



PRIMARY CARE CONTRACTOR ORGANISATION

PHARMACY PRACTICES COMMITTEE

Application by for inclusion in the pharmaceutical list in respect of the address **UNIT A3, RETAIL UNITS, WINCHBURGH VILLAGE DEVELOPMENT, EH52 6QU**

The Pharmacy Practices Committee met at 12.30pm on June 15th 2018 at South Queensferry Medical Practice, The Loan, South Queensferry, EH30 9HA 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

Councillor Fiona O'Donnell	(Chair)
Julie Blyth	(Non-contractor Pharmacist)
John Connolly	(Contractor Pharmacist)
Margaret Tait	(Lay member)
Jan Stirrat	(Lay member)

In attendance

Tom Byrne	(Applicant)
Martin Green	(Pharmacy, Applicant Support)
Tom Arnott	(Lloyds Pharmacy, Interested Party)
Noel Wicks	(Right Medicine, Interested Party)
Mike Embrey	(Right Medicine, Interested Party)
Nisith Nathwani	(Well Pharmacy, Interested Party)
Angus MacInnes	(Winchburgh Area Community Council)
Nicholas Knox	(Winchburgh Area Community Council)
Emma Smith	(Administrator to the Pharmacy Practices Committee)

The Committee convened to consider an application for inclusion in the pharmaceutical list, dated 1st August 2017, by TBP Partnership in respect of the address, Unit A3,Retail Units, Winchburgh village development, EH52 6QU

1. A copy of the application had been circulated in advance to the Committee and the parties.

2. Written representations had been received from Lothian General Practitioners Sub-Committee of the Area Medical Committee .Lloyds Pharmacy, Right Medicine, Well Pharmacy, Boots UK Ltd and Winchburgh Community Council. 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 March 2017 to August 2017 – 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 April to September 2017. 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 and those who were present who had made written representations (Interested Parties) to attend before them. The Applicant was represented in person by Tom Byrne, assisted by Martin Green. The Interested Parties who had submitted written representations during the consultation period and who had chosen to attend the hearing were Noel Wicks of Right Medicine, Tom Arnott of Lloyds Pharmacy, Nisith Nathwani, Well Pharmacy and Angus MacInnes of Winchburgh Community Council accompanied by Nicholas Knox.
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.

The Applicant's Case

11. The Applicant thanked members of the Committee for the opportunity to put forward his application for inclusion in the pharmaceutical list.

12. The applicant discussed the proposed premises layout for the committee to consider. The applicant added that there were plans to have multiple consultation rooms to allow us to develop the delivery of pharmaceutical services fit for patient centred care in the 21st century supporting the strategic intent of the 2020 vision and Health Social care integration.
13. The applicant stated the premises would comply with all requirements regarding disabled access, including off street entry and will have an automatic power assisted door. The premises will also meet the standards required by the General Pharmaceutical Council for registration. In addition the premises also benefits from dedicated parking facilities immediately adjacent to proposed pharmacy including dedicated disabled spaces among the 50 parking spaces available.
14. The applicant informed the committee that TPB partnership LLP has secured the lease for these premises subject to a successful outcome of this application. A copy of the Heads of terms of this agreement was provided by the applicant for information..
15. The applicant outlined the services the pharmacy would provide the full range of NHS services to the population including
 - Acute and Chronic Medication Services,
 - Minor Ailments Service
 - Public Health Services of Smoking Cessation,
 - Emergency Hormonal Contraception.
16. The applicant added the pharmacy would also provide all locally negotiated services and would deliver pharmaceutical care in line with the new Scottish Government “Achieving Excellence in Pharmaceutical Care” strategy.
17. The applicant stated that the intention would be **to** work with the Health and Social Care Partnership to develop new roles and partnership working to contribute to the provision of primary care.
18. The applicant stated that there would also be a prescription collection, and a delivery service will also be provided to meet the needs of the rapidly expanding population of Winchburgh.
19. For the purposes of our application the applicant defined the neighbourhood as that contained within the boundaries of the master plan for the new Winchburgh Village development as ;
 - To the North - OS grid reference 6765 to its intersection with the M9 continuing along the M9 until its intersection with OS grid reference 3100.
 - To the East – OS grid reference 3100 between its intersection with the M9 and OS grid reference 6745.
 - To the South – OS grid reference 6745 from its intersection with OS grid reference 3100 to the B8020, continuing along the B8020 until its intersection with the Faucheldean Road, continuing along Faucheldean Road until its intersection with OS grid reference 3070.
 - To the West – OS grid reference 3070 from its intersection with the Faucheldean Road to OS grid reference 6765.
20. For clarity the applicant added that this area was highlighted on the maps for the committee to consider during their deliberations and had also provided the PPC with numerous schematics detailing the neighbourhood.
21. The applicant stated that statistics had been taken from the 2011 census and showed that the population of Winchburgh was 2490. The applicant added an enquiry to West Lothian planning

