

Dumfries & Galloway Health Board

Pharmacy Practices Committee

Minutes of the meeting of the Pharmacy Practices Committee
held on Tuesday, 11 December 2012
in the Empire Suite, within the Park House Suite,
Cairndale Hotel, English Street, Dumfries, DG1 2DF

PRESENT

COMMITTEE

Mr I Hyslop (Chairman)

Board Appointees

Mr W Beaugié
Mrs V Jardine-Patterson
Mr G Makins

Pharmacists

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

Attending NHS Dumfries & Galloway

Mrs L Bunney	Administrator	Head of Primary Care Development
Mrs S M Burns	Administrator	PCD Administration Manager
Mrs J Jones	Minute Secretary	PCD Administration Assistant
Mrs D McCulloch	Minute Secretary	Executive Assistant to Medical Director

Applicant

Mrs J Weir Ahmed, Holm Pharm Ltd	Applicant
Ms M Grierson	Assisting (Friend)

Interested Parties

Mr C Tait	Boots UK Ltd (Presenter)
Ms T Wilson	Boots UK Ltd (Assisting)
Mr J Currie	Dalhart Pharmacy Ltd T/as Wm Murray Chemist (Presenter)
Mr T Arnott	Lloyds Pharmacy Ltd (Presenter)
Ms J McDougall	Lloyds Pharmacy Ltd (Assisting)
Mr M Rodden	AMR Drug Co Ltd T/as Northern Chemist (Presenter)
Mrs A M Rodden	AMR Drug Co Ltd T/as Northern Chemist (Assisting)

APPLICATION FOR INCLUSION IN THE PHARMACEUTICAL LIST

Application by Mrs J Weir Ahmed of Holm Pharm Ltd (“the Applicant”), for inclusion in the Pharmaceutical List of Dumfries & Galloway Health Board (“the Board”) in respect of a proposed new pharmacy at Lochfield Road Primary Care Centre, 12-28 Lochfield Road, Dumfries, DG2 9BH

Hearing of Application: Tuesday, 11 December 2012.

Decision of the Pharmacy Practices Committee:

The Committee refused the application.

1. On Tuesday, 11 December 2012, the Pharmacy Practices Committee (“the Committee”) was convened to hear representations relating to the above application, which was received by the Board on 24 July 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:
 - Irongray and Lochside & Woodland Community Councils
 - 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 Committee Members and Board Administrators met at the Cairndale Hotel, Dumfries, at 9 am and toured the neighbourhood for the proposed pharmacy, undertook a visit to the existing pharmacy in the neighbourhood defined by the Applicant and then visited the proposed pharmacy.
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 several points of detail in the papers provided:
 - (i) Page 16 & 17 Main Document on Table 3 and Table 4. It was noted information had not been provided for R W F Wilson & Co (Aberdeen) Ltd T/as Lochthorn Pharmacy, Edinburgh Road. Replacement pages were tabled for the attention of the Committee.
 - (ii) Appendix 1-5 Consultation Process on Page 11 Item 5 Representation. The AMC response stated “concurred there were no issues or objections to the application” not as stated in the papers that the AMC response supported the application.

- (iii) Appendix 1-5 General Information on Service Provision page 14 and 16. It was noted that with regard to mileage, all mileage data provided in the PPC papers came from the same source ie AA Auto Router and was done postcode to postcode. The Board acknowledges that there may be a margin of error when using this type of facility. However, subsequent checks undertaken have noted that there is no greater difference than 0.1 of a mile in the data provided.

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 noted that concerns had been raised prior to the hearing regarding his position as a Non-Executive Health Board member since the Health Board would be the landlord of the proposed pharmacy. The Chairman confirmed that after taking advice he was satisfied that this does not present a conflict of interest and that he is chairing the hearing in his pharmaceutical capacity, not as a representative of the Health Board. 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 their main presenter.
- 5. The Applicant and interested parties confirmed that they had received the relevant papers and the Chairman clarified the points of detail in the papers provided as detailed in paragraph 3 above and replacement pages 16 & 17 were tabled for the attention of the Applicant and interested parties. The Chairman noted that concerns had been raised regarding a potential conflict whereby one of the Lay Members of the Committee was a current long standing customer of the Applicant and he confirmed that this was not in fact the case. The Chairman also noted that concerns had been raised prior to the hearing regarding his position as a Non-Executive member of the Health Board since the Health Board would be the landlord of the proposed pharmacy. The Chairman confirmed that after taking advice he was satisfied that this does not present a conflict of interest and noted that he is chairing the hearing in his pharmaceutical capacity, not as a representative of the Health Board.
- 6. The Chairman reiterated that the hearing had been convened to consider the application, as detailed in the PPC papers circulated. Mrs Weir Ahmed has applied to open a pharmacy at Lochfield Road Primary Care Centre at 12-28 Lochfield Road, Dumfries, DG2 9BH. The Chairman noted that the proposed commencement date of 5 November 2012 on the application form had now passed and that Mrs Weir Ahmed will no doubt advise the PPC of the revised schedule. 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 a point of information with the Chairman. In reverse order, the Applicant and interested parties would be invited to provide a closing summary.

8. The Chairman noted that the AMC had made representation in this case stating that they “concurred there were no issues or objections to the application” and that the AMC would not be represented at the hearing. The Chairman noted that the APC had submitted a letter indicating it did not support the application 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 – HOLM PHARM LTD (MRS WEIR AHMED)**

10.1 The Applicant, Mrs Weir Ahmed, stated that she would be giving a power-point presentation and thanked everyone for allowing her to present the application. The Applicant noted that she represented Holm Pharm Ltd who was proposing the new pharmacy contract in the Lochfield Road facility.

10.2 The Applicant showed an artist’s impression of the primary care facility noting that the panel will have paid a visit to the actual premises prior to the hearing.

10.3 The Applicant stated that she would provide an insight into the neighbourhood and then provide a brief summary of the main points: population statistics, changes within that neighbourhood, current pharmacy provision, and evidence for necessity and or desirability with a final summary at the end.

10.4 The Applicant indicated that the neighbourhood was as proposed in the application: Lochfield Road with boundaries: North to the A75, south to Galloway Street and Castle Douglas Road, East to the curve in the River Nith and West to the A75 Castle Douglas Road intersection with the roundabout on the bypass.

10.5 The Applicant referred to population statistics for the areas immediately surrounding the proposed pharmacy and within close proximity in the neighbourhood noting the particular groups of patients where pharmaceutical services are more important and more likely to be required. The Applicant indicated that the over 65 population in Dumfries & Galloway is increasing at a great rate with the expectation that by 2035 over 45% of the population will be over 65. She also noted that the area of Palmerston immediately surrounding the proposed pharmacy location has an elderly population of 22% with Maxwelltown having an elderly population around 20%. The Applicant indicated these figures are higher than the national average of 17%. The Applicant noted that the area immediately around the pharmacy has an over 65 population of 34%, twice the national average.

- 10.6 The Applicant referred to the deprivation statistics from the Health Intelligence data provided by the Health Board noting that the two data zones of Lincluden on the east side of Glasgow Road 86% are in quintile 1 which is the highest level of deprivation. She also noted that the Maxwelltown area is slightly different with a quarter of the residents in quintile 2. The statistics also showed that other comparative illness indicators are above the national average at 20% (Lincluden) and nearly 14% (Maxwelltown). Employment deprived adults are in these areas again twice as high as the national average with both at 28% and children living in poverty as high as 26% and 34% respectively.
- 10.7 The Applicant noted that there is an increased need for pharmaceutical services and intervention for these groups of people (people over 65 and people from a deprived area) for example the minor ailments service would be particularly beneficial to people who have a number of health issues and health complaints. The public health services, including smoking cessation and emergency hormonal contraception, would also be of a great benefit to those from the deprived areas. The Applicant indicated that the majority of these people lack access to transport and possibly have financial pressures.
- 10.8 The Applicant supported the roll-out of the Chronic Medication Service (CMS) noting that information released by the Scottish Government in October 2012 states that medication is the most common form of medical intervention with 4 out of 5 people over the age of 75 taking prescribed medication and 36% taking 4 or more prescribed medications. The Applicant further noted that it is suggested that up to half of the medicines are not taken as prescribed and adverse drug reactions are implicated in 5-17% of all hospital admissions. The Applicant stated that CMS has changed the practice in pharmacy leading to an increased workload for the pharmacy and the pharmacist.
- 10.9 The Applicant stated that changes within the defined neighbourhood support the need for this pharmacy. The Applicant noted that the Health Board has commissioned and built the facility at Lochfield Road where the pharmacy is proposed to be situated. The Applicant noted that there is a retail park and 24 hour Tesco store within close proximity which may change and influence the travelling habits of the people of Dumfries. The Applicant noted that Charlotte Practice within Lochfield Primary Care Centre have currently 9,500 patients from Dumfries and surrounding areas with 20% of these patients over 65 (2011). The Applicant also noted that the branch surgery of Cairn Valley Practice, Alcohol and Drug Services (previously based at Cameron House), Health Improvement, District Nurses and Health Visitors are also located at Lochfield Road Primary Care Centre.
- 10.10 The Applicant noted that Lochthorn Medical Practice, Gillbrae Medical Practice and St Michaels Medical Centre, all in Dumfries, are co-located with a pharmacy and Greyfriars Medical Practice has 3 pharmacies within very close proximity. The Applicant considered that it would be unfair to say that there isn't a need for this pharmacy to serve the patients and people within the local area and highlighted that she thought that as shown by the response to the public consultation it would be something the people of Dumfries would be very keen to have.

