



## PRIMARY CARE CONTRACTOR ORGANISATION

### PHARMACY PRACTICES COMMITTEE

Application by Angelline (Scotland) Ltd trading as Tranent Pharmacy for inclusion in the pharmaceutical list in respect of the address, Well Wynd, Tranent, EH33 2DX.

The Pharmacy Practices Committee met at 11 am in the Doughty Centre, Herdmanflat Hospital, Aberlady Road, Haddington on Wednesday 6 July 2011 to consider the above application in accordance with the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995, as amended.

#### Decision of the Pharmacy Practices Committee

The decision of the Committee was that the provision of pharmaceutical services at the premises was neither necessary nor desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the pharmaceutical list and that accordingly the application should not be granted.

#### Pharmacy Practices Committee

Jack Aitchison	(Chair)
Peter Jones	(Non-contractor Pharmacist)
Robbie McGregor	(Contractor Pharmacist)
Patricia Eason	(Lay member)
Margaret Tait	(Lay member)
Louise Hockaday	(Administrator to the Pharmacy Practices Committee) (accompanied by Susan Summers)

1. The Committee convened to consider an application for inclusion in the pharmaceutical list, dated 21 March 2011, by Angelline (Scotland) Ltd trading as Tranent Pharmacy in respect of the address, Well Wynd, Tranent, EH33 2DX. A copy of the application had been circulated in advance to the Committee and the parties.
2. Written representations had been received from Lothian Area Pharmaceutical Committee, Matthew Cox on behalf of Lloyds Pharmacy, Emma Griffiths on behalf of The Co-operative Pharmacy, James Campbell on behalf of JMC Healthcare Ltd, J K Inkster for Prestonlinks Pharmacy and Longniddry Pharmacy. The applicant and the interested parties were entitled to comment on the representations received. Copies of the written representations had been circulated in advance to the Committee and the parties.
3. The Committee had before them maps of the area surrounding the proposed premises detailing the location of the nearest pharmacies and GP surgeries, deprivation categories and population density. They had details of the numbers of prescriptions dispensed during the months September 2010 – February 2011 by the pharmacies nearest to the proposed premises and the number of prescriptions they dispensed that were issued from the GP surgeries closest to the premises during the months October – December 2010. The Committee were also provided with “Pharmacy Profiles” of the nearest pharmacies detailing opening hours, premises facilities and services offered.

4. Under paragraph 5(10) of the Regulations the Committee was required to decide whether “the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the pharmaceutical list.”
5. It had been confirmed prior to the meeting that the members present did not have an interest to declare.
6. The Committee agreed to invite the applicant, Angelline (Scotland) Ltd trading as Tranent Pharmacy and those who were present who had made written representations to attend before them. They were:

June Friel, representing Angelline (Scotland) Ltd trading as Tranent Pharmacy  
Nigel Carling, assisting in the presentation of the application  
Martin Aitkin, representing Lloyds Pharmacy  
Stuart Finnie, as an observer for Lloyds Pharmacy  
Emma Griffiths, representing The Co-operative Pharmacy

7. The Chairman explained the procedure that would be followed and no person present objected.
8. The procedure adopted by the Committee was that the applicant made an opening submission to the Committee, which was followed by an opportunity for the objectors and the Committee to ask questions. The objectors then made their oral representations and the applicant and the Committee then asked the objectors questions. The parties were then given an opportunity to sum up. Before the parties left the meeting the Chairman asked all parties if they felt that they had had a fair and full hearing. They confirmed that they had.
9. Prior to the meeting the Committee undertook a site visit. The Committee noted the location of the proposed premises, the pharmacies nearest to the proposed premises, the nearest GP surgeries and the neighbourhood as defined by the applicant.
10. The Committee was required to and did take account of all relevant factors concerning the issues of neighbourhood, adequacy of existing pharmaceutical services in the neighbourhood and whether the provision of pharmaceutical services at the premises named in the application was necessary or desirable to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located.

