet have missives.
- 8.9.18.** Mr Badger said he would not be working full time himself. He would commute from Glasgow and the station was close to his house, and stated that opening hours depended on the business needs.
- 8.9.19.** Mr Ceresa commented that there could be two pharmacies next to each other operating a different model.
- 8.9.20.** Mr Badger said he would be offering a travel clinic, extend the Saturday hours and have a 3 hour working shift.

- 8.9.21.** The Applicant asked whether the Roslin pharmacy opening hours depended on Mr Badger's convenience.
- 8.9.22.** Mr Badger replied that he worked outwith the core hours.
- 8.9.23.** The Applicant queried the commute.
- 8.9.24.** Mr Badger said that the core services were provided within the contract hours, and opened 8.30am-6pm
- 8.9.25.** The Applicant asked what would happen if the robot broke down, since the maintenance company was in the South and when the robot stopped working, it could be between 24-48 hours to repair which caused a huge disruption to pharmacy business. The Applicant asked whether it would be desirable to have another pharmacy in the neighbourhood in case the robot broke.
- 8.9.26.** Mrs McGregor interjected to state that they had a robot installed at her pharmacy and it made no difference as they could work without it. The computer told them where the medicines were and they could go and take things to dispense . They also had engineers in the area.
- 8.9.27.** Mr Badger confirmed that the engineers covered centrally.
- 8.9.28.** The Applicant asked whether all medicines were suitable for the 24 hour collection point.
- 8.9.29.** Mr Badger said that this would adhere to strict Standard Operating Procedures for dispensing prescriptions – no fridge items or controlled drugs could be dispensed. It was a convenience for patients – they would hand in their prescription, get a secure text and digital code to input into the vending machine by the wall which would dispense the prescription. It operated 24/7. Mr Badger acknowledged this would not be available for everyone, but helped when there were parking issues.
- 8.9.30.** The Applicant what happened if the patient required a fridge item.
- 8.9.31.** Mr Ceresa said that the patient would need to visit the pharmacy.
- 8.9.32.** The Applicant asked how could a patient get expert advice from a pharmacist when their medicines were getting dispensed from a locker – for example if there was a new medicine or if it was a child.
- 8.9.33.** Mr Badger confirmed that only certain patients were suitable for using the service and it would not be suitable for anyone with a new medicine.
- 8.9.34.** The Applicant referred to the size of the 24 hour collection point and the robot and said that from the forms submitted to the PPC, they had not had time to submit information showing the robot being accommodated and how much floor space was reduced.
- 8.9.35.** Mr Badger confirmed that drawings had been submitted the previous week.

- 8.9.36.** The Applicant asked whether controlled drugs would be available from the 24 hour collection point
- 8.9.37.** Mr Badger confirmed they would not.
- 8.9.38.** The Applicant referred to the Buddy System with business being referred from Stepps to Mackie Pharmacy and vice versa, and asked what business was sent to Stepps Pharmacy via Mackie Pharmacy.
- 8.9.39.** Mr Ceresa replied that a couple of weeks previously, Mackie's had a patient requiring phenetidine and the patient had been sent to Stepps Pharmacy as they were able to source the medicine when Mackie Pharmacy did not have the product.
- 8.9.40.** The Applicant said that Jamieson Medical Practice was in Muirhead and asked if Mr Ceresa accepted that when he sent customers to Moodiesburn, these customers had to pass through this neighbourhood to access Mackie Pharmacy in Moodiesburn.
- 8.9.41.** Mr Ceresa said it was a buddy system. If he called Mackie's Pharmacy for a medication, they would look at their stock to see if they had any and, if not, then he would call Thomas McLean & Sons. If they did not have any stock, then he would have to think of something else. Mr Ceresa added that Mr Badger would also have a delivery service.
- 8.9.42.** The Applicant asked Mr Traynor how would someone navigate the journey from Stepps to Moodiesburn on public transport.
- 8.9.43.** Mr Traynor said that Mackie Pharmacy had two drivers that operated within a ten mile radius. They could collect and bring back prescription and were in Stepps daily.
- 8.9.44.** The Applicant accepted the value in a delivery service but noted that this was not a core service and was not funded by the NHS and was therefore an insecure way of securing pharmaceutical provision of services and said that Boots were also introducing delivery charges, and said that the pharmacy was relying on an insecure service.
- 8.9.45.** Mr Traynor replied that the delivery service was not available for everyone, and was not provided for people that did not have a real need.
- 8.9.46.** The Applicant asked how Mr Traynor assessed the need.
- 8.9.47.** Mr Traynor said that it was up to Lloyds and Boots to assess.
- 8.9.48.** The Applicant noted that it was at their discretion and emphasised that the delivery service was not available for everyone and was not free for everyone so potentially, when Mackie Pharmacy were delivering outwith their neighbourhood, they were putting a strain on the provision of service within their own neighbourhood.

- 8.9.49. Mr Traynor said that there were no multiple chain pharmacies within his pharmacy's catchment area. Mackie Pharmacy was an independent pharmacy providing a delivery service and acknowledged that it was not a core service.
- 8.9.50. The Applicant asked Mr Badger whether he intended to double the volume of prescription items to 14,000 per month.
- 8.9.51. Mr Badger confirmed and said that this was feasible with a robot and less floor space.
- 8.9.52. The Applicant said that the current national average was 6000 items per month. To dispense 14,000 items per month was double the national the average from one pharmacy.
- 8.9.53. Mr Badger said it was about building capacity for the future and was unable to say when this would happen.