- 10.11 The Applicant noted that the last pharmaceutical care services plan was drafted and produced in 2007 and considered that it was not appropriate to refer to the document as there had been no further update issued. The Applicant suggested that by funding the medical centre and the provision of the potential pharmacy unit that the Health Board had identified the need for a pharmacy at the proposed location.
- 10.12 The Applicant noted that there is only one community pharmacy, Murrays chemist, at the very edge of the boundary of the defined neighbourhood and that accessibility is difficult with double yellow lines preventing parking on the street immediately outside and parking spaces at the rear of the pharmacy being used by people visiting other businesses in the area. The Applicant also noted that the walking distance of 0.4 mile from the proposed pharmacy to Murrays chemist would present a challenge to people over 65, people with chronic health conditions and those who are unwell, requiring acute medication.
- 10.13 The Applicant noted a 30 minute bus service into town where there is access to a number of pharmacies and considered that the cost of bus travel and the time delays would be a barrier to accessing pharmaceutical services.
- 10.14 The Applicant noted that current opening hours provided by Murrays chemist are 9am – 1pm and 2pm – 5.30pm which she considered does not provide adequate provision for covering the hours of the new Charlotte Medical Practice where consulting hours start at 8.45am and the last appointment in the evening is 5.40pm.
- 10.15 The Applicant stated that the proposed opening hours for the proposed new pharmacy would allow for any late comers and surgeries running late, and that they would aim to stay open until the last patient had their prescription dispensed, supporting the provision of medical services.
- 10.16 The Applicant described Holm Pharm Ltd current delivery service in Dumfries whereby a full time driver supports their one current pharmacy allowing for good response times to urgent prescriptions and delivery requests. The Applicant understood that they were the only pharmacy in Dumfries to provide a full time delivery service by one pharmacy and that a number of pharmacies share drivers between 2 or 3 shops. The Applicant indicated that this delivery service caters for the ageing population and will be a huge part of pharmacy provision in the future with the predicted population change.
- 10.17 The Applicant stated there would be an increased local health need to be met in the pharmacy environment and that people in this neighbourhood need these services to be accessible.
- 10.18 The Applicant stated that Dumfries currently has around 31,000 residents which are serviced by 9 pharmacies and the granting of a contract at the Lochfield Road premises would equate to around 3,100 patients per pharmacy which is higher than those seen in other areas within Dumfries & Galloway where second contracts have been granted recently.
- 10.19 The Applicant stated a 10th contract in her view will alleviate pressures on current and future workloads, provide choice and quality of service and she noted that competition is a healthy thing.

- 10.20 The Applicant quoted the Right Medicine published in 2002 which stated that there is a commitment to work with the pharmacy profession to improve the public's health, to provide better access to care, deliver better quality services for patients and carers develop the pharmacy profession. The Applicant also said that pharmacies need to be accessible, to provide a quality service and that pharmacies need to do this to maintain pharmacy professionalism in Dumfries.
- 10.21 The Applicant stated that pharmacists have been given the tools with the new contract to provide a quality service and location is a key part. The chronic medication service will be part of the everyday role with a move away from the numbers of prescriptions dispensed to the provision of service. The Applicant stated that pharmacies shouldn't be fighting over scripts, numbers and patients and pharmacists as professionals should all be working together to provide a good service and improve access and quality of contracting services.
- 10.22 The Applicant stated that the new facility has excellent parking facilities with over 90 parking spaces, 5 of which are marked for the disabled. There are good public transport links with a bus stop immediately outside the premises on Lochfield Road and proposed opening hours are tailored to support and compliment the medical services and the other services which are now based in the Lochfield Primary Care Centre. The proposed pharmacy supports the wish for a one stop facility which is for convenience as much as access for the local people.
- 10.23 The Applicant stated that the people in this area deserve the facility and this is supported by the responses from the public consultation which indicated that it was desirable to many members of the public. The Applicant felt she has great experience in this type of pharmacy currently being co-located with St Michaels Medical Practice, and has knowledge and experience that can be applied to this situation. The Applicant stated that she wanted something for Dumfries and Galloway Health Board and Dumfries to be proud of, a new health facility encompassing medical services, health visitors, district nurses and the pharmacy, and to maintain provision of all services to all patients going forward.

11. **QUESTIONS FROM INTERESTED PARTIES TO THE APPLICANT**

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

- 11.1.1 Mr Tait asked the Applicant to repeat how she defined the neighbourhood. The Applicant replied north to A75, East to the River Nith, South to Galloway Street and then to Castle Douglas Road.
- 11.1.2 In response to Mr Tait's question about the actual population for the neighbourhood area the Applicant replied that at a rough calculation the data zone is slightly over the edge of the neighbourhood area with a total figure of 4,732, even if that's over by a 1000 you are still talking 3,732 patients or residents within that immediate area.
- 11.1.3 Mr Tait asked if there was one pharmacy on the edge of the neighbourhood. The Applicant acknowledged that there was one pharmacy on the edge of it.

- 11.1.4 Mr Tait noted that the Applicant had spoken about a number of issues including the ageing population. He asked the Applicant if it would be fair to say that the population of Scotland is ageing and the Applicant replied particularly in Dumfries and Galloway. Mr Tait replied it just happens to be the case for the whole of the country. Mr Tait referenced the Applicant's comments regarding the difficulties in transportation for people and asked the Applicant if people over 60 get a bus pass which allows for free travel. The Applicant agreed and said that this would be the case, particularly in Dumfries and Galloway.
- 11.1.5 Mr Tait noted that the Applicant had indicated deliveries were currently made from their existing pharmacy to elderly and housebound patients in the proposed neighbourhood and enquired if the new pharmacy would change that; the Applicant confirmed that these patients would still require the delivery services.
- 11.1.6 After confirming to Mr Tait that the bus service every 30 minutes was from the Hardthorn Road/Barnhill area towards town the Applicant agreed with Mr Tait that if buses from Lochside and Lincluden were included together with national buses going to Kilmarnock, Ayr, Thornhill and surrounding areas, there are actually about 10 buses every hour. Mr Tait asked if the 50, 60 or 100 yards to Glasgow Street for a bus would be an inconvenience and the Applicant replied that the distance maybe more than that.
- 11.1.7 Mr Tait asked the Applicant if Dumfries and Galloway Health Board is required to update the Pharmaceutical Services Plan or review it on an annual basis. The Applicant confirmed this and Mr Tait suggested to the Applicant that the Board seems to have agreed that there is no real need for any dramatic changes to it. The Applicant replied that she believed an update is currently in draft. Mr Tait indicated that he is not aware of any update and suggested that no changes had been made following the last annual review.
- 11.1.8 In response to Mr Tait's question regarding the Applicants reference to the importance of the chronic medication service for people on repeat medications, the Applicant agreed that it may be that 6 monthly or annual prescriptions are obtained directly from the pharmacy rather than going back to the GP practice.
- 11.1.9 Mr Tait asked the Applicant to explain what she meant when referring to local health needs being met more and more in the pharmacy environment. The Applicant replied that the Public Health Service, Smoking Cessation, Minor Ailments and the Care Plan were the main parts of the services to be delivered.
- 11.1.10 The Applicant did not agree with Mr Tait's assertion that as CMS is fully implemented many patients will move to annual prescriptions issued through their pharmacy, they will be monitored through their pharmacy and as all the services just mentioned are delivered through pharmacy then, the local health needs will be met in a pharmacy environment and this in fact reduces any need for co-location with the GP Practice.
- 11.1.11 The Applicant agreed with Mr Tait that it is preferable to provide a pharmacy where people live work or do other things like shop rather than necessarily have it in the same place as GPs. The Applicant further noted that the proposed pharmacy is situated with Tesco and the retail park behind it.

- 11.1.12 The Applicant agreed with Mr Tait that the retail park was equidistant from the North Pharmacy and the other side of the A75 which Mr Tait thought was within 0.1 of a mile of difference and the Applicant agreed.
- 11.1.13 The Applicant confirmed to Mr Tait that there is a need for a dedicated driver.
- 11.1.14 Mr Tait asked the Applicant what were the main reasons given in the letters of support for the application. In response the Applicant said the main reasons were: the convenience of being situated next to the medical centre; and easy access for people in the immediate area some of whom have mobility issues. The Applicant noted that comments were made about the lack of stock and stock issues with pharmacies in town, with patients having to visit on 2 or 3 occasions to fulfil their prescription. Mr Tait asked the Applicant if she agreed that all the comments mention or imply the work convenience and the Applicant said not all of them.
- 11.2 **Dalhart Pharmacy Ltd (Mr Currie)**
- 11.2.1 Mr Currie queried the inclusion of statistics for Lincluden which is outwith the proposed neighbourhood. The Applicant confirmed that the area known locally as Sandside is the red area identified in the papers which is part of the data zone which includes Lincluden. Mr Currie disputed the Applicant's response indicating that the inclusion of Lincluden statistics is convenient.
- 11.2.2 Mr Currie noted that the Applicant had indicated that Murrays chemist is on the border of the proposed neighbourhood implying that it doesn't serve it properly but statistics from an area outside of the neighbourhood have been included. Mr Currie noted that if the neighbourhood is defined, it is the services and the population within that neighbourhood that we have to talk about. In response the Applicant said data zones 1028 and 1019 are marked in red because the area in the neighbourhood to the south of the A75 is covered under Lincluden in the information provided.
- 11.2.3 Mr Currie stated that the Applicant could not claim that the whole statistics are in the neighbourhood. Mr Currie noted that housing is radically different, with red sandstone tenement buildings whereas across the A75 there are tenement style council occupied buildings and he stated that the Applicant implied that they are the same. The Applicant confirmed that the breakdown of the different data zones shows that all in 1019 and 1028 are in quintile 1, covering the red area of the neighbourhood. After further discussion the Applicant agreed with Mr Currie that the areas referred to in respect of high deprivation and comparative illness are a part of, but not the whole, neighbourhood.
- 11.2.4 Mr Currie asked if the only change within the neighbourhood highlighted by the Applicant was the new health centre and the Applicant confirmed that this was the biggest change.

