

Dumfries & Galloway Health Board

Pharmacy Practices Committee

Minutes of the meeting of the Pharmacy Practices Committee
held on Friday, 1 February 2013 at 11 am
at NHS Dumfries & Galloway's Board Headquarters, Crichton Hall, Dumfries DG1 4TG
in the New Board Room Suite

PRESENT

COMMITTEE

Mr I Hyslop (Chairman)

Board Appointees

Mr W Beaugié
Mr G Makins
Mr M Pumphrey

Pharmacists

Mr G Loughran (non-contractor)
Mrs D Martyniuk (contractor)
Mr G Winter (contractor)

Attending

| | | |
|---------------|------------------|-------------------------|
| Dr P Beardon | Pharmacy Adviser | NHS Dumfries & Galloway |
| Mrs S M Burns | Administrator | NHS Dumfries & Galloway |
| Mrs J Jones | Administrator | NHS Dumfries & Galloway |
| Mrs A Shaw | Administrator | NHS Ayrshire & Arran |

Applicant

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| Mrs A Moore | Applicant |
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Interested Parties

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| Mr C Tait | Boots UK Ltd (Presenter) |
| Ms M Toshner | Boots UK Ltd (Assisting) |
| Mr J Currie | Dalhart Pharmacy Ltd T/as Wm Murray Chemist (Presenter) |
| Mr T Arnott | Lloyds Pharmacy Ltd (Presenter) |
| Mr J Mowat | Lloyds Pharmacy Ltd (Assisting) |
| Mr M Rodden | AMR Drug Co Ltd T/as Northern Chemist (Presenter) |
| Mrs J Weir Ahmed | Holm Pharm Ltd (Presenter) |

APPLICATION FOR INCLUSION IN THE PHARMACEUTICAL LIST

Application by Mrs A 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 February 2013.

Decision of the Pharmacy Practices Committee:

The Committee refused the application by a unanimous vote.

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 that they unanimously agreed to recommend that the application be refused and would not be represented at the hearing.
9. The Chairman then invited the Applicant to speak in support of the application.
10. **THE APPLICANT – MRS MOORE**
 - 10.1 The Applicant, Mrs Moore stated that she would be giving a power-point presentation and thanked everyone for allowing her to present the application. The Applicant introduced herself to the panel and provided background information of her pharmacy career.

- 10.2 The Applicant went onto describe her proposal, drawing attention to a map of the proposed neighbourhood which she said was the residential area defined by the pink line and that the boundaries were the Annan Road, Edinburgh Road to the north, the outer most edge of the Summerpark Estate on the east and the outer most edge of the Moffat Road to the west.
- 10.3 The Applicant referred to the population statistics provided in the papers. She stated that the proposed neighbourhood is the datazone for the Marchmount area and the population of those datazones is about 3,700 people with just less than 20% in quintile 2 of the Scottish Index of Multiple Deprivation (SIMD). The Applicant explained that the SIMD has a range where quintile 1 is the most deprived and quintile 5 is the least deprived.
- 10.4 The Applicant stated that there is quite a spread of deprivation in the area with approximately 20% in quintile 2, possibly the neighbourhood that is closest to where the proposed pharmacy is to be located and 20% in quintile 5 which is in the Summerpark area.
- 10.5 The Applicant stated that the population is increasing in the neighbourhood explaining that there was a new housing development at Summerpark which was approved by the council in 2006 for 1,370 new homes to be built in phases over the 10 years from 2006 – 2016. She stated that about 750 of those houses had been constructed to date and that plans were still in place to continue to build although the development may not be finished by 2016. The Applicant estimated a population increase in that area of 2,500 to 3000 people when completed. She went onto describe that the housing development had a variety of different housing styles with a proportion of affordable housing and higher end homes giving a mix of housing.
- 10.6 The Applicant stated that people needed pharmaceutical services within their neighbourhood, that people needed easy access to the core contract services, not just the dispensing service, and that they should be based around the community. The Applicant defined the core contract services as:
AMD – Acute Medication Service - dispensing of single prescriptions electronically;
MAS – Minor Ailment Service - provision of medicine and advice for minor ailments on the National Health Service;
PHS – Public Health Service - public health and advice such as emergency contraception and smoking cessation; and
CMS – Chronic Medication Service provision of support and advice by pharmacists for anyone on long term medication.
- The Applicant went on to describe that the CMS already included in some parts of Dumfries and Galloway the dispensing of “serial prescriptions” with a GP prescription lasting 6 or 12 months, to be dispensed, for example, monthly by the pharmacist.
- 10.7 The Applicant stated that the way in which services were delivered in pharmacies was changing significantly with a move away from focusing on the dispensing of acute prescriptions towards the provision of “pharmaceutical care”. She noted that this had recently been emphasised by a change in funding. She further stated that this was part of a long term Government Strategy for pharmacists to be more clinically orientated giving greater public access without appointments and said that this would help to reduce unnecessary workload for doctors and nurses allowing time for more appropriate clinical situations.

- 10.8 The Applicant stated that this change in service delivery increased the focus on the provision of a community pharmacy service in the neighbourhood where people live rather than pharmacies located near GP practices. The Applicant noted that the Government stated that primary care services should be based on the normal fabric of people's lives and that, in an urban environment like Dumfries, people should be able to access pharmaceutical services easily within the neighbourhood.
- 10.9 The Applicant stated that there were no pharmacies in the proposed neighbourhood, with the nearest being in the town centre and at the GP practice in Georgetown which, for many residents, was a car journey or a bus ride away. She went on to state that there were no GP practices in the neighbourhood and considered that this was the only remaining population centre of Dumfries that did not have this provision.
- 10.10 The Applicant referred to the map and stated that there was a pharmacy that covers Georgetown and Calside; there were several pharmacies that covered Lincluden and Lochside; there were pharmacies in Locharbriggs, Heathhall, Troqueer, Maxwelltown; and pharmacies in the town centre. She stated that there was not a pharmacy that covered the new estate and area around Marchmount.
- 10.11 The Applicant stated that the pharmaceutical and other needs of patients change over time and what was considered to be adequate previously may not be considered adequate now, particularly as pharmaceutical services are changing. She stated that, in this application, the proposed pharmacy should be considered as being in a discreet neighbourhood in which people should be encouraged to walk rather than use cars.
- 10.12 The Applicant stated that if patients lived within walking distance of a pharmacy it was easier to access services without having to use a car, particularly where children were involved.
- 10.13 The Applicant noted the comments received from the consultation process and also noted that issues and concerns relating to the planning application had been addressed as part of the planning process. The Applicant stated that the issues were not as bad as people thought and that whilst there were some individuals with very strong opinions, the numbers have decreased.
- 10.14 The Applicant referred to the survey provided in her application which was undertaken to address some concerns after the planning application was granted. She stated that people in the immediate vicinity made comments saying it was difficult to travel into the town centre; lacking a pharmacy in that area; and that waiting times at existing pharmacies were unduly long. The Applicant acknowledged that the survey was not representative of the whole area, but did give very different feedback to that received as part of the planning process.
- 10.15 The Applicant noted that Public Partnership Forum members who had responded were in support of the application.
- 10.16 The Applicant noted that new pharmacies were approved in Kirkcudbright and Newton Stewart because the existing services weren't sufficient to meet the pharmaceutical needs of the population which, based on the 2001 census data, showed the population per pharmacy to be between 1,800 and 2,800.

