

IN CONFIDENCE – FOR MEMBERS' INFORMATION ONLY

MINUTE: PPC/07/171

Minute of Meeting of the Pharmacy Practices Committee held on Tuesday 5th June 2007 in Committee Room 1, Lanarkshire Primary Care Division, Strathclyde Hospital, Airbles Road, Motherwell.

Chairman: Mr Bill Sutherland

Present: Lay Members Appointed by the Board

Mr William McConnell
Mrs Lynn Wilson

Pharmacist Appointed by The Royal Pharmaceutical Society of Great Britain

Mr Ian Calder

Pharmacist Nominated by Area Pharmaceutical Committee

Mr Paul Martin

Attending: Officers from NHS Lanarkshire - Primary Care

Mr George Lindsay, Chief Pharmacist
Ms Andrea Harrison, Administration Team Leader
Ms Catherine Oates, Administration Officer

167

APPLICATION BY LLOYDS PHARMACY, UNIT 2, CARFIN NEIGHBOURHOOD CENTRE, NEW STEVENSTON ROAD, CARFIN

(a) There was submitted application by Lloyds Pharmacy, received 5th December, 2006, for inclusion in NHS Lanarkshire's Pharmaceutical List

(b) **Submissions of Interested Parties**

The undernoted documents were submitted:

Letter received 12th December, 2006 from Alliance Pharmacy

Letter received 22nd December, 2006 from Boots Chemist Ltd
Letter received 28th December, 2006 from The Pure
Pharmacy Company t/a New Stevenston Pharmacy
Letter received by fax 5th January, 2007 from Area
Pharmaceutical Committee

(c) **Procedure**

Prior to arrival of parties the Chairman asked Members to confirm that they had both received and considered the papers relevant to the meeting. Having ascertained that no Members had any personal interest in the application the Chairman confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers.

(d) **Attendance of Parties**

The applicant and interested parties entered the meeting.

The Chairman introduced himself and the Members, as well as the officers in attendance from NHS Lanarkshire - Primary Care, and asked attendees to confirm that they had received all papers, and additional correspondence, relevant to the application and hearing.

The Chairman explained that the meeting was being convened to determine the application submitted by Lloyds Pharmacy, Unit 2, Carfin Neighbourhood Centre, New Stevenston Road, Carfin, according to the Statutory Test set out in Regulation 5(10) of The National Health Service (Pharmaceutical Services)(Scotland) Regulations, as amended (the Regulations)

The Chairman then continued to explain the procedures to be followed and ascertained that no member of the Committee had any interest in the application. The applicant, Lloyds Pharmacy, was represented by Mr James McKeever. Interested parties who were entitled to and did attend the hearing were Alliance Pharmacy, Newarthill represented by Mrs A Irving who was accompanied by Ms H Copeland, The Pure Pharmacy Company t/a New Stevenston Pharmacy, New Stevenston represented by Mrs C Stitt who was accompanied by Mrs C Bankier ("Interested Parties")

(e) **Evidence Led**

The Chairman then invited Mr McKeever to speak first in support of his application.

Mr McKeever began his presentation by stating that he deemed the neighbourhood to be the area defined in the map of Carfin distributed to the Committee members and Interested Parties as part of Lloyds Pharmacy's application, namely the area bounded to the North by the railway line, with the Western boundary being the area from Station Road down to West Avenue, the Southern Boundary being from West Avenue past Carfin Industrial Eastate, past the Whisky bond, excluding Linksvie Road, to the roundabout on the A723 road towards Craigneuk then travelling East up through Chapelknowe Road before Morris Road to rejoin the railway line. Mr McKeever then stated that there were no pharmacy contractors within this defined neighbourhood, and that the nearest pharmacies were within Newarthill and New Stevenston, both over 1km in distance from the proposed site of the new pharmacy. Mr McKeever continued by stating that the neighbourhood had all the elements required to define it as "one for all purpose" in that it already has a Lidl Supermarket and that within the development where Lloyds Pharmacy had undertaken an agreement to lease a unit, there would be a Tesco Express, dentist, tanning salon, hairdresser, Greggs bakery, pizza shop, bookmakers, pub, fast food outlet with an area potentially zoned for a GP practice, and that with a pharmacy also at this location, this would provide a focal point for the Carfin community.