**Having ascertained that there were no additional questions to Mr Ceresa, the Chair invited Mr Traynor to make his representation.**

**9. Mr Traynor's representation on behalf of Mackie Pharmacy**

- 9.1. Mr Mackie, Mackie Pharmacy had sent letter stating his objections to the application in advance of the hearing. The correspondence received from Mr Mackie was included in the papers circulated for the hearing therefore available to all PPC Members, all Interested Parties and the Applicant. When invited by the Chair Mr Traynor declined the invitation to make an oral representation stating that the panel had seen the letter from Mr Mackie which was within the hearing papers and stated that he would not be able to expand much on letter that had been submitted. Accordingly given that Mr Traynor declined the offer to make oral representation for the record Mr Mackie's letter of 13 October 2019 is reproduced in full below:
- 9.1.1. "I am writing to object to the latest Pharmaceutical Contract application made for inclusion in the Pharmaceutical list at 14 Dorlin Road, Cardowan, Stepps, G33 6AP, on grounds of Pharmaceutical need. I believe the area is well served by the current community pharmacy network.
- 9.1.2. Both my Moodiesburn Pharmacies at 16 Blackwood Crescent & 63 Glenmanor Avenue currently collect prescriptions from all GP practices in Stepps and deliver back to the area.
- 9.1.3. We have never refused a prescription collection, delivery or MDS patient form this area. We have lots of extra capacity to accommodate all such requests in future and can assure you there will never be a pharmaceutical need for these services in the Stepps area.
- 9.1.4. I am surprised N HS Lanarkshire have accepted another application on the same site as it rejected an application last year. There is no evidence to

support the applicants assertion that 'the population growth within the neighbourhood means one provider is no longer adequate'. From June 2018 to June 2019 this pharmacies average prescription growth has been a modest 159 items (2.66% Pharmdata Website). This fact combined with the poor CAR return runs counter to this applicants claim." This concluded the statement.

9.1.5. Mr Traynor said that there were currently two pharmacies 3.6 miles from the proposed site,

9.1.6. Mr Traynor stated that that they had two delivery drivers – one full time, one part time – who were in Stepps on a daily basis collecting prescriptions from both surgeries, providing deliveries to patients in Moodiesburn, Muirhead and Chryston.

9.1.7. Mr Traynor stated that they were not yet anywhere near capacity on dosette boxes and had fully trained staff available to interview potential dosette box patients before they signed up for the service.

***This concluded the presentation by Mr Traynor.***

**9.2. The Chair invited Questions from the Applicant to Mr Traynor**

9.2.1. The Applicant asked Mr Traynor how many pharmacies were in the J P Mackie Pharmacy Group.

9.2.2. Mr Traynor confirmed seven.

9.2.3. The Applicant stated that the population of Moodiesburn was 6,500 and asked why two pharmacies could be viable in Moodiesburn and not in Stepps.

9.2.4. Mr Traynor said that historically the pharmacies had been there and if they decided to close one and make a larger one, it would be an opportunity for someone to come in as competition, so having two pharmacies in Moodiesburn meant that they could provide a full range of services.

9.2.5. The Applicant asked that if this meant that having two pharmacies in Moodiesburn prevented competition.

9.2.6. Mr Traynor confirmed.

9.2.7. The Applicant queried the viability of the two Mackie Pharmacy branches in Moodiesburn which had operated for 20 years and said that if two pharmacies were sustainable and viable for a population of 6500, what reasonable grounds - relating to her application complementing Mr Badger's pharmacy - could Mr Traynor give to say that it would not be viable on the basis of a population of 8,000 and growing.

9.2.8. Mr Traynor said that it depended on the population and health needs – for example, new housing developments often meant a generally younger demographic who were less likely to require health care.

- 9.2.9. The Applicant said that 25% of the new housing developments were affordable housing which targeted less well people. From the information contained in the pack, it showed that Cardowan was in the top 7% in the SIMD statistics relating to access to services. The Applicant asked what evidence Mr Traynor had to suggest that her application would not be viable on the current population and quoted Mr Mackie's letter "*We have never refused a prescription collection delivery or MDS patient from this area. We have lots of extra capacity to accommodate all such requests in future and can assure you there will never be a pharmaceutical need for these services in the Stepps area*". The Applicant said that if people were having to access services 3.6 miles away, this confirmed inadequacy in the neighbourhood as defined in her application.
- 9.2.10. Mr Traynor replied that it was up to the applicant and that they also delivered and did leaflet drops in the areas to state the services that they provided.
- 9.2.11. The Applicant asked Mr Traynor to confirm that Mackie Pharmacy's neighbourhood was completely separate to her defined neighbourhood.
- 9.2.12. Mr Traynor confirmed.
- 9.2.13. The Applicant asked if Mr Traynor accepted that between his neighbourhood and her own, that Chryston was between them which was another neighbourhood in its own right.
- 9.2.14. Mr Traynor confirmed.
- 9.2.15. The Applicant asked if Mr Traynor could accept that there was a pharmacy in Chryston.
- 9.2.16. Mr Traynor confirmed.
- 9.2.17. The Applicant asked if Mr Traynor accepted that there had been no opposition from that contractor with regard to her application.
- 9.2.18. Mr Traynor nodded agreement
- 9.2.19. The Applicant asked if there was any reason why the contractor had not opposed it but that Mackie Pharmacy had objected which was further away.
- 9.2.20. Mr Traynor said he could not comment on another individual's thoughts.
- 9.2.21. The Applicant asked Mr Traynor for the reason behind the significant change in direction from Mr Ceresa when he had said the previous year that there was no inadequacy but was now seeking to double the size of his pharmacy.
- 9.2.22. Mr Traynor said that there was a difference between inadequacy and moving forward and Stepps Pharmacy was providing services to meet the needs.
- 9.2.23. The Applicant referred to Mr Ceresa's advert saying that he could not provide the services of a modern day pharmacy and quoted "*too small to provide the services which modern day pharmacy is obliged to provide*". Given the wording

that the current pharmacy was too small and the new premises did not currently have missives, was the current provision inadequate.

