



## PRIMARY CARE CONTRACTOR ORGANISATION

### PHARMACY PRACTICES COMMITTEE

Application by Samson Ferry Ltd for inclusion in the pharmaceutical list in respect of the address, 1-3 Scotstoun Grove, South Queensferry, EH30 9PH.

The Pharmacy Practices Committee met in the Meeting Room at South Queensferry Medical Practice, 41 The Loan, South Queensferry at 12.30 pm on Friday 23 November 2018 to consider the above application in accordance with the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, 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

Bill McQueen	(Chair)
Julie Blythe	(Non-contractor Pharmacist)
Mike Embrey	(Contractor Pharmacist)
John Niven	(Lay member)
Jan Stirrat	(Lay member)

Louise Hockaday (Administrator to the Pharmacy Practices Committee)

1. The Committee convened to consider an application for inclusion in the pharmaceutical list, dated 28 March 2018, by Samson Ferry Ltd in respect of the address, 1-3 Scotstoun Grove, South Queensferry, EH30 9PH. A copy of the application had been circulated in advance to the Committee and the parties.
2. Schedule 3 of the National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, as amended requires the health board to invite certain specified persons and bodies to make representations to the board in respect of the application.
3. Written representations had been received from Emma Griffiths-Mbarek of Well Pharmacy, Matthew Cox of Lloyds Pharmacy and Anne Mitchell of Queensferry & District Community Council. The Applicant and the interested parties were entitled to comment on the representations received. No further comments were received on them. Copies of the written representations had been circulated in advance to the Committee and the parties.

4. Unsolicited letters of support were received from Alex Cole-Hamilton, MSP, dated 15 May 2018, from Christine A Jardine, MP for Edinburgh West (undated) and from Councillor Kevin Lang, Almond Ward, dated 15 May 2018. These persons have no statutory right to make representations on this matter and the Board did not consult them: The letters were made available to the Committee for information only.
5. The Committee had before them maps of the area surrounding the proposed premises detailing the location of the nearest pharmacies and GP surgery, deprivation categories and population density. They had details of the numbers of prescriptions dispensed during the months November 2017 – April 2018 by the pharmacies nearest to the proposed premises and the number of prescriptions they dispensed that were issued from the GP surgery closest to the premises from December 2017 to June 2018. The Committee were also provided with "Pharmacy Profiles" of the nearest pharmacies detailing opening hours, premises facilities and services offered.
6. 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."
7. It had been confirmed prior to the meeting that the Committee members present did not have an interest to declare.
8. The Committee agreed to invite the applicant, Samson Ferry Ltd, and those who had made written representations to attend before them. They were:-  
  
Will Samson, representing Samson Ferry Ltd and assisted by Lynn Samson  
Tom Arnott, representing Lloyds Pharmacy and assisted by Niral Nathwani  
Nisith Nathwani, representing Well Pharmacy and accompanied by Nick Johnston  
Anne Mitchell, representing Queensferry & District Community Council.
9. The Chairman explained the procedure that would be followed and no person present objected.
10. The procedure adopted by the Committee was that the Applicant made an opening submission to the Committee, which was followed by an opportunity for those who had made written representations and the Committee to ask questions. Those who had made written representations then made their oral representations and the Applicant and the Committee then asked questions of them. 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.
11. 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 surgery and the neighbourhood as defined by the applicant.

12. 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**

13. In his written application, the Applicant had defined the neighbourhood as Dalmeny, South Queensferry and Newton. He stated that this is a natural enclave, surrounded by the Forth Estuary and agricultural land and is relatively isolated compared to the rest of Lothian.
14. Mr Arnott stated that he defined the neighbourhood as South Queensferry in its entirety, excluding Newton and Dalmeny. He also stated that Newton is 2.5 miles from South Queensferry and also 2.5 miles from Winchburgh, which has its own pharmacy.
15. Mr Nathwani disagreed with the Applicant's proposed neighbourhood definition. His view was that the neighbourhood was bounded by the Firth of Forth to the North, the railway line to the East, the A90 to the South and the M90 to the West. These formed physical and geographical boundaries and it was possible to walk throughout the neighbourhood without impediment.

### **The applicant's case**

16. The Applicant thanked members of the Committee for the opportunity to put forward his application for inclusion in the pharmaceutical list and stated that he was about to become an independent prescriber and that both he and his wife were pharmacists with many years of experience.
17. In his presentation, the Applicant confirmed that in the 2011 census, South Queensferry had 9026 residents and that the 2014 Local Development Plan (LDP) signalled a total of 2207 new houses. He stated that over 300 houses had already been built and that the remainder were still to be built.
18. The Applicant reported that South Queensferry Medical Practice is the only GP surgery in the town and that the patient list there is currently 12,527, which is an increase in the last 4 years of 15.3%.
19. He also reported that the SIMD shows South Queensferry to be a very mixed population with one datazone in the 3<sup>rd</sup> decile and that with an additional 25% of social housing, this trend towards mixed level of deprivation looks set to continue.
20. The Applicant regards South Queensferry as an isolated area as it is surrounded by fields and water.
21. He stated that in the year March 2017 to March 2018, South Queensferry Medical Practice issued 144,648 prescription items, which was enough to support four pharmacies. He also stated that the villages of Newton and Dalmeny are situated nearby as well as Kirkliston, which had similarly undergone a large housing expansion in the last 5 years.