- 10.17 The Applicant stated that in Dumfries the population per pharmacy was 4,000 with an increasing population. The Applicant noted that she had included Cargenbridge and Locharbriggs figures to reflect the areas covered by the nine pharmacies detailed in the PPC papers. The Applicant further stated that the population per pharmacy in Dumfries showed an inadequacy in pharmaceutical provision in Dumfries compared to other towns in Dumfries and Galloway.
- 10.18 The Applicant described the current provision of services stating that pharmacists were required to spend more time with patients; the numbers of prescriptions were rising and the delivery services in pharmacies were becoming stretched. She stated that, as the population was increasing in the defined neighbourhood, there was a strong argument to support a new pharmaceutical contract.
- 10.19 The Applicant noted that it was acceptable to consider future needs when deciding to issue a new pharmaceutical contract, even if this resulted in a degree of current over provision, although she stated that granting this application would not result in a degree of over provision, particularly since the population was expanding. The population was also getting older and therefore less mobile and the demand for accessible pharmaceutical services would therefore increase.
- 10.20 The Applicant stated that the proposed pharmacy would be community based, serving the needs of the residents in the neighbourhood and it did not have to be adjacent to a GP surgery. She stated that the services offered would support the needs of the local community with the pharmacy being the first port of call for health care needs including all core services. Electronic single prescriptions for acute health care needs would be dispensed, but would not be the main focus.
- 10.21 The Applicant stated that, subject to planning permission, she would provide other services such as physiotherapy and chiropody from the premises in the future.
- 10.22 The Applicant confirmed a revised opening date of 6 months from the date of approval of the application.

11. QUESTIONS FROM INTERESTED PARTIES TO THE APPLICANT

11.1 Boots UK Ltd (Mr Tait)

- 11.1.1 Mr Tait questioned the Applicant about the boundaries of the neighbourhood and in reply the Applicant said that the neighbourhood was encompassed by natural boundaries.
- 11.1.2 Mr Tait then asked the Applicant why the Annan Road, rather than Brooms Road, formed part of the boundary and also why the boundary did not go all the way along the Annan Road. In response, the Applicant stated that there would be no difficulty in extending the boundary along the Annan Road, but noted that the area is predominantly industrial with few people resident in that area.
- 11.1.3 Mr Tait asked the Applicant how she would define the normal fabric of people's lives and asked whether this included access to other services which could include retail, social and health facilities. The Applicant replied that it would be a mixture of these and that the mix would be different for different people.

- 11.1.4 Mr Tait noted the Applicant's reference to being able to walk to the proposed pharmacy and asked the Applicant to confirm that a number of the respondents to her survey stated that they walked into the town centre to access services. The Applicant replied by saying that these comments came from respondents who lived in the vicinity of the proposed pharmacy and who were able to walk into the town centre. Other respondents in nearby streets who were less mobile or disabled said they were unable to walk into town.
- 11.1.5 In response to Mr Tait's enquiry about bus services, the Applicant confirmed that bus services were adequate. The Applicant said that it was both desirable and necessary for people to access services closer to where they live.
- 11.1.6 Mr Tait noted that the Applicant had quoted some population figures per pharmacy across Dumfries and Galloway and asked the Applicant to confirm whether the pharmacies she had highlighted were in rural settings rather than the urban setting she had described in this application. In response, the Applicant stated that her figures largely pertained to the smaller towns of Dumfries & Galloway in which new applications had been granted. She stated that the ratio of the population per pharmacy in Dumfries was greater than in the smaller towns resulting in longer waiting times for prescriptions and accessing pharmaceutical services. In response to Mr Tait's comment that these are villages or small towns, with a large catchment area where there may not be another pharmacy within easy access, the Applicant replied that everybody should be able to access the same high quality service.

11.2 **Dalhart Pharmacy Ltd (Mr Currie)**

- 11.2.1 Mr Currie noted the opposition to this application and asked the Applicant if she could comment on why she engendered such opposition and how it had materialised. In response, the Applicant stated that she had been told that someone went knocking door to door to engender opposition to the proposed pharmacy, but this stopped when sufficient opposition was not forthcoming. The Applicant further stated that the land for the proposed pharmacy was in the corner of a residential area and residents felt that it should not be turned into a retail outlet. The Applicant further stated that there were people who were worried that drug addicts would be attracted to the area, but objections were not explicit. The Applicant also noted that many people were supportive of the proposed pharmacy but the opposition was to the site of the premises at the corner of a residential area.
- 11.2.2 In response to Mr Currie's question about the population, quoted at 3,700, the Applicant stated that this was her best estimate within the defined neighbourhood based on the population information provided by the Health Board.
- 11.2.3 Mr Currie stated that the proposed neighbourhood looked like a small area for nearly 4,000 people and that the response to the consultation did not concur with the needs identified in the Applicant's presentation. He noted that several of the letters referred to their attendance at several pharmacies across the town and to delivery services and questioned the level of need presented by the Applicant. In response, the Applicant stated that it was hard to draw a conclusion from the few people that had a stronger opinion about the building and it was people with strong views who respond to consultations.