department on 30th April 2018 confirmed that the council had no updated figure for the population of Winchburgh but an acceptance that the 2011 figure could not be relied upon for accuracy following the significant development of Winchburgh since the previous census.

22. The applicant informed the committee that the Chief Executive of Winchburgh Development had confirmed that there have been 492 houses built and occupied to date. A further 96 affordable housing units in the West Lothian Council and Wheatley sites are under construction and will be occupied by the end of the year giving a total of 588 houses by the end of the year and we estimate the population of Winchburgh to be 4245 at that time
23. The applicant stated that West Lothian Council had a commitment to build secondary schools on block L of the development which would result in the removal of the 550 cap on occupations following the issue of the s75 amendment by the council in order to meet the developer contribution to the building of the schools and average of 180 houses will require to be built each year.
24. The applicant added that therefore was a projected population of 4245 at the end of 2018 and an occupation of 3 residents per house the population of Winchburgh can reasonably be expected to grow to 4785, 5325, 5865, 6405, and 6945 over the next 5 years.
25. The applicant therefore assuming a population of 4245 at the end of 2018 and an occupation of 3 residents per house the population of Winchburgh can reasonably be expected to grow to 4785, 5325, 5865, 6405, and 6945 over the next 5 years.
26. The applicant advised that the population of Winchburgh would increase dramatically due to Barrat Homes, Stewart Milne Homes, Miller Homes, and Taylor Wimpey Homes. Bellway Homes and the Wheatley Group being either in the process of building or have completed builds. Phase 2 of the development will begin in 2019 following the announcement of funding to allow the provision of 3 new schools.
27. The applicant explained that the neighbourhood defined in this application is based on the master plan for the new Winchburgh development. This neighbourhood dwarfed the previously considered Neighbourhood of Winchburgh.
28. The applicant advised that the village of Winchburgh was a historic village that dated back to 1189. The applicant added the neighbourhood of Winchburgh is currently served by primary schools, churches, bowling club, GP surgery, a small pharmacy, a butchers, a convenience store, a garage, hairdressers, fast food out let and a hotel all of which you would expect to see in a small town.
29. The applicant stated however that these amenities within the neighbourhood would be inadequate to meet the needs of the Winchburgh Village development. A development which would be the biggest urban development programme in Scotland, the biggest since Livingston, which would extend the Winchburgh Village to some 900 acres with an investment of over £1 billion.
30. The applicant explained that the original commitment to build 3450 homes in Winchburgh as part of the Core Development Area had now been superseded following the Edinburgh and South East Scotland City Regional Deal. This projects Heads of Terms detail that Scottish Government are guaranteeing, on a risk sharing basis alongside West Lothian Council, up to £150M of infrastructure investment that will allow up to 5000 homes to be built in Winchburgh and Broxburn, with an additional 275 homes being built in Winchburgh in excess of the original master plan figure. The applicant provided a copy of this document has been included for the PPC to consider.
31. The applicant reported that in support of this extensive urban development programme in Scotland additional infrastructure will also be delivered including;