22. He also reported that Lloyds pharmacy in The Loan dispensed 10,000 items per month and that the Lloyds Pharmacy at Rosebery Avenue dispensed 3,000 items per month.
23. The Applicant considers that there are inadequacies in the current provision of pharmaceutical services arising from:—
- Population growth meaning that the ratio of population to pharmacy will become well above the national average;
  - New building developments in the surrounding areas of Newbridge, Cammo, Maybury and Craighiehall will make it impossible for pharmacies in the South Queensferry area to absorb the overflow of demand for services;
  - Limited drug availability due to Lloyds being tied exclusively to one wholesaler, which causes delays in supplies to patients;
  - Inadequate opening hours available in the area as Lloyds at The Loan closes at 6 pm, Rosebery Avenue closed at 5.30 and Sunday opening is only available 7 miles away at Halbeath or the Gyle.
24. The Applicant reported that the population are deeply dissatisfied with current provision as evidenced in the Consultation Analysis Report (CAR), which showed:—
- A record number of 581 people had participated in the consultation;
  - Nearly 75% had said that current provision was inadequate;
  - Less than 20% felt that current provision was adequate;
  - Over 80% were positive about the location of Scotstoun Grove;
  - The sample provides a 95% level of accuracy that this is a true representation of the views of the population;
  - Comments provided demonstrated drug availability issues, the needs to get dosette box services from outside the neighbourhood and poor levels of service;
  - Less than 1 in 10 patients are registered with the two pharmacies in South Queensferry for the Minor Ailments Service, which is poor compared to the average in Edinburgh.
25. The Applicant stated that these strong local feelings were shared by the Community Council, all four local Councillors, an MP and MSP and that his application would address each of these areas of inadequacy to restore the level of provision in this neighbourhood to an adequate level.
26. The Applicant reported that he was committed to improving the current services provided by:—
- Offering much longer opening hours, which will provide better access to dispensing, Minor Ailment Service, Chronic Medication Service, Emergency Hormonal Contraception, Pharmacy First, Unscheduled Care, smoking cessation, pharmaceutical advice, all of which would reduce the workload of out of hours GP services ;
  - Becoming an independent pharmacist prescriber by November 2019, able to take some weight off the GPs' workload;
  - Providing a large pharmacy with ample capacity to meet the demands of an expanding population to include the dispensing of dosette boxes for all patients, free of charge;
  - Introducing a wider range of wholesale drug supplies to ease the problem of drug availability;
  - Introducing competition into the isolated neighbourhood, which would motivate a higher level of service for patients;
  - Offering a high level of engagement with patients, the medical centre, the Community Council, Councillors and NHS Lothian to promote the highest levels of health and social care to the community.

27. The Applicant stated that the location of the proposed pharmacy was good as it was served by a local bus service, which operated 5 or 6 buses per hour, and that there was ample parking in the area for car users. He reported that better access was planned for cycle and footpaths to the location.
28. He also stated that the shopping area at Scotstoun Grove is already at the heart of the community and includes 2 convenience stores, food takeaway store, cash machines and a public house. He had done a footfall survey, which counted 48 people in an hour visiting these premises.
29. The Applicant referred to Lothian's Pharmaceutical Care Services Plan 2018, which had highlighted:-
  - a poor level of MAS registration in South Queensferry compared to Edinburgh;
  - up to 40% of GP consultations are taken up by non-urgent or minor conditions, most of which could be dealt with in a pharmacy setting.
30. The Applicant pointed out that the Plan does not consider the adverse effects of monopoly, including procurement issues, patient experience, public dissatisfaction or complaints, availability of home delivery services or dosette box service availability or specific future housing developments. His application would increase pharmacy capacity as Lloyds at The Loan was seriously short-staffed and most people cited a wait of over an hour.
31. The Applicant also referred to the Local Development Plan, which aimed to provide more and better homes in the community to help meet housing needs and support economic growth. He stated that although funding had been made available in South Queensferry for education, the transport network and the medical centre, no investment had been set aside for improved pharmaceutical services.
32. The Applicant thanked the Committee for giving the opportunity to present the proposal for a new pharmacy.

#### **Questions from Mr Tom Arnott to the Applicant**

33. Mr Arnott asked the Applicant if core pharmaceutical services were provided at the existing Lloyds pharmacies in South Queensferry.
34. The Applicant confirmed that they were but that the Minor Ailment Service uptake was low and that dosette box service requests were being refused by these pharmacies. He said that Dara O'Malley of Omnicare Pharmacy in Queensferry Road, Edinburgh was taking up the overspill of South Queensferry dosette box service patients and that Drs Leckie and Service and Lynn Harrison, practice manager at the South Queensferry Medical Practice, had confirmed this at a meeting with the Applicant.
35. Mr Arnott denied requests were being refused at either practice and suggested that the increase in Omnicare dispensings was from patients getting their prescriptions dispensed on return from working in Edinburgh. He explained that low MAS numbers resulted from the fact that South Queensferry was an affluent area, where they would be expected to be lower, and that figures are dropping off nationally at a rate of 7% per annum. He confirmed that the

Rosebery Avenue practice was servicing 58 patients and that The Loan pharmacy services 35 patients and that both had seen an increase since October 2018.

36. Mr Arnott asked the Applicant to explain the percentage of the population dissatisfied with current services, which had been identified in the CAR, and what these complaints were.
37. The Applicant explained that the CAR is only a sample of the population from which you could take inferences and that the inference drawn from the CAR in this case was that 75% of those who had responded were dissatisfied with the current service.
38. Mr Arnott asked what the complaints were specifically about.
39. The Applicant said that he had submitted a Freedom of Information request to the health board about this confirming that 32 complaints had been received by NHS Lothian over a 4 year period regarding The Loan pharmacy (representing 800% above the national average) and 10 complaints over the same period about the Rosebery Avenue pharmacy (250% above the national average).
40. Mr Arnott asked the Applicant to explain why, if only 6 people per hour are using the Rosebery Avenue pharmacy, they would go to another pharmacy in a location which was only a 4 minute walk away. Was it just convenience?
41. The Applicant responded that Rosebery Avenue requires a unique journey whereas Scotstoun Grove is in a better location in the centre of 2 shops, takeaway food store, cashline machine and public house, which are also used by the community every day.
42. Mr Arnott asked the Applicant if he agreed that the minimum of items per month to stay viable was 3,000 and that if Lloyds at Rosebery Avenue were to lose 1500 items per month, its business would become unviable.
43. The Applicant stated that it would need to do anything from 1,500 to 2,000 items to remain viable.
44. Mr Arnott asked the Applicant how long it would take the population to rise to the projected level of 14,000.
45. The Applicant replied that the projection range is up to 20,000 and that it would take less than 20 years to achieve this and that with the new High School set to open in 2023, there should be a big increase in the next 5 years.
46. Mr Arnott asked the Applicant if he was aware of how many people access the Loan Pharmacy on a Saturday between 9 am and 5 pm and confirmed that the figure was 14 people on average.
47. The Applicant confirmed that he was not aware of this.

