

PHARMACY PRACTICES COMMITTEE

Note of a Meeting held on

Thursday 17th January 2013

Wallace Suite, The Park Hotel, Kilmarnock

<u>Present</u>	Mr Alistair McKie	Chair
	Mr Stewart Daniels	Lay Member
	Mr Charles Sargent	Lay Member
	Mrs Janice Gallagher	Pharmacist Member
	Mrs Joyce Mitchell	Pharmacist Member
<u>In Attendance</u>	Mr David Rowland	Head of Primary Care Development
	Mrs Anne Shaw	Primary Care Manager - Pharmacy
	Mrs Margaret Scott	Primary Care Administrator - Pharmacy
	Mr Allan Thomas	Lead Pharmacist – Public Health and Community

1. Apologies

No apologies were received.

2. Application For Inclusion in the Pharmaceutical List – Re-Hearing of application on NAP advice.

**Case No: PPC 117 (Re-hearing)
Stewart Pharmacy (Scotland) Ltd**

The Committee had previously been asked to consider an application submitted by Stewart Pharmacy (Scotland) Ltd to provide general pharmaceutical services from premises situated at 50 Main Street, Dunlop under Regulation 5(10) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 as amended.

At that time the Committee voted that the application be granted. This application was subsequently appealed and under direction from the National Appeal Panel, Ayrshire & Arran Health Board were instructed to re-hear the application before a freshly constituted PPC (none of whose members include those who attended the initial Hearing on 12 July 2012).

The hearing was convened under paragraph 3(2) of Schedule 3 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 as amended ("the Regulations"). In terms of this paragraph, the PPC "shall determine an application in such a manner as it thinks fit". In terms of Regulation 5(10) of the Regulations, the question for the PPC is whether "the provision of pharmaceutical services at the premises named in the application is necessary or desirable to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the Pharmaceutical List".

The Chair commenced proceedings by asking the Committee and Board Members to introduce themselves, he then confirmed that all members of the panel were in receipt of all relevant paperwork and asked if any member of the Committee had an interest to declare. No interests were declared. It was noted that Mr David Rowland, Head of Primary Care Development was not present at this particular time due to other unavoidable commitments and that he would join the hearing as soon as possible but he would not participate in the site visit.

The Group carried out a site visit by minibus prior to the Hearing beginning and followed the route described in appendix(a) taking note of the various housing schemes and facilities in Dunlop and the neighbouring town of Stewarton. Mr Rowland joined the meeting as the party returned to the meeting venue.

The Applicant and interested party joined the meeting.

The Chair invited the Committee and Board Officers to introduce themselves.

The Applicant was represented in person by Mrs Christine Daly ("the Applicant"). The Interested Parties who had submitted written representations during the consultation period were Boots UK Ltd and the Area Pharmaceutical Professional Committee. The Area Pharmaceutical Professional Committee chose not to attend the hearing. Boots UK Ltd was represented by Mr Charles Tait ("the interested party").

The Chair informed the Applicant and the Interested Party that prior to the hearing, the Committee had as a group, visited the local area, in which the Applicant's proposed premises are sited, including the existing pharmacies, GP surgery and facilities in the immediate area and surrounding areas of Dunlop.

The Chair confirmed to the Applicant and Interested Party the procedure that would be adopted by the Committee at the hearing. It was confirmed

that the Chair ask the Applicant to make her submission. There would follow the opportunity for the Interested Parties and the Committee to ask questions. The Interested Party would then make his submission. There would follow the opportunity for the Applicant and the Committee to ask questions of the Interested Party in turn. The Interested Party and the Applicant would then be given the opportunity to sum up.

3. The Applicant's Case

Mrs C Daly, the Applicant, was invited to present her case.

3.1 The Applicants Presentation:-

Mrs Daly, The Applicant stated that Dunlop is a thriving community which has expanded in recent years, it is surrounded by countryside and villagers travel to access services. Until Christmas 2012 there was a prescription collection/delivery service, provided by the local newsagent, which was Health Board funded. In other rural areas this service has been replaced by a community pharmacy such as the village of Dalrymple four years ago, and a pharmacy is due to open in the village of Ochiltree very soon. Dunlop is the last remaining such area and is now at a stage where it can sustain a community pharmacy due to an increase in prescription numbers which was why the local newsagent decided to cease provision of the collection/delivery service.