- 11.2.4 In response to Mr Currie's question about the ownership of the new houses the Applicant confirmed that 700 already been built and the planned 600 to 700 are all private.
- 11.2.5 Mr Currie asked the Applicant if she was suggesting, based on 2,000 population per pharmacy, that there should be 18 pharmacies in Dumfries. The Applicant stated that the current services, particularly in the town centre, were quite stretched.
- 11.2.6 Mr Currie asked the Applicant about the evidence supporting the statement that town centre pharmacies were stretched. The Applicant stated that she had known individuals who had worked in these pharmacies, but this application was not about that and she did not want to criticise the services that were currently provided. The Applicant went on to state that she thought that with new houses being built, with the resulting increase in population, there was going to be an increased need for services and that it was appropriate to offer pharmaceutical services for people living in the proposed neighbourhood.
- 11.3 **Lloyds Pharmacy Ltd (Mr Arnott)**
- 11.3.1 In response to Mr Arnott's question about the current provision of core services the Applicant confirmed that she was not saying that the services were not being provided just now.
- 11.3.2 Mr Arnott asked if current pharmaceutical services as provided by existing pharmacy contractors were inadequate. The Applicant stated that the inadequacy is mainly in the provision of services for the future and growing population in that area. Referring to her personal experience, the Applicant stated that the town centre pharmacies were busy. She further stated that there was a limit to the size of population a pharmacy can serve and that services in Dumfries were approaching that limit.
- 11.3.3 Mr Arnott further asked the Applicant to confirm what, in her opinion, was the limit. The Applicant replied there was no set number, it varied, but when compared to other towns Dumfries had less pharmacies per head of population. Mr Arnott noted that Dumfries probably had a population per pharmacy lower than the national average and the Applicant replied that this was not about national averages.
- 11.3.4 Mr Arnott asked the Applicant in which neighbourhood did the three Boots and Lloyds pharmacies in the town centre service fell. In response, the Applicant said that she presumed they were historical pharmacies that had been there for a very long time and that they would have served a very broad population. The Applicant stated that she did not see the relevance of the question as there wasn't a neighbourhood that covered Dumfries town centre and Dumfries town centre pharmacies worked in a slightly different way.
- 11.3.5 Mr Arnott noted that Annan Road, which was parallel to Lockerbie Road, had a chip shop, a pub and a post office and seemed more like the heart of a community. Mr Arnott asked the Applicant why she had chosen to open on an un-developed site. In response, the Applicant stated Annan Road formed part of the boundary of the proposed neighbourhood and the Applicant also stated that the proposed location was better placed for the new housing development; people who live on the Annan Road can access services at Gillbrae.

- 11.3.6 Mr Arnott noted that one of the comments that the Applicant had made earlier in her presentation was about a population centre. He asked if a pharmacy should be located in the middle of a proposed neighbourhood rather than on the periphery. In response the Applicant said “not necessarily in the middle” and that the residential area where people live was an appropriate place for a pharmacy to be situated.
- 11.3.7 In response to Mr Arnott’s queries about the site the Applicant confirmed that she had owned the land for approximately six years and confirmed the reason for purchase was personal.
- 11.3.8 Mr Arnott referred to the Applicant’s statement about existing pharmacies and waiting times and asked if the Applicant could provide an example of current waiting times at a pharmacy in Dumfries. The Applicant confirmed that she did not have examples of specific waiting times and that the application had not been made to criticise existing pharmacies in the town centre.
- 11.3.9 Mr Arnott stated that the application had to be based on adequacy and need and asked the Applicant to confirm that there is nothing untoward about the current waiting times in existing pharmacies. In response the Applicant stated that people have said to her that they had to wait up to 35 minutes for prescriptions and that some medicines were not in stock.
- 11.4 **AMR Drug Co Ltd (Mr Rodden)**
- 11.4.1 The Applicant agreed with Mr Rodden’s assertion that, from the data provided, approximately 80% of the population were in quintile 2 for deprivation and the majority would have cars and be able to travel.
- 11.4.2 Mr Rodden noted that the Applicant had made comparisons with Kirkcudbright, Annan, Lockerbie and Newton Stewart and asked if it was fair to take a town environment and compare it with these small rural towns. In response, the Applicant stated that it was fair to look at the differences between them including the way that people expected to access services in rural or urban environments. She stated that Annan is a reasonably sized town and did not think Annan would consider itself to be rural. The Applicant stated that the figures demonstrate that other applications had been granted in those areas because of a lack of pharmaceutical service. She stated that in an urban environment we should be encouraging people to walk.
- 11.4.3 Mr Rodden asked the Applicant if one of the factors in the granting of recent new contracts in Kirkcudbright, Lockerbie and Newton Stewart was the lack of choice. The Applicant stated that choice should not be a consideration for the panel.
- 11.4.4 Mr Rodden asked if there was an element of choice in respect of the Applicant’s proposed pharmacy. In response, the Applicant stated that people who live in the proposed neighbourhood currently accessed some form of pharmaceutical service. They had a choice and would continue to have a choice.
- 11.4.5 Mr Rodden noted that the increased population requiring future provision would depend on the new houses and asked the Applicant when the houses would be built. The Applicant stated that building was underway and continuing.

- 11.4.6 In response to Mr Rodden's request to define the maximum workload in a pharmacy, the Applicant confirmed that this would vary depending on the individual pharmacist and their staffing levels. She noted that, personally, she could process 600 to 700 items safely in a day. The Applicant further stated that she did not know how many pharmacists other pharmacies employed and what their levels of business were.
- 11.4.7 The Applicant confirmed to Mr Rodden's enquiry that there were Nine pharmacies in Dumfries.
- 11.4.8 Mr Rodden stated that there had been a 50% increase in the number of pharmacies in Dumfries over the last 11 years and asked the Applicant if she felt another one was needed. The Applicant replied yes.

11.5 **Holm Pharm Ltd (Mrs Weir Ahmed)**

- 11.5.1 Mrs Weir Ahmed stated that she lived in the proposed neighbourhood of this new pharmacy and referred to the Applicant's example of people with children, who were ill, being able to walk to the proposed pharmacy rather than drive into town. Mrs Weir Ahmed asked the Applicant if she thought it safe to walk small children along the Lockerbie Road pavement on Tuesdays or Wednesdays which was routine dustbin collection day. The Applicant stated she had not walked along Lockerbie Road, but had walked along other equally busy roads and informed Mrs Weir Ahmed that she had four children herself.
- 11.5.2 In response to Mrs Weir Ahmed's enquiry, the Applicant confirmed that five parking spaces plus a disabled space had been allocated at the proposed pharmacy.
- 11.5.3 In response to Mrs Weir Ahmed's question about the average age of the population in the Marchmount area, the Applicant confirmed that she did not know, noting that it was quite a varied area and noted that the area immediately around the pharmacy was quite deprived, but the larger surrounding area was not particularly deprived. The applicant noted that there would be many young families to the north of the proposed pharmacy as well as there being single, disabled and elderly people within the proposed neighbourhood.
- 11.5.4 Mrs Weir Ahmed asked if the Applicant was aware of what delivery services were available from other pharmacies and the Applicant confirmed that she was.