#### **Questions from Mr Nisith Nathwani to the Applicant**

48. Mr Nathwani asked the Applicant if housebuilding timescales were being met.

49. The Applicant stated that the building at Scotstoun had started and that of the 7 proposed sites, only one site is speculative.
50. Mr Nathwani asked the Applicant if he had personal experience at the pharmacy in St Andrew's of problems in obtaining drugs.
51. The Applicant confirmed that this is an increasing problem but that it is made more difficult if the pharmacy used only one wholesale supplier although he accepted that every pharmacy needed to outsource on occasion.
52. Mr Nathwani asked the Applicant if he had any plans to make the proposed pharmacy site more prominent as it was difficult to find at present.
53. The Applicant confirmed that it would be well advertised along with a map.
54. Mr Nathwani asked if the low MAS registration could be because it's an affluent area
55. The Applicant responded that this could be a factor. However, although 50% of the population in South Queensferry were eligible to participate, there was a low uptake because of long waiting times in The Loan pharmacy. The Applicant stated that the footfall at Rosebery Avenue was low but that it was merely there to preserve the monopoly of Lloyds.
56. Mr Nathwani asked the Applicant if Rosebery Avenue was at capacity and the Applicant replied that they were as they were not taking on any more dosette box service patients. The Applicant stated that he had evidence from the GPs at the practice and the practice manager to the effect that these patients had to go elsewhere for this service.
57. Mr Nathwani suggested that although 3.4% of the population responded to the CAR to express their views about the current service, surely if there was a large amount of dissatisfaction with the current service a bigger percentage would have responded.
58. The Applicant confirmed that the health board had advised him that the response was unusually high and was in fact a Scottish record as normally only 100 to 200 responses are received.

#### **Questions from the Committee to the Applicant**

59. Ms Blythe asked the Applicant how soon the proposed pharmacy would be up and functioning if his application was granted and reminded him that it was the responsibility of the pharmacist to secure drugs irrespective of who the employer was.
60. The Applicant confirmed that the pharmacy would be refitted within the 6 month timescale as the condition of sale was already in place. He reiterated that obtaining drugs is more difficult if the pharmacist has access to only one wholesaler.
61. Mr Embrey asked the Applicant for a brief history of his experience in pharmacy management.
62. The Applicant confirmed that he had managed a pharmacy in England, provided locum services in England and Wales and more recently has been employed as a manager by Lloyds in the Morrisons store in St Andrew's.

63. Mr Embrey asked the Applicant how the Committee could be confident that he would financially be able to make the investment in a new pharmacy and when would he expect to break even.
64. The Applicant agreed that it would be a challenge but that he will accept all dosette box service patients and that his wife, also a registered pharmacist, will help with the extended hours. He expected to break even in 3 to 4 months and he believes that his financial risk will be a viable one.
65. Mr Niven asked the Applicant if he had information on the previous pharmacy which had been located at the Scotstoun Grove area which was subsequently taken over by Scotmid.
66. The applicant confirmed that the pharmacy had moved from that site at the same time as the GP practice had moved to Rosebery Avenue, although he did not know the date.
67. Mr Niven reported that the Committee had visited both Lloyds pharmacies and that they did not perceive that the staff were under any pressure.
68. The Applicant stated that patients would have a different view on this.
69. Mr McQueen asked the Applicant for information about his business plan as significant investment would be needed.
70. The Applicant explained that he would borrow £200k to start the business and has already received positive responses from lenders.
71. Mr McQueen asked about the successful growth the Applicant had described as having achieved at his pharmacy in St Andrews and what this could be accredited to.
72. The Applicant confirmed that being able to talk directly to patients raised the service and leads to goodwill.

#### **The Interested Parties Case – Mr Tom Arnott of Lloyds Pharmacy**

73. Mr Arnott stated that the Applicant's reason for making his application was that in the Applicant's opinion the services provided by the current pharmacies were inadequate partly because there had been some housebuilding in South Queensferry and that there was a monopoly of one provider.
74. With reference to future housebuilding in the area, Mr Arnott confirmed that he had contacted Edinburgh Council Planning Department, who had confirmed that neither the Buiyeon Development nor the Springfield Development had yet been granted full planning permission. Mr Arnott stated that it would be many years before all building would be completed.
75. Mr Arnott referred to NHS Lothian's Pharmaceutical Care Plan and sought to correct some of figures for average numbers of residents per pharmacy throughout Lothian, which the Applicant had previously provided. He stated that the average number of residents per pharmacy in East Lothian is 4,525 - not 4,268, in Midlothian it is 4,664 - not 4,335 and the average for West Lothian is 5,485 and for Lothian as a whole it is 4,835.