Mr McKeever continued by stating that the Unit which they had secured was just over 140m² and was fully DDA compliant with the capacity to have two dedicated care rooms, a large modern dispensary with associated retail area and would be delivering health care advice and the new pharmacy contract at the heart of the community. Mr McKeever further stated that there would be good access to the site and ample free car parking and that the pharmacy would be open from 9:00am-6:00pm Monday to Friday and 9:00am to 5:00pm on a Saturday and would

implement all the elements of the Scottish pharmacy contract.

Mr McKeever then went on to respond to all the questions set down in the Statutory Test, indicating that he had already defined his neighbourhood. In terms of the existing services, Mr McKeever stated that there were no pharmacy contractors within his defined neighbourhood and that the nearest contractors were over 1km distance in Newarthill or New Stevenston or were outwith the town of Carfin, serving different communities. Mr McKeever then went on to discuss whether these services were adequate or not, stating that they were adequate within their own communities and that they adequately served the populations of New Stevenston and Newarthill but that they were not adequate within his defined neighbourhood as patients could not have a consultation with their pharmacist, young mothers could not seek an EMAS consultation for a sick child, and a patient with a prescription has to physically leave their neighbourhood to access a dispensing service and if an item was out of stock may need to make repeat trips. In discussing the necessity for a pharmacy, Mr McKeever stated that the earlier parts of the test suggested that it was necessary and that no other contractor would be forced to close due to viability issues if the contract were granted, and that there would be no loss of services in the adjoining neighbourhoods. Mr McKeever continued by saying that it was necessary to secure pharmacy services to an area that Lanarkshire Council had approved to regenerate with new housing developments and a community retail parade to serve the needs of the community. He then continued by stating that a new pharmacy was desirable for all existing and new residents of Carfin and convenience was an element of desirability, and that pharmacy services, even without a GP practice in the neighbourhood, are needed in a community as this may be the residents only access to professional healthcare advice. He stated that the Committee had a duty to consider "future probable developments" and the needs that this population will require, and further stated that if they had undertaken a site visit of the area they would be in no doubt that there will major house building in the future on top of the already completed works. Mr McKeever then continued by stating that Lanarkshire should be undertaking a pharmacy care

services plan to map pharmacy services in Lanarkshire and was in no doubt, that with the population increase in this area, a new pharmacy contract would be required. Mr McKeever concluded by adding that even though there had been no complaints received by NHS Lanarkshire concerning the pharmacy services in this area as yet, patients would want a pharmacy at this site and this was not a reason to preclude a new pharmacy, especially as the existing pharmacy services were outwith the neighbourhood.

The Chairman then invited questions from Interested Parties to Mr J McKeever

Mrs C Stitt, The Pure Pharmacy Company was first to put her questions and began by asking Mr McKeever when the pharmacy intended to open, as the original date of opening had been April, and that the site did not look like it would be ready to open within 6 months. Mr McKeever responded by saying that there would be a pharmacy at this site in 6 months, and that if the Unit was not ready for opening, they already had permission from the site owners to put a temporary pharmacy in place. He then continued by guaranteeing that Lloyds would not ask for an extension and would be ready to open within 6 months. Mrs Stitt then asked what the temporary pharmacy would be like. Mr McKeever replied that the temporary unit had been approved by the RPSGB. Mrs Stitt then asked the reason for the delay in opening and stated that she had heard that the site was contaminated, to which Mr McKeever responded that the site owner had advised Lloyds that the site would be ready within 6 months and he again guaranteed that the pharmacy would open in 6 months. Mrs Stitt then went on to question Mr McKeever's definition of the neighbourhood, asking why he had chosen his western boundary as West Avenue up to Station Road. Mr McKeever answered that this was because there was new housing stock in this area. Mrs Stitt then asked Mr McKeever if he was aware that Station Road was through the middle of Wrangholm Drive. Mr McKeever replied that as the Northern boundary was the railway line, Station Road seemed the logical border for the Western boundary. Mrs Stitt then asked Mr McKeever if he would accept that the part of Wrangholm Drive which falls to the north side of the A723 was in New Stevenston. Mr McKeever responded that Wrangholm Drive, as far as West

