



## **APPLICATION FOR INCLUSION IN THE PHARMACEUTICAL LIST**

**Application by Mrs Alison Moore (“the applicant”)**, for inclusion in the Pharmaceutical List of Dumfries & Galloway Health Board (“the Board”) in respect of a proposed new pharmacy at the corner of Lockerbie Road and the Laurels, Dumfries.

**Hearing of Application:** Friday, 1 January 2013

### **Decision of the Pharmacy Practices Committee:**

The Committee, by a unanimous vote, refused the application.

1. On Friday, 1 February 2013, the Pharmacy Practices Committee (“the Committee”) was convened to hear representations relating to the above application, which was received by the Board on 22 August 2012. This hearing was rescheduled from the original planned date of 11 December 2012. Prior to the hearing, copies of the application and related documentation were sent to the Area Pharmaceutical Committee (“the APC”), the Area Medical Committee (“the AMC”), and other interested parties as defined by Schedule 3 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 (as amended) (“the Regulations”). In addition, as per Schedule 3, a public consultation exercise was undertaken for a period of 60 days. Public notices were placed in the Dumfries & Galloway Standard and the Dumfries Courier with flyers made available in local libraries, GP Surgeries and hospital settings inviting members of the public to make representation to the Health Board about the application. The following parties were consulted directly:
  - Loreburn Community Council
  - All members of Dumfries & Galloway Public Partnership Forum
  - General Manager, Primary and Community Care Directorate
  - MSPs: Rt Hon Alex Ferguson, Dr Elaine Murray, Claudia Beamish, Joan McAlphine, Aileen McLeod, Graeme Pearson, Paul Wheelhouse, Jim Hume.
  - MPs: Russell Brown, David Mundell.
2. The majority of the Committee Members toured the neighbourhood defined by the Applicant and then visited the site of the proposed pharmacy on the original scheduled hearing date of 11 December 2012. A replacement member of the committee undertook the same tour and visit to the site of the proposed pharmacy on Friday, 1 February 2013, accompanied by Mrs Burns, Administrator and Dr Paul Beardon, Pharmacy Advisor.
3. The Chairman opened the hearing at 11 am and provided a summary of the application. He ascertained that the Committee had received the relevant papers and had time to study them. The Chairman clarified that there was a typographical error in table 3, page 16 of the papers provided. It was noted that information provided in regard to mileage from the proposed pharmacy to R W F Wilson & Co (Aberdeen) Ltd T/as Lochthorn Pharmacy, Edinburgh Road, should read 2.07 as stated on page 14. The Chairman ascertained that none of the members present had an interest to declare or was associated with a person who had any personal interest in respect of any matter to be considered at the hearing. The Chairman reminded the Committee of the legal test as indicated on page 7 of the Pharmacy Practices Committee “PPC” papers.

4. The Chairman welcomed the Applicant and the interested parties to the hearing and introduced himself and PPC members. The Chairman noted that the hearing was to be recorded and all present confirmed they had no objection to this. The Chairman invited the Applicant and interested parties to introduce themselves and their assistants. Interested parties confirmed the capacity of their assistants and that no legal representatives were present. The Chairman reminded assistants that they were present to assist the representation, but not entitled to speak on behalf of the main presenters.
5. The Chairman ascertained that all parties retained their copies of the Health Board's PPC papers from the previous hearing which was postponed and that they had received a letter enclosing pages of the original papers to be replaced: Page 3 Details of hearing, Page 4 Agenda, Pages 5&6 Application Process Summary and Pages 16&17 to include information on R W F Wilson & Co (Aberdeen) Ltd T/as Lochthorn Pharmacy, Edinburgh Road, Dumfries. The Applicant and interested parties confirmed that they had received the relevant papers. It was noted that information provided in regard to mileage from the proposed pharmacy to R W F Wilson & Co (Aberdeen) Ltd T/as Lochthorn Pharmacy, Edinburgh Road, should read 2.07 as stated on page 14.
6. The Chairman reiterated that the hearing had been convened to consider the application, as detailed in the PPC papers circulated. Mrs Moore has applied to open a pharmacy at the corner of the Lockerbie Road and the Laurels, Dumfries. The Chairman noted the proposed commencement date of 6 May 2013. The Chairman reminded those present that the application was subject to the statutory test as set out in regulation 5(10) of the Regulations, and as shown on page 7 of the PPC papers.
7. The Chairman outlined the format of the hearing. The Applicant would be invited to make oral representation in support of the application, and then the interested parties and the PPC members would be invited to ask questions or clarify points of information of the Applicant. Each interested party would be invited to make oral representation in turn by the Chairman. After each party had made representation, the Applicant, each other interested party and then PPC Members would be provided with an opportunity to ask questions of that party or clarify points of information with the Chairman. In reverse order, the interested parties and the Applicant would be invited to provide closing summaries.
8. The Chairman noted that the AMC had not made representation in this case. The Chairman noted that the APC had submitted a letter indicating they unanimously agreed to recommend that the application be refused and would not be represented at the hearing.