76. Mr Arnott also stated that the Plan had not highlighted a need for another pharmacy in South Queensferry and gave examples of other towns in Scotland with high numbers of population per pharmacy.
77. Mr Arnott reported that the majority of residents of South Queensferry live nearer the existing pharmacies than the Applicant's proposed pharmacy.
78. Mr Arnott confirmed that all core services are already adequately provided by the two Lloyds pharmacies and that extended opening hours could be reduced at any time in the future by the Applicant.
79. Mr Arnott expressed the view that opening for a total of 72 hours per week was excessive as was the employment of 2 duty pharmacists and would be financially unviable.
80. Mr Arnott reminded the Committee that if they deemed the existing services to be inadequate but also consider the Applicant's business not likely to be viable, and therefore not securing adequate provision of pharmaceutical services, the application should be refused.
81. Mr Arnott also reminded the Committee that if granting the application would affect viability of those who currently provide a service in the neighbourhood, then it may be that granting the application would have a negative effect upon services in the neighbourhood as a whole and should therefore be refused.
82. Mr Arnott told the Committee that the granting of a new pharmacy contract in South Queensferry would have a seriously adverse effect on the future viability of Lloyds Pharmacy at Rosebery Avenue. He stated that only the additional business from compliance aid patients in Broxburn kept it viable as the volume of prescription dispensing was low.
83. Mr Arnott provided figures on the low numbers of patients visiting The Loan pharmacy on Saturdays and stated that if residents needed longer opening hours at weekends he would have expected higher figures.
84. Mr Arnott confirmed that both Lloyds pharmacies in South Queensferry had already been refitted and that The Loan pharmacy benefits from a 2<sup>nd</sup> pharmacist's cover on one day per week on Thursdays.
85. Mr Arnott stated that demographics show that the residents of South Queensferry have better access to services including pharmacy services than many parts of Scotland and that the Rosebery Avenue branch had received a good rating on its GPHC inspection.
86. Mr Arnott reported that there is an excellent relationship between both Lloyds pharmacies and local GPs and that the pharmacists attend GP practice meetings on a regular basis. Both are experienced pharmacists who are highly regarded in the area.
87. Mr Arnott expressed the view that the proposed site was more inconvenient for most of the residents of South Queensferry than the two existing pharmacies although it would be more convenient for the Applicant and his wife, who currently travelled some distance to work.
88. Mr Arnott referred to the CAR and stated that the 581 responses submitted only constituted 5.8% of the total population of the neighbourhood and that from these responses, only 298

people had actually made a comment about gaps or deficiencies in the existing service, which related in the main to The Loan pharmacy.

89. Mr Arnott reported that an evening visit to the proposed location of the new pharmacy had highlighted to him that gangs of children hang around the area, the precinct has major alcohol and drug related problems, the car park is badly lit and that slabs in the precinct were very uneven and constitute a trip hazard.
90. Mr Arnott stated that there is little public support for the application, despite widespread local advertising and that most of those who had responded had mentioned convenience.
91. In relation to the letter submitted to the health board by Queensferry & District Community Council, Mr Arnott stated that:–
- he had noted concerns in the CAR about methadone supervision and advised that The Loan pharmacy currently saw 12 patients for methadone and that Rosebery Avenue saw 4 patients;
  - the Lloyds pharmacy at the Loan is currently seeing most of the methadone patients;
  - assurances given by the Applicant to the Community Council about no lone working are not backed up by viable staffing levels;
  - Lloyds pharmacies already offer a free delivery services for items which are not immediately available;
  - The Community Council's statement that current providers do not provide a dosette service is not accurate as there is no waiting list for this service in either pharmacy;
  - Lloyds pharmacies also offer free collection of prescriptions from the medical practice;
  - The low Saturday figures which he has already provided demonstrates extended hours are not in great demand;
  - There had been no growth in prescription numbers in the last 2 years;
  - The installation of a defibrillator on the premises is not a core service and does not have to be sited in a pharmacy;
  - Provision of palliative care in community pharmacies is directed by the health board and not individual pharmacies;
  - He agrees with the Community Council that the proposed premises were not ideal and if a third pharmacy were to be opened in South Queensferry, that it should be in the West of the town.
92. Mr Arnott concluded by asking the Committee to refuse the application as it would have a negative effect on the viability of the pharmacy at Rosebery Avenue and it was neither necessary nor desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises are located.

#### **Questions from the Applicant to Mr Arnott**

93. When asked by the Applicant about the lack of increase in prescription numbers from South Queensferry Medical Practice, Mr Arnott confirmed that the number of items dispensed had risen and that 93% uptake is still high.
94. When asked by the Applicant about probable housing developments in South Queensferry, Mr Arnott stated that in 4 years only just over 300 houses had been built, which may be down to Brexit, market forces and the builder selling off existing stock before building more.

95. When asked by the Applicant about dosette box service provision to patients, Mr Arnott said that new patients are taken on all the time although it would depend where they joined the cycle as to when provision started. His view is that if the Medical Practice thinks that there is a problem, they are misinformed.
96. The Applicant asked Mr Arnott to explain why Omnicare Pharmacy were dispensing to dosette box service patients in South Queensferry.
97. Mr Arnott confirmed that he did not know why the medical practice referred patients to that company but that the provision of dosette box services was the main part of Omnicare's business.
98. When asked by the Applicant about the advantages of being an independent prescriber, Mr Arnott stated that it was not a core service but that his pharmacists were very experienced and had provided services in the area for many years.
99. When asked by the Applicant if a good inspection report was evidence of adequacy of service, Mr Arnott said that a good report indicates that they are well run and clinically safe and that if there were issues, they would have been picked up by the inspectors.
100. When asked by the Applicant about the negative comments in the CAR, Mr Arnott stated that the CAR only represented a small minority of the population and that there were positive comments in the CAR also and he did not agree that a bad experience at one Lloyds pharmacy would prevent a patient from accessing another pharmacy of the same brand in South Queensferry.
101. When asked by the Applicant if the Rosebery Avenue pharmacy would be financially challenged if a new pharmacy contract was granted, Mr Arnott stated that:—
- Broxburn pharmacy were now able to undertake more of their own dosette box service business so no new business would come to Rosebery Avenue from there;
  - Rosebery Avenue is a community pharmacy, not a dispensing hub;
  - Rosebery Avenue would only close if it became unviable and that loss of profit and unviability are two different issues.
102. When asked by the Applicant about his current involvement with the Lloyds Pharmacy Company, Mr Arnott confirmed that although he was semi-retired, he still met with the area managers regularly and had an active interest in all aspects of the company although he was not so much interested in the financial side of the business.
103. When asked by the Applicant about staff cuts and excessive waiting times in The Loan Pharmacy, Mr Arnott stated that:—
- There had been no staff reductions in the past 9 years and that the last time a new member of staff was employed was 2015;
  - The perception of understaffing will depend on the time of day when the patient visits the pharmacy – some times of day are busier than others;
  - There have never been waiting times of one hour;
  - He is surprised that the doctors at the Medical Practice have informed the Applicant that patients have complained to medical staff about waiting times as this has never been

conveyed to him and there is a good relationship between the staff at pharmacy and the centre.