Avenue and north to the industrial estate, made a clear boundary, but he would accept that Wrangholm Drive was in New Stevenston, however he felt that his were natural boundaries. Mrs Stitt contested that all of this area was in New Stevenston. Mr McKeever then agreed that Wrangholm Drive was in New Stevenston but was not willing to compromise his definition of the neighbourhood. Mrs Stitt then asked Mr McKeever if he would accept that Lidl supermarket had a New Stevenston address to which Mr McKeever answered that he was not aware of this fact but would accept it, although if Lidl was on the New Stevenston side, the entrance was on the Carfin side. Mrs Stitt then asked if Mr McKeever was aware that Carfin Industrial Estate was part of New Stevenston. Mr McKeever refuted this, stating that he had asked the postman, people in the area and checked the internet and all had given Carfin as the address. Mrs Stitt then stated that people living in the area knew it as New Stevenston and had New Stevenston addresses. Mrs Stitt then again questioned Mr McKeever's definition of West Avenue as a natural boundary to the West. Mr McKeever responded that there was a new housing development in this area which was part of Carfin but agreed that there was no natural boundary, i.e. river or railway line etc. Mrs Stitt then asked Mr McKeever how he would describe the A723 road and asked if he would accept that it had been specifically built as a by-pass to Carfin. Mr McKeever replied it was the main road but that he did not know if this was the reason it was built. Mrs Stitt then asked if he accepted that this road was a natural boundary to which Mr McKeever replied no. Mrs Stitt then questioned Mr McKeever on the plans for the retail development which had been submitted by Lloyds Pharmacy with their application, asking if he could confirm who the tenants of the development would be. Mr McKeever responded that the tenants would be those as stated in the letter received from John Miller of Culverwell, the developer. Mrs Stitt then asked if Mr McKeever could clarify that there would be no medical facilities included in the development. He replied that there had been land zoned for this purpose but agreed that there were no plans for a medical facility as yet or for the foreseeable future. Mrs Stitt then went on to state that vehicular access the site would be from the A723 and asked if there was any other planned access to the site. Mr McKeever said that residents could park at Woodrowe

Avenue and access the site by foot from there, but that there was no direct vehicular access from Woodrowe Avenue. Mrs Stitt then asked Mr McKeever if he was aware that there were plans for upgrading the A723 to a dual carriageway to which he replied no. Mrs Stitt then asked what services Lloyds intended to provide and which facilities he thought were not already being provided to the residents of Carfin. Mr McKeever replied that although the existing pharmacies were providing adequate services, Carfin residents were not getting access to these services and that Newartill Pharmacy was the only pharmacy opened on a Saturday afternoon. He then stated that Lloyds intended to provide a full range of services. Mrs Stitt then asked if he was aware that residents in certain areas of Carfin would be able to access pharmacy services in Newarthill easier than the Lloyd's proposed site. Mr McKeever said that he did not accept this. Mrs Stitt stated that she had walked to both sites and it was slightly quicker to walk to Newarthill. Mr McKeever responded by stating that Lloyds think that the proposed site is central for the residents of the defined area. Mrs Stitt then referred to Lloyd's letter of 31st October 2006 and asked what Lloyds meant by "sustainable community" and whether Carfin residents would travel outwith the area for other services. Mr McKeever responded by stating that the new retail development would have every type of retailer required in a community and that residents had to travel in the past because there had been no retail services available. Mrs Stitt concluded by asking whether residents would still have to travel outwith the area to access services such as the Post Office, GP, Schools, banking services. Mr McKeever said he would accept this but also felt that people outwith the area would travel in to access the retail development.

Mrs A Irving, Alliance Pharmacy was then asked to put her questions to Mr McKeever. Mrs Irving began by asking Mr McKeever if he was including the future developments at Ravenscraig within his definition of the neighbourhood. He answered no but as it was a huge redevelopment programme he would expect people to travel to Lidl etc. Mrs Irving then asked Mr KcKeever if was aware that Banks Development planned to build 160 new homes at the southern point of his neighbourhood to which he replied that he did not know. Mrs Irving then continued by asking where the temporary unit would be sited and what access

there would be to it. Mr McKeever replied that the site owner would ensure that there was safe access for patients and that the unit would provide a full range of services. Mrs Irving then referred to Lloyd's letter of 30th November, 2006 and asked what building works had started. Mr McKeever answered that it was presumably the ground works. Mrs Irving responded by saying that she had visited the site and there nothing had been started. Mrs Irving then went on to ask why Montalto Avenue on the Southern boundary, hadn't been included in the neighbourhood. Mr McKeever responded by saying that the road signs at the roundabout specified the area to the South was Carfin but this part was not included in the neighbourhood because the area was a "no man's land". Mrs Irving then referred to the map supplied by the Health Board and asked Mr McKeever where residents from Bernadette Crescent would go to access services. He replied they were outwith his neighbourhood and therefore, he was not sure where they would go.