12. **QUESTIONS FROM PPC MEMBERS TO THE APPLICANT**

12.1 **Mr Winter (Contractor Pharmacist)**

- 12.1.1 Mr Winter asked the Applicant if she could verify her statement that the housing development was for 1,370 homes, 750 of which had already been built. The Applicant confirmed that this was the information she had.
- 12.1.2 Mr Winter noted that a further 600 houses, for a potential population of 1,200 were to be built and asked for the Applicant's thoughts on the need for a new pharmacy, given the difference to the small towns identified with additional population of 2,000 or more.

The Applicant confirmed her figures were from the 2001 census which would not include any of the new houses and she stated that existing services were stretched and the new houses that were being built made the case for a pharmacy to be located in that area. The Applicant noted that it was for the panel to decide whether the services currently provided by pharmacies in Dumfries were adequate.

12.1.3 Mr Winter asked if people from further afield could access the pharmacy by car. The Applicant stated that 20 or 30 households said they would not use the new pharmacy but this was not the majority of households.

12.2 **Mr Loughran (Non Contractor Pharmacist)**

12.2.1 Mr Loughran noted that the first thing that the panel had to consider was the neighbourhood and asked how the Applicant would justify this neighbourhood to the Committee. The Applicant stated that Dumfries was too big to be a neighbourhood and that people described their neighbourhood as being, for example, Georgetown. The Applicant stated that a neighbourhood was where people lived and where they had community services and she felt that there were several distinct neighbourhoods in Dumfries.

12.2.2 Mr Loughran asked the Applicant to expand on the pharmacy model she was proposing to offer. In response, the Applicant said that she would be providing the four core services in the contract and that the future direction of pharmaceutical services would be in developing a proactive patient centred service rather than a reactive dispensing service and would be an integral part of the community.

12.2.3 Mr Loughran noted the objections and issues around the new application and asked if the provision of services to drug addicts would be provided as this may cause local anxiety. The Applicant confirmed that she would offer the services that would be expected in any pharmacy, including methadone services. She further noted that there were existing methadone users living in the area who would continue to live there. The Applicant did not see that the methadone service would upset the local population.

12.3 **Mrs Martyniuk (Contractor Pharmacist)**

12.3.1 Mrs Martyniuk noted the Applicant's intent to provide a very community focused pharmacy and asked if a delivery service would be offered. The Applicant confirmed that a delivery service would be provided routinely for disabled and housebound people and noted that other pharmacies offered delivery services to anyone requesting the service. The Applicant reiterated that she would encourage those who were able to come into the pharmacy, to do so.

12.3.2 Mrs Martyniuk asked the Applicant how her description of the planned service provision fitted economically for the pharmacy. The Applicant confirmed that as a small independent pharmacy, that it would be viable, which may not be the case for a corporate business supporting shareholders.

- 12.3.3 Mrs Martyniuk asked the Applicant if the other proposed services would be in the existing proposed development and how they would be introduced. In response, the Applicant stated that the first stage would be to establish the pharmacy and the second would be the further development of the second consultation room to provide another service. The Applicant noted that the further development of the second consulting room for a different service would require change of use from the council.
- 12.3.4 In response to Mrs Martyniuk's concern about the constraints of the site and her enquiry about parking and facilities for delivery vehicles the Applicant confirmed that plans are for 5 parking spaces and a disabled space. She further noted that there is a separate staff parking space and room for a delivery vehicle, with turning space in the car park.
- 12.4 **Mr Beaugié (Lay Member)**
- 12.4.1 No questions
- 12.5 **Mr Makins (Lay Member)**
- 12.5.1 No questions.
- 12.6 **Mr Matthew Pumphrey (Lay Member)**
- 12.6.1 Mr Pumphrey noted the Applicant's reference to the increased population in the neighbourhood and asked if the population of Dumfries was increasing at a similar or higher rate. The Applicant thought that this was not the case, but was increasing gradually.
- 12.6.2 The Applicant agreed with Mr Pumphrey's assertion that it was the number of pharmacists employed by a pharmacy that would determine whether an increased population warranted a further pharmacy and stated that she did not have this information.
- 12.7 **Mr Hyslop (Chair of PPC)**
- 12.7.1 Mr Hyslop noted that people accessed services in the town centre, and used different schools and that may be part of their area. He also noted the walking routes from the northern point of the proposed neighbourhood. Mr Hyslop asked why she had excluded Noblehill which was located on the north side of Annan Road and to the east of her defined neighbourhood. The Applicant stated that she assumed that people in Noblehill would identify with Gillbrae and that they would access services if they were available in the community. The Applicant referred to the proposed pharmacy as being part of the community and less a part of going shopping to the town centre, which was a different part of life to that of medical and health services.
- 12.7.2 Mr Hyslop referred to the proposed boundary of the Edinburgh Road and asked if the residents of both sides of the road would consider themselves to be a part of the same neighbourhood. The Applicant replied that she had defined the boundaries around what she considered to be an appropriate neighbourhood at the time.

- 12.7.3 Mr Hyslop asked the Applicant if she had any examples of why the existing pharmacies are stretched. The Applicant referred to her previous work experience at Boots in the town centre and gave several examples of inadequate service. The Applicant said it was not a pleasant working environment and it was not good for the customers, with regular complaints being made. The Applicant went on to state that, having had personal experience of working in Dumfries, she felt able to say that services were stretched although she acknowledged that things may have changed in the period since she last worked there.

The hearing was adjourned for a comfort break at 12.40 pm and reconvened at 12.50 pm.