- 11.2.5 Mr Currie asked what had changed in terms of pharmaceutical services to identify adequacy or inadequacy of pharmaceutical services in the neighbourhood. The Applicant replied that changes of locations of pharmacies is the one thing that is highlighted in the regulations as potentially affecting the travel habits and movements of patients and the public services and whilst it has not to be taken on its own as a guide that a pharmacy must be near a health centre or doctors surgery it has to be considered. After further probing regarding changes to pharmaceutical services, the Applicant noted that there has been a change to the pharmacy contract and that is why services are becoming under pressure. Mr Currie noted that he still did not consider the Applicant had answered his question.
- 11.2.6 Mr Currie noted that the Applicant considered Murrays chemist to be on the boundary of the proposed neighbourhood and also that the Applicant's submission had stated there was a large gap in pharmacy representation between Murrays chemist and Northern chemist which is beyond the proposed neighbourhood. In this regard, Mr Currie asked the Applicant how far pharmacy representation extends in a particular neighbourhood, for example, considering the Applicant's existing pharmacy at St Michaels Medical Centre. The Applicant replied that it covers the whole of Dumfries.
- 11.2.7 In response to Mr Currie's conclusion that pharmacy representation from a pharmacy within a neighbourhood can extend further than half a mile the Applicant answered that it gives patients the choice.
- 11.2.8 Mr Currie clarified the points made in respect of the car parking at Murrays chemist. He noted that the committee visited Murrays chemist on the morning of the hearing and that he would submit that there is ample parking.
- 11.2.9 Mr Currie sought to clarify that the opening hours given by the Applicant for Murrays chemist were wrong. He stated that all pharmacies open all day and have done for some time; Murrays chemist do not shut at lunch time.
- 11.2.10 Mr Currie sought clarification of the delivery service and the Applicant confirmed that the full time delivery driver offered a service Monday to Friday and the service delivered everywhere within their area of representation on all of these days. Mr Currie confirmed that this service was also provided by Murrays chemist and had been for a number of years.
- 11.2.11 Mr Currie noted the Applicants' assertion that pharmacies should not be fighting for prescription numbers but working together to support the new future and he asked if the Applicant would support an application within say a quarter of a mile of their existing pharmacy. The Applicant answered it would depend on the circumstances and Mr Currie replied that he thought it would.
- 11.2.12 Mr Currie sought clarification of the possession of a lease and the Applicant confirmed that the letter included in the PPC papers was from David Barbour, legal representative of the Board, and that the letter confirmed negotiations are on-going. The Applicant confirmed that the lease was not yet concluded.

- 11.2.13 Mr Currie asked what advantage the Applicant considers that a pharmacy located within the new centre would have in providing the chronic medication service and how that would be different to what the other existing 9 contractors in the area can provide. The Applicant said she thought it would be about relationships, working closer together and the sharing of information between the 2 areas which is what CMS is going to be about. After further probing the Applicant confirmed that there is no difference to the provision by other pharmacies.
- 11.2.14 In response to Mr Currie's question the Applicant confirmed that she would not have applied for the contract if the Lochfield Building had not been built.
- 11.2.15 In response to Mr Currie's question about the nearest pharmacy to Nithbank, being the temporary location of Charlotte Street Surgery prior to its relocation to Lochfield Road, the Applicant replied that it would be either Gillbrae or Blounts.
- 11.2.16 Given the re-location of the GP surgeries to Lochfield Road, the Applicant indicated in response to Mr Currie's question that she would not like to say what the effect on the distribution of prescriptions would be if the application for the proposed pharmacy was rejected.
- 11.3 Lloyds Pharmacy Ltd (Mr Arnott)**
- 11.3.1 Mr Arnott challenged the inclusion of Maxwelltown in the neighbourhood as his local map indicated that Maxwelltown is to the south of Galloway Street and Laurieknowe. The Applicant accepted Mr Arnott's point that only a small part, probably two streets of Maxwelltown just north of the Galloway Street boundary, are included in the proposed neighbourhood.
- 11.3.2 In response to Mr Arnott's question the Applicant agreed that the existing contractors were providing all elements of the core contract; minor ailments services, acute medication service and public health services. The Applicant did not agree with Mr Arnott's assertion that this provision by all contractors means that service provision is therefore adequate as she stated that the majority of these existing contractors are outwith the neighbourhood. Mr Arnott clarified with the Applicant that Murrays chemist is within the proposed neighbourhood.
- 11.3.3 Mr Arnott confirmed that the next phase of the chronic medication service is designed to be electronic and will allow pharmacies to plan and reduce their workload. The Applicant indicated it would not reduce workload in the interim.
- 11.3.4 Mr Arnott noted that the distribution of Charlotte Surgery patients is all over Dumfries and confirmed with the Applicant that the same patients would have used the surgery at Nithbank before it relocated. In response to Mr Arnott's question about access to pharmaceutical services by patients using the Charlotte Street surgery at Nithbank, the Applicant confirmed that they would have accessed services at a pharmacy of their choice.
- 11.3.5 Mr Arnott asked if there is any legislation that says a GP surgery must have a pharmacy co-located with it and the Applicant confirmed that she was not aware of any.

- 11.3.6 Mr Arnott clarified with the Applicant that a resident of Nithside will access the proposed pharmacy by foot, likely using the pelican crossing near the roundabout at Tesco, confirming that there are only 2 limited crossings on a busy A road with the other pelican crossing being at the bottom of Glasgow Road near Murrays chemist.
- 11.3.7 Mr Arnott sought to clarify the Applicant's understanding of the available car parking at Murrays chemist. The Applicant indicated that she did not think there were as many as 30 or 40 parking spaces and in response to Mr Arnott's question of adequacy the Applicant did not confirm but alluded to the potential volume of people that may be visiting it with the relocation of the GP surgery.
- 11.3.8 The Applicant confirmed to Mr Arnott that in addition to the 90 plus spaces, 5 of which are for the disabled, there is a 32 space staff car park at the Lochfield Road facility. The Applicant was unable to confirm how many staff work in the centre and clarified that they may travel to work in different ways and at different times. The Applicant disagreed with Mr Arnott's assertion that in reality the available parking at the proposed pharmacy is not substantially different to Murrays chemist.
- 11.3.9 In response to Mr Arnott's question about the collection and delivery service the Applicant confirmed that they choose to offer this service and it is not part of the core contract.
- 11.3.10 The Applicant did not agree with Mr Arnott's suggestion that the average population of less than 3,500 per pharmacy (9 pharmacies) for the Dumfries population of 31,000 was quite low when compared to the national average. Mr Arnott clarified that this comparison was for towns, not rural areas or small villages as the Applicant has compared it with contracts which have been granted across Dumfries & Galloway.
- 11.4 **AMR Drug Co Ltd (Mr Rodden)**
- 11.4.1 Mr Rodden enquired why the Applicant had excluded Lincluden and Lochside from the proposed neighbourhood and the Applicant replied that the A75 formed a natural physical boundary.
- 11.4.2 In response to Mr Rodden's challenge that people cross the A75 from the current Lochfield Road surgery either by driving round the roundabout or on foot by means of a busy bridge, the Applicant indicated she didn't know the statistics of use of the footbridge.
- 11.4.3 Mr Rodden enquired of the Applicant how often a bus goes from Lochfield Road surgery to Lochside. The Applicant did not know and Mr Rodden asked what the difficulty was in accessing services at Northern Chemist when there are 6 buses an hour. The Applicant indicated she thought that only people living and based at that side of town would access Northern Chemist.
- 11.4.4 Mr Rodden said that probably in excess of 50% of his patients use Charlotte Surgery, now based at Lochfield Road, and he questioned the difficulties patients would have getting to the surgery when for the last 5 years they have had no difficulty travelling 2 miles across town to access medical services. The Applicant responded by saying that patients will still have that choice to use Northern Chemist.