The Chairman then invited questions from Members of the Committee to Mr McKeever

Mr Martin asked Mr McKeever if he was aware of the difficulties with the underground workings and if so, if he was comfortable with the associated implications in requesting an extension, to which Mr McKeever replied yes. Mr Martin then asked what the population was in the proposed neighbourhood. Mr McKeever replied that the existing population has been put at 1,100 but would probably be approximately 3000 with the new and proposed housing. Mr Martin continued by asking about the temporary unit that Lloyds proposed using if the site was not ready on time. Mr McKeever stated that temporary units were used often by Lloyds and were 50m² in total with care dispensing areas and were fitted out like any other Lloyds Pharmacy. They were also registered with the RPSGB. Mr Martin then asked about the timescale for opening the pharmacy, stating that if the contract were approved this would be into November or December and therefore, the weather may cause problems in opening. Mr McKeever replied that he did not envisage the weather as being a problem and expected the pharmacy to be open within the timescale.

Mr Calder then asked Mr McKeever if he thought that the viability of existing services would be affected. Mr McKeever said that he did not think a new Pharmacy contract would affect the viability of existing services to the point where another pharmacy had to close. Mr Sutherland asked him why he thought this was the case to which Mr McKeever responded that there were several reasons, namely because of the new housing developments, that the pharmacy would not be attached to a GP surgery, and because New Stevenston and Newarthill had their own pharmacies and their own neighbourhoods.

Mrs Wilson had no questions for Mr McKeever.

Mr McConnell then asked if the A723 road was being upgraded to a dual carriageway, would pedestrians to the west of the road have pedestrian access to the retail units. Mr McKeever replied that he could not comment as he hadn't seen the plans. Mr McConnell then continued by stating that there was significant traffic in this area and asked Mr McKeever if he envisaged there being any problems for pedestrians accessing the proposed site. He answered that he would envisage that there would be some sort of pedestrian access to the site but couldn't guarantee that this would be the case. Mr McConnell then commented that if access to the site was to be via the current roundabout, this would be a problem. Mr McKeever replied that he was sure that the council and the developer had considered the problem of pedestrian access and suggested that there was pedestrian access at the back of Woodrowe Avenue.

Mr Sutherland then asked whether the temporary structure had been placed on a building site before. Mr McKeever replied yes, and that the developer would put in a separate foot path.

The Chairman, having ascertained that there were no further questions to Mr McKeever, then asked the Mrs Stitt, New Steventson Pharmacy to state her representation to the Committee

Mrs C Stitt, Pure Pharmacy Co Ltd, New Stevenston was first to make her representations. She began by stating her

definition of the neighbourhood as being an area bounded on the North by the railway line, the West by the A723 down to the roundabout, then a line crossing Chapelknowe Road to the South, and then along to the burn which marks the Eastern boundary and runs north to the railway line, providing a map of her defined neighbourhood. Mrs Stitt then stated that there were a further three adjacent neighbourhoods who provided adequate pharmaceutical services to the small population of Carfin. Mrs Stitt continued by stating that the A723 road had been constructed as a by-pass to the residential areas for traffic travelling to join the M8. She then stated that the road had been constructed with high steeped banks to absorb the noise from the by-passing traffic and that this was not a characteristic for a road within a neighbourhood. Mrs Stitt continued by stating that planning permission had been granted to upgrade this road to a dual carriageway. She then went on to expand on the three adjacent neighbourhoods as being New Stevenston, Holytown, and Newarthill, which were also defined on her map, and stated that these definitions were consistent with those provided by the local councillor. Mrs Stitt also stated that having lived and worked in this area all her life, these definitions were consistent with local perspective.