13. PRESENTATION FROM INTERESTED PARTY – BOOTS UK LTD (MR TAIT)

- 13.1 Mr Tait defined the neighbourhood as not greatly dissimilar to that of the Applicant as he also did not include Noblehill, but referenced datazone 1014, Dumfries town centre, as being part of the neighbourhood. This datazone had a population estimate of 795 people according to the 2001 census. It had four pharmacies in it with a fifth across the road in St Michaels Street and a sixth just over the Buccleuch Street bridge.
- 13.2 Mr Tait noted that there were 3,835 people in the area shaded green as shown on the map provided in the pack. Mr Tait further noted that his neighbourhood, including datazone 1014, had a population of approximately 5,000 which represented a small population per pharmacy for the four pharmacies in the area.
- 13.3 Mr Tait noted that, like most towns, movement through Dumfries tends to be on roads radiating from the town centre. He stated that people gravitated towards town centres for all sorts of reasons and they still do. He noted that the Applicant referred to people accessing services in the normal fabric of their daily life and that was the position here where people lived worked, played and accessed services.
- 13.4 Mr Tait stated that his defined neighbourhood had four pharmacies and at least another two within easy reach providing a total of six pharmacies which can be accessed on foot and by bus. Mr Tait stated that buses, that were frequent, travelled along all the main thoroughfares in and out of the town centre passing through his proposed neighbourhood including datazone 1014. Mr Tait noted that, as part of the fabric of their normal daily life, people also walked along these streets to access services.
- 13.5 Mr Tait stated that the business of pharmacy was service provision as contracted and it had been stated that these services were adequately provided by pharmacies within the town centre.
- 13.6 Mr Tait stated that the hearing was not a planning meeting and was not about the provision of other services such as physiotherapy or chiropody that the Applicant might wish to provide.
- 13.7 Mr Tait confirmed the legal position in that the neighbourhood was to be defined and the service provision within and outwith was to be considered, to determine the adequacy of service provision to that neighbourhood. Mr Tait further stated the impact of changes in the neighbourhood should be considered and stated that the building of another 1,200 houses within the neighbourhood would not actually pressurise the current service provision.

Mr Tait referred to the potential further 600 houses and suggested that these may well be occupied by people moving from within Dumfries.

- 13.8 Mr Tait stated that a pharmacy should be located where people work and play, which can be accessed as part of their normal daily life and he said that this was not on the corner of the Laurels on the Lockerbie Road. Mr Tait stated that there were no other services provided and attendance at the pharmacy would be for pharmacy provision only. Mr Tait doubted that people living near the Edinburgh Road and on the Annan Road would utilise the pharmacy.

14. QUESTIONS FROM THE APPLICANT TO BOOTS UK LTD

- 14.1 Mrs Moore said that there were pharmacies in the other neighbourhoods centred around Dumfries and asked that, if all roads were to lead to the town centre, why the other communities should benefit from having a pharmacy. Mr Tait stated that Gillbrae pharmacy was a relocation and that the residents in the Applicant's defined area had no difficulty accessing the town centre.

- 14.2 The Applicant stated that, being a resident in her neighbourhood of Georgetown, she saw no difficulty in accessing the town centre and that the Gillbrae pharmacy was well used. In response, Mr Tait disagreed and gave examples, ie it was a longer walk and not particularly flat. Mr Tait stated that he could not recall the Gillbrae application and the reasons as to why it was decided that it was approved as a relocation.

15. QUESTIONS FROM INTERESTED PARTIES TO BOOTS UK LTD

15.1 Dalhart Pharmacy Ltd (Mr Currie)

- 15.1.1 No questions.

15.2 Lloyds Pharmacy Ltd (Mr Arnott)

- 15.2.1 No questions.

15.3 AMR Drug Co Ltd (Mr Rodden)

- 15.3.1 No questions.

15.4 Holm Pharm Ltd (Mrs Weir Ahmed)

- 15.4.1 No questions.

16. QUESTIONS FROM PPC MEMBERS TO BOOTS UK LTD

16.1 Mr Winter (Contractor Pharmacist)

- 16.1.1 Mr Winter referenced the Applicant's earlier comments about the busy Boots Pharmacy in the centre of town and asked Mr Tait if the pharmacy was managing to provide all the core services adequately. Mr Tait confirmed that all core services were being adequately provided and that currently the pharmacy has more than one pharmacist on site at a given time. He further noted that a few years previously there had been some issues but these had been addressed.

16.1.2 Mr Winter asked Mr Tait if Boots had received any complaints. Mr Tait confirmed that Boots had not had any complaints about that pharmacy within the last two years.

16.2 **Mr Loughran (Non Contractor Pharmacist)**

16.2.1 Mr Loughran asked Mr Tait to describe the relationship between Boots in the town and the GP practices. Mr Tait confirmed that they had a good relationship with GP practices with no issues. Mr Tait stated that service provision and how people use the service was not always clearly defined and gave the example that many people accessed surgeries on the opposite side of town from where they lived or worked for historical reasons.

16.2.2 Mr Loughran referred to the Applicant's comments about the volume of prescriptions at Boots and asked if the situation was unchanged. Mr Tait denied this and indicated that Boots was very customer focused and through this customers would return.

16.3 **Mrs Martyniuk (Contractor Pharmacist)**

16.3.1 No questions.

16.4 **Mr Beaugié (Lay Member)**

16.4.1 No questions.

16.5 **Mr Makin (Lay Member)**

16.5.1 No questions.

16.6 **Mr Pumphrey (Lay Member)**

16.6.1 Mr Pumphrey referenced the phrase used "being the fabric of a person's life" and asked Mr Tait if a person's life in Dumfries consisted of going into the town centre to do "other shopping". In response Mr Tait said it was not just that; quite literally, it was the ease of transfer and transport and moving around that area to access services. Mr Tait noted that in this case, it was the town centre which was very good and there was no difficulty of access.

16.6.2 Mr Pumphrey asked Mr Tait if there were difficulties with parking in the town centre to which Mr Tait said only if you are an outsider without a parking disc.

16.6.3 Mr Pumphrey referred Mr Tait to the Peel Centre and queried whether people needed ever go to the town centre because there were other services in that area. In response, Mr Tait stated that a large supermarket provided a certain type of experience, but not necessarily the same as that provided in the town centre.

16.7 **Mr Hyslop (Chair of PPC)**

16.7.1 No questions.

17. PRESENTATION FROM INTERESTED PARTY - DALHART PHARMACY LTD (MR CURRIE)

- 17.1 Mr Currie said he did not have much to add to what Mr Tait had said and stated there should be a rational distribution of pharmacies. An application should be able to test whether this was the case and whether the services were adequate.
- 17.2 Mr Currie state that factual evidence had not been provided to support the application.
- 17.3 Mr Currie referred to the latest Pharmaceutical Care Services Plan which stated that in the whole of Dumfries and Galloway there was not any demonstrable need for any further pharmacy contracts to be granted.
- 17.4 Mr Currie noted his agreement with Mr Tait that the population of 3,710 referred to was not within the identified proposed neighbourhood.
- 17.5 Mr Currie noted that many of the letters agreed that their existing pharmaceutical services were adequate.
- 17.6 Mr Currie noted the Applicant's statement that the 700 houses that had been built so far are private houses and he stated that the majority would have at least one car, as would those in the yet to be built other 600 houses. Mr Currie highlighted from census information that Dumfries had the highest two and three car family ownership in Scotland.
- 17.7 Mr Currie stated that the nine contractors in the town had all addressed the pharmaceutical needs through investment in premises and in the level of staff noting that the number of pharmacies was not the only factor. Mr Currie stated that the total number of pharmacists, assistants and ACTs in the nine pharmacies was more than adequate provision.
- 17.8 Mr Currie referenced the Applicant's statement about definite future needs and noted that the current economic environment was far from definite.
- 17.9 Mr Currie stated that the Committee had a responsibility to ensure that any contract granted had long term viability for the public.