- 9.2.24.** Mr Traynor confirmed current services were inadequate.
- 9.2.25.** Mr Ceresa interjected that he had never said that he could not provide the services. The Applicant said that Mr Ceresa had used the words “too small”.
- 9.2.26.** The Applicant asked if Mr Traynor could suggest why someone in Cardowan or Millerston would leave their neighbourhood, bypass Mr Green (Thomas McLean & Sons) in order to access Mackie Pharmacy in Moodiesburn.
- 9.2.27.** Mr Traynor said it depended on the level of service and depended where the patient came from.
- 9.2.28.** The Applicant asked if Mr Traynor agreed that there was a degree of variation on what each contractor could offer – eg there was a variation on the service provided by Mackie Pharmacy and Thomas McLean & Sons Ltd.
- 9.2.29.** Mr Traynor confirmed there was a difference between the pharmacies.
- 9.2.30.** The Applicant asked if someone in Millerston or Cardowan wished to leave the neighbourhood, what did Moodiesburn have that she did not.
- 9.2.31.** Mr Traynor said there was nothing.
- 9.2.32.** The Applicant asked if this meant that the only reason they would need to go to Moodiesburn was to obtain a pharmaceutical service.
- 9.2.33.** Mr Traynor said that the service was being provided in the residents’ neighbourhood but they had chosen to come to Mackie Pharmacy in Moodiesburn. If the pharmacy in Stepps did not have capacity, Mackie Pharmacy could assist on a short term basis, and the Mackie Pharmacy at Blackwood Road also offered a palliative care service.
- 9.2.34.** The Applicant asked if there was any reason for a resident in Cardowan to leave the neighbourhood to visit Moodiesburn other than to visit a pharmacy.
- 9.2.35.** Mr Traynor confirmed they would.
- 9.2.36.** The Applicant asked Mr Traynor to expand.
- 9.2.37.** Mr Traynor said that the Applicant would need to ask the people. Mr Traynor added that he had patients from Stepps for whom they supplied dosette boxes whose GP surgery was in Alexandra Parade. It was outwith Mackie Pharmacy’s area for collection, but the patient would collect the prescription and come to the pharmacy and Mackie Pharmacy would deliver the dosette box to the patient. So people did need to leave the area for a number of reasons other than pharmaceutical.
- 9.2.38.** The Applicant asked Mr Traynor to accept that there were no amenities in her

neighbourhood that were not also in Moodiesburn and asked if he agreed that there was no logical reason to obtain pharmaceutical provision 3.6 miles away.

- 9.2.39.** Mr Traynor accepted this.
- 9.2.40.** The Applicant asked what public transport a resident in Cumbernauld Road or Millerston could use in order to access Mackie Pharmacy in Moodiesburn.
- 9.2.41.** Mr Traynor acknowledged there was no public transport.
- 9.2.42.** The Applicant asked whether Mr Traynor agreed that public transport was inadequate.
- 9.2.43.** Mr Traynor confirmed.
- 9.2.44.** The Applicant asked Mr Traynor to confirm that there were not a large number of walk ins from her defined neighbourhood, and that the majority of residents used the delivery service provided by Mackie Pharmacy.
- 9.2.45.** Mr Traynor confirmed.
- 9.2.46.** The Applicant asked whether the Mackie Pharmacy in Glenmanor Avenue was DDA compliant and had wheelchair access.
- 9.2.47.** Mr Traynor confirmed that it was not DDA compliant as there was a step and no automatic door.
- 9.2.48.** The Applicant asked Mr Traynor to confirm that the delivery service was not a core NHS Service.
- 9.2.49.** Mr Traynor confirmed.
- 9.2.50.** The Applicant asked what percentage of business from her neighbourhood frequented Mackie Pharmacy in Moodiesburn.
- 9.2.51.** Mr Traynor said it was very small, less than 1%.
- 9.2.52.** The Applicant asked if less than 1% would make the business of Mackie Pharmacy unviable.
- 9.2.53.** Mr Traynor confirmed it would not make the business unviable.
- 9.2.54.** The Applicant asked why Mackie Pharmacy had objected to her application.
- 9.2.55.** Mr Traynor said he was attending as a representative of Mackie Pharmacy.
- 9.2.56.** The Applicant asked why there was an objection, given that there was a negligible impact of 1% for people to could not access services.
- 9.2.57.** Mr Traynor said there was no need for another pharmacy.

- 9.2.58.** The Applicant said that she would not use a pharmacy 3.6 miles away as the nearest pharmacy would be Thomas McLean & Sons which was closer and more relevant. Given the fact that Mr Traynor had said that only 1% of Mackie Pharmacy's business came from the Applicant's neighbourhood, the Applicant asked Mr Traynor if he could provide the figures for the housing development in Gartferry Meadow.
- 9.2.59.** Mr Traynor said he could not, but added that he was aware of building work underway for 2000 houses next to a football pitch in Moodiesburn.
- 9.2.60.** The Applicant acknowledged that the 2000 units expansion, and asked Mr Traynor to confirm he was aware that sales were under way for the Gartferry Meadow development
- 9.2.61.** Mr Traynor acknowledged.
- 9.2.62.** The Applicant said that the Gartferry Meadow development would expand the population by between 2000-3000 people. With the 2000 new homes, this could potentially be 4000 people and asked if it was desirable to have a pharmacy to meet the needs given that there were not only housing developments within the Applicant's neighbourhood but there was also housing expansion in Mr Traynor's neighbourhood. Mr Traynor said he did not understand the question so the Applicant said that given that there were going to be 5000 new homes built between 2016-2021, and given that there would also be growth in Mr Traynor's neighbourhood, this meant that investment was required in increased health provision and the Applicant asked if Mr Traynor agreed.
- 9.2.63.** Mr Traynor agreed.
- 9.2.64.** The Applicant asked if Mr Traynor was aware of a housing development at the back of Muirhead behind Thomas McLean & Sons Ltd Pharmacy.
- 9.2.65.** Mr Traynor asked for clarification.
- 9.2.66.** The Applicant explained that this development had planning permission for 285 homes and asked if Mr Traynor could understand that there was a need for her application.
- 9.2.67.** Mr Traynor replied that unless there were going to be more GP practices, then he could not see a need and referred to Mr Mackie's letter which stated that between June 2018-2019, there had been a modest growth of 159 items. Homes had been built, but remained unoccupied.
- 9.2.68.** The Applicant referred to Dr Kennedy saying that he was working at capacity and said that she had a qualification to alleviate the pressure and asked Mr Traynor if he believed this was desirable.
- 9.2.69.** Mr Traynor agreed that public transport and health education needed to be improved and agreed that there was a deficit in GP services, but said he had not heard any evidence to say that there was a significant deficit in

pharmaceutical need.