Mrs Stitt stated that the application by Lloyds was neither necessary or desirable, as the Carfin population of around 1,000 (2001 Census) was adequately served by the existing pharmaceutical services provided from the pharmacies in New Stevenston, which is 0.7 miles away from the proposed sit, Newarthill, which is 1.1 mile away from the proposed site and Holytown, and was borne out by the fact that NHS Lanarkshire had received no complaints regarding pharmaceutical services within these neighbourhoods. Mrs Stitt then went on to explain that New Stevenston Pharmacy had been at the same address for over 100 years and has two pharmacists who have been there since 2004. The Pharmacy had undergone a refit in 2005 which included expanding into the vacant premises next door, allowing them to put in a larger dispensing area, a consultation area and a private area for patients on supervised medication. The premises also has disabled access. Mrs Stitt then went on to list the services provided by New Stevenston Pharmacy, providing a collection and delivery service to all

four neighbourhoods, collecting prescriptions from 14 different surgeries and delivering throughout the day when the need arises, 6 days a week because they have two pharmacists. The pharmacy also provides a methadone and buprenorphine supervision service; full medicine and appliance dispensing service; has a consultation room for private discussions; compliance aid assessment and supply where appropriate; provides minor ailment and public health service elements of the new community pharmacy contract; and provides urgent supply patient group direction. Mrs Stitt continued by stating that the neighbourhood population has no issues in accessing the services, and that they offer direct access to the pharmacy at pavement level, there are no barriers to mothers with children or elderly patients, and that there was adequate off street parking to the rear of the premises. Mrs Stitt said that there were frequent public transport links to the four neighbourhoods and also Motherwell, Bellshill and Glasgow, and that there was a train service linking Carfin, New Stevenston onto Bellshill and Glasgow. There was also a Dial-A-Bus service in operation. Mrs Stitt stated that general facilities are limited in Carfin and the population have to travel outwith to access GPs, Post offices, cash points, banking facilities and supermarkets and have no problems accessing these services in other areas. Mrs Stitt continued by saying that this was part of the population's established routine, and that the public transport services, which were frequent and well established, provide excellent access to pharmaceutical services within the neighbourhoods and beyond. Mrs Stitt went on to state that the four villages of Carfin, Newarthill, New Stevenston and Holytown were very much linked and held a joint gala day, and that school children in Carfin walked to the secondary schools in New Stevenston and Newarthill as buses were not provided due to the close proximity of the of the schools to Carfin. Mrs Stitt concluded by saying that she had heard no evidence presented to indicate that pharmaceutical services within Carfin were inadequate and therefore, the application was neither necessary nor desirable.

The Chairman then invited questions from the Applicant, to Mrs Stitt.

Mr McKeever stated that he had no contentions with any of the services provided then asked Mrs Stitt what a patient would do if they wanted to access pharmaceutical services on Wednesday or Saturday afternoons. She answered that patients could access pharmaceutical services in Holytown or Newarthill. Mr McKeever then stated that patients could not access services in New Stevenston at these times. Mrs Stitt responded by saying that although the New Stevenston pharmacy closed at 12.30 on Wednesdays and Saturdays, they tended to stay open longer as one of the pharmacists was usually there to do paperwork anyway. Mr McKeever then asked what a mother with a child would do if they needed to access pharmaceutical services during these times. Mrs Stitt responded by stating that they could go to Newarthill or to the larger towns of Motherwell or Hamilton as this was part of their established routine of leaving the area to do their large weekly shop. Mr McKeever then asked Mrs Stitt how they could fully engage the new pharmacy contract when the GP practices were closed on Saturdays and patients can't access services on Wednesday and Saturday afternoons. Mrs Stitt answered that they had reviewed their opening hours several times in the past, and had stayed open for several months at these times but had ascertained that there was no demand to stay open. Mr McKeever commented that there were no pharmaceutical services available to the south of the railway line on Wednesday and Saturday afternoons. He continued by stating that things change and asked Mrs Stitt that as new developments had changed the area would she accept that Carfin Street residents did indeed have a Carfin address. Mrs Stitt responded by saying that the area is extremely confusing for those who do not know it but for residents who have lived there for a long time that area was regarded as New Stevenston. Mr McKeever responded by saying that the Royal Mail regard it as Carfin. Mrs Stitt answered by saying that the local Councillor agreed with her definitions of Carfin and New Stevenston. Mr McKeever then asked what services were available in Carfin in terms of GP and pharmacy. Mrs Stitt answered none but that these readily accessible in neighbouring towns.

The Chairman then invited members of the Committee to question Mrs Stitt

Mr Martin asked whether Mrs Stitt could provide a timescale for the upgrading of the A723 road. She said she could not but that it was included in the plans for the new Carfin Village. Mr Martin then stated a neighbourhood implies a sense of belonging and that as there had been significant development in this area where would the people feel they belong. Mrs Stitt responded that if they had lived in the area for a long time they would know it as New Stevenston but if they were new to the area they would know it as Carfin. Mr Martin then asked if the local Councillor served both Carfin and New Stevenston. Mrs Stitt answered that she served the old part of Carfin and New Stevenston. Mr Martin then asked what the Councillor's views were. Mrs Stitt answered that the Councillor had defined the same boundaries as she had.