Community pharmacies offer more than just prescription dispensing, they provide a face to face service and often are patients' first point of contact with healthcare services. Community pharmacists provide access to a range of pharmacy services which includes Minor Ailment Service, Chronic Medication Service and Public Health Services, within a familiar environment. They are the most accessible healthcare professional and it should be encouraged that this service is delivered locally. Each medical condition is different and cannot be diagnosed via telephone.

3.2 Questions from the Mr C Tait to the Applicant

Mr Tait asked The Applicant to define her neighbourhood in regard to her application. The Applicant said that she still considered the neighbourhood to be Dunlop and Lugton, because if a pharmacy opened in Dunlop it would be the nearest one to Lugton, so to clarify, it would be the villages of Dunlop and Lugton and surrounding areas.

Mr Tait asked The Applicant to be more specific and she replied that everyone would have a different opinion but in her view the neighbourhood was the villages of Dunlop and Lugton and surrounding

area. Mr Tait stated that the Regulations ask for a definition of the neighbourhood. The Applicant said that she did not have an ordnance survey map with her, but that she would accept that the Regulations required the definition and she asked for a copy of a map, which was duly provided.

Mr Tait stated that The Applicant had said that the population of Dunlop had increased greatly, could she supply a figure? The Applicant replied that the census results would not be available until March. Mr Tait said that mid year figures for 2011 were available from Scottish Neighbourhood Statistics and that the number of residents recorded living in Dunlop was 1041 which was an increase from 849 in 2001 and he questioned if this was a significant increase. The Applicant replied that she believed that such an increase which represented 25% was a significant increase.

3.3 Questions from the Committee to the Applicant

Mr Daniels questioned if the Applicant currently provided a prescription delivery service. The Applicant said that she did not offer a specific delivery service to Dunlop but advised that her pharmacy in Stewarton had delivered to Dunlop and would never see a patient stuck. Mr Daniels then asked what services Mrs Daly intended to provide. The Applicant stated that she tended to provide all pharmaceutical services including methadone, palliative care, MAS, CMS, Public Health, Anti TNF and Emergency Contraception, in other words the full range of services.

Mr Daniels asked about the proposed premises at 50 Main Street, Dunlop. The Applicant confirmed that planning permission would be needed as the original pharmacy application had been subject to an appeal and the planning permission which had been lodged initially had since expired so a new application would be required. The Applicant added that as the premises had previously been a shop then the planning application was in her favour as it would be returned to business use but this was not guaranteed.

Mr Daniels enquired if the driveway at the side of the proposed premises belonged to the property and if it could be used for disabled parking provision. The Applicant confirmed that it did not belong to her proposed premises and that currently there were no designated parking spaces, however there was on street parking with the possibility of a disabled parking space being identified with the help of the local authority.

Mrs Gallagher asked The Applicant if it would be helpful to her if she had a map to help identify her defined neighbourhood. The Applicant agreed and drew the outline of her proposed neighbourhood on it and confirmed

that her neighbourhood definition was:

South: Clerkland road junction

East: West Carswell

West: Road parallel to Lugton water, and

North: Lugton A735/736 junction

The Applicant stated that it was really areas where Dunlop would be the nearest pharmacy.

Mrs Gallagher asked for confirmation of the size of the proposed premises. The Applicant stated that it was around 800 square feet which was bigger than her pharmacy in Dalrymple. Mrs Gallagher asked if the consultation room would be of an acceptable size and The Applicant confirmed that it would be.

Mrs Gallagher questioned the increase in residents in Dunlop from 849 to 1041 and if building work would continue in the area. The Applicant stated that the Local Plan had not indicated if any other areas had been released for building work, but she believed that the upgrade of the Dunlop to Glasgow railway line was an indication that building work would continue.

Mrs Gallagher was interested in how many members of staff would be employed in the pharmacy. The Applicant stated that there would initially be one pharmacist and one member of staff.