- 9.2.70.** The Applicant explained that a community pharmacy could alleviate pressures on the GPs – not just simple dispensing of MAS, CMA, PHS but there was a value in having an Independent Prescriber available.
- 9.2.71.** Mr Traynor said that it required patients to be registered with a GP and if there was no GP in the area to register with then that could not happen.
- 9.2.72.** The Applicant interrupted to say that there was a GP – Nalagatla Medical Practice, Dr Kennedy (Stepps Surgery), Jamieson Medical Practice.
- 9.2.73.** Mr Traynor said that this was forecasting.
- 9.2.74.** The Applicant said that people would be moving in from March 2020.
- 9.2.75.** Mr Traynor said that the development towards Kirkintilloch would not affect the Applicant's application.
- 9.2.76.** The Applicant said that Chryston Primary School in Lindsaybeg Road was being relocated to cope with demand. The Applicant said the new Bellway Homes development was a stone's throw from Chryston High, with another development in Moodiesburn where houses were up for sale, people were moving in, so an increase in the population would put pressure on Mr Green and there was also an increase in housing in Mr Traynor's neighbourhood, which correlated with the 5000 new homes between 2016-2021.
- 9.2.77.** The Applicant referred to the comment in Mr Mackie's letter of "capacity for the future" but asked how this could be claimed when Mr Traynor did not seem to know or be able to quantify the number of units in future housing developments.
- 9.2.78.** Mr Traynor said that he was not Mr Mackie and said that Mr Mackie was aware of the developments and, like Mr Badger, he would be able to double his capacity. Mr Traynor added whether the capacity level would be reached with the increase in population was another question. The Manager at Mackie Pharmacy in Cardonald had increased from 100 to 140 dosette boxes. In Moodiesburn it was around 200 dosette boxes. They had 4 dispensing staff and 2 counter assistants, an assistant pharmacist, and also had methadone and palliative care services and dosette boxes. They had large premises which could be adapted or changed if the need arose. They were currently working below capacity and could accommodate future changes as they had in the Cardonald Branch which, after a minor relocation, had put in a dispensing robot which increased the dispensary size.
- 9.2.79.** The Applicant asked why neither branches of Mackie Pharmacy in Moodiesburn met the core model hours on Saturday.
- 9.2.80.** Mr Traynor said that were aware that the change was being proposed but not that it had been confirmed and he would investigate this matter.

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- 9.2.81.** The Applicant said that it had been 6 months ago when NHS had proposed what they see as the new model hours, nobody in the North Corridor were complying and asked if Mr Traynor agreed this indicated a degree of inadequacy.
- 9.2.82.** The Applicant asked whether Mackie Pharmacy would reduce their opening hours on a Saturday prior to a bank holiday.
- 9.2.83.** Mr Traynor said that it would often be very quiet on the Saturday, maybe a couple of customers.
- 9.2.84.** The Applicant asked why the residents of her neighbourhood should be disadvantaged when their pharmacy reduced the opening hours or the pharmacy in the neighbouring area or the next one and asked if this contributed to inadequacy.
- 9.2.85.** Mr Traynor said it might be a minor inadequacy or inconvenience.
- 9.2.86.** The Applicant referred to the leaflet drop into her neighbourhood that Mr Traynor had referred to and asked when it occurred.
- 9.2.87.** Mr Traynor said it had happened a few months ago, and he had received a letter from John Paul Mackie saying he had sent out a leaflet drop on behalf of Mr Traynor's shop.
- 9.2.88.** The Applicant said that the leaflet drop had been on Friday 1<sup>st</sup> November to all houses in Dorlin Road and asked why have a leaflet drop 3 days prior to the PPC if provision was currently adequate.
- 9.2.89.** Mr Traynor said that they regularly conducted leaflet drops and the timing of this one was coincidental with the PPC hearing as he had not known the date when the leaflet drop had been organised.
- 9.2.90.** The Applicant asked whether Mr Mackie was aware of the minor relocation of Mr Ceresa's pharmacy.
- 9.2.91.** Mr Traynor confirmed Mr Mackie was aware and that he provided services regularly to the area through deliveries.
- 9.2.92.** The Applicant noted that there was no public transport access to Mackie Pharmacy 3.6 miles away and asked whether Mr Traynor believed it was possible for anyone to walk there.
- 9.2.93.** Mr Traynor confirmed it was.
- 9.2.94.** The Applicant asked how since there was no street lighting on the dual carriageway.
- 9.2.95.** Mr Traynor said it was not dark in the daytime.

**This concluded the questions from the Applicant to Mr Traynor.**

**9.3. Questions from Mr Ceresa to Mr Traynor.**

Mr Ceresa had no questions.

**Having ascertained that the Interested Parties had no further questions, the Chair invited questions from the Panel to Mr Traynor.**

**9.4. Questions from Mr Cassells to Mr Traynor**

**9.4.1.** Mr Cassells asked how many patients did Mackie's deliver to in Stepps.

**9.4.2.** Mr Traynor replied that he did not have an exact figure but the number was low.

**9.4.3.** Mr Cassells had no further questions.

**9.5. Mrs McGregor had no questions.**

**9.6. Mrs Prentice had no questions.**

**9.7. Mr Woods Questions to Mr Traynor.**

**9.7.1.** Mr Woods asked Mr Traynor to clarify what information was contained in the leaflet drop.

**9.7.2.** Mr Traynor explained that the leaflet highlighted the services that were provided by Mackie Pharmacy including deliveries and dosette boxes, and information as to their location, and a freephone telephone number.