- 11.4.5 Mr Rodden challenged the number of parking spaces the Applicant had referred to at Northern Chemist confirming that in addition to the 5 or so at the front of the building there are a further 15 to 20 to the side of the building, all around the back and some spaces on Lochside Road about 40 yards away. The Applicant contested that the spaces were not exclusive to the pharmacy and Mr Rodden confirmed that to be the case and went on to note that there are generally free spaces to the front and 15 behind the shop. The Applicant accepted Mr Rodden's summary of the parking available.
- 11.4.6 In response to Mr Rodden's query the Applicant confirmed that the deprivation statistics were based on 2011 information.
- 11.4.7 Mr Rodden said that the Applicant had included data from Lincluden and Maxwelltown and asked if it was justifiable to include data from these two areas, particularly Lincluden which is a very deprived area, as they are outwith the neighbourhood boundaries. The Applicant referred to a previous answer confirming that only the parts of Lincluden and Maxwelltown actually within the neighbourhood boundaries have been included. Mr Rodden said that the Applicant had used the information provided but that he would suggest that the information provided is not appropriate. In response the Applicant indicated it was for the PPC to determine.
- 11.4.8 Mr Rodden enquired about the deficiency in the service provided by Murrays chemist and Northern Chemist and the Applicant replied that the opening times are not suitable for the business which is going to be required as a result of the relocation of the GP surgery including for example the acute medication service. Mr Rodden confirmed that he understood Murrays chemist opening hours were 9 am to 6 pm and that Northern Chemist was the same and that he would seek to change the hours if required. He agreed with the Applicant that these hours were a change to those publicly available.
- 11.4.9 Mr Rodden noted the Applicant's response to a previous question in which the Applicant had indicated there was no other facility available in the area from which to provide a pharmaceutical service and asked why the Applicant had not previously applied for a contract to provide services from one of two buildings that Mr Rodden had identified as being derelict for a number of years. The Applicant replied saying she had not identified the buildings referred to and that they were looking to provide a purpose built modern facility. Mr Rodden indicated that the buildings could have provided a modern pharmacy and the Applicant agreed to Mr Rodden's point.
- 11.4.10 Mr Rodden asked if patients are able to travel 2 miles to a GP surgery then why they cannot manage the 0.4 miles to Murrays chemist or 0.6 miles to Northern Chemist. The Applicant indicated that it is an additional journey. Mr Rodden challenged this confirming with the Applicant that Northern chemist currently collects prescriptions at the surgery as does probably every pharmacy in town. The Applicant replied saying it provides patients with a choice.

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

12.1 **Mr Winter (Contractor Pharmacist)**

- 12.1.1 Mr Winter asked what the revised proposed opening date would be if a contract was granted today and not challenged. The Applicant indicated the end of January would be a realistic timescale if everything went smoothly.

- 12.1.2 Mr Winter noted that the committee had visited the proposed pharmacy which he considered to be a small unit and asked if there was sufficient space to provide a consulting room, methadone booth, storage areas, staff areas and toilet facilities. The Applicant provided a copy of the proposed layout.
- 12.1.3 Mr Winter noted the layout provided and enquired about the retail space available; the Applicant confirmed there is a small amount of space for medicines and other items.
- 12.1.4 After noting that the layout required the pharmacist to leave the dispensary and pass the patient waiting area to access the consulting room Mr Winter asked if that was an ideal situation. The Applicant replied that whilst not ideal it was the best case.
- 12.1.5 In response to Mr Winter's comments regarding future proofing of the pharmacy the Applicant replied that she considered it a similar situation to the pharmacy at Gillbrae given the relative activity.
- 12.2 **Mr Loughran (Non Contractor Pharmacist)**
- 12.2.1 Mr Loughran noted that the key points for consideration are the neighbourhood and adequacy of service and asked if Lincluden is in the neighbourhood or not and if it is not then how that would affect the adequacy of the current service in the neighbourhood. The Applicant indicated that considering the age of the population, which she thought was 34% pensionable age, in the immediate area around Lochside there is still a need within that immediate surrounding area.
- 12.2.2 Mr Loughran asked the Applicant why current services are not adequate. The Applicant referred to the previous points made regarding opening hours and the recent changes to the opening hours for the two contractors closest to the medical centre. The Applicant acknowledged that the services currently being provided are the same services but that a new pharmacy would relieve pressure, workload and allow people to have the choice.
- 12.2.3 Mr Loughran asked that given the future development of the chronic medication service and the Committee were looking to future proof the provision of service why would a Health Centre pharmacy improve the adequacy of the current service? The Applicant noted that she saw it as being a complimentary service, complimenting the staff and health care professionals within the health centre, allowing all to work as a team under the one roof.
- 12.2.4 Mr Loughran asked if the Applicant thought this was crucial to allowing the chronic medication service to function and the Applicant replied saying she thought it was a large part of it as medical staff need to be aware of and have trust in the level of service and information provided by the pharmacist.
- 12.2.5 Mr Loughran noted the expectation that inevitably a pharmacy next to a GP practice will logically attract prescriptions from that practice and asked the Applicant if she considered it healthy for one company, already co-located with a GP practice, to have a second pharmacy co-located with a further practice leading to quite a pool of prescriptions with one company. The Applicant indicated that the tender process had allowed the company to progress the application and the Applicant further noted that there are 2 Lloyds and 3 Boots pharmacies within the town.

12.3 **Mrs Martyniuk (Contractor Pharmacist)**

12.3.1 In reply to Mrs Martyniuk's question about the criteria for the current delivery service and how that will change if a contract is granted, the Applicant indicated that deliveries are made to all patients who are elderly and who are housebound who have no access to transport who don't have family locally and she further noted that the delivery service is also offered to people for a short period of time after an operation when they are unable to visit the pharmacy. The Applicant noted that the delivery service is fairly flexible but is reserved for people where there is a need to have a delivery and there is no other way of them accessing their medication and there is the facility to expand this service for example in times of bad weather.

12.3.2 Mrs Martyniuk further clarified with the Applicant that their existing pharmacy delivers to patients in the neighbourhood and asked if that provision was an adequate service for those patients. The Applicant indicated she would like to see a service provided where they are able to visit the pharmacy as the current 2 mile distance to the existing pharmacy is an issue.

12.3.3 Mrs Martyniuk referred to the proposed layout provided and noted that having seen the premises it was difficult to see how the activities would fit into the proposed facility. The Applicant agreed it was difficult to see.

12.4 **Mr Beaugié (Lay Member)**
No questions

12.5 **Mrs Jardine-Paterson (Lay Member)**

12.5.1 Mrs Jardine-Paterson noted that the Applicant considered the population of the neighbourhood to be about 4,000 and asked how many patients it was envisaged would move from their current provider, for example Murrays chemist or Northern Chemist. The Applicant considered this to be commercially sensitive and outwith the factors for consideration.

12.6 **Mr Makins (Lay Member)**
No questions

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

12.7.1 Mr Hyslop asked the Applicant if she could identify the number of residences in the proposed neighbourhood falling within data zone 1028 which covers both sides of the bypass. The Applicant indicated that she was not sure and Mr Hyslop noted that he didn't think there were many.

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

- 13.1 Mr Tait said that the neighbourhood could be looked at in several ways. If the Applicant's neighbourhood with the A75 as the boundary is used then he calculated that the population, including Nithside, to be about 2,500 people. The entire area of the west bank of the Nith covers a population of just under 9,000 and an equal balance of people in terms of Lochside and Lincluden to the north of the A75. He further stated that the national average for a pharmacy in population terms for Scotland is just over 4,000 people. Whether or not the A75 is a boundary, or whether or not anything else is a boundary, the population there actually lies, in terms of incumbent numbers, within the national average for pharmacies within population terms.
- 13.2 Mr Tait indicated that there are many ways of measuring deprivation and it is important to say what type of deprivation is being referred to. The area around Palmerston happens to fall within zone 1027 which is the Scottish index of multiple deprivation ranking of 4,168, well above the average for deprivation since there are 6,500 zones. It is also about 4,000 for deprivation access to service provision, above the average for that.
- 13.3 Mr Tait accepted that Glasgow Street is a very busy street with Glasgow Road a main thoroughfare. Mr Tait repeated that there are approximately 10 buses an hour along that road either from Lincluden, Lochside, Lochfield and Nithside as well as the national bus routes. There are a lot of buses travelling between the 2 pharmacies which currently exist on that side of the river, Murrays chemist at the bottom of Galloway Street and Northern Chemist in Lochside Road across the A75.
- 13.4 Mr Tait said that applications for pharmacies are based solely on the premise that they are necessary or desirable to secure adequate pharmaceutical provision in the neighbourhood in which they are sited. He indicated that it may not be necessary to consider whether there is an impact on another pharmacy in this neighbourhood. He stated that it is necessary to consider if there is currently adequate pharmaceutical provision and only if there is not should the committee consider necessity or desirability to actually fulfil that adequacy and to secure that adequacy.
- 13.5 Mr Tait said the Applicant stated that the people who frequent this particular practice come from all over the town and there are pharmacies located all over the town.
- 13.6 Mr Tait said there is at least one pharmacy within this neighbourhood. The neighbourhood has a very small population of under 3,000 people with another pharmacy immediately outwith it to the north and 2 or 3 on the other side of the river which is easily accessed via the bridge and can be walked to.
- 13.7 Mr Tait said that the concept of granting applications is about necessity or desirability to secure adequate pharmaceutical provision. He stated that there has been no indication of an inadequacy in pharmaceutical services in the neighbourhood, it has been accepted by the Applicant that the only things that have been said is that it would be very convenient to have a pharmacy co-located with the new surgery at Lochfield Road.