- A primary school in August 2021 (231 pupils), a non-denominational secondary school in August 2022 (660 pupils) and a denominational secondary school in 2023 (660 pupils). These new schools in Winchburgh would be West Lothian Council's largest single investment in education, with £58 million invested. It was anticipated that at peak activity of school and house building that 718 full time jobs will be supported within a single year. In addition the applicant added there would be a transient population of delivery drivers etc providing the materials necessary for the development to proceed, which will further increase the population of the neighbourhood.
 - A motorway junction to coincide with the building of 1000 houses. The developer to begin construction of this junction early in 2019 with a completion date of 18 to 20 months. It is anticipated that an additional 50 workers will be required to complete the motorway junction.
 - A train station currently scheduled to open in 2022. This development would also see a large workforce required deployed within the neighbourhood. The delivery of the train station would also contribute to substantial changes in the population dynamics of the area and result in population movement into Winchburgh to access this amenity.
 - Park and ride facilities with a minimum of 200 spaces would be established for commuters using the train station and a dedicated bus lane on M9 between Edinburgh and Winchburgh will be established.
 - A Sainsbury's supermarket to open shortly in the new town centre development. This providing the expanding town with a much needed additional amenity negating the requirement for residents to leave Winchburgh to access a supermarket.
 - In addition to the Sainsbury's 4 other retails units will also be occupied; one housing a dentist, one housing a pharmacy (subject to the outcome of this hearing) a Dominos Pizza and a Supper Bowl. This development will further act to negate requirements of the neighbourhood to leave the neighbourhood to access amenities.
 - A 52 place nursery also due to shortly open close to the Belway Housing development on the main road through Winchburgh. This build has been granted full planning permission and the build will commence by September 2019.
 - Partnership centre with capacity and capability to increase GP service provision.
32. The applicant referred to the West Lothian Local Development Plan and the SES strategic development plan links which had been provided outlining the importance of transport and public access and highlighted how this was essential in the successful delivery and functioning of the Core Development Areas including Winchburgh. The transport appraisal and modelling of the West Lothian Local development Plan model showing the changes in movement that will be associated with the new Winchburgh development and predicts there would be a significant movement into the area to access the amenities of the new development.
33. The applicant advised that as required by the regulations a joint consultation exercise was undertaken between the TPB Partnership LLP and NHS Lothian in relation to the proposal to open a new pharmacy in Winchburgh.
34. The PPC and interested parties were provided with a copy of the Consultation Analysis Report produced following the conclusion of the joint consultation exercise.
35. The applicant stated that it was the position of the TPB Partnership that the consultation analysis report is inconclusive due to the limited response and contradictory nature of opinions and views expressed.

- The main points of the CAR are as follows:
86 responses were received over the 90 working day consultation period.
- Question 1 – 58 of 86 respondents indicated that they agreed with the neighbourhood defined.
- Question 2- 18 respondents thought there were gaps/deficiencies in the existing provision of service to the neighbourhood and 64 did not. Of the 64 that did not there was confusion/ contradiction in their reasoning.
- Question 3- 35 respondents stated that a community pharmacy would have a positive impact upon the community and 29 thought otherwise. Again there was confusion/ contradiction among the negative responses.
- Question 4- Only 55 respondents provided a view on the pharmaceutical services being proposed by the applicant. 40% of comments were positive and 41% were negative (22 vs 28 people). Again there was confusion/ contradiction among the reasoning of those who responded negatively.
- Question 5 – 42 respondents indicated there was nothing missing from the list of services to be provided. 9 respondents thought there were some services missing. 17 answered don't know and 18 skipped the question.
- Question 6 – 36 respondents agreed that the pharmacy would work with other NHS services in the neighbourhood. 16 did not. The reasons provided by those who responded no were confused and contradictory.
- Question 7 - 26 respondents thought the proposed pharmacy would have a positive effect on existing NHS services. 31 respondents thought it would have a negative effect. 12 did not know and 17 skipped the question.
- Question 8 – 63 respondents provided a view on the location of the proposed pharmacy. 22 responded positively to the proposed location. 36 responded negatively. Again confusion and contradiction in the reasoning of those who responded negatively.
- Question 9 – 59 respondent provided a view on the proposed opening hours. 32 responded positively to the proposed opening hours .18 responded negatively- most negative comments wanted extended opening hours.