### **Neighbourhood - Applicant**

11. The Committee noted that the applicant, Angelline (Scotland) Ltd trading as Tranent Pharmacy, had defined the neighbourhood as being bounded to the North of Tranent by the natural curvature of the A1, bounded to the West by the B6414, bounded to the East by the B6369 at Macmerry and bounded to the South and including the village of Elphinstone.
12. The applicant clarified in her oral submission that the neighbourhood could be defined as the A1 motorway to the North, the B614 road to the West, the B6349 road to the East including Macmerry and Elphinstone to the South. She circulated a map which clearly defined the neighbourhood as described by the applicant.

## **Neighbourhood – Interested Parties**

13. Martin Aitkin for Lloyds Pharmacy defined the neighbourhood as that of the town of Tranent which is bounded to the North by the A1 and by open land at the South of the development.
14. Emma Griffiths for The Co-operative Pharmacy defined the neighbourhood as being the A1 to the North, the B6414 to the West, the B6369 to the East and open land to the South to include Elphinstone.

## **Adequacy of Existing Pharmaceutical Services and Necessity or Desirability – Applicant**

15. June Friel confirmed that she was the director of Angelline (Scotland) Ltd, that Nigel Carling is the registered pharmacist and that the company have registered with the General Pharmaceutical Council.
16. Ms Friel made the following points with reference to evidence of inadequacy in both the current provision and future provision of pharmaceutical services in Tranent:
  - in the past 5 years patient numbers in Tranent have increased by 34% but the number of pharmacies has remained at 2;
  - in the next few years over 2000 new homes would be built in and around Tranent with 1600 in the Blindwells development before 2015 ;
  - there are increasing pressures on pharmacies with the introduction of the Chronic Medication Service and the Minor Ailments Service, the increase year on year of specific illnesses eg cancers, COPD, kidney failure and depression, the increase in the volume of prescriptions dispensed and an increasing elderly population;
  - the current pharmacies have physical constraints in terms of extensions to expand their services;
  - at present 3 prescription collections are made from Tranent Medical Practice and sometimes patients go as far as Prestonpans to have their scripts dispensed, which would serve to highlight an inadequacy in the current provision;
  - Tranent Medical Practice have commented on long queues and waiting times in the existing pharmacies;
  - Tranent is 42% above the national average for patients using community pharmacy services.
17. Ms Friel made the following points when referring to the benefits that would be offered to patients if her application were granted:
  - A free collection and same day delivery service for the housebound;
  - Text alerts to patients for free repeat prescriptions;
  - Additional pharmaceutical services offered through patient focus groups eg Weight Management Clinic, Hypertension and Pain Management;
  - Increased opening hours which are in excess of those currently offered by the existing pharmacies and which could be extended further if the need required;
  - More convenient for the Health Centre for infirm patients or those who do not have a car;
  - Greater choice to the patient of where they can access pharmaceutical services as determined by the Patients Rights Scotland Bill;
  - Increased employment opportunities in the area;
  - Reduce the pressure on the existing pharmacies;
  - Improved range of services offered;
  - The premises are fully DDA compliant and there are free car parking facilities.

18. Ms Friel asked that the Committee also take the following factors into account when considering her application:
- Her application will not alter the viability of the existing pharmacies as access to pharmaceutical services in the neighbourhood will increase year on year;
  - Consideration should be given to future demands on services by an ever increasing population due to proposed housing developments in the neighbourhood;
  - East Lothian Community Council have expressed their wish to encourage independent local businesses;
  - Her business is an independent one and can adapt quickly to local needs;
  - It is difficult to determine the volume of complaints regarding current pharmaceutical services as these are dealt with locally and not by NHS Lothian.
19. Ms Friel concluded by stating that NHS Lothian's Pharmaceutical Services Strategy Plan states that patients should have access to pharmaceutical services at the right place and at the right time and that her application would secure this to meet future demands.
20. In answer to questions from Emma Griffiths, the applicant confirmed that there had been an increase in prescription dispensing of 34% in the neighbourhood over the period March 2005 – 2010. She also confirmed that the GPs at Tranent Health Centre had informed her about queues and long waiting times at the existing pharmacies and that the new pharmacy would offer longer opening times. When asked, the applicant confirmed that she was not aware of the level of investment that the other pharmacies had made and that she was not aware of whether or not there was a GP Out of Hours service at Tranent Health Centre.
21. In answer to questions from Martin Aitkin, the applicant confirmed that she was aware of the recent improvements to the existing pharmacies but stated that this did not prove that the current services were adequate. When Mr Aitkin pointed out that the dispensary in the applicant's plans were smaller than the one at Lloyds, Ms Friel confirmed that the proposed premises could be extended in the future as there was plenty of space to expand. She also confirmed that she had signed a lease on the premises which had no opt out clause although the site could be put to another use.
22. In answer to questions from the Committee, Ms Friel stated that the third collection service from Bankton to Prestonpans highlighted an inadequate service in Tranent. She stated that she had personally carried out a survey in the High Street of shoppers to confirm whether or not they were happy with the current services offered. The applicant confirmed that she had received provisional approval for her application from the General Pharmaceutical Council pending the granting of a contract and inspection of the premises and she provided details on the number and range of staff who would be employed to work there. She also confirmed although she was aware that a delay in house building due to the current economic climate, she had been informed that before 2014 a minimum of 206 must be completed by the contractor.
23. When asked by the Committee, Ms Friel explained that she was aware that it was her right to open a business as a leaseholder but recognised that pharmacy contracts are bound in Scots Law by the Pharmacy Regulations. She also explained that Tranent was a good location for a new pharmacy because of the restrictions in housebuilding in Edinburgh which had resulted in the increase in developments outwith the City and that Tranent had good transport links.