104. When asked by the Applicant about the population of South Queensferry in the 2011 census, Mr Arnott confirmed that it had included Dalmeny and Newton, therefore bringing the total to over 9,000. However, he did not agree that Dalmeny and Newton were part of the relevant neighbourhood as set out in the Applicant's definition.
105. When asked by the Applicant if the deprivation figure would increase with 25% of the new houses to be dedicated to social housing, Mr Arnott did not agree that this could be concluded.
106. When asked by the Applicant about the £60 charge for a delivery service, Mr Arnott confirmed that although the company had discussed this in 2017, it had never been implemented and the company's policy changed again in November 2018 to confirm that deliveries would be free-of-charge.

#### **Questions from Nisith Nathwani to Mr Arnott**

107. When asked by Mr Nathwani about the Rosebery Avenue pharmacy, Mr Arnott confirmed that:—
  - waiting times are not measured as it's not busy;
  - Lloyds would give up the dosette box services for Broxburn if prescription numbers increased sufficiently;
  - the pharmacy has been in business there for 15 years;
  - they have not been made aware of any complaints by the health board;
  - this pharmacy would close if the new pharmacy application was granted.
108. Mr Arnott also provided Mr Nathwani with an explanation of what being a Pharmacy Champion involved.

#### **Questions from the Committee to Mr Arnott**

109. When asked by Mr Embrey about capping the dosette box service provision at The Loan pharmacy, Mr Arnott confirmed that neither of the pharmacies would reach capacity for this and that there was a separate dosette box service area at the back of The Loan pharmacy with an additional under-used store room. He also confirmed that staffing levels would increase if prescription numbers rose.
110. When asked by Mr Embrey if he was concerned about the negative CAR reviews, Mr Arnott confirmed he would be discussing this with his team but he noted that no comments were provided where gaps had been identified and he suggested that the Community Council may help to understand why Rosebery Avenue pharmacy is underused.
111. When asked by Mr Embrey for his definition of the neighbourhood of South Queensferry, Mr Arnott stated that this was the M90 to the South, Firth of Forth to the North, M90 to the West and the railway line to the East. He stated that Newton should not be included as it is 2.5 miles away.

112. When asked by Bill McQueen if the Lothian Pharmaceutical Care Plan had identified anywhere in Lothian for additional pharmaceutical services, Mr Arnott confirmed that it had not and that this was not surprising.

### **The Interested Parties Case – Nisith Nathwani of Well Pharmacy**

113. Mr Nathwani stated that the regulatory test is one of adequacy.

114. In relation to population, Mr Nathwani stated that:-

- the census data shows that the neighbourhood is mobile, healthy and affluent;
- car ownership is high
- there are a significant number of houses owned outright or by a mortgage, which is greater than the Scottish average;
- whilst a proportion of the new houses will be affordable housing, it is difficult to ascertain the health of these potential residents until they are in occupation.

115. In relation to access to pharmacy services, Mr Nathwani stated that:-

- The location of the existing pharmacies suits the needs of the local population as one is near to the medical centre and the other is near to shops with ample parking and is close to other local amenities for opportunistic healthcare;
- For a mobile population who may be leaving the neighbourhood for work or social activities, there are other pharmacies with extended opening hours up to 4.3 miles away, including Boots at the Gyle Shopping Centre, which is open 7 days per week;
- The local pharmacies offer a delivery service to patients that are housebound or elderly;
- South Queensferry has better access to services than many parts of Scotland and social deprivation is lower than average;
- The pharmaceutical needs of every neighbourhood varies and as such relying on averages does not give the full picture of the needs of that neighbourhood and its adequacy of pharmaceutical services.

116. In relation to adequacy of existing services, Mr Nathwani referred to the fact that the Lothian Pharmaceutical Care Plan did not identify a need for another pharmacy in South Queensferry and that there have been no complaints made to the health board about the existing service.

117. Mr Nathwani confirmed that Well Pharmacy also provides pharmaceutical services to South Queensferry and that they have a consultation room, offer a full range of contractual services, are DDA compliant, have no capacity issues and have room for growth.

118. Mr Nathwani's view is that the Applicant has failed to provide any evidence of inadequacy of pharmaceutical services in the neighbourhood.

119. Mr Nathwani stated that the Applicant has based his views on inadequacy in the neighbourhood on:-

- A rapidly expanding population which may or may not increase by 4,500 over 10 years;
- Limited opening hours at existing pharmacies – extended hours are already available a 15 minutes' drive away at the Gyle and an experimental Saturday opening at Well Pharmacy for a 6 week period was found to be unviable as there was no patient demand;

- Monopoly of one provider – there is no legislation which states that one provider cannot open more than one pharmacy in the same neighbourhood;
- A dissatisfied population – only 6% of the South Queensferry population responded to the survey and of those a percentage was happy with the existing service. 94% of the total population either thought provision was adequate or did not feel strongly enough to reply to the consultation.

120. Mr Nathwani asked that the Committee refuse the application as it was neither necessary nor desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises are located.