36. The applicant added The CAR was inconclusive. Maximum number of respondents was 86 but it was not clear if these people responded to all questions. There was no confirmation that all of those who responded were from the Winchburgh neighbourhood.

37. The applicant advised that in order to achieve a set of results that are statistically significant and representative of the population a much larger response would be required. For example for a population of 3000 there would need to be 341 respondents to provide data with 95% confidence intervals and 5% error rate.

Winchburgh appears to be well served by bus links. With regular services operating as follows:

- Queensferry or Winchburgh - Uphall or St Johns's Hosp
- 16 - Livingston - Edinburgh Western General Hospital
- 21B - Uphall - Kirkliston
- 22A - Queensferry - Harthill
- 22B - Edinburgh - Livingston
- 38 - Stirling - Edinburgh
- 38A - Stirling - Edinburgh
- N1 - Edinburgh - Bathgate
- X38 - Camelon – Edinburgh

38. The applicant drew attention to statistics extracted from the 2011 census, Statistics.gov.uk and the West Lothian IJB 2016 -26 Strategy provided the following data:

- The prevalence of long term conditions in the Winchburgh population was higher than the national average ; Asthma 7.94% (6.33%), diabetes 7.13% (4.88%), Hypertension 16.74% (13.96%). COPD 2.74% (2.24%) , obesity 9.27% (8.04%) , CHD 4.46% (4.28%), mental health conditions 7.2% (4.4%) and limited by disability a little or a lot 23.4% (19.7%).
 - 8.0% of the residents of Winchburgh are aged 0 – 4 (5.5%), 38% of residents are aged 50 -64, 33% of residents are aged 65 or over (19%) with this figure projected to grow to 36% by 2020.
 - 27.1% of Winchburgh resident's smoke (21%) with 25.8 % of expectant mothers recorded as smokers at their ante natal booking appointment (19.01%).
 - Car ownership in Winchburgh is slightly higher than the national averages 22.6% of households have no Car (30.5%), 56.5% have 1 car (42.2) and 21% have 2 cars (1.6%).
39. The applicant stated that the West Lothian IJB Strategic Plan 2016 – 26 estimates that West Lothian's overall population will increase by 12% from 175,990 in 2012 to 196,664 by 2037. Making it the fastest growing area in Scotland as it has been for the past 5 years. .
40. The applicant also added that increases in population would not be seen across all age groups, in the 25 year period between 2012 and 2037 and there was an overall net reduction of 11.9% in persons aged 25-64, the mid to older working age group, whilst there was an increase in the number of younger residents aged 0-15(7.7%) and 16-24 (1.8%).
41. The applicant also drew attention to the growth in the older age groups with the most significant being with the 65-74 age groups increasing by 57%, and the over 75 age group increasing by 140%.
42. Mr Byrne also stated that under the Scottish Government's Prescription For Excellence pharmacists will develop their role, working across acute, primary care and community services and will provide more clinical care in communities. This will enhance the General Practice capacity with potential for post diagnostic caseloads to be allocated to pharmacists to optimise their complementary skills and support those with long term conditions.
43. The applicant also advised committee of a survey of the Winchburgh GP services undertaken in 2015/16 the score for arranging to see a doctor was -11% on the Scottish Average, arranging to see a nurse was -17% on the Scottish average, being treated with compassion and understanding was -7% on the Scottish average and overall GP practice care was -7% on the Scottish average. Between 01/04/15 and 01/04/18 there has been an 18% increase in the GP practice population. The ongoing development of Winchburgh would generate further increases in the practice population which will stretch service provision further
44. The applicant also stated that CPS estimate that 40% of GP appointments could be dealt with in a community pharmacy with many of these being addressed through the core eMAS and CMS services.