#### **Adequacy of Existing Pharmaceutical Services and Necessity or Desirability – Interested Parties**

24. Emma Griffiths stated that the neighbourhood of Tranent has centralised services and that both existing pharmacies are located in the High Street surrounded by mixed residential housing where there are no physical or geographical barriers between the proposed site and the existing

pharmacy locations. She also confirmed that there was a comprehensive bus service available throughout Tranent, connecting the outlying residential areas to Tranent.

25. Ms Griffiths confirmed that both the existing pharmacies in the neighbourhood offer all the pharmaceutical services which are required for the area and she listed all the services currently offered by The Co-operative Pharmacy. She also confirmed that there was a collection and delivery service offered daily and that their opening hours reflected those of the Health Centre although patients could access services at Lloyds Pharmacy when they were closed for a break between 1 and 2.15 pm.
26. She also confirmed that the pharmacy had sufficient scope within the existing branch to meet the needs of increasing populations and that they were not even close to full capacity. She stated that current waiting times at the last review were 7 to 10 minutes.
27. Ms Griffiths stated that whilst the dispensary size had been increased in 2008, the pharmacy could be further extended if required and additional services provided.
28. She also stated that she did not believe that the population increase within the neighbourhood will be as great as what the applicant expects and that the Blindwells housing development, which is North of the A1, is outside of the defined neighbourhood. She confirmed that access to the new development from Tranent would be difficult and that it would have its own services and amenities.
29. Ms Griffiths contended that the proposed 1600 potential new houses would be phased over a period of 9 years and that the application which was based on an increasing population over such a period of time was premature.
30. She also contended that rather than an increase in patient numbers at Tranent Health Centre, there has been a decrease as a number of patients have registered with the Ormiston Practice resulting in prescription dispensing decreasing also.
31. Ms Griffiths confirmed that the surgery at Ormiston would be extended within the next 18 months to 2 years thereby increasing its capacity by 1500 which would relieve the burden on Tranent Health Centre.
32. In answer to questions from the applicant, Ms Griffiths confirmed that adequacy can be established by taking into consideration the facts that The Co-operative Pharmacy has received no complaints about its service and that an external company carries out patient surveys which show a high level of satisfaction with its service. She also confirmed that as there were no physical barriers to services for non car owners.
33. In answer to questions from the Committee Ms Griffiths confirmed that they had good relations with Ormiston Pharmacy, Lloyds Pharmacy and the GP practice at Tranent Health Centre. She agreed that there were other steps that could be taken to deal with the volume of prescriptions other than expanding the premises but that there was a large area at the back of the store which could be used to create a larger area for dosette boxes etc. She also confirmed that the branch manager was available to make domiciliary visits to the housebound to provide pharmaceutical advice.
34. Martin Aitkin stated that he did not accept there was any inadequacy in current service provision in Tranent or in the adjacent neighbourhoods. He confirmed that he was not aware of any gaps in services nor services which were not being provided at the correct level.