- 13.8 Mr Tait said that the chronic medication service will potentially move to a GP issuing a prescription for a six monthly or annual basis allowing for a monthly dispensing by the patient's pharmacy. He confirmed that the patient will only see their doctor on a six monthly or annual basis and they will visit the pharmacy monthly for their prescription and will be monitored by the pharmacist. The chronic medication service is about care in the community. Mr Tait stated that co-location actually condenses services and in that way reduces them.
- 13.9 Mr Tait confirmed that Boots pharmacies do deliver but do not have a dedicated driver and Mr Tait does not see the relevance of a dedicated driver.
- 13.10 Mr Tait noted that the catchment area for this application is Dumfries and is not comparable to an area for instance in a locality whereby there is not another pharmacy for 20 miles. It may be the case there are 2 pharmacies within what could be defined as a small area with a smaller population because then people who live within the 20 miles would need to be included and that is not a real comparison.
- 13.11 Mr Tait noted that the Applicant has said that all services are currently provided and that the provision is general across the town including from her current pharmacy.
- 13.12 Mr Tait stated that the application has not been shown to be either necessary or desirable as there is no inadequacy.
14. **QUESTIONS FROM THE APPLICANT (MRS WEIR AHMED) TO BOOTS UK LTD**
- 14.1 The Applicant asked Mr Tait if he agreed that the main thing to note in respect of the Palmerston area was the ageing population, those over 75 on one or more prescribed medications, rather than deprivation which Mr Tait had referenced in his representation. In response, Mr Tait queried that a number of the figures the Applicant had quoted were in respect of areas not in the defined neighbourhood, particularly the Lochside area, and he also confirmed that Palmerston is not a deprived area and may have a slightly ageing population although he noted that people aren't necessarily that disadvantaged as they get older.
- 14.2 The Applicant noted that members of the public, as part of the consultation process, felt that a service would be convenient, something they would use and would like to see and asked Mr Tait if it would be desirable for them to access that. Mr Tait replied in the negative indicating it was for PPC to determine desirability, not convenience.
- 14.3 The Applicant asked Mr Tait if it is desirable to have 2 Boots pharmacies within such close proximity to one another in Dumfries. Mr Tait confirmed this was a historical position that they have been trying to rectify.
- 14.4 The Applicant queried the number of days regarding the dispensing of chronic medication service prescriptions highlighting the potential increase in workload if the current (in the main) 56 day repeat is reduced to a 28 day repeat basis and indicating that the pharmacy process is more than just providing prescriptions Mr Tait confirmed that the number of days repeat may not change from the current 56 as that is determined by the GP and agreed the pharmacy involvement is more than just dispensing prescriptions.

15. **QUESTIONS FROM INTERESTED PARTIES TO BOOTS UK LTD**

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

15.1.1 In response to Mr Currie's enquiry regarding Boots delivery service Mr Tait confirmed that Boots have a delivery service which covers the entirety of Dumfries, delivering from all Boots pharmacies across all of the area not just the town.

15.1.2 Mr Currie asked if this application is unsuccessful what he considered would be the effect on prescription distribution in the pharmacies in Dumfries. He also asked what the effect would be if the application was successful. Mr Tait replied that if the application was unsuccessful there would be no effect, whereas if it was successful then it would have a serious implication on the distribution to the current pharmacies in Dumfries.

15.1.3 Mr Currie asked if choice of access to pharmaceutical services in Dumfries would increase or decrease if the application is granted and Mr Tait replied it wouldn't change the access to choice as the choice is already there.

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

15.2.1 Mr Arnott asked if Mr Tait considered that all the people in Palmerston actually lived nearer Murrays chemist than the proposed location. Mr Tait replied it is '6 and half', he considered that the vast majority of that area is Palmerston, including Lochfield Road.

15.2.2 In response to Mr Arnott's enquiry Mr Tait confirmed that a chronic medication service patient living in Lochside with St Michaels Medical Centre being their GP surgery could, if they wished, have their prescription dispensed by Northern Chemist or any pharmacy.

15.3 **AMR Drug Co Ltd (Mr Rodden)**
No questions.

16. **QUESTIONS FROM PPC MEMBERS TO BOOTS UK LTD**

16.1 **Mr Winter (Contractor Pharmacist)**
No questions.

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

16.2.1 Mr Loughran asked if Boots UK Ltd is supporting the people of Dumfries to get the maximum benefit from the chronic medication service. Mr Tait noted that Boots are above the average in terms of actual registrations and completion of reviews, the company are highly aware of the new service, its development and what needs to be done to make it work.

16.2.2 Mr Loughran noted the above average activity and asked how that translated into support for Boots pharmacists on a daily basis. Mr Tait confirmed that over a period of time they have changed entirely how they work, how pharmacies are stocked, more automation and have increased the number of technicians enabling increased pharmaceutical service provision.

- 16.3 **Mrs Martyniuk (Contractor Pharmacist)**
No questions.
- 16.4 **Mr Beaugié (Lay Member)**
No questions.
- 16.5 **Mrs Jardine-Patterson (Lay Member)**
No questions.
- 16.6 **Mr Makin (Lay Member)**
No questions.
- 16.7 **Mr Hyslop (Chair of PPC)**
- 16.7.1 Mr Hyslop queried whether Mr Tait's reference to Palmerston not being a deprived area for services was specific to health services. Mr Tait confirmed it is all services, a basket of service provision which includes health services
17. **PRESENTATION FROM INTERESTED PARTY - DALHART PHARMACY LTD (MR CURRIE)**
- 17.1 Mr Currie noted that he was content with whatever interpretation of the neighbourhood was determined, since his pharmacy, Murrays chemist, would be within the neighbourhood, providing adequate pharmaceutical services. He further noted that the neighbourhood defined by the Area Pharmaceutical Committee extends further south and has Murrays chemist at its centre. He acknowledged that all the interested parties deliver and therefore provide services into the neighbourhood.
- 17.2 Mr Currie noted that in his six years of ownership he was not aware of any complaints to the Health Board regarding the service.
- 17.3 Mr Currie quoted that the last available local pharmaceutical care plan stated "the current distribution of pharmacy premises is sufficient to deliver pharmacy services as available through current pharmacy contracts and that they are well distributed across the entire region".
- 17.4 Mr Currie stated that an application by Tesco for a new contract was refused in 2004 on the grounds that pharmaceutical services were adequate at the time in the neighbourhood which included Lincluden as defined by the PPC. He noted a small population decrease in the neighbourhood resulting from a series of high flats being demolished to make way for the Lochfield site. He noted that there had been no further applications in the area since 2004.
- 17.5 Mr Currie stated that the application is based solely on the surgery opening, which in itself has no bearing on the adequacy of pharmaceutical services within the neighbourhood, and that it is an opportunistic attempt to take business from contractors both within and outwith the neighbourhood.
- 17.6 Mr Currie said that Murrays chemist provides all the core services and is one of only 2 pharmacies noted in the area as providing all listed services as detailed in the PPC papers.

- 17.7 Mr Currie confirmed that Murrays chemist has recently changed its opening hours. He stated that the pharmacy is no longer closed at lunchtime from 1pm – 2pm and these hours were changed, not in response to the application, but on the opening of the Lochfield Medical Centre.
- 17.8 Mr Currie noted that he had the pharmacy refitted, 18 months previously, to cope with the demands of the current pharmacy contract and the addition of new services such as the minor ailments service, acute and chronic medication services.
- 17.9 Mr Currie stressed that what you see is what you get with Dalhart Pharmacy is an independent business not backed by a national plc and has 12 employees. He stated that the 2 delivery drivers deliver all over Dumfries each week day.
- 17.10 Mr Currie stated that Murrays chemist has by far the busiest contract in terms of harm reduction, in terms of methadone and needle exchange, and the new premises offer discreet and confidential access to these services.
- 17.11 Mr Currie noted that the panel may have observed on their visit the public and private parking area at the rear of the premises which can accommodate in the region of 40 cars easily. Mr Currie stated that there are always cars there, some of which may not be visiting Murrays chemist, but there are always spaces.
- 17.12 Mr Currie said that Murrays chemist, probably like all interested parties, serve patients from almost every surgery in Dumfries. A large number of Murrays chemist patients are from the Charlotte practice. Mr Currie said that patients probably access their chosen pharmacy depending on where they live, work and certain other factors. Mr Currie noted that the Charlotte Practice had moved twice in the last few years, with the Lochfield Site being the third location. The patients are used to travelling to the surgery and since the re-location to Nithbank patients have had to either travel to their pharmacy or take advantage of delivery services. Mr Currie stated that no pharmacy co-located with Charlotte Street when they moved to Nithbank and each pharmacies share of the prescriptions has been settled for many years. Mr Currie then said that pharmaceutical services in this neighbourhood, like all the others in Dumfries, have not changed.
- 17.13 Mr Currie stated that the population of Dumfries, despite having being described this morning as almost exclusively housebound or with no access to travel, is a mobile population. The last census records that Dumfries has the highest number of both 2 and 3, or more, car families in Scotland.
- 17.14 Mr Currie noted that the Area Pharmaceutical Committee defined the neighbourhood such that Northern Chemist and Blounts are on the border of the neighbourhood and Mr Currie indicated his expectation that both pharmacies see a significant number of patients from the neighbourhood.
- 17.15 Mr Currie said that the Applicant stated that her neighbourhood, smaller than the APCs, is a densely populated area but in fact it is one of the least densely populated areas in Dumfries, since it includes the retail park, Palmerston Park, the Ice Rink, HMP, D&G Golf Course, King George V playing fields, Goldie Park, the large green belt area to the east of Nithside and another set of playing fields which are not populated.