The applicant concluded by stating that should the PPC have any doubt regarding the necessity then the issue of desirability can be considered and as Lord Drummond Young stated in his judgement of Lloyds' Pharmacy vs National Appeal Panel June 2004;

"If the proposal under consideration does no more than make up for the shortfall, that proposal will obviously be necessary to secure adequate provision of pharmaceutical services in the neighbourhood. In some cases however, the proposal may go further, and result in a degree of over-provision. The use of the word "desirable" is in our view intended to permit the approval of such a proposal, if the decision maker is satisfied that, notwithstanding the over provision, the proposal is still desirable to secure adequacy."

Mr Byrne added that for all these reasons this pharmacy application is necessary and desirable to secure adequate provision within the neighbourhood and should be granted.

45. The applicant thanked the Committee for giving the opportunity to present the proposal for a new pharmacy.

Questions from Noel Wicks -Right Medicine to the Applicant

46. Mr Wicks highlighted elements of CAR stating that 75.3% of people who had completed the survey felt that services provided already adequate and asked if applicant agreed with this.

47. Applicant disagreed saying that the figures were contradictory and that services would have to increase.

48. Mr Wicks what additional services would be provided by the proposed pharmacy

49. Applicant advised that all additional services would be provided and that there would be room for 2 consultation rooms to provided enhanced services.

50. Mr Wicks asked applicant if there was any evidence to show that current provision of Pharmacy services does not service the neighbouring community of Kirkliston.

51. Applicant said no evidence and that they would be looking to work with the community as population would be growing.

Questions from Interested Nisith Nathwani Well Pharmacy to the Applicant

52. Mr Nathwani asked if there was to be more than 1 consultation room would there be enough space to accommodate.

53. The applicant stated that there would be adequate space.

54. Mr Nathwani asked applicant if he knew of any delays in the housing development

55. Applicant replied that there were only minor delays

Questions from Tom Arnott- Lloyds Pharmacy to the Applicant

56. Mr Arnott asked applicant if he knew of any core services that were not currently being provided.

57. Applicant stated that he did not know of any core services not being currently provided.

58. Mr Arnott asked if applicant thought these core services were being provided adequately

59. Applicant explained that the small consultation limited services. Applicant added that due to the growing population the services could be seen as inadequate.

60. Mr Arnott stated that Linlithgow currently has a population of 16,500 and 2 pharmacies with complaints received and Dalgety Bay has population of 10,00 with 1 pharmacy.

61. Mr Arnott asked

Questions from Winchburgh Community Council to the Applicant

*****The representatives from Winchburgh Community Council were not aware that only one person could speak on behalf of the Council. The chair asked if anyone on the committee had any objections to Mr MacInnes questioning applicant- no objections voiced. *****

62. Mr MacInnes asked applicant if figures showing increase in older population of any concern.

63. Applicant responded that figures came from IJB and were of no concern

64. Mr MacInnes highlighted that Community Council concerned that the opening of another pharmacy would have an impact on the current pharmacy.

65. Applicant replied that growing population would call for more pharmacy provision.

Questions from the Committee to the Applicant

66. Mrs O'Donnell stated that there had been an 18% increase in population but no increase in script numbers and asked how this was accounted for.

67. Applicant stated that patients must be going elsewhere

68. Mrs O'Donnell asked applicant what the proposed opening hours would be

69. Applicant informed committee that hours would be Monday- Saturday 9am to 6pm

70. Mrs Tait stated that the proposed provision of services was not different to services already provided. Mrs Tait added that the community would that of working people and that hours would have to be adjusted as required.