18. QUESTIONS FROM THE APPLICANT – TO DALHART PHARMACY LTD

- 18.1 The Applicant noted that she had not quoted the Pharmaceutical Care Plan in her application plan as she was aware that it was being updated and she was not aware of what was in the new care plan.

19. QUESTIONS FROM INTERESTED PARTIES TO DALHART PHARMACY LTD

19.1 Boots UK Ltd (Mr Tait)

- 19.1.1 No questions.

19.2 Lloyds Pharmacy Ltd (Mr Arnott)

- 19.2.1 No questions.

19.3 **AMR Drug Co Ltd (Mr Rodden)**

19.3.1 No questions.

19.4 **Holm Pharm Ltd (Mrs Weir Ahmed)**

19.4.1 No questions.

20. QUESTIONS FROM PPC MEMBERS TO DALHART PHARMACY LTD

20.1 **Mr Winter (Contractor Pharmacist)**

20.1.1 Mr Winter asked Mr Currie if he was able to provide pharmaceutical services adequately and was he aware of any complaints in the level of service. In response, Mr Currie stated the he was proud of the pharmacy at William Murray and no complaints had been recorded.

20.1.2 Mr Winter asked Mr Currie if he was aware of long waiting times and Mr Currie replied that he was not.

20.2 **Mr Loughran (Non Contractor Pharmacist)**

20.2.1 Mr Loughran asked if it would be difficult to obtain formal evidence of inadequacy of service. Mr Currie agreed and added that similarly it would be difficult to obtain formal evidence of positive opinions which had in fact been presented in this application from people saying they were satisfied with the local service.

20.2.2 Mr Loughran stated that the committee should be careful when considering the objections and queried whether a wider neighbourhood should be defined. In response, Mr Currie agreed.

20.2.3 Mr Loughran asked Mr Currie if he agreed with Mr Tait's contention that the town centre datazone should be included in the neighbourhood. In response Mr Currie said that he did not have strong feelings about that, but he would change the west boundary further to the west.

20.3 **Mrs Martyniuk (Contractor Pharmacist)**

20.3.1 No questions.

20.4 **Mr Beaugié (Lay Member)**

20.4.1 Mr Beaugié sought clarity from the chairman as to whether Lochthorn should be included in neighbourhood. Mr Hyslop confirmed this could be considered in the Committee's deliberations.

20.5 **Mr Makins (Lay Member)**

20.5.1 No questions.

20.6 **Mr Pumphrey (Lay Member)**

20.6.1 No questions.

20.7 **Mr Hyslop (Chair of PPC)**

20.7.1 No questions.

21. PRESENTATION FROM INTERESTED PARTY – LLOYDS PHARMACY LTD (MR ARNOTT)

21.1 Mr Arnott stated that the River Nith should form the western boundary of the neighbourhood consistent with the recent Lochfield Road application. Mr Arnott proposed that the neighbourhood should run up the River Nith to the west, to where it crossed the A75 to the North, and Eastwards along the A75 to where it met the A780 (Annan Road) and Westwards along the southern boundary to where it met the River Nith in the town. He stated that whichever way it was determined there are four pharmacies within that neighbourhood.

21.2 Mr Arnott stated there was no inadequacy in the current service provision and the Applicant had not proven any inadequacy.

21.3 Mr Arnott stated that he had never seen so many objections to a pharmacy and did contend it was not an ideal site, particularly with regard to the parking. Mr Arnott noted that there were only five parking spaces; the whole of the south side of the road was painted with double yellow lines and the only other retail outlet in the vicinity was a takeaway shop. He further said, that although it was called an A road, it wasn't like the Glasgow Road which was a substantial A road. He said that Lockerbie Road was a narrow road where ease of access, with mothers taking prams out of cars, was not going to be easy.

21.4 Mr Arnott stated that taking his defined neighbourhood together with any new housing yet to be built would give a population of no more than 8,000 and there were already four pharmacies in that neighbourhood. Mr Arnott further stated that, even if the panel wanted to accept the Applicant's proposed neighbourhood, it had been accepted at numerous Pharmacy Practice Committee panels and National Appeal Panel hearings that a neighbourhood can be adequately serviced by pharmacies from outwith that neighbourhood. There were four pharmacies within that neighbourhood and there were six within 1.32 miles: there was no shortage of pharmacies.

21.5 Mr Arnott stated that the Applicant had not provided any evidence of inadequacy in current service provision.

22. QUESTIONS FROM THE APPLICANT TO LLOYDS PHARMACY LTD

22.1 No questions.

23. QUESTIONS FROM INTERESTED PARTIES TO LLOYDS PHARMACY LTD

23.1 Boots UK Ltd – Mr Tait

23.1.1 No questions.

23.2 Dalhart Pharmacy Ltd – Mr Currie

23.2.1 No questions.

23.3 AMR Drug Co Ltd - Mr Rodden

23.3.1 No questions.

23.4 Holm Pharm Ltd – Mrs Weir Ahmed

23.4.1 No questions.

24. QUESTIONS FROM PPC MEMBERS TO LLOYDS PHARMACY LTD

24.1 Mr Winter (Contractor Pharmacist)

24.1.1 Mr Winter noted the increase in the volume of prescriptions and asked if Mr Arnott had matched that with increased staff and pharmacists to deliver the contract. In response Mr Arnott stated that Lloyds had double pharmacist cover on at least two days every week and that they were not stretched in any way.

24.1.2 Mr Winter asked Mr Arnott whether Lloyds were able to deal with the current CMS role out and Mr Arnott confirmed that they were.

24.2 Mr Loughran (Non Contractor Pharmacist)

24.2.1 Mr Loughran asked what Lloyds were doing, if anything, with chronic medication patients. In response Mr Arnott confirmed that Lloyds were at almost 100% for the phasing payment and that they were not just registering patients.

24.2.2 Mr Loughran explored the issue of the town centre further with Mr Arnott and asked if people in the neighbourhood would identify themselves with the town centre. Mr Arnott agreed with earlier comments that they probably did not but went on to state that this would lead to small neighbourhoods of, for example, three streets wide and three streets long. Mr Arnott stated that it was a geographical breakdown of a neighbourhood and posed the question that if that was not a neighbourhood then was the town centre a neighbourhood in its own right, servicing seven hundred people with four pharmacies.