35. Mr Aitkin contended that the applicant appeared to have based her application on the perceived patient numbers at Tranent Health Centre. He explained some of these patients may access pharmaceutical services in the areas closer to where they live outwith Tranent itself.
36. Mr Aitken stated that the Blindwells development would be much closer to the other pharmacies in Prestonpans therefore it would be difficult to see how an additional pharmacy in the centre of Tranent within 100 metres of the 2 existing pharmacies would provide any geographical advantage to Blindwells residents. He also stated that similarly the other future housing developments mentioned by the applicant would have access to pharmacies nearer to them than the Tranent pharmacies.
37. Mr Aitken confirmed that Lloyds Pharmacy, which is open until 6 pm, has never been approached either by the Health Board or by the Health Centre to amend their opening hours, which they would be willing to do should there be an identified need.
38. In answer to questions from the applicant, Martin Aitkin confirmed that either Tranent Health Centre or the Health Board would draw their attention to a change in patient need but that they also employ an external company to carry out a quarterly customer service check. He also confirmed that in May 2011 the waiting times were an average of 6 mins 54 seconds and that he was not aware of any complaints about the collection and delivery service.
39. In answer to questions from the Committee Mr Aitkin detailed the staff numbers employed at the pharmacy and confirmed that he was aware that their current opening hours were in excess of that required by the Health Board. He also confirmed that the company had moved from their former premises to meet patient needs and that there was good disabled access and ample free car parking at the rear of the new premises.

### **Summing Up**

40. Emma Griffiths of The Co-operative Pharmacy summed up by stating that the application should be refused as it fails to satisfy the requirements of the Regulations as no inadequacy in the current service provision by the 2 existing pharmacies has been established.
41. Martin Aitkin of Lloyds Pharmacy summed up by stating that the applicant has provided no evidence of inadequacy in the current services provided by the 2 existing pharmacies.
42. June Friel of Angelline (Scotland) Ltd trading as Tranent Pharmacy summed up by stating that the current number of pharmacies has remained the same despite the increasing numbers of patients including those from the proposed new housing developments, the increasing numbers of prescriptions dispensed, the increased prevalence of certain illnesses and the extra workload for pharmacies created by the Chronic Medication and Minor Ailment Services.
43. She stressed that it was desirable to give patients the additional choice so that they would have easier geographical access to pharmaceutical services which would offer longer opening hours, a free dedicated collection and delivery service and access to patient focus groups which would address issues like pain management, nutrition and hypertension.
44. She also stressed that the granting of the application was necessary as the neighbourhood has and would continue to grow.

## Decision

### Neighbourhood

45. Having considered the evidence presented to it, the Committee's observations from the maps before it and the site visit undertaken prior to the meeting, the Committee had to decide the question of the neighbourhood in which the premises, to which the application related, were located.
46. The Committee concluded that the neighbourhood could be defined as the physical boundary of the A1 road to the North and the inhabited areas of Tranent up to where this met with open land.

### Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

47. Having reached that decision the Committee was then required to consider the adequacy of existing pharmaceutical services in that neighbourhood, and whether the granting of the application was necessary or desirable in order to ensure adequate provision of pharmaceutical services in that neighbourhood.
48. The Committee agreed that there had been no evidence demonstrated of inadequacy of existing services. They had witnessed a large queue in Lloyds Pharmacy early that morning and this had very quickly dispersed. They had noted that there was a good bus service in and to Tranent with a town service every 15 minutes. They also noted that there were good car parking facilities and disabled access at the existing pharmacies, which were modern premises which could increase capacity, if required, and that core services and opening hours, which were in excess of what was required by the Health Board, were offered.
49. At this stage the contractor pharmacist left the meeting and the vote was taken.
50. The Committee agreed unanimously from the information made available that the existing pharmaceutical services in the neighbourhood were adequate.
51. Accordingly, the Committee agreed that the provision of pharmaceutical services at the premises was neither necessary nor desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the pharmaceutical list.
52. In these circumstances, it was the Committee's unanimous decision that the application should not be granted.

Signed...**Jack Aitchison**.....  
Jack Aitchison, Chair  
Pharmacy Practices Committee

Date 18 July 2011 .....