71. Applicant stated that he would respond to the needs of the community.

72. Ms Stirrat drew attention to the higher than average numbers provided with Asthma, hypertension and asked applicant what services he could provide that GP could not

73. Applicant stated that there would clinics, monitoring and help with medication along with patient care reviews.

74. Ms Stirrat asked applicant if he was aware of the number of Gluten Free and Stoma patients

75. Applicant replied that he did not know these figures.

76. Ms Blythe highlighted the difference in number of responses from the GP Survey and the CAR asking if the applicant knew why this was

77. Applicant stated that there were issues with CAR process and that with GP Survey people are invited to reply whereas with CAR it is done on a voluntary basis.

78. Mr Connolly asked applicant to confirm the following

- Winchburgh Population – 2490
- 588 units proposed with 492 already built
- Winchburgh population by end of the year 4245
- Winchburgh population by end of 2019 4785

79. Applicant agreed with the figures and added that the population was expected to steadily increase over the next 5 years.
80. Mr Connolly asked applicant if he knew the number of social housing units that would be available in the development.
81. Applicant stated that 25% of units would be allocated to social housing.

The Interested Parties Case – Noel Wicks, Right Medicine

82. Mr Wicks started his presentation by giving some background on Right Medicine Pharmacy stating that Right Medicine currently has 24 pharmacies across Scotland. Mr Wicks added that pharmacies had been running since 2000.
83. Mr Wicks informed committee that for a second year running co-owner was named as Pharmacist of the Year as well as being honoured with an MBE for services to Pharmacy.
84. Right Medicine also awarded in 2018 for Innovative in Pharmacy Practice.
85. Mr Wicks stated that Right Medicine would define the neighbourhood boundaries as
- To the North the nearest edge of the fields running at the back of the existing housing to where they meet the B8020
 - To the East the nearest edge of Niddry Bing and Niddry Castle Golf Club
 - To the South Niddry Burn
 - To the West the nearest edge of fields running alongside the existing housing
86. Mr Wicks advised that 2011 census figures show Winchburgh has a population of 2490 which is well below the average for population per pharmacy. Mr Wicks added that a more realistic figure now would be 3,500 population
87. Mr Wicks advised that this figure is considerably lower than the West Lothian NHS figures published in the recent Provision of Pharmaceutical care report 2017 which quotes 5485 people.
88. Mr Wicks stated that even if the lower Lothian wide average figure of 4385 people per pharmacy and the top end of the figures for population of Winchburgh figures are still 1000 inhabitants below the average in Lothian
89. Mr Wicks said that from the site visit the community would have seen that the existing pharmacy in Winchburgh was a fairly typical community pharmacy with staff who knew the patients well and provided a helpful and friendly service.
90. Mr Wicks advised that the pharmacy could be easily accessed from the street and had a DDA compliant ramp.
91. Mr Wicks noted that the pharmacy was well suited to provide all the required NHS services as well as coping with the prescription volumes of the village. Mr Wicks went on to state that figures published on NHS Open Data site showed Winchburgh was 347th out of 1259 contractors in Scotland, this means that 912 pharmacies were busier in Scotland and that Winchburgh sits in the bottom thirds of pharmacies for the volume of prescriptions.