**9.7.3.** Mr Woods asked whether that was soliciting.

**9.7.4.** Mr Traynor confirmed it was.

**9.7.5.** Mr Woods queried whether that was permitted.

**9.7.6.** Mr Traynor said that they were permitted to advertise.

**9.7.7.** Mr Woods asked about disability access to the Glenmanor Road premises and asked what a person had to do in order to gain access to the pharmacy.

**9.7.8.** Mr Traynor acknowledged that the individual was disadvantaged.

**9.7.9.** Mr Woods asked how the individual would indicate that they wished to have access, and how had they bypassed signposting the services provided.

**9.7.10.** Mr Traynor said that the individual had to indicate to staff at the door, and acknowledged that this was not adequate and confirmed that the pharmacy was not DDA compliant.

**9.7.11.** Mr Woods asked what steps had been taken to be DDA compliant.

- 9.7.12. Mr Traynor suggested that the question be directed to Mr Mackie directly.
- 9.7.13. Mr Woods asked whether Mr Traynor might consider installing a bell.
- 9.7.14. Mr Traynor said that he would pass on the suggestion.
- 9.7.15. Mr Woods asked if the pharmacy in Blackwood Crescent had wheelchair access.
- 9.7.16. Mr Traynor said that they had the same access as Glenmanor Avenue - pavement, road, and came to the door and Mr Traynor said he presumed that the customer had managed to travel there.
- 9.7.17. Mr Woods asked how the customer would access the front door.
- 9.7.18. Mr Traynor said that the customer would be visible through the pharmacy glass, but acknowledged there was no bell or automatic door.
- 9.7.19. Mr Woods explained that the Equality Act had been in force since 2010 and asked if that was long enough for a pharmacy to ensure they were compliant.
- 9.7.20. Mr Traynor acknowledged that this should have been addressed.
- 9.7.21. Mr Woods asked, if he was standing outside, how would he know what services were provided by the pharmacy.
- 9.7.22. Mr Traynor said that the information was in the window.
- 9.7.23. Mr Woods said that the pharmacy at Glenmanor Avenue had signposting of services but no access, and in Blackwood Crescent they had disabled access to the pharmacy but had no signposting.
- 9.7.24. Mr Woods had no further questions.
- 9.8. The Chair's Questions to Mr Traynor.**
- 9.8.1. The Chair referred to Mr Traynor's comment of less than 1% of business which came from Stepps and asked whether this was mainly through deliveries.
- 9.8.2. Mr Traynor confirmed.
- 9.8.3. The Chair asked Mr Traynor whether this would dramatically affect his pharmacy's business.
- 9.8.4. Mr Traynor confirmed it would not.
- 9.8.5. The Chair asked why Mr Mackie had opposed the application.
- 9.8.6. Mr Traynor said that Mackie Pharmacy supplied business to Stepps but it was not indicative of what business a new pharmacy might take from them, but the

business they did in Stepps would not affect what they did in Moodiesburn.

9.8.7. The Chair asked whether opposition related to the potential business of the new pharmacy.

9.8.8. Mr Traynor replied that he did not believe there was a need for another pharmacy as there were no needs that had not been met for the current population.

***The Interested Parties, the Applicant and the Committee had no further questions to ask Mr Traynor.***

## 10. **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.***

10.1. **Mr Traynor on behalf of Mackie Pharmacy was invited to sum up.**

10.1.1. Mr Traynor replied that he had nothing to add.

10.2. **Mr Ceresa on behalf of Stepps Pharmacy was invited to sum up**

10.2.1. Mr Ceresa said that the plans for the modern refit had been proposed to cope with existing and future demand.

10.2.2. With regard to deliveries, the new pharmacy would do what they did not currently have, and as they moved forward, would be available to all patients with no waiting times.

10.2.3. There would be two pharmacists available for home visits.

10.2.4. The new pharmacy would be DDA compliant with up to 18 car spaces available.

10.2.5. The pharmacy would open between 08:30-18:30 with no closure at lunchtime.

10.2.6. There would be a 24 hour collection point for prescriptions.

10.2.7. If there was a demand for opening until 5.30pm on Saturday this would be accommodated.

10.2.8. There was a nationwide problem with the NHS in relation to stock supplies and affected GP surgeries and pharmacies nationwide.

10.2.9. If Stepps Pharmacy lost 2000 prescriptions if the application was granted, this would not be sustainable.

10.2.10. Mr Badger would be taking over, and he had 14 years' experience and had also run his own pharmacy which he had sold in order to pursue running an

independent pharmacy in Stepps full time.

- 10.2.11. Stepps Pharmacy received referrals from surrounding pharmacies and referred patients to other pharmacies using the Buddy System.
- 10.2.12. If the Applicant proposed to dispense 2000 items per month, it would not be sufficient to sustain an ongoing business.
- 10.2.13. The Chair asked if Mr Ceresa accepted that for the purposes of this hearing, that the existing Stepps Pharmacy did not provide an adequate level of service.
- 10.2.14. Mr Ceresa said that all the core services were provided to a high standard.
- 10.2.15. The Chair said Mr Ceresa's comments on adequacy had been based on the new premises, and acknowledged that advice had been given as to what extent this could be considered, and asked that if the minor relocation was not happening, would Mr Ceresa still have had those same arguments and defences.
- 10.2.16. Mr Ceresa said that adequacy at Stepps Pharmacy was under strain but they were coping. Everyone wanted more space and resources, which is why they were relocating to new premises.
- 10.2.17. The Chair asked whether the case for adequacy would be stronger based on the existing premises or the new premises.
- 10.2.18. Mr Ceresa acknowledged that the current Stepps Pharmacy could carry on longer, but the RBS building had come up for sale. If the Bank had not come up for sale, then they would still be seeking larger premises. With regard to adequacy, Mr Ceresa said it was cutting a cake in relation to new pharmacies opening up. Everyone suffered and those nearest the new premises suffered the most. Cake cutting was not good.