#### **Questions from the Applicant to Mr Nathwani**

121. When asked by the Applicant about the services provided by Well Pharmacy in Kirkliston, Mr Nathwani stated that:–

- There were no capacity issues as the pharmacy was getting quieter and that this was due to a pharmacist now working in the GP surgery in Kirkliston resulting in an overall rationalising of prescribing and the fact that prescribing had fallen overall in Scotland;
- The pharmacist has reported no problems in the pharmacy and that Well pharmacy received approximately 2% of the prescriptions issued by South Queensferry Medical Practice;
- Well pharmacy is able to take on extra patients;
- The pharmacy has not turned down any dosette box service patients and disputed that Dr Service had stated that they had to the Applicant;
- There had been no cuts in staff recently and that staffing had actually gone up by 7 hours;
- He had used data in the Applicant's report in his calculations on population in relation to expected increases;
- Any doubts about building works are down to a slump in the housing market with the uncertainty around Brexit;
- He did not agree that a monopoly in service resulted in a decline in quality of the service provided as this was down the individual pharmacist's ability to source drugs.

#### **Questions from the Mr Arnott to Mr Nathwani**

122. Mr Arnott asked Mr Nathwani if Well Pharmacy sometimes borrowed stock from South Queensferry pharmacies and vice versa and he confirmed that they did as the pharmacies had a good relationship.

#### **Questions from the Committee to Mr Nathwani**

123. Mr McQueen asked whether it would be difficult for people without cars to access the out of hours pharmacy services at the Gyle. Mr Nathwani agreed with this but confirmed that it was a major shopping centre which was served by many buses, although he did not have specific information on this.

## **The Interested Parties Case – Anne Mitchell of Queensferry & District Community Council**

124. Ms Mitchell stated that although she had not prepared a presentation, there were a few points which she wanted to clarify.
125. Ms Mitchell reported that:–
- Dalmeny has always been regarded as part of the South Queensferry district and that Community Council meetings are often held there and that the current population of the district is around 10,000;
  - Once the additional housing is built, depending on who moves into the area, it may rise to between 12,500 to 14,000 but not as high as 20,000;
  - Permission has been granted for 850 to 900 houses at Builyeon Road but there is an issue there with the landowner;
  - Springfield area is still to be looked at and the High School, which will be completed by 2020, will have reached capacity by 2023;
  - Any new building will have a provision for 25% affordable housing and that occupants for these houses will go through Edlink and that priority will be given to existing homeless families;
  - The GP practice has recently changed its boundaries and now only goes as far South as Dundas, but still takes in Dalmeny;
  - There has also been permission sought for 44 flats for the over 60s, which would raise the level of deprivation.
126. On the issue of the dosette box service, Ms Mitchell explained that she had met with the GP practice in August 2018 and they had said to her then that there were problems with patients obtaining dosette boxes from the Lloyds pharmacies.
127. In relation to the area being an affluent one, she confirmed that this may have been true 15 years ago but there have always been pockets of poverty and that now it would be regarded as a mid range area.
128. Ms Mitchell stated that she was aware of the High School reporting more children with social problems and that the food bank established in the district is also being accessed by low wage earners. She reported that Benefits Agency staff who used to visit the district twice a week to help residents complete forms had now increased their visits and there was a drop in centre at the food bank to copy with increased demand.
129. Ms Mitchell highlighted problems with bus services to the Gyle for non car owners and confirmed that the steep incline from The Loan pharmacy to either Rosebery Avenue or Scotstoun Grove would deter some patients from attending there.
130. Ms Mitchell stated that residents had expressed the view that there had been recent improvements to the services provided at The Loan pharmacy.

## **Questions from the Applicant to Ms Mitchell**

131. The Applicant sought clarity on the school at Builyeon Road, which would reach capacity in 2023, and Ms Mitchell confirmed that this was a primary school and not a High School.

### **Questions from Mr Arnott to Ms Mitchell**

132. Mr Arnott asked if there would be any impact on housebuilding in the area if the High School were to reach capacity in 2023. Ms Mitchell explained that currently Kirkliston pupils attended the school but that there would be a new high school built in Winchburgh in the future and they may go thereafter but that there would still be a capacity problem.
133. When asked by Mr Arnott about the Rosebery Avenue pharmacy, Ms Mitchell stated that a good service was provided there but the steep hill prevented greater use and that a new pharmacy would be better positioned in the West of the town.
134. When asked by Mr Nathwani the timescale for the population to grow to 14,000, Ms Mitchell stated that it would take 5 to 10 years.

### **Questions from the Committee to Ms Mitchell**

135. Mr Niven asked Ms Mitchell if housing was going to be capped in the area by the City of Edinburgh Council as it was in other parts of Lothian. Ms Mitchell confirmed that the Council would only state that the houses needed to be built although it had taken 5 years to clear the land at Scotstoun.

### **Summing Up**

136. Tom Arnott of Lloyds Pharmacy summed up by making the following points:-
- There was no strong public support for the application as it was down to convenience rather than inadequacy;
  - South Queensferry is an affluent area and housebuilding has been slower than anticipated;
  - The current pharmacies are coping with the increased number of residents in the new houses already built;
  - There has been no increase in prescription numbers and extended opening hours are not necessary;
  - The premises chosen by the Applicant are not ideal;
  - There would be an impact on existing services as South Queensferry cannot support 3 pharmacies and the viability of Rosebery Avenue pharmacy would be greatly affected if a new application were to be granted.
137. Nisith Nathwani of Well Pharmacy summed up by making the following points:-
- There was under 4% response rate from the stated population;
  - The information that this was a record response to a CAR was wrong;
  - The information regarding the dosette box service was wrong;
  - There are no capacity issues and none of those expressing dissatisfaction has resulted in increased numbers of users going to the Rosebery Avenue pharmacy;
  - Inadequacy in current services has not been demonstrated.
138. Anne Mitchell of Queensferry & District Community Council summed up by stating that extended opening hours appeals to the community as residents who work outwith the area find it difficult to access pharmaceutical services.