92. Mr Wicks reported that the average items for a Scottish pharmacy was 6909 and that Winchburgh was significantly behind that and that even if these numbers were to be reached it would still be the average volume for a pharmacy in Scotland.
93. Mr Wicks then spoke of the dispensing figures for current pharmacy stating that the modest numbers and little increase was due to the demographic of the area even with the additional housing.
94. Mr Wicks said that the pharmacy in its current format was completely adequate to continue supplying the pharmaceutical services to the community. Mr Wicks added that this was also the outcome of a consultation with community and that in the most recent GPHC inspection it was rated as 'good'
95. Mr Wicks also stated that in the consultation that 75% of the respondents noted no gap in the provision of services and that 58% said that an additional pharmacy would have a negative impact.
96. Mr Wicks acknowledged the expansion of the village and stated that this had resulted in a change of opening hours with an additional hour on Saturday and midweek closing being changed to 6pm.
97. Mr Wicks informed committee that current plans to expand the existing premises has been paused as the opening of an additional pharmacy would have an adverse impact on current services.
98. Mr Wicks went on to discuss the housing development and raised concerns with the delays. Mr Wicks stated that Phase 2 of the development was due to be underway in 2016 but due to changes this had not happened. Mr Wicks advised that the entire infrastructure has to be in place for phase 2 to start because planning permission was only given in principle until these requirements had been met. Mr Wicks added that 550 of a proposed number of 3450 houses were near completion.
99. Mr Wicks reported that the recent West Lothian news bulletin stated that the council has had to fund the building of the schools due to the developers not being in a position to do so and thus blocking the development. Permission for the schools is thought to be done in early 2019.
100. Mr Wicks summarised by saying that the application put forward was one based solely on speculation and opportunism and that there was a very real danger if granted the viability of existing services would be greatly affected. Mr Wicks also said that the consultation report demonstrated that the majority of the population were happy with the existing services and only serves to highlight why this application was either necessary or viable.

Questions from the Applicant to Mr Wicks

101. Applicant asked Mr Wicks if he thought that numbers not increasing in his Pharmacy was due to inadequate services.
102. Mr Wicks replied that it was not due to inadequate services but rather people going to medical practices.
103. Applicant informed Mr Wicks that he had visited Right Medicine premises in Winchburgh and asked if they were DDA compliant.
104. Mr Wicks confirmed that premises were fully DDA compliant.
105. Applicant raised concerns with Wheelchair access for consultation room in Right Medicine and asked if this had been an issue
106. Mr Wicks confirmed that there were no issues with Wheelchair access

107. Applicant asked Mr Wicks if property next door to existing pharmacy had been purchased due to it being inadequate.
108. Mr Wicks advised it was not due to any inadequacies in the existing pharmacy.
109. Applicant questioned Mr Wicks on conversion of additional unit changing from housing unit to retail unit highlighting the planning permission and why this had not been applied for yet
110. Mr Wicks informed applicant that due to the application made by him the planning permission was put on hold as did not want to incur unnecessary costs.
111. Applicant asked Mr Wicks if there would be any structural work e.g. walls knocked down in new unit
112. Mr Wicks replied that he was not aware of any such requirements
113. Applicant asked Mr Wicks if he was aware that the previous application to convert residential premises to commercial in Winchburgh had been denied
114. Mr Wicks stated that he was not aware of this
115. Applicant stated that he had been informed that local residents had said that they had to wait up to 10 days for scripts
116. Mr Wicks replied that this was not true and that there was no proof of this.
117. Applicant asked what parking was available at new property
118. Mr Wicks confirmed that parking was not good
119. Applicant asked Mr Wicks if he agreed that eMAS and CMS could remove need for GP services
120. Mr Wicks agreed with this
121. Applicant asked Mr Wicks if he agreed with Community Pharmacy Scotland that 40% of GP appointments could be dealt with in Pharmacy
122. Mr Wicks also agreed with this

Questions from Mr Nathwani Well Pharmacy to Mr Wicks

123. Mr Nathwani asked Mr Wicks if new Pharmacy was to open if this would affect home visits
124. Mr Wicks confirmed that home visits would have to end if new Pharmacy was to open

Questions from Tom Arnott Lloyds Pharmacy to Mr Wicks

125. Mr Arnott asked there were any caps on services
126. Mr Wicks replied no caps
127. Mr Arnott asked Mr Wicks if 50% of business was lost due to ne Pharmacy would current Pharmacy be viable

128. Mr Wicks stated that it probably would not be viable

Questions from the Committee to Mr Wicks

129. Mrs O'Donnell asked Mr Wicks if he had looked into the refusal in 2016 of unit being changed from residential to commercial property

130. Mr Wicks replied that he had