**10.3. The Applicant was invited to sum up**

- 10.3.1. The Applicant stated that she had presented an evidence-based application. Everything she had said she had substantiated.
- 10.3.2. The current contractor had declared inadequacy with regards to privacy. The Applicant felt this should not be an option.
- 10.3.3. The Applicant said that it was pivotal that elected members of the Council opposed more people coming into the area on the basis that the current health care provided could not support growth.
- 10.3.4. The Applicant was aware of the minor relocation of Stepps Pharmacy and noted that Mr Ceresa had owned the premises for a year but the relocation had not yet happened, which she understood was because Mr Ceresa was dependent on a number of variables – the missives had not been signed, there were no building warrants, and therefore no guarantee the minor relocation would go ahead.

- 10.3.5. The Applicant confirmed that she provided a secure option. She did not require planning permission or building warrants and confirmed that funding was in place to secure adequate pharmaceutical provision.
- 10.3.6. The Applicant said that the minor relocation of Stepps Pharmacy would not impact the legitimacy of her application, and wished Mr Ceresa well in his retirement.

*This concluded the summary by the Applicant*

## 11. RETIRAL OF PARTIES

- 11.1. 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 that they had nothing further to add. The Chair advised that the Committee would consider the application and representations in detail and in private prior to making a determination.
- 11.2. 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 or legal advice, 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. They would be notified when the Committee's deliberations were completed.
- 11.3. 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 time limit for any appeal would commence with the publication of the Committee's decision.
- 11.4. ***The hearing adjourned at 1340 hours and the Applicant and the Interested Parties, along with their companions and Mrs Murray left the room***

## 12. COMMITTEE DELIBERATIONS

### 12.1. Supplementary Information

The Committee noted and took into account the following information:

- (i) That each member had independently undertaken a site visit of Stepps and the surrounding areas, noting the location of the proposed premises, the pharmacies, general medical practices hosted and the facilities and amenities within the neighbourhood.
- (ii) Maps showing the location of the proposed Pharmacy in relation to existing Pharmacies and GP surgeries within Stepps and the surrounding areas of Chryston, Muirhead, Moodiesburn and Gartcosh.
- (iii) Community Pharmacy Activity relevant to the application from April 2019 to June 2019
- (iv) Datazones 2011 for Stepps and the surrounding areas

- (v) Scottish Index of Multiple Deprivation (SIMD) indicators 2016 for Stepps and the surrounding areas.
- (vi) Report on the range of Pharmaceutical Services provided by existing pharmaceutical contractors within Stepps and the surrounding areas. This report provides an update to the list of services provided within this area as contained within Pharmaceutical Care Services Plan
- (vii) Extract of statistics from the 2011 Scotland Census relating to health, household tenure, car or van availability, economic activity, population, age and structure, households with dependent children, dependent, lone parents with dependent children, limiting long-term health, occupation groups and travel to work.
- (viii) Population statistics for Stepps and the Surrounding Areas from 2011-2018.
- (ix) Detailed Information extracted from pharmacy quarterly complaints returns to NHS Lanarkshire from Quarter 2 2014/15 to Quarter 1 2019/20
- (x) Complaints about pharmacy services in South Lanarkshire for 5 years to October 2019.
- (xi) Letters and Emails of Support for the Application from Councillor John McLaren, Councillor Lynne Anderson and Elaine Smith MSP.
- (xii) The application and supporting documentation including the Consultation Analysis Report provided by the Applicant dated 16<sup>th</sup> September 2019.

### **13. SUMMARY OF CONSULTATION ANALYSIS REPORT (CAR)**

#### **13.1. Introduction.**

**13.1.1.** NHS Lanarkshire undertook a joint consultation exercise with Carlin Healthcare Ltd regarding their proposed application for a new pharmacy contract at 14 Dorlin Road, Cardowan, Stepps. G33 6AP

**13.1.2.** 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.

#### **13.2. Method of Engagement to Undertake Consultation**

**13.2.1.** 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](http://www.nhslanarkshire.org.uk).

**13.2.2.** The Consultation was publicised via

- NHSL press release on 25 March 2019
- Newspaper advertisements in the Kirkintilloch Herald on 26 March, 7 May and 18 June 2019
- NHSL Facebook page and Twitter account direction towards NHSL website and consultation survey
- Rolling banner on the NHSL website homepage and as static on the Get

Involved page.

- North Lanarkshire Council was also notified for dissemination to local groups and elected representatives and the relevant Public Partnership Forums.
- The Community Council local to the proposed area (Stepps & District Community Council) was also advised of the consultation process being undertaken and the reasons for it.
- The newspaper advert also advised that paper copies of the consultation questionnaire could be provided to members of the public with no access to the internet to submit their views. A copy of the questionnaire in different format or language could be made available if requested.

### 13.3. Summary of Questions and Analysis of Responses

#### 13.3.1.

	Question	Yes	No	Don't know	Replied	Skipped
Q1	Do you agree that the area within the purple border represents the neighbourhood that would be served by the proposed pharmacy	126	8	7	141	0
Q2	Would a pharmacy at this proposed location be accessible for patients in and around the neighbourhood?	115	19	7	141	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	44	73	4	121	20
Q3b	Advice and medicines under the Minor Ailment Service	46	57	18	121	20
Q3c	National Pharmaceutical Public Health Services including smoking cessation and supply of emergency hormonal contraception	34	51	36	121	20
Q3d	Chronic Medication Service – for people with long term conditions	37	49	35	121	20
Q3e	Substance Misuse services	29	43	49	121	20
Q3f	Stoma Service – appliance supply for patients with a colostomy or urostomy	26	33	62	121	20
Q3g	Gluten Free Foods	27	43	51	121	20
Q3h	Unscheduled Care – urgent health matters/ supply of emergency prescription medicines	33	67	21	121	20
Q3i	Support to Care Homes	18	34	69	121	20