Mrs Mitchell asked the Applicant if the prescription collection/delivery service had been busy. The Applicant stated that she had spoken to the local newsagent who currently provided this service and he had told her that previously it was a few prescriptions daily but it had significantly increased to around 30 per day but advised that it was the Boots pharmacy in Stewarton who operated the service and that they would be better placed to advise on activity levels. Mr Tait advised at this point that Boots UK Ltd had been partly responsible for the cessation of the service as a result of various issues including the fact that it was not financially viable and Boots had therefore suggested changing to their standard delivery service.

The Chair asked Mr Rowland to clarify Health Board figures for provision of this service. Mr Rowland stated that the local newsagent had indicated a growth in prescription numbers to around 30 per day but that this was anecdotal information as the Health Board did not record activity levels.

The Applicant added that this was 30 people and not prescription items and that some patients would have quite a few items being dispensed.

4. The Interested Party's Case - Mr Charles Tait of Boots UK Ltd

The Interested Party's Case:-

Mr Tait defined the neighbourhood as the village of Dunlop, and that any further expansion of the village would be a potential catchment area. He added that Lugton residents were more likely to go to Beith for service provision. Mr Tait said that Dunlop had a small number of people in the surrounding area of around 200. Dunlop was a very small rural area which was not self sufficient as it relied on other areas for most services. Dunlop is easily defined in data zone figures and in 2004 Dunlop was rated as the 3947th most deprived area in Scotland.

The current population as per mid year review is 1041 of which 194 are children under age 19, 275 of pensionable age and 572 of working age. Dunlop is fairly affluent with high car ownership. It is a 3 minute drive to Stewarton where the nearest GP surgery and supermarket are located. If you travel by public transport then it takes around 16 minutes. There is a 2 hourly bus from Dunlop to Stewarton and there are trains every 30 minutes, at a cost of £1.90 return. It is an isolated area but has very good public transport links.

Dunlop has almost no service facilities and relies on the nearest town of Stewarton. Mr Tait added that it was no great imposition on the people of Dunlop availing themselves of services in Stewarton. There is well known precedent where a village may not contain service provision but services are provided by a neighbouring community therefore providing perfectly adequate provision for the village. Mr Tait stated that Dunlop was a conservation village and no further expansion in population was anticipated so it would remain a village of around 1000 people and if you lived in Dunlop you would be able to buy locally bread, milk and a newspaper but to access a bank, GP etc you would need to travel. There was ease of access to these services with trains every 30 minutes and a bus service every 2 hours. This service remains adequate for the foreseeable future and therefore the application should fail.

Questions from The Applicant to The Interested Party

The Applicant had no questions for Mr Tait.

Questions from the Committee to the Interested Party

Mr Daniels questioned Mr Tait about the Boots delivery service. Mr Tait stated that Boots provide a national planned delivery service. It usually takes 2 days planning time but he added that deliveries can be made quicker in emergency situations by a member of staff from the pharmacy.

Mr Daniels asked about methadone provision in Stewarton. Mr Tait stated that this service was not provided in Dunlop and that Boots in Stewarton had no methadone patients who lived in Dunlop either.

Mr Sargent asked Mr Tait how many prescriptions came to Boots in Stewarton from Lugton. Mr Tait replied - none as Lugton patients would go to either Beith or perhaps Stewart Pharmacy in Stewarton. Mr Sargent asked if Mr Tait would accept that a delivery service was not a core requirement and Mr Tait agreed.

Mr Sargent went on to ask how residents of Dunlop accessed community pharmacy services during periods of bad weather. Mr Tait said that Dunlop was not unique in this respect as it happens to all rural areas at some point but he added that the main road to and from Dunlop was usually well gritted by the local authority and remained open. Mr Tait also pointed out that major roads such as the M8 can also be affected by bad weather.

Mr Sargent asked Mr Tait if Boots had considered opening a pharmacy in Dunlop, Mr Tait stated that it had not been considered a viable proposition and he added that whether this application would secure services was questionable.