- 17.16 Mr Currie stated that services are adequate in the proposed neighbourhood for the following reasons:
- the Area Pharmaceutical Committee recommended the application be refused;
 - the pharmaceutical care plan indicates that the whole region of Dumfries and Galloway is adequately served by pharmaceutical premises;
 - the Tesco application was refused as services were adequate;
 - Murrays chemist is central to the neighbourhood, not on the border of the neighbourhood, servicing the area of the Lochfield Road site and beyond;
 - all pharmacies deliver into the area.
- 17.17 Mr Currie referred the panel to their pack and the dispensing details noting that he thought the Applicant owned the largest dispensing practice in Dumfries. If allowed, this could lead to a redistribution of business from existing contractors and may lead to the destabilisation of Murrays and Northern chemists, reducing the choice and potentially impacting on the adequacy of service in this and other neighbourhoods.
- 17.18 Mr Currie noted his belief that the tender process used by Dumfries and Galloway Health Board was flawed as he believed it allowed only the highest bidder to apply for a pharmacy contract when the application of the regulations may not allow for a contract to be granted.
- 17.19 Mr Currie stated that the control of entry regulations in Scotland have allowed for the rational distribution of adequate pharmacy services and have prevented the phenomenon known as leapfrogging where chemists would leapfrog over each other to be in closer proximity to a GP surgery. Mr Currie stated that when leapfrogging was allowed those leapfrogging were not usually allowed to keep their original premises which is the case in this application.
- 17.20 Mr Currie stated that these points meant that the application should be refused.

18. **QUESTIONS FROM THE APPLICANT – TO DALART PHARMACY LTD**

- 18.1 The Applicant asked Mr Currie if there have been any changes to the pharmacy contract and therefore workloads. Mr Currie replied that workloads have decreased, not due to the pharmacy contract, but due to the way pharmacies have adapted with their staffing and premises changes. He further noted that the process of applying for a new pharmacy contract has only changed in the respect that a consultation process is required.
- 18.2 The Applicant asked further regarding changes specifically to the core contract since 2004 and Mr Currie said that whilst several dispensing processes have been rebranded, as the acute medication service and the chronic medication service, without the proposed serial prescriptions of the chronic medication service he does not see the process as radically different today. There may be different names and different allocations of spend but the day to day task remains largely the same.

- 18.3 The Applicant went on to ask Mr Currie if the chronic medication service and the registering of patients has changed. Mr Currie replied there has been a gradual change; first of all the minor ailments service with a larger degree of registration because it was open to all patients exempt from prescription charges. Mr Currie said that he is a member of the Board for Community Pharmacy Scotland and that the chronic medication service was originally planned to be implemented by the end of 2011 and now it is planned for 2013. Mr Currie did not agree with the Applicant that there had been more than a slight change to the core services of the pharmacy contract. He said that he would agree if all pharmacies were actively dispensing serial chronic medication service prescriptions, but that is not the case.
- 18.4 Mr Currie confirmed, at the request of the Applicant, the discrete and confidential arrangements for providing harm reduction services for methadone and needle exchange clients. When the pharmacy was refitted a separate discrete area was made which is accessed by these clients ringing a bell. The Applicant further queried whether this separation and exclusion from public areas was appropriate in the support and rehabilitation of these patients. Mr Currie confirmed that these patients were not excluded from the public areas and are able to access methadone in private. The Applicant acknowledged that that was fair enough.
- 18.5 In response to the Applicant's enquiry, Mr Currie confirmed that there is not dedicated marked parking for disabled patients at the rear car park. He also confirmed that in icy conditions the car park would be salted.
- 18.6 The Applicant noted that Mr Currie had alluded to the commercial impact on Murrays chemist and Northern Chemist and asked Mr Currie to confirm that unless the viability of the business is going to be affected then this isn't a consideration for the committee in making their determination. After further discussion Mr Currie said he believed that the ongoing viability of the business is an issue to be considered.
- 18.7 The Applicant noted that Mr Currie had indicated his opening hours changed as a result of Charlotte Medical practice relocating to Lochfield Road rather than the pharmacy application and asked why until recently Murrays chemist opening hours were until 5.30 pm and closed for lunch when Greyfriars is half a mile away and until 2 years ago George Street practice was also in close proximity. Mr Currie replied that in his estimation they didn't need to, they had no complaints and that he thought the close proximity of the new practice made it sensible to open and be available. He agreed with the Applicant that it maybe that Murrays chemist is a similar equal distance to Greyfriars and Lochfield Road.
19. **QUESTIONS FROM OTHER INTERESTED PARTIES TO DALHART PHARMACY LTD**
- 19.1 **Boots UK Ltd (Mr Tait)**
No questions.
- 19.2 **Lloyds Pharmacy Ltd (Mr Arnott)**
No questions.
- 19.3 **AMR Drug Co Ltd (Mr Rodden)**
No questions.

20. **QUESTIONS FROM PPC MEMBERS TO DALHART PHARMACY LTD**

20.1 **Mr Winter (Contractor Pharmacist)**

No questions.

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

20.2.1 Mr Loughran indicated that he thought the panel needed to consider the future of the chronic medication service in securing adequate services for the future. He asked Mr Currie how he would persuade the panel that co-location is not a good thing for the chronic medication service and also how he would support his pharmacists in providing the chronic medication service. Mr Currie replied that one advantage of the chronic medication service is that the pharmacy being in the neighbourhood, in the community, is a more convenient location for patients than the GP surgery. The prescription will be held in the pharmacy and accessed by the patient when dispensing is required, as opposed to travel to the GP surgery and pharmacy. Mr Currie also said that they seek to keep their registration numbers in line with expectations, where necessary providing additional pharmacist time to increase registrations and assessments. Whilst the pharmacy has a largely settled familiar patient profile with patient remaining loyal to the pharmacy Mr Currie went on to describe circumstances in health centre surgeries where this may be challenged, for example, where the health centre asks a patient if they wish their prescription put to the new pharmacy.

20.3 **Mrs Martyniuk (Contractor Pharmacist)**

No questions.

20.4 **Mr Beaugié (Lay Member)**

No questions.

20.5 **Mrs Jardine-Paterson (Lay Member)**

No questions.

20.6 **Mr Makins (Lay Member)**

No questions.

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

20.5.1 Mr Hyslop referred to Mr Currie's representation in that there was a population decrease caused by the flats being knocked down. Mr Hyslop asked if there were any empty flats prior to demolition and any empty new houses that were built in their place. Mr Currie answered that some of the flats were boarded up.

The hearing was adjourned for a comfort break at 1.45 pm.

The hearing was reconvened at 1.55 pm

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

21.1 Mr Arnott defined the neighbourhood as east to Glasgow Street/Road (A76) which is a very busy thoroughfare, west to Castle Douglas Road, north to the A75 and south to Galloway Street along to Castle Douglas Road again. The reason for choosing Glasgow Street/Road is that there are only 2 crossing points on that road which makes access to Nithside on foot extremely difficult.

- 21.2 Mr Arnott stated that the estimated population of his defined area is 3,200.
- 21.3 He further stated that Murrays chemist is within the neighbourhood offering all the services required under the contract and is 0.4 miles from the proposed pharmacy. There are a further 4 pharmacies within one mile all offering all services required. The service provided by Murrays chemist and the other contractors is adequate and he noted the Applicant has not identified any inadequacies in the current service provision.
- 21.4 Mr Arnott noted that the pharmaceutical care plan published by NHS Dumfries and Galloway states the current distribution of pharmacy premises as sufficient to deliver pharmaceutical services as available through current pharmacy contracts.
- 21.5 Mr Arnott noted that for Irongray Community Council, only the chairman gave an opinion and Lochside and Woodlands Community Council did not support the application. Mr Arnott further noted that he had reviewed the public consultation responses included in the papers and highlighted some of the points made:
1. Enjoy the benefit.
 2. If you happen to stay in the area of the new surgery.
 3. Convenience provides whole service at one shop.
 4. Be an asset.
 5. Quite happy with Murrays.
 6. Very good idea for people at that side of town.
 7. I think if I lived in the area.
 8. Another chemist would be a welcomed addition.
 9. Another pharmacy would be welcome.
 10. Would benefit patients within the town.
 11. Move towards a monopolist situation after careful scrutiny of the performance of Holm Pharm and their financial structure I would recommend their appointment as a new independent service provider.
 12. This would be beneficial to people from that side of Dumfries.
 13. A fantastic additional service.
- 21.6 Mr Arnott stated that the responses are more about convenience and that, from reading the letters, a lot of the respondents do not live in the neighbourhood. He further noted that the Applicant states on the presentation one stop convenience. Mr Arnott stated that nineteen responses in total hardly constitute the support of the local community and not one raises any issue around the inadequacy of current service provision.
- 21.7 Mr Arnott said the Applicant has not demonstrated inadequacy in current service provision and in view of this it is neither necessary nor desirable to grant this application in order to secure the adequate provision of pharmaceutical services to the neighbourhood in which the premises are located.

22. **QUESTIONS FROM THE APPLICANT TO LLOYDS PHARMACY LTD**

22.1 The Applicant sought clarification from Mr Arnott on the date of the pharmaceutical care services plan referred to and asked if he was assuming that the information remains unchanged given that it has not been updated by the Health Board. Mr Arnott referred to an earlier point in which the Applicant had agreed that there doesn't appear to have been a lot of change in the population in Dumfries with 31,000 people and currently 9 pharmacies. Mr Arnott confirmed that he was referring to the 2007 plan and that it has not been updated.

22.2 The Applicant noted Mr Arnott's reference to patient comments in the consultation process and asked if Mr Arnott agreed that only a small proportion of patients are aware of the chronic medication service and the changes it will bring to repeat medication. Mr Arnott indicated he did not know the number of patients who are aware of the chronic medication service and that he assumed the application was advertised and noted that there have been few responses and even less from within the proposed neighbourhood.

23. **QUESTIONS FROM OTHER INTERESTED PARTIES TO LLOYDS PHARMACY LTD**

23.1 **Boots UK Ltd – Mr Tait**

23.1.1 Mr Tait asked Mr Arnott if it is advantageous to have a co-located pharmacy with a view to providing the chronic medication service. Mr Arnott replied saying he did not think it is advantageous; the chronic medication service is about the relationship between the pharmacy and the patient. The patients of Charlotte Surgery live all over Dumfries and they will have built relationships over the years with pharmacies that are local to where they live, work, play or shop, not necessarily closest to the surgery.