24.2.3 Mr Loughran stated that if the town centre was included in the neighbourhood then there was a potential over provision of pharmacies and if it was excluded there was no provision in the proposed neighbourhood, and asked for Mr Arnott's comments. In response, Mr Arnott supported the earlier comments made that the area was not difficult to access; it was walkable, there was good public transport. The majority of people within the neighbourhood had at least one car. Mr Arnott further stated that people living in the new housing had cars and it was a mobile and affluent population that was growing.

24.3 Mrs Martyniuk (Contractor Pharmacist)

24.3.1 No questions.

24.4 Mr Beaugié (Lay Member)

24.4.1 No questions.

24.5 Mr Makins (Lay Member)

No questions.

24.6 **Mr Pumphrey (Lay Member)**

No questions.

24.7 **Mr Hyslop (Chair of PPC)**

No questions.

25. PRESENTATION FROM INTERESTED PARTY - AMR DRUG CO LTD (MR RODDEN)

25.1 Mr Rodden stated that it was for the Applicant to demonstrate an inadequacy of service and he did not think this had been shown at the hearing. Mr Rodden noted the comprehensive coverage of the points made by his fellow interested parties.

26. QUESTIONS FROM THE APPLICANT TO AMR DRUG CO LTD

26.1 No questions.

27. QUESTIONS FROM INTERESTED PARTIES TO AMR DRUG CO LTD

27.1 **Boots UK Ltd (Mr Tait)**

27.1.1 No questions.

27.2 **Dalhart Pharmacy Ltd (Mr Currie)**

27.2.1 No questions.

27.3 **Lloyds Pharmacy Ltd (Mr Arnott)**

27.3.1 No questions.

27.4 **Holm Pharm Ltd (Mrs Weir Ahmed)**

27.4.1 No questions.

28. QUESTIONS FROM PPC MEMBERS TO AMR DRUG CO LTD

28.1 **Mr Winter (Contractor Pharmacist)**

28.1.1 Mr Winter noted the location of Mr Rodden's pharmacy and asked about the provision of services and delivery services. Mr Rodden confirmed that they provided a whole range of services and provided a delivery service which tended to be in Lincluden, Lochside and into the area over the A75 but not across town.

28.2 **Mr Loughran (Non Contractor Pharmacist)**

28.2.1 No questions.

28.3 **Mrs Martyniuk (Contractor Pharmacist)**

28.3.1 No questions.

28.4 **Mr Beaugié (Lay Member)**

28.4.1 No questions.

28.5 **Mr Makins (Lay Member)**

28.5.1 No questions.

28.6 **Mr Pumphrey (Lay Member)**

28.6.1 No questions.

28.7 **Mr Hyslop (Chair of PPC)**

28.7.1 Mr Hyslop asked Mr Rodden for his view on the neighbourhood and Mr Rodden replied that it was very difficult to look at the town centre and say that four pharmacies are serving 900 people. Mr Rodden said that his experience north of the town was that much of it was served by the four pharmacies from the town and stated that they were serving the whole of Dumfries.

29. PRESENTATION FROM INTERESTED PARTY – HOLM PHARM LTD (MRS WEIR AHMED)

29.1 Mrs Weir Ahmed stated that, with regard to the neighbourhood defined by the Applicant, she would probably agree with Mr Tait and possibly extend it across the west towards the river. Mrs Weir Ahmed, a resident in the proposed neighbourhood, noted that people in the area did head towards the town centre to access services, GP surgeries, shopping and whatever else they required. She said that if it was anything outwith that, then they would use a supermarket as being the handiest place to buy a packet of paracetamol, for example Morrisons, or Tesco which is opposite the Summerpark housing estate.

29.2 Mrs Weir Ahmed stated that she did not use the town centre a lot and the majority of the people in this new housing area, with cars, would be travelling to Carlisle and Glasgow to access shops and would not require to have a pharmacy half a mile along a narrow pavement where they could not park and which was very difficult to walk to.

29.3 Mrs Weir Ahmed agreed with the previous comments about the potential for a pharmacy to be situated elsewhere to service this neighbourhood and stated that this should not be at the location proposed. Mrs Weir Ahmed went on to say that all the other pharmacies in the town deliver to this area and that her pharmacy in particular delivered into the area, noting that people may not be able to access the pharmacy but the pharmacy delivered to them on a frequent basis.

30. QUESTIONS FROM THE APPLICANT TO HOLM PHARM LTD

30.1 The Applicant stated that people found it difficult to get access to advice and asked if people accessed the services in the town centre because there were no services in the local area. Mrs Weir Ahmed did not agree and said that people would drive past the proposed pharmacy on their way into town and she also confirmed that Blounts delivered medicines to people in the area and that they provided advice by telephone.

31. QUESTIONS FROM INTERESTED PARTIES TO HOLM PHARM LTD

31.1 Boots UK Ltd (Mr Tait)

31.1.1 No questions.

31.2 Dalhart Pharmacy Ltd (Mr Currie)

31.2.1 No questions.

31.3. Lloyds Pharmacy Ltd (Mr Arnott)

31.3.1 No questions.

31.4. AMR Drug Co Ltd (Mr Rodden)

31.4.1 No questions.

32. QUESTIONS FROM PPC MEMBERS TO HOLM PHARM LTD

32.1 Mr Winter (Contractor Pharmacist)

32.1.1 In response to Mr Winter's enquiry, Mrs Weir Ahmed confirmed that Blounts had more than one pharmacist regularly working.

32.2 Mr Loughran (Non Contractor Pharmacist)

32.2.1 Mr Loughran asked if delivery services were an issue and asked that if the Applicant was focused on other aspects of the service including CMS then the granting of a new contract would be appropriate. In response, Mrs Weir Ahmed stated that the new estate and the Laurels had a largely working population, there was limited deprivation in the area, and the opening hours were not going to suit working people.

32.2.2 Mr Loughran noted the traffic congestion in Dumfries and asked if it might be helpful to be able to access the pharmacy in the neighbourhood. Mrs Weir agreed, if people finish work at 4 pm in the afternoon. She went on to state that some people living in Summerpark worked outwith Dumfries and commuted longer distances on a daily basis.

32.2.3 Mr Loughran asked Mrs Weir Ahmed if she used the town centre routinely, to which she responded no.

32.3 Mrs Martyniuk (Contractor Pharmacist)

32.3.1 No questions.

32.4 Mr Beaugié (Lay Member)

32.4.1 No questions.

32.5 Mr Makins (Lay Member)

32.5.1 No questions.

32.6 **Mr Pumphrey (Lay Member)**

32.6.1 Mr Pumphrey asked if Mrs Weir Ahmed agreed with her colleagues that the town centre was part of the neighbourhood. She said it was not, and confirmed that she would use the Peel Centre for shopping and could walk to it.