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Q4	Do you think that the current provision of pharmaceutical services has any gaps or deficiencies?	72	32	10	114	27
Q5	Carlin Healthcare Ltd 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 Prescriptions	77	35	2	114	27
Q5b	Advice and medicines under the Minor Ailment Service	77	35	2	114	27
Q5c	National Pharmaceutical Public Health Services including smoking cessation and supply of emergency hormonal contraception	65	32	17	114	27
Q5d	Chronic Medication Service – for people with long term conditions	68	32	17	114	27
Q5e	Substance Misuse Services	55	29	30	114	27
Q5f	Stoma Service – appliance supply for patients with a colostomy or urostomy	59	27	28	114	27
Q5g	Gluten Free Foods	59	28	27	114	27
Q5h	Unscheduled Care – urgent health matters/ supply of emergency prescription medicines	71	32	11	114	27
Q5i	Support to Care Homes	52	20	42	114	27
Q6	Do you think that the proposed hours are appropriate?	92	13	8	113	28
Q7	If this proposal is successful, do you think that there would still be any gaps or deficiencies in the pharmaceutical services provided?	2	83	28	113	28
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?	69	28	15	112	29
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?	60	35	17	112	29

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Q10	Do you support the proposal to open a new pharmacy at 14 Dorlin Road, Cardowan, Stepps, G33 6AP	80	31	1	112	29
Q11	I am responding as	Individual = 110 Group/Organisation = 2			112	29

**14. DISCUSSION**

**14.1.** 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.

**14.2. Neighbourhood**

**14.2.1.** The Committee discussed the neighbourhood and noted:

- the Applicant's definition outlined which Mr Ceresa had agreed with.
- 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

**14.2.2.** The Committee then discussed and noted the number and type of general amenities such as schools, shopping areas, the mixture of public and private housing; community and recreational facilities; the distances residents had to travel to obtain pharmaceutical and other services.

**14.2.3.** After consideration, the Committee agreed that the neighbourhood for the purposes of this application should be defined as the same Neighbourhood contained in the map within the CAR.

North: M80

West: Station Road / Avenue End Road

South: Cardowan Moss

East: A806 continuing to Dewar Road accounting for houses on both sides

**14.2.4.** The neighbourhood proposed by the Committee contained the following amenities: high school, primary school, nursery, 2 hotels, train station, petrol stations, two churches, pubs, cafe, business park and supermarket. The neighbourhood also contained several residential housing areas. The Committee noted that there was no Post Office or Bank within the neighbourhood.

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

- 14.3.1. Having reached a conclusion as to the defined neighbourhood, the Committee was then required to consider the adequacy of pharmaceutical services in and 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.
- 14.3.2. The Committee acknowledged that there was currently one pharmaceutical provider (Stepps Pharmacy) which was currently undergoing a minor relocation which had been approved, and was waiting for approval of extension.
- 14.3.3. The Committee acknowledged that Mr Ceresa had until 26<sup>th</sup> December 2019 to complete the minor relocation, and noted that Mr Ceresa had acknowledged this would not be completed by that date and that he would be seeking an extension to enable him to complete the minor relocation on 1<sup>st</sup> April 2020.

#### 14.4. Consultation Analysis Report

14.4.1. The Committee then went on to consider in detail the Consultation Analysis Report (CAR).

14.4.2. The Committee noted that the number of responses to the Consultation was relatively low (141 responses from a population of 7641 according to SIMD figures of 2018) which equated to approximately 2% of the population.

14.4.2.1. Q1. *“Do you agree that the area within the purple border represents the neighbourhood that would be served by the proposed pharmacy?”*

The Committee noted that over 89% of the respondents were in agreement with the neighbourhood as defined. That concurred with the views of the Applicant, the Interested Parties and the Committee.

14.4.2.2. Q2. *“Would a pharmacy at this proposed location be accessible for patients in and around the neighbourhood?”*

The Committee acknowledged narrative comments in relation to the lack of public transport, the need to either have access to a car or to walk to the pharmacy, and issues with parking on a residential street and the extra traffic created. The Committee noted that although there were double yellow lines on Cumbernauld Road, Stepps Pharmacy was generally accessible in terms of parking and that it was situated in the main shopping area of Stepps but acknowledged that there were issues of restrictions on access.

14.4.2.3. 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?”*

The Committee noted the concerns about weekend and lunchtime closing of the Stepps Pharmacy, disability access and the lack of a delivery service. However the committee noted that the responses were mixed, and considered whether the minor relocation of Stepps Pharmacy could be completed within a

reasonable time period. Extrapolating the narrative comments by removing “don’t know”, indeterminate responses, and comments noting convenience, the results were: adequate 15, inadequate 18 which was a small number.

- 14.4.2.4.** Q4. *“Do you think that the current provision of pharmaceutical services has any gaps or deficiencies?”*

The Committee noted that the majority (63%) stated that there were currently gaps and/or deficiencies. Extrapolating the narrative comments by removing “don’t know”, indeterminate responses, and comments noting convenience, the results were: 23 respondents commented on the opening hours, 20 respondents commented on the delivery service, 9 respondents commented on the lack of privacy, 6 respondents identified any gaps, 12 respondents noted no gaps or deficiencies and 10 were indeterminate. The Committee noted that Stepps Pharmacy currently closed at lunchtimes. The Committee acknowledged that less weight should be attributed to the availability of non core services.

- 14.4.2.5.** Q5. *“Carlin Healthcare Ltd 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.”*

Extrapolating the 37 narrative comments by removing “don’t know”, indeterminate responses (6), and comments noting convenience (5), the results were: 17 respondents said that there was no requirement to open a new pharmacy, and 9 respondents said that the new pharmacy needed to open to get adequate access to services which reversed the response percentage and it was noted that only 9 respondents of a population of 7641 said that the new pharmacy needed to open (often for an ageing population).

- 14.4.2.6.** Q6. *“Do you think that the proposed hours are appropriate?”*

The Committee noted the public were not provided with the model hours in order to make a comparison, but over 81% felt that the hours were appropriate,

- 14.4.2.7.** Q7. *“If this proposal is successful, do you think that there would still be any gaps or deficiencies in the pharmaceutical services provided?”*

The Committee noted that 1% said that there would be gaps and 74% said that there would not be any gaps. Extrapolating the narrative comments, 12 respondents said that there were no gaps in the current service.