139. The Applicant summed up by making the following points:-

- Patient numbers have increased in South Queensferry by 15% due to new housing;
- Less than 1 in 5 residents thought that current provision was adequate in the CAR;
- 4 Councillors , 1 MP and 1 MSP had submitted letters of support;
- The 2014 Regulations made provision for the views of patients to be considered for new pharmacy applications and he suggested that the Committee review the CAR again;
- His proposals are deliverable;
- The location of the proposed pharmacy is not ideal but there was nothing available in the West of the area;
- There was high footfall to the proposed area as accessing the facilities already there was part of daily life;
- He still maintains that there are problems with the dosette box service in the area;
- An independent prescriber would benefit in reducing the workload of GPs and he could offer Sunday pharmacy clinics;
- Not to authorise his application would contradict the views of the GP practice, Councillors, MSP and MP;
- It's not just convenient for him to work in the area – rather he wants to work with the people that he lives among.

### Decision

1. 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.
2. In addition to the oral submissions put before them, the Committee also took account of all written representations and supporting documents submitted by the Applicant and Interested Parties and those who were entitled to make representations. The written representations received and considered by the Committee were:

Letter from Emma Griffiths-Mbarek of Well Pharmacy

Letter from Matthew Cox of Lloyds Pharmacy

Letter from Anne Mitchell, Queensferry & District Community Council

3. The Committee also considered:-
  - i. The Consultation Analysis Report (CAR). The CAR, dated 6 April 2018, had been jointly agreed between NHS Lothian and Samson Ferry Ltd. Total responses numbered 581, of which 540 were submitted by individuals, none identified themselves as representing a group or organisation and 41 did not identify their status. There were 9 questions. The Committee reviewed the statistical analysis of responses and the cited comments from respondents in reaching their decision. The Committee's consideration of the questions is set out in paragraphs 5 to 17 below;
  - ii. The location of the nearest existing pharmaceutical services;
  - iii. The maps of the area surrounding the proposed premises detailing the location of the nearest pharmacies and GP surgeries, deprivation categories and population density;

- iv. Information regarding the number of prescriptions dispensed by the pharmacies nearest to the proposed premises;
- v. Information regarding the number of prescriptions dispensed that were issued from the GP surgery closest to the premises;
- vi. Pharmacy profiles of the nearest pharmacies detailing opening hours, premises facilities and services offered.

### **Neighbourhood**

4. Having considered the evidence presented to it, their observations from the maps 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.
5. Question 1 in the CAR asked if the neighbourhood described in the public notice is accurate. The definition had been given as North – Firth of Forth, East – Edge of Dalmeny, South – fields surrounding Dundas Castle and West – Edge of Newton. In response 532 had agreed with the definition, 26 did not agree and 20 didn't know.
6. The Committee noted that there was a high level of agreement amongst respondents as to the accuracy of the description of neighbourhood but in detailed comments there was some criticism that the definition was vague.
7. The Committee noted that in the Applicant's written application, which postdated the CAR, he had defined the neighbourhood as Dalmeny, South Queensferry and Newton.
8. The Committee did not accept the applicant's inclusion of Newton Village as part of the neighbourhood of this application. Their view was that the neighbourhood should be defined as:-

Northern boundary – Firth of Forth

Southern and Western boundaries – M90

Eastern boundary - the neighbourhood includes the built up area of South Queensferry and Dalmeny Village.

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

9. Having reached that decision the Committee 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.
10. Question 2 in the CAR asked if there were any gaps/deficiencies in the existing provision of pharmaceutical services to the neighbourhood. 425 had responded that there were gaps/deficiencies, 113 had said there were none and 41 didn't know. Of those who said yes, the comments provided were around extended and Sunday opening hours, long waiting times and staffing levels at existing pharmacies and drugs not being available.
11. The Committee noted that the qualitative analysis of responses to the CAR by those who identified deficiencies made clear that these respondents were attracted to the extended hours on weekday evenings and at weekends proposed in the application, and were concerned by

the quality of service – waiting times and customer care – at the Loan Pharmacy next to the Medical Centre. Concerns were also expressed about accessibility for patients who did not have their own transport. Respondents who did not think there were deficiencies in the existing services noted that one Lloyds Pharmacy was next to the Medical Centre and the other near the dentist, that opening hours were satisfactory and that over the counter medication could be obtained from supermarkets.

12. The Committee concluded that it was not unexpected that respondents would be attracted to the proposal of an additional Pharmacy with longer opening hours, but that this did not necessarily mean that existing services were inadequate. As for accessibility, the Committee noted the close proximity of the applicant's premises to the existing and not heavily used Rosebery Avenue Pharmacy.
13. Question 3 asked what impact a community pharmacy would have in the neighbourhood. 484 answered positive, 47 answered negative and 43 didn't know. The positive responses were around good location, longer opening times, shorter waiting times and more choice. The negative responses included comments that 2 pharmacies were enough, that another one might jeopardise existing businesses and that additional access for methadone supervision patients would create more problems in the area. Question 4 asked for views on the pharmaceutical services being proposed by the applicant. 478 were positive, 45 were negative and 35 didn't know. The positive responses were in regard to taking pressure of GPs, better access for those with mobility problems and a growing population. The negative responses were in regard to methadone supervision being offered in the new pharmacy and safety issues around this.
14. The Committee noted that over 80% of respondents expressed a positive view about the services proposed and that they would have a positive effect on the neighbourhood. Reasons included the arrival of an independent pharmacy (ie different ownership from Lloyds offering more choice), the location adjacent to shops offering in particular accessibility to people with mobility challenges, longer opening times and potential reduction of demand for NHS 24 and GP appointments. Some 15% of respondents considered a community pharmacy would have negative impacts or did not know what impact it would have. Concerns expressed were in relation to the potential of a new pharmacy to jeopardise the business of the Rosebery Avenue pharmacy; that the proposed location was in the wrong place and that there were potential risks for public safety of a methadone prescribing practice.
15. The Committee recognised that the strong majority view was that the arrival of a new pharmacy would be positive but that the comments expressed were in relation to convenience and accessibility rather than adequacy.
16. Question 5 asked if there was anything missing from the list of services to be provided. 39 answered Yes, 357 responded No and 159 didn't know. Comments provided regarding services the community would like to see related to home delivery service, health information and advice, immunisations, diabetes testing and support, travel information and advice, repeat prescription service, sexual health services, screening, scanning, health checks, palliative care support, mental health information, optical services and smoking cessation services.
17. The Committee agreed that nothing was missing from the list of services to be provided.