The Chairman then invited the applicant to speak in support of the application.

9. After hearing from the applicant and interested parties, including questions and points of clarification, the Chairman ascertained that the applicant and interested parties agreed that they had all received a fair hearing. The applicant and interested parties then withdrew along with the Pharmacy Adviser & Administrators from NHS D&G.
10. The following extract from the Minutes of the Hearing gives the reasons for the Committee's decision to refuse the application.
11. **Neighbourhood**
- 11.1 The Chairman referred the Committee to the neighbourhood defined by the Applicant in her presentation.

11.2 The Committee then considered the definition of the neighbourhood and took into account the fact that the area is not a deprived area with 80% of the population in this defined area falling into the 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> quintiles with most having one or more cars. The Committee also noted that the town centre was within walking distance which provided access to nine pharmacies with a mix of independent and national pharmacies. The Committee deliberated on the direction of travel of the population and considered where people would access services such as shopping etc taking in to account parking restrictions in the town centre and the Peel Centre development.

11.3 After much deliberation the Committee agreed that the neighbourhood defined by the Applicant was too small. The Committee defined the neighbourhood as being bounded to the:

- west by the railway line, south to where it crosses the Annan Road and heading north to where it crosses the River Nith;
- north by the A75;
- east along the A75 to the intersection with the Annan Road which marks the eastern most point of the neighbourhood; and
- south by the Annan Road to where it crosses the railway line.

## 12. **Adequacy of Existing Pharmaceutical Services**

12.1 The Chairman noted the neighbourhood as defined by the Committee and asked the Committee to consider if the existing services in the neighbourhood were adequate.

12.2 The Committee considered the fact that the Applicant had made the point that there is currently no provision of pharmaceutical services in the neighbourhood but noted that this is not the same as saying that people living in the area are not able to access adequate service provision.

12.3 The Committee noted the Applicant's enthusiasm and commitment to providing a pharmacy which would focus heavily on the provision of services such as the Chronic Medication Service, but also recognised that the Chronic Medication Service is at an early stage of overall implementation.

12.4 The Committee acknowledged that there were nine pharmacies in the town and surrounding area providing the full range of pharmaceutical services and also noted that they were not aware of any complaints made by the public regarding service provision in the town pharmacies.

12.5 The Committee notes that the area was well served by good bus services and that the town centre was within walking distance of the neighbourhood.

12.6 The Committee took cognisance of the problems with parking in Dumfries town and also noted that Dumfries had changed over previous years with the new by pass and the establishment of the Peel Centre etc outwith town. The Committee noted that some areas in the suburbs have become separate communities, most of which have a pharmacy.

12.7 The housing development which is currently continuing in the area was taken into account although it was felt that the increase in population which the new houses would bring may not be all that significant.

12.8 The Committee expressed some concerns regarding the proposed location of the new pharmacy with regard to parking for customers, access to the pharmacy and also the impact delivery vehicles may have on the surrounding area.

12.9 The Committee also took into consideration the comments made by members of the public during the consultation process.

12.10 The Chairman summarised that pharmaceutical service provision into the neighbourhood is adequate and noted that the town pharmacies provided a good range of types of pharmacies and that they all provided the full range of pharmaceutical services. It was noted that travel links in the area were good and that the neighbourhood is not a deprived area.

13. **Decision**

13.1 The non-voting members of the Committee were asked to withdraw from the Hearing and the vote was taken.

13.2 The voting members of the Committee agreed by a unanimous vote that current pharmaceutical service provision into the neighbourhood was adequate and that the application by Mrs Moore be refused.

13.3 The non-voting members were invited to return to the meeting and the decision was communicated to them.

14. **Report**

14.1 The Chairman confirmed the regulatory timetable for notification of the decision requires a report to the Board within 10 working days, 15 February 2013. The applicant and interested parties are to be notified within a further 5 working days, 22 February 2013. The applicant has a right to appeal within 21 working days of the notification.

14.2 The Chairman thanked the Committee Members for their attendance and the hearing was concluded.

**MR IVOR HYSLOP**  
**Chairman**  
**Pharmacy Practices Committee**

14 February 2013