Mr Calder, Mrs Wilson and Mr McConnell had no questions for Mrs Stitt

Mr Sutherland asked Mrs Stitt if they had extended their Pharmacy because they saw that new developments would increase their customer base. Mrs Stitt answered that this was not the reason and that the Pharmacy had not been modernised for more than 30 years. Mr Sutherland then asked if Mrs Stitt thought that creating residential and retail areas could change a neighbourhood, to which she answered no.

The Chairman then invited Mrs A Irving of Alliance Pharmacy, Newarthill to state her presentation to the Committee.

Mrs Irving began by stating that she agreed with the Pharmacy Practices Committee's previous definition of the Carfin neighbourhood, and that the population to the West of the A723 considered themselves to live in New Stevenston, and the very fact that there were plans to upgrade the A723 to a dual carriageway emphasises this. She then stated that the Lidl site has a New Stevenston address and is therefore, not in Carfin. Mrs Irving then continued by saying that there were three existing pharmacies near the Carfin neighbourhood and that the Newarthill Pharmacy provided pharmaceutical services up to 5:00pm on a Saturday afternoon, but that demand for

services was low at this time. Furthermore, there were good transport links with the surrounding areas and beyond, and there was a comprehensive range of pharmaceutical services available to Carfin residents, including a collection and delivery services around the four neighbourhoods.

The Chairman then invited questions from the Applicant, to Mrs Irving

Mr McKeever referred to the Carfin Industrial Estate development and asked Mrs Irving where a resident of this area might say they lived. Mrs Irving answered that businesses in this area have a New Stevenston address, and that people that she had asked who lived in this area considered it New Stevenston.

The Chairman then invited questions from the Committee members to Mrs Irving

None of the Committee members had questions to put to Mrs Irving.

Mr Sutherland asked Mrs Irving if she would agree with Mr McKeever's statement that Carfin had a population of approximately 3000. Mrs Irving stated that the 2001 Census had a population of 1000 for Carfin but that there had be 384 new houses built after this time.

Having ascertained that there were no further questions, the chairman then invited each of Interested Parties to sum up their representations in turn

Mrs Stitt was first to give her summation and stated that there were three existing pharmacies within close proximity of the proposed pharmacy and another eleven in the nearby towns of Motherwell and Bellshill. Mrs Stitt continued by stating that she had heard no evidence to suggest that pharmaceutical services within Carfin were inadequate or that the proposed services would enhance those currently provided. She then went on to state that there were excellent transport links to all other pharmacies and that the existing contractors in adjoining neighbourhoods adequately served the population by delivering a comprehensive range

of pharmaceutical care services. Furthermore, no complaints had been received by NHS Lanarkshire regarding access to or the level of pharmaceutical services available. Mrs Stitt concluded by saying that a neighbourhood does not necessarily have to contain a pharmacy if services are accessible in adjacent neighbourhoods and that the proposed application was neither necessary nor desirable to secure the adequate provision of pharmaceutical services in the neighbourhood and should, therefore, be rejected.

Mrs Irving then presented her summation to the Committee. She began by stating that she disagreed with the applicant's definition of the neighbourhood and that she felt that no evidence had been presented to the Committee to suggest that pharmaceutical services in the area were not adequate. She then concluded by saying that further provision was neither necessary nor desirable to secure the adequate provision of pharmaceutical services in the area and that the Committee should therefore, reject the application.

Mr McKeever was then invited to sum up in relation to his application

Mr McKeever began his summation by stating that he felt his application was both necessary and desirable because there is currently no pharmacy in the area, although he had no contentions with the services provided outwith the neighbourhood. He continued by saying that he felt his definition of the neighbourhood was quite strong and that communities are dynamic and change through time. Mr McKeever concluded by saying that viability was not an issue and that no other pharmacies would have to close if this application was granted.

(f) **Retiral of Parties**

The Chairman then invited the Applicant and Interest Parties to confirm that they had received a fair hearing, and that there was nothing further they wished to add.