18. Question 6 asked if a community pharmacy in the neighbourhood would work with other NHS health services such as GP practices. 466 responded Yes, 36 responded No and 50 didn't know. The comments from positive responders related to benefits of partnership working, reduction of workload of GPs, pharmacy consultations complementing GP consultations and minor ailment provision. The comments from negative responders related to already adequate provision of services and that the site of the new pharmacy was too far from the GP surgery.
19. The Committee noted the large majority response to the question about a community pharmacy in the neighbourhood working with other NHS health services such as GP practices and concluded that this response was to be expected as it would obviously hope and expect to receive patients from South Queensferry Medical Centre.
20. Question 7 asked if the proposed pharmacy would have a positive or negative impact on existing NHS services. 460 responded positive, 39 responded negative and 53 didn't know. Comments from the positive responders related to reducing burden on existing NHS services and the GP practice in particular and a better patient experience. Comments from the negative responders related to a negative impact on current pharmacies, poor use of NHS resources, methadone supervision in the location of the new pharmacy and older people being intimidated by gangs of children who hang around the shops.
21. The Committee observed that the question did not give a definition for respondents of what "NHS Services" might be impacted but noted that a high proportion of respondents considered that the proposed pharmacy would have a positive impact on existing NHS services. Some of the comments anticipated that the benefits of competition between pharmacies would improve quality and choice for consumers; the contrary view was that the viability of the Rosebery Avenue Pharmacy would be threatened by the new arrival.
22. Question 8 asked about the location of the proposed community pharmacy. 436 responded positive, 70 responded negative and 36 didn't know. Comments from positive responders were around accessibility and suitability for different modes of transport, benefits to pedestrians and older people, near the new housing development. Comments from negative responders were around location of the new pharmacy, accessibility problems, parking facilities, traffic issues, distance from the GP surgery and local substance misuse issues.
23. The Committee noted the wide range of views on this question, which they judged to be a significant consideration. Housing expansion is underway in different parts of the neighbourhood and planned in several locations, but the proposed location of the new pharmacy is just a few minutes' walk from the existing Rosebery Avenue Pharmacy, which does not have capacity issues.
24. Question 9 asked about the proposed opening times. 483 responded positive, 48 responded negative and 15 didn't know. Comments from positive responders related to improvement on current pharmacy hours, later evening and earlier morning hours, same day collection, reduction in the need to travel outwith the area. Comments from negative responders related to sufficient existing services, the requirement for extended opening hours not being matched with GP surgery opening times, concerns around methadone prescribing at the location and the viability of the proposed new pharmacy.

25. The Committee noted that there was a high positive response to the proposed opening hours being longer than those offered by the existing Pharmacies. They noted that some respondents favoured even longer opening hours. There would be advantage for people whose working hours meant they had to travel before existing pharmacies opened or return after they closed. On the other hand the Committee noted the concerns about whether such hours would be viable, given that commuters might access pharmacies elsewhere or use home delivery services
26. From the oral presentations given, the Committee considered that there were no gaps in the existing provision of core services within the neighbourhood, as the other pharmacies in the area could provide the full range of pharmaceutical services and offered a free delivery service.
27. The Committee considered that the two existing pharmacies in South Queensferry were accessible in terms of location, public transport and car parking and that the distance between Rosebery Avenue and the proposed site was a relatively short four minute walk.
28. The Committee noted that The Loan pharmacy provided step-free access.
29. The Committee had been presented with conflicting evidence regarding both the number and severity of the complaints to the health board regarding existing pharmacies in the neighbourhood over the last 4 years but no specific detail as to the nature of these had been presented.
30. The Committee took into consideration the Community Council's view that it was desirable for the convenience of residents, especially those who worked away from South Queensferry, to have extended hours and Sunday opening. However, it noted that the Community Council had also reported that the steep hill from the Lloyds Pharmacy in The Loan to the Lloyds Pharmacy in Rosebery Avenue already acted as a deterrent to patients to use that pharmacy instead and noted that a new pharmacy in the proposed location would entail the same uphill climb as the current one.
31. The Committee noted that there were long term plans for building in the neighbourhood and that 389 houses have already been built to date but that there were uncertainties as to the number of new houses which would be completed and occupied in the medium term on the various sites which had planning permission.
32. The Committee also noted that there was no identified need in the Lothian Pharmacy Care Plan for an additional pharmacy in South Queensferry.
33. The Committee concluded that any increase in prescriptions dispensed would be capable of being accommodated by the existing pharmacies within the foreseeable future.

**In accordance with the statutory procedure the Pharmacist members of the Committee (Mr Mike Embrey and Ms Julie Blythe) left the meeting and were excluded from the voting process.**

34. The Committee agreed unanimously from the information available to it that the existing pharmaceutical services in the neighbourhood were adequate.

35. 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.

In these circumstances, it was the Committee's unanimous decision that the application should not be granted.

Signed William McQueen

**Bill McQueen, Chair  
Pharmacy Practices Committee**

6 December 2018  
Date .....