23.2 **Dalhart Pharmacy Ltd – Mr Currie**

23.2.1 In response to Mr Currie's enquiry, Mr Arnott confirmed that all of the Lloyds branches deliver into the neighbourhood however that may be defined.

23.2.2 Mr Currie asked what Mr Arnott thought would be the effect on prescription distribution to the pharmacies in Dumfries if this application was unsuccessful. Mr Arnott considered that the distribution would be unchanged and that the current contractors would continue to provide an adequate service. In response to a similar question where the application was successful Mr Arnott considered it could make it quite a volatile situation.

23.3 **AMR Drug Co Ltd - Mr Rodden**

No questions.

24. **QUESTIONS FROM PPC MEMBERS TO LLOYDS PHARMACY LTD**

24.1 **Mr Winter (Contractor Pharmacist)**

No questions.

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

24.2.1 Mr Loughran asked Mr Arnott what the impact on prescription volume was when the Lloyds pharmacy moved from its location in Calside to be co-located with the medical practice at Gilllbrae. Mr Arnott indicated that the numbers are confidential.

24.2.2 Assuming the Gillbrae pharmacy is a busy pharmacy, Mr Loughran asked how this impacts on the ability to deliver the chronic medication service. Mr Arnott contested that the busyness of a pharmacy did not compromise the provision of the chronic medication service as pharmacies will be staffed accordingly to accommodate the prescription volumes.

24.3 **Mrs Martyniuk (Contractor Pharmacist)**

No questions.

24.4 **Mr Beaugié (Lay Member)**

No questions.

24.5 **Mrs Jardine-Paterson (Lay Member)**

No questions.

24.6 **Mr Makins (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 introduced himself to the panel, indicating that he runs Northern Chemist in Lochside Road, North West Dumfries. Mr Rodden noted that he qualified in pharmacy in 1984 and went on to describe the historic position prior to the control of entry arrangements being introduced. He indicated that this led to instability in the provision of pharmaceutical services including leapfrogging as previously referred to in this hearing. Mr Rodden stated that this resulted in pharmacies being clustered around health centres and doctors surgeries and there was no provision in outlying areas such as Lochside, Lincluden or indeed in North West Dumfries. Since the introduction of the control of entry regulations in 1987 new contracts have only been granted where there was an inadequacy of service.

25.2 Mr Rodden said that this application is threatening to the existence of Northern Chemist and probably Murrays chemist as well; it is only 0.4 miles from Murrays chemist and 0.6 miles from Northern Chemist. He added that the result of this proposed pharmacy would be the ultimate which could be achieved by leapfrogging, the entrance to the health centre complex would strangle the flow of prescriptions from Lochfield Surgery. Mr Rodden stated that Northern Chemist, a pharmacy in a deprived area, may close.

- 25.3 Mr Rodden disputed the area defined by the Applicant as her neighbourhood, indicating it has been drawn to fit around the health centre leaving out Lincluden and Lochside for convenience and it also excludes any area to the south of Galloway Street. Mr Rodden stated that if there were no health centre there would be no application today.
- 25.4 Mr Rodden said that North West Dumfries is already adequately served by Murrays chemist and Northern Chemist and that they both provide a full range of services including a collection and delivery service. He also said that a collection and delivery service is provided into the area by Boots, Lloyds and Blounts pharmacies. Mr Rodden said that the proposed pharmacy on this site would provide services to the whole of Dumfries not just the defined neighbourhood.
- 25.5 After confirming with the Chairman that he could provide prescription information available under the Freedom of Information Act, Mr Rodden noted the position at pharmacies currently co-located with health centres. Mr Rodden provided figures for Blounts Pharmacy at St Michaels Medical Centre which he noted as not a densely populated part of Dumfries. In January 2012, Blounts dispensed around 17,000 NHS items and in April 2012 more than 18,000 prescriptions. Mr Rodden stated that in the year to November 2011 they were paid in excess of £2.5 million for NHS services, which is 5 times that paid to Northern Chemist. He further provided details for Lloyds Pharmacy co-located at Gillbrae Medical Centre who dispensed around 12,000 items in May 2012. Mr Rodden said this is because the pharmacies do not only serve the immediate area with both being above the national average reflecting their co-location status.
- 25.6 Mr Rodden went on to say that if this contract was granted he would expect a similar pattern with the dispensing volume being in the region of 12,000 or more prescriptions per month within a short period of time, not because they serve the area detailed in their application but because they would strangle the flow of prescriptions from the health centre to the detriment of other pharmacies.
- 25.7 Mr Rodden said that 50% of Northern Chemist patients come from Charlotte surgery and based on previous experience of the co-location of St Michaels Street Surgery with Blounts Pharmacy he would expect to lose a large number of these over the next year if this application was successful. Mr Rodden noted that he lost approximately 50% of patients from St Michaels Street surgery over a short period of time. Mr Rodden noted that he had experienced patients, prior to today's hearing, already being directed to the new pharmacy at Lochfield Road by the GP practice.
- 25.8 Mr Rodden disputed the boundaries of the neighbourhood. The northern boundary should include Lincluden and Lochside, since the surgery has a large number of patients here. The southern boundary should be extended to include the area around the Observatory.

- 25.9 Mr Rodden made reference to the previous application by Tesco in 2004 noting that for that site, approximately 150 metres away from this proposed new pharmacy, the PPC defined the neighbourhood as being that proposed by Mr Rodden. Mr Rodden quoted from the PPC decision the committee agreed the exclusion of Lochside and Lincluden was not appropriate though the areas were separated from the Cuckoo Bridge Retail Park where Tesco is situated by the A75 bypass there was a very good pedestrian footbridge which provided easy access north and south of the bypass to all categories of residents. The committee was of the opinion that it was necessary to redefine the neighbourhood and the northern boundary should be extended beyond the A75 bypass to include Lochside and Lincluden.
- 25.10 Mr Rodden said there has been little change since the Tesco application. He noted that there has been the demolition of probably the most densely populated areas round about there, large blocks of flats to make way for the new health centre with some of the rest of the area being built on providing low density housing. Not really much change in that area apart from the addition of a health centre.
- 25.11 Mr Rodden stated that the service was adequate within the neighbourhood and the application should be rejected. Mr Rodden made reference to the 2004 Tesco decision, stating that he did not think much had really changed. He said that the 2004 committee noted:
- there were 2 existing pharmacies providing services to residents in the neighbourhood. These were:
 - Northern Chemist in Lincluden, north of the bypass, 0.5 miles by car from the site of the proposed pharmacy and accessible by a pedestrian footbridge.
 - Murrays chemist in Galloway Street, 0.4 miles away to the south of the site of the proposed pharmacy and could be accessed by pavement along the A76 road.
 - The dispensing data for both these pharmacies did not demonstrate unusually high numbers of prescriptions being dispensed.
 - Between the existing pharmacies a full range of pharmaceutical services is provided including supervised methadone and needle exchange.
 - The pharmacies also operated a collection service and deliver to patients as required.
 - The Committee thought there was an adequacy of services in this redefined neighbourhood and the evidence had not been presented to the contrary.
 - The Applicant had been unable to provide evidence of inadequacy of service from questions during the hearing.
 - It was noted that there had been no request for extension of the current services and that the out of hours arrangements were rarely called upon.
 - The Board had not received complaints regarding inadequacy of services.
- The Committee therefore unanimously rejected the application.
- 25.12 Mr Rodden agreed with the points noted from the Tesco decision as he did not see that much has changed since that application in 2004 and he said that there is very little in the way of new housing. Mr Rodden concluded that this application is neither necessary nor desirable and therefore this application should fail.

26 **QUESTIONS FROM THE APPLICANT (MRS WEIR AHMED) TO AMR DRUG CO LTD**

26.1 The Applicant noted Mr Rodden's comments about the viability of Northern Chemist and referenced that Mr Rodden had indicated that the previous Blounts relocation from Nith Place to its current location would compromise the viability of his business at that point. Mr Rodden replied saying that he said at that time it would have an impact. Mr Rodden indicated that the impact would be a lot worse now as looking at the mix of patients in Northern Chemist roughly 50% come from Charlotte Medical Practice, about 24% were coming from St Michaels Health Centre therefore if I lost half of 24% that is not welcomed but it is not as severe if I lose half of my 50%, that is very severe and that would put the viability of Northern Chemist in doubt.

26.2 The Applicant described the registration and assessment of chronic medication service patients and asked Mr Rodden if patients are now registered with Murrays and Northern chemists and if you were providing a reasonable level of service to those patients they would have no reason to move their pharmaceutical services to another location. Mr Rodden said he thought that if this was another year down the line and serial prescriptions were implemented, he would have agreed that this would probably be the case but not at present.

26.3 The Applicant asked Mr Rodden if the core services of the pharmacy contract have changed since 2004 and Mr Rodden confirmed his agreement with Mr Currie in that the same work has been rebranded and also said that the chronic medication service is becoming less of a burden. Mr Rodden acknowledged that workload has increased for everybody and agreed with the Applicant that prescription volume has increased regardless of population. Mr Rodden indicated that more staff are required to meet the increased workload.