Having being advised that all parties were satisfied, the Chairman then informed the Applicant and Interested Parties that the Committee would consider the application and their representations and make a determination, and that a

written decision with reasons would be prepared, and a copy sent to them as soon as possible. Parties were also advised that anyone wishing to appeal against the decision of the Committee would be informed in the letter as to how to do so and the time limits involved.

At the Chairman's request the Applicant and Interested Parties withdrew from the meeting

(g) **Supplementary Submissions**

Following consideration of the oral evidence

THE COMMITTEE

noted:

- (i) that members of the Committee had elected to undertake visits to the proposed site and surrounding areas independently
- (ii) the location of existing Pharmacies in New Stevenston and Newarthill to the site of the proposed pharmacy
- (iii) prescribing statistics of the Doctors within Motherwell from the period May-July 2006
- (iv) the dispensing statistics of the existing Pharmacies in Motherwell for the period October - December 2006
- (v) demographic information on Motherwell, Cleland, New Stevenston, Cragneuk Newarthill and Holytown taken from the 2001 Census
- (vi) Comments received from Interested Parties including existing Pharmaceutical Contractors in Motherwell
- (vii) Information containing the range of Pharmaceutical Services provided by existing contractors within Carfin

(h) **Decision**

THE COMMITTEE

then discussed at length the oral representations of both the Applicant and the Interested Parties, and the content of the supplementary submissions received, prior to considering the following factors in the order of the Statutory Test contained within Regulation 5(10) of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995, as amended

(i) Neighbourhood

THE COMMITTEE

following lengthy deliberation concurred with the definition of the neighbourhood as being an area bounded on the North by the railway line, the West by the A723 down to the roundabout, then a line crossing Chapelknowe Road, along to the burn which marks the Eastern boundary and runs north to the railway line. In reaching its definition of the neighbourhood, Members considered that these were natural boundaries which separated the areas of Carfin, New Stevenston and Newarthill, and that residents on the other side to the A723 road to the West would consider themselves residents of New Stevenston and not Carfin.

(ii) Existing Services

THE COMMITTEE

noted that there were no existing forms of Primary Medical Services located within the defined neighbourhood, and that residents would have to go outside the neighbourhood to access Primary Medical Services. However, it was noted that there were two existing Pharmacies, one in New Stevenston and one in Newarthill which were both within approximately 1 mile of the proposed site. Indeed from the report outlining the range of Pharmaceutical Services provided within the surrounding areas of Motherwell, New Stevenston and Newarthill, a comprehensive range of services were available to the residents of Carfin. It was also agreed that there were no barriers to accessing such services given the strong road links and regular, local bus services.

(iii) Adequacy

THE COMMITTEE

in considering adequacy paid due regard to the following factors:

- that there had been no objective evidence provided by the applicant to suggest that services to the neighbourhood were not adequate.
- New Stevenston Pharmacy, New Stevenston and Alliance Pharmacy, Newarthill which were in close proximity to the proposed site, provided a full range of services, which were complemented by other services provided within the town centre of Motherwell, and that such services accessible to residents of the neighbourhood are consistent with the breadth and standards of service delivery which can reasonably be expected in 2007.

Thus the services available to patients within the neighbourhood could be considered adequate.

(iv) Necessity

In discussing the necessity for an additional Pharmaceutical Contract

THE COMMITTEE

reviewed the existing, comprehensive Pharmaceutical Provision and standards against the criteria for adequacy, and was of the opinion that it was not necessary to provide a new contract in order to provide an adequate Pharmaceutical service.

(v) Desirability

In considering the factor of desirability for an additional Pharmaceutical Contract:

THE COMMITTEE

were conscious that services were deemed adequate and accessible, and acknowledged that the applicant had not produced any documented evidence to suggest otherwise. Members were also mindful to ensure that they differentiated between the concept of desirability for adequacy, not convenience, and that existing Pharmaceutical provision could be judged adequate.

Following the withdrawal of Mr P Martin, in accordance with the procedure on applications contained within Paragraph 6, Schedule 4 of the National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, as amended.

THE COMMITTEE

agreed unanimously that an additional contract was neither necessary nor desirable to secure adequate Pharmaceutical Services within the neighbourhood, and agreed to reject the application subject to the right of appeal as specified in Paragraph 4.1, Schedule 3 of the National Health Service (Pharmaceutical Services)(Scotland) Regulations 1995, as amended.

Mr P Martin returned to the meeting