- 14.4.2.8.** 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”*

The Committee noted 61.6% agreed the new pharmacy would help other healthcare providers to work more closely together although a number of the narrative responses were indeterminate.

- 14.4.2.9.** 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”*

The Committee noted that the responses were split (53% replied yes / 31% replied no / 15% did not know) and it was possible that respondents were unclear whether the impact would be positive or negative which could also cause confusion for respondents. Narrative comments had mentioned the new health care centre to be built behind the new Stepps Pharmacy, and the Committee acknowledged that there was no formal proposal for this.

**14.4.2.10.** Q10. *“Do you support the proposal to open a new pharmacy at 14 Dorlin Road, Cardowan, Stepps, G34 6AP”*

The Committee noted that the majority (71% = 80/112) of respondents were in favour (27% 31/112 were not). Extrapolating the narrative responses and removing “don’t know”, indeterminate responses (11) and comments noting convenience (11), 16 supported the proposal (often citing convenience) and 18 did not support the proposal.

**14.4.2.11.** Q11. It was noted that all but two responses were from individuals

**14.5. Existing Stepps Pharmacy**

- 14.5.1.** The Committee acknowledged that Mr Ceresa had admitted there were challenges relating to space, lack of privacy and access, and the pharmacy closed at lunchtimes when 2 or more pharmacists were employed.
- 14.5.2.** The Committee acknowledged that the current premises at Stepps Pharmacy were not DDA compliant, but the new premises would be.
- 14.5.3.** The Committee considered the fact that new patients requiring dosette boxes would be sent to Mackie Pharmacy 3.6 miles away which could be delivered to the patient. The Committee acknowledged that the delivery service was not a core service.
- 14.5.4.** The Committee acknowledged the buddy system used to obtain medicines from other pharmacies and that Stepps Pharmacy would send patients to Mackie Pharmacy rather than sending a member of staff to obtain the medicine on behalf of the customer.
- 14.5.5.** The Committee considered the complaints about lack of privacy with no consultation room being provided, only a private consultation area, but acknowledged that this was not a core requirement.
- 14.5.6.** The Committee acknowledged that the CAR was in relation to the application for 14 Dorlin Road and referred to current existing pharmaceutical services in the neighbourhood, which was Stepps Pharmacy at 140 Cumbernauld Road and not the proposed relocation of the pharmacy at 183 Cumbernauld Road.
- 14.5.7.** The Committee considered all the strains on current services at Stepps Pharmacy which had been acknowledged by Mr Ceresa, but took into account

advice from the pharmacists on the Committee that, on balance, the current services provided by Stepps Pharmacy were adequate.

**14.6. Minor Refurbishment of Stepps Pharmacy**

- 14.6.1.** The Committee noted that Mr Ceresa did not have missives for the new building at 183 Cumbernauld Road.
- 14.6.2.** The Committee noted that Mr Ceresa had confirmed that the minor relocation was unlikely to complete by 26<sup>th</sup> December and that he had until 25<sup>th</sup> November to submit a request to the Health Board for an extension, and that his intention was for the new premises to open under Mr Badger's name on 1<sup>st</sup> April 2020.
- 14.6.3.** The Committee considered the requirement for permission for change of use that would need to be obtained for the new premises.
- 14.6.4.** The Committee considered the fact that two previous potential sales had fallen through.

**14.7. Viability and Future Developments**

- 14.7.1.** The Committee considered the impact on viability of the existing pharmaceutical services in the neighbourhood if the application was granted and noted that Mr Ceresa had said that a loss of 2000 items dispensed per month would seriously impact on the viability of his pharmacy.
- 14.7.2.** The Committee acknowledged that the percentage of business conducted by Mackie Pharmacy for residents of Stepps related to less than 1% of their business, which was mainly deliveries, so their business would not be impacted if the application was granted.
- 14.7.3.** The Committee took careful note of the legal advice that the Committee could take into account future developments – which included the minor relocation of Stepps Pharmacy- up to 6 months ahead, and noted that the missives for the new premises had not yet been granted. The committee were of the clear opinion that existing services would be substantially supplemented when the new premises were opened.
- 14.7.4.** In relation to future housing developments, the Committee acknowledged that the earliest residents would be able to move into the new housing would be March 2020, with a potential for an additional 700 residents to be moving into the area at the same time as the minor relocation of Stepps Pharmacy being completed. The Committee noted that the majority of the housing developments that had been outlined were too far in the future to take into account as to whether they will be likely to be completed within the next 6-12 months.

**15. DECISION**

**Mrs McGregor and Mr Cassells left the meeting room.**

- 15.1.1.** 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 the neighbourhood of Stepps was adequate.
- 15.1.2.** The Committee acknowledged that the existing services provided by Stepps Pharmacy were strained, but concluded that there was no substantive evidence provided to demonstrate any current inadequacy of pharmaceutical services in and to the defined neighbourhood. The Committee had heard a considerable amount of evidence on the service improvements scheduled for April 2020 and were of the considered opinion that completion of the minor relocation of Stepps Pharmacy to the new premises from April 2020 would satisfy any concerns. The Committee were also of the opinion that the minor relocation could take place within the timeframe outlined by the CLO adviser and, following advice from the CLO, the Committee felt that they were within their rights to include that in their considerations.
- 15.1.3.** The Committee were aware that there was no guarantee that the application for an extension of the minor relocation would be granted. However the Committee were nevertheless of the opinion that, in all the circumstances, the existing pharmaceutical services in and being provided to the neighbourhood were deemed adequate.
- 15.1.4.** Accordingly, the decision of the Committee was unanimous that the establishment of a new pharmacy at 14 Dorlin Road, Cardowan, Stepps, G344 6AP 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.
- 15.1.5.** Mr Cassells and Mrs McGregor were requested to return to the meeting, and informed of the decision of the Committee.

**The meeting closed at 15:20 hours**