31.6.2 Mr Pumphrey asked Mrs Weir Ahmed that if the pharmacy application had been for the Peel Centre should it be granted. Mrs Weir Ahmed replied not necessarily, as it depended on the housing situation which had declined and the 600 houses may never be built.

32.7 **Mr Hyslop (Chair of PPC)**

32.7.1 Mr Hyslop noted that Blounts delivered to the area and asked if there had been any complaints about the adequacy of services. Mrs Weir Ahmed confirmed no.

33. CLOSING STATEMENTS

Mr Hyslop invited each of the interested parties and the Applicant to provide a closing statement.

33.1 **INTERESTED PARTY – Holm Pharm Ltd (Mrs Weir Ahmed)**

33.1.1 Mrs Weir Ahmed stated that no evidence of lack of service or service provision in the neighbourhood had been presented to the hearing.

33.2 **INTERESTED PARTY – AMR Drug Co Ltd (Mr Rodden)**

33.2.1 Mr Rodden stated that the Applicant had failed to demonstrate an inadequacy of service provision within the area and therefore the application should fail.

33.3 **INTERESTED PARTY - Lloyds Pharmacy Ltd (Mr Arnott)**

33.3.1 Mr Arnott stated that the Applicant had provided no evidence that there was an inadequacy in the current core services offered by existing pharmacies.

33.3.2 Mr Arnott stated that the Applicant had acknowledged that access to the town centre was not difficult and the only inadequacy provided was that some of the pharmacies appeared to be busy.

33.3.3 Mr Arnott stated that the granting of this application was neither necessary nor desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises were to be located.

33.4 **INTERESTED PARTY - Dalhart Pharmacy Ltd (Mr Currie)**

33.4.1 Mr Currie stated that there was no evidence of inadequacy or criticism of the existing pharmaceutical services into what appeared to be a very affluent middle class mobile area.

33.4.2 Mr Currie said that if the area had a large deprived population, that would require to be considered, but the area had not.

33.4.3 Mr Currie noted the many obstacles including local opposition, cost and instability of the contract, and said that the application should be denied.

33.5 INTERESTED PARTY - Boots UK Ltd (Mr Tait)

33.5.1 Mr Tait stated that neighbourhoods were defined with boundaries and should be something that can be defined.

33.5.2 Mr Tait stated that the Applicant had not demonstrated any inadequacy of provision of pharmaceutical services within the area and there was little to suggest that the building of the extra houses would create an inadequacy.

33.5.3 Mr Tait noted that all pharmacies in Dumfries provided the four core services and the provision of services was adequate.

33.6 APPLICANT – Mrs Moore

33.6.1 The Applicant confirmed that the neighbourhood would be determined by the panel and noted that the neighbourhood remained the only one in Dumfries with no pharmacies or GP practices.

33.6.2 The Applicant stated that her key point was that, together with the new housing estate and the existing services in Dumfries, we are doing this area a dis-service by not allowing them to access pharmaceutical services in this area.

33.6.3 Mr Hyslop stopped the Applicant from presenting new evidence re Lord Malcolm 2010.

33.6.4 The Applicant asked the panel to consider if it was good enough for the service to be barely adequate and asked whether there was room for improvement.

33.6.5 The Applicant stated that no interested party will confirm their services were inadequate and said that the application was about it being necessary or desirable for the people who lived in this area to have this proposed pharmaceutical service. She stated that it was necessary or desirable.

34. FAIR HEARING

34.1 The Chairman ascertained that the Applicant and the interested parties had a fair hearing. The Applicant and the interested parties then withdrew.

The hearing was adjourned for lunch at 1.40 pm and the hearing reconvened at 2.07 pm to consider the application.

35. The Chairman confirmed that only the PPC Members, Mrs Shaw and himself remained at the hearing. The Chairman reminded the committee of the legal test as detailed on page 7 of the PPC papers as the framework for discussion including neighbourhood, adequacy of existing services, necessity and desirability.

36. NEIGHBOURHOOD

36.1 The Committee noted the views of the Applicant and those of the Interested Parties. It took into account a number of factors in defining the neighbourhood, including whether it was a neighbourhood for all purposes, those who were resident or employed in it, those who were visitors to it, that it had natural boundaries, the presence or otherwise of schools, shops, and general medical practices, land use and topography, and the distance over which, and the means by which, residents require to travel, to obtain pharmaceutical and other services.

36.2 The Committee considered the definition of the neighbourhood and took into account the fact that the area was not a deprived area, with 80% of the population in this defined area falling into the 3rd, 4th or 5th 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.

36.3 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 north to where it crosses the River Nith. The River Nith then forming the remainder of the western boundary to where it crosses with the A75. The River Nith and the railway line have limited crossing points providing a natural and physical boundary respectively to the neighbourhood;
- North by the A75 and East along the A75 to the intersection with the Annan Road which marks the eastern most point of the neighbourhood. The major A75 Dumfries By-Pass to the north and east of the neighbourhood is a busy and wide major road forming a physical boundary. Beyond the A75 the area is predominantly green belt; and
- South by the Annan Road to where it crosses the railway line. Annan Road is a main arterial route creating a physical barrier to the neighbourhood.

36.4 In determining the boundaries the panel also considered the local authority boundaries which the defined neighbourhood largely follows.

37. ADEQUACY

37.1 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.

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

- 37.3 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 was at an early stage of overall implementation.
- 37.4 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.
- 37.5 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.
- 37.6 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 bypass and the establishment of the Peel Centre etc outwith town. The Committee noted that some areas in the suburbs had become separate communities, most of which had a pharmacy.
- 37.7 The housing development which was 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.
- 37.8 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.
- 37.9 The Committee also took into consideration the comments made by members of the public during the consultation process.
- 37.10 The Chairman summarised that pharmaceutical service provision into the neighbourhood was 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 was not a deprived area.

38. DECISION

- 38.1 The non-voting members of the Committee were asked to withdraw from the Hearing and the vote was taken.
- 38.2 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.
- 38.3 The non-voting members were invited to return to the meeting and the decision was communicated to them.

39. REPORT

- 39.1 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 were to be notified within a further 5 working days, 22 February 2013. The Applicant had a right to appeal within 21 working days of the notification.

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

MR IVOR HYSLOP
Chairman
Pharmacy Practices Committee

26 February 2013