Mrs Gallagher stated that under the new pharmacy contract there were 4 core services and she asked Mr Tait if he only wanted people to access core services in Stewarton. Mr Tait said that nearly all services were accessed in Stewarton and that it was common practice if you live in Dunlop to leave the village to access the supermarket, bank and GP. If people choose to live rurally then they will have minimal service provision but highlighted that there are very good public transport links to and from Dunlop.

5. Summing Up

The Applicant and the Interested Party were then given the opportunity to sum up.

Mr Tait summed up by saying that his definition of the neighbourhood is Dunlop and that if you vary from that then you go into the realms of an area as wide as Glasgow to Stranraer. He did not believe that the population surrounding Dunlop was significant unless Lugton was included and noted that Lugton residents probably access service provision elsewhere. Dunlop has a population of around 1000 and is an affluent area with good public transport links into the neighbouring town of Stewarton where there is a good level of service provision therefore

there is adequate provision into Dunlop from Stewarton.

The Applicant, Mrs Daly summed up by saying that she did not think that community pharmacy services to Dunlop could be viewed in the same way as other services which were available in Stewarton and which were also accessible via the internet. There was a need to have a pharmacist led service in Dunlop as the pharmacist needs face to face contact with the patient and the only way to get that is by provision of a local service. The Applicant believed that when a community becomes viable then it should have a pharmacy.

Mr Rowland asked Mr Thomas to give some background on the prescription collection/delivery service in Dunlop. It was noted that Boots had approached the Health Board regarding the cessation of the service as they had governance concerns regarding the handling of prescriptions by the newsagent. The Health Board facilitated a meeting approximately 18 months ago in Dunlop Village Hall which both the Applicant and representatives from Boots UK Ltd attended. The Applicant indicated at this meeting that she would be willing to deliver prescriptions to Dunlop if the service via the newsagent ceased. Subsequently the Board received two applications for inclusion in the pharmaceutical list in respect of Dunlop a matter of days apart. The local newsagent then decided to cease providing the collection/delivery service in December 2012. It was noted that one of the applications for a new pharmacy had been withdrawn.

All Board Officers along with the interested party and the applicant withdrew from the Hearing to allow the Panel to consider the application. All were asked to remain within the premises in the event that should the Committee have any further questions, all would be asked to rejoin the meeting to ensure transparency of proceedings.

6. Committee Deliberations / Decision

Having considered the evidence presented to it, and the Committee's observation from the site visit, the Committee had to decide firstly, the question of the neighbourhood in which the premises to the application related were located.

Neighbourhood

The Committee considered the neighbourhoods put forward by the Applicant and the Interested Party, and the APPC in relation to the application, as well as comments received from the public consultation. The Committee took into consideration, the Committee's obligations in

terms of the Equality Act 2010 – the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not.

The Committee felt that the neighbourhood as defined by the Interested Party was too simplistic in that it covered only the village of Dunlop and discounted Lugton and the surrounding houses and farms.

The Committee determined that the neighbourhood was as per that defined by the Applicant, i.e. that Dunlop and its surrounding area was clearly a neighbourhood in its own right, with a primary school within the village along with a community hall which was run by the community council and determined that the neighbourhood was bounded as follows:

To the South: Clerkland road junction, the southern boundary lies in an area of open ground between Dunlop and the town of Stewarton situated some 3 miles away;

To the East: West Carswell, which runs parallel to Clerkland Burn;

To the West: Road parallel to Lugton water which is a natural boundary with Lugton Water, and

To the North: Lugton A735/736 junction where both roads meet.

The Committee considered that the neighbourhood as defined, was a distinct neighbourhood in its own right and formed not only by the natural boundaries already narrated by the open spaces and topography of the land.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

It was noted by the Committee that there was no service currently within the neighbourhood. It was further noted that following the termination of the NHS taxi delivery service to the newsagents in Dunlop, the Interested Party i.e. Boots UK Ltd, had instigated their 'national delivery service' and had undertaken that any 'emergency' prescription would be delivered by a member of staff from their Stewarton branch. The Applicant likewise indicated that she would be running a delivery service to the village and surrounding area of Dunlop.