27 **QUESTIONS FROM OTHER INTERESTED PARTIES TO AMR DRUG CO LTD**

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

27.1.1 In response to Mr Tait's question regarding CMS registrations Mr Rodden confirmed that it is possible for a patient to move their registration and that it would be easier to change than your GP.

27.1.2 Mr Tait asked if Mr Rodden agreed with his understanding of the Chief Pharmacists description of the chronic medication registration whereby the pharmacy is taking charge of the individual's pharmaceutical needs rather than simply providing a repeat dispensing service. Mr Rodden agreed with Mr Tait's understanding but said it may not work that way.

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

27.2.1 In response to Mr Currie's question about delivery to any customers within the neighbourhood as defined, Mr Rodden confirmed that they do currently deliver to customers within the neighbourhood

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

No questions

28. **QUESTIONS FROM PPC MEMBERS TO AMR DRUG CO LTD**

28.1 **Mr Winter (Contractor Pharmacist)**

28.1.1 Mr Winter noted that both Northern and Murrays chemists have recently invested in their premises and asked if the new pharmacy contract was to be granted and you were to revisit that in years to come how likely to you think that is and how will that impact on the services you area able to provide now. Mr Rodden confirmed that Northern chemist had planned for the surgery relocation by moving to larger premises with a consultation room and a separate room for methadone supervision. The move has allowed for better planning of services. Mr Rodden said that he thought that initially two staff members could lose their jobs and it may lead to closure over a period of time depending on how much business was lost.

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

No questions.

28.3 **Mrs Martyniuk (Contractor Pharmacist)**

No questions.

28.4 **Mr Beaugié (Lay Member)**

No questions.

28.5 **Mrs Jardine-Paterson (Lay Member)**

28.5.1 Mrs Jardine-Paterson asked Mr Rodden to address the question of the impact on the dynamics of the area from a GP surgery moving into the area asking if people are surely going to move differently. Mr Rodden said he didn't think it would change significantly. Mr Rodden highlighted the collection and delivery service offered by pretty much all the pharmacies meaning patients do not have to attend the surgery for repeat prescriptions. A small number of drivers collecting prescriptions rather than individual patients is easier for the GP surgeries to manage.

28.6 **Mr Makins (Lay Member)**

No questions.

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

No questions.

29 **CLOSING STATEMENTS**

The Chairman asked the Applicant and interested parties to make closing statements.

29.1 **INTERESTED PARTY - AMR Drug Co Ltd (Mr Rodden)**

29.1.1 Mr Rodden said he would say this application was very similar to the application previously made by Tesco. It is in the same area, nothing much has changed.

29.1.2 The area is adequately served and there has been no demonstration of inadequacy by the Applicant.

- 29.1.3 Murrays and Northern chemists, on either side of the proposed location do not dispense excessively high volumes of prescriptions and both provide a full range of services.
- 29.1.4 Mr Rodden said that this application in his opinion is neither necessary nor desirable and should fail.
- 29.2 **INTERESTED PARTY - Lloyds Pharmacy Ltd (Mr Arnott)**
- 29.2.1 Mr Arnott said the Applicant shows no inadequacy in current service provision and in view of this it is neither necessary nor desirable to grant this application in order to secure the adequate provision of pharmaceutical services to the neighbourhood in which the premises are located.
- 29.3 **INTERESTED PARTY - Dalhart Pharmacy Ltd (Mr Currie)**
- 29.3.1 Mr Currie said he saw no demonstration of lack of adequacy in any of the neighbourhoods mentioned. All the other pharmacies deliver to the neighbourhood including Blounts.
- 29.3.2 Mr Currie said the Charlotte Surgery is in its third location within 10 years. The surgery moving into the neighbourhood doesn't change the level of pharmaceutical services needed. If they had brought several hundred of their patients with them into the area he could say yes but they have not, the patients still live where they live.
- 29.3.3 Mr Currie stated that the Health Board tender process is flawed and saw this as an opportunistic application to take business from fellow contractors and it has got absolutely nothing to do with pharmaceutical services and should therefore be denied.
- 29.4 **INTERESTED PARTY - Boots UK Ltd (Mr Tait)**
- 29.4.1 Mr Tait said the courts say that applications should be based on a defined neighbourhood and then decide whether or not there is adequate provision within that neighbourhood. In reaching that decision, if the pharmaceutical service in the neighbourhood is found to be adequate then there is no question to ask in terms of necessary or desirable as it is already adequate and therefore there is no need to secure adequacy.
- 29.4.2 Mr Tait stated the services in the neighbourhood are adequate and therefore it is not necessary to proceed with this application.
- 29.5 **APPLICANT - Holm Pharm Ltd (Mrs Weir Ahmed)**
- 29.5.1 The Applicant noted that adequate provision has formed a large part of the discussion and noted that in the last two or three years a statement was made in respect of a case whereby the over provision of pharmaceutical services may be allowed unnecessarily in the short term period to allow for adequate provision in the future.
- 29.5.2 The Applicant made reference to the population statistic projections whereby over 45% of the population in Dumfries and Galloway will be over 65 by 2035 indicating that this demonstrated a need for pharmaceutical services.

29.5.3 The Applicant said that the contract is necessary for that ageing population and the other people in the neighbourhood to secure services at a good and adequate level.

30. **FAIR HEARING**

30.1 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 2.35 pm.

The hearing was reconvened at 3.00 pm to consider the application. The Chairman reminded the committee of the legal test as detailed on page 7 of the PPC papers as the framework for discussion.

31. **NEIGHBOURHOOD**

31.1 The Chairman confirmed the Applicant had detailed in her presentation the proposed neighbourhood as being East to the River Nith, West to Castle Douglas Road, North to the A75 and South to Galloway Street.

31.2 The Chairman noted that there was mostly general agreement with the neighbourhood defined although Mr Arnott on behalf of Lloyds Pharmacy Ltd considered the east boundary to be the main Glasgow Road, the A76 thus excluding Nithside from the neighbourhood.

31.3 The Committee noted Mr Rodden's disagreement with the area defined by the Applicant as their neighbourhood, whereby he considered it had been defined for convenience to fit around the health centre and had excluded Lochside and Lincluden.

31.4 The Committee also noted Mr Currie's contention that the southern boundary be extended to include the area between Galloway Street and the Dumfries Observatory.

31.5 The Committee agreed that the neighbourhood be defined as being East to the River Nith, West to Castle Douglas Road, North to the A75 and South to Galloway Street as detailed in the application. The Committee agreed that the River Nith forms a natural boundary to the east and that Galloway Street to the south, Castle Douglas Road to the west and the A75 to the north are all busy main roads and thus form natural boundaries of the neighbourhood.

32. **Adequacy of Existing Pharmaceutical Services**

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

32.2 The Committee considered the population information provided by Health Intelligence and further noted the points made by several of the interested parties in respect of the actual population of the Applicant's proposed neighbourhood. They also noted the wider Dumfries town and Nithsdale population.

- 32.3 The prescribing and dispensing information provided in the PPC papers were noted by the Committee. It was noted that many factors other than prescription volume will determine a pharmacy workload and it was difficult to draw any conclusions from prescription numbers in isolation.
- 32.4 The Chairman sought a point of clarification from a Health Board officer regarding the Board's decision to include the potential for a pharmacy unit in the Lochfield Road development. Mrs Bunney confirmed that the decision to grant an application for a pharmaceutical contract at this site was entirely the responsibility of the Pharmacy Practices Committee having due regard to the regulatory framework.
- 32.5 The Committee noted that the Chronic Medication Service (CMS) removes the need for patients to order regular repeat prescriptions from their GP and increases their relationship with their Pharmacist.
- 32.6 On request from the Chairman, Mrs Bunney confirmed to the Committee that it was acceptable for the PPC to determine what is appropriate to take into consideration in making their decision in respect of potential future circumstances.
- 32.7 The Committee noted that in response to questioning regarding what is inadequate with the current service the Applicant had replied that opening hours were limited. It was noted that further evidence of patients waiting too long for medicines or patients unable to access certain services would have been expected from the Applicant, not just the reference to opening hours.
- 32.8 The Committee noted that no information regarding complaints about the provision of pharmaceutical services in the area had been provided in the PPC papers, nor highlighted by the Applicant.
- 32.9 The Committee noted the public consultation process and the Chairman noted 2 issues raised regarding prescriptions often not ready and one which suggested there may be an issue of efficiency of dispensing leading to delays. A Pharmacist Member indicated that delay is often a patient's perception rather than fact and it can be difficult to ensure a patient understands.
- 32.10 The Committee noted that the Applicant and interested parties had all indicated their provision of a delivery service to selected patients for example housebound including into the proposed neighbourhood.
- 32.11 The Committee took the view that there was not sufficient evidence to demonstrate that the current provision of pharmacy services was inadequate and, as such, it was not necessary to proceed to a discussion of necessity or desirability to secure adequate provision of pharmaceutical services in the neighbourhood.
33. **DECISION**
- 33.1 The non-voting members of the Committee were asked to withdraw from the hearing and the vote was taken.
- 33.2 The voting members of the Committee agreed by a majority vote that current pharmaceutical services in the neighbourhood are adequate and that the application by Mrs Jennifer Weir Ahmed of Holm Pharm Ltd be refused.

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

34. **REPORT**

34.1 The Chairman confirmed the regulatory timetable for notification of the decision requires a report to the Board within 10 working days, 27 December 2012. The Applicant and interested parties are to be notified within a further 5 working days, 7 January 2013. The Applicant has a right to appeal within 21 working days of the notification.

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

MR IVOR HYSLOP
Chairman
Pharmacy Practices Committee

7 January 2013