It was also noted that Dunlop village and area census statistics offered to the Committee indicated that it was:

- A relatively affluent area;
- Had much higher than normal car ownership;

- Had limited expectation of continued housing development;
- Residents travelled to the neighbouring town of Stewarton to access most services (except the newsagent); and
- The road travel distance to Stewarton was approximately 3 miles and would take no more than 5/10 minutes.

Whilst there was a limited bus service, there was a much enhanced rail service between Dunlop and Stewarton railway stations i.e. twice hourly and would take 5 minutes. Residents who live in Dunlop would have a journey of no more than 25/30 minutes to travel to access pharmaceutical services (no more than 10 minute walk to the railway station, 5 minute railway journey and 10 minute walk to the chemist).

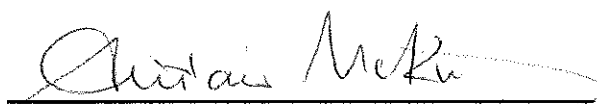
The existing services currently provided by the Applicant and Interested Party from their premises in Stewarton was further discussed as well as the number of prescriptions dispensed by these pharmacies. As was the lack of face to face service provision. Discussion also took place around whether or not the proposed provision was necessary or desirable.

In accordance with statutory procedure the Pharmacist Contractor Members of the Committee were excluded from the decision process and left the room at this point.

The Committee did not recall Board Officers, The Applicant and the Interested Party to seek further information or clarification.

Decided/-

The PPC was satisfied that the provision of pharmaceutical services to the neighbourhood was adequate and in the circumstances, it was the unanimous decision of the PPC that the application be refused.

Signed: 

**Mr Alistair McKie
Chair
Pharmacy Practices Committee**

Date: 

PPC 117**APPLICATION BY STEWART PHARMACY (SCOTLAND) LTD****FOR PROPOSED NEW PHARMACY****AT 50 MAIN STREET, DUNLOP****SITE VISIT ITINERARY**

TIME	JOURNEY DETAILS
	Leave Park Hotel car park. Turn left at junction onto Dundonald Road (A759) Go straight through at next two sets of traffic lights onto John Finnie Street Select middle lane
	Go straight through next two sets of traffic lights At final set of traffic lights at top of John Finnie Street, go straight through, veering slightly left under the arches onto Hill Street
	At give way take left up the hill (Hill Street) to the top At next give way take left, still on Hill Street Go straight on up to roundabout
	At roundabout go straight through onto Kilmaurs Road. At next roundabout next to new houses go straight through , heading for Kilmaurs
	Enter Kilmaurs Village, go straight through staying on the main road (A735) heading for Stewarton
	Once in Stewarton, go straight through at mini roundabout At traffic lights turn left heading for Dunlop (A735)
	Once in Dunlop stay on the main road until you see the sign for a left turn which is sign posted Beith (B706). You are now on Main Street and number 50 is on your right hand side next to the village hall
	Leave the site of the proposed new pharmacy at 50 Main Street, head back along the main road (B706) Turn right back onto the A735 road and head back to Stewarton
	Once back in Stewarton pass by Sainsbury's and at the next traffic lights turn left onto Main Street BOOTS PHARMACY is located at number 8 on the left hand side
	Stay on this road and continue until Main Street becomes High Street STEWART PHARMACY is located at number 55 on the right hand side

(The Health Centre can be found on the same side of the road at number 45, which is actually the next building on the street but is recessed from the main road)
Find a safe place to turn and head back along this main road to Kilmarnock via Kilmaurs (note KILMAURS PHARMACY is at number 13 Main Street, Kilmaurs)
Once back in Kilmarnock follow Kilmaurs Road, straight through at the first roundabout and at then at the roundabout next to Hillhead Primary School at the end of Kilmaurs Road, turn right onto Western Road, passing Arnold Clark on your left. Go straight through at the next roundabout
As you approach the traffic lights make sure you are in the left hand (inside lane) and turn left down Bonnyton Road.
At the traffic lights at Morrisons Supermarket turn right into North Hamilton Street Go straight on to the next set of traffic lights onto South Hamilton Street At next traffic lights turn right back onto Dundonald Road Then take first right back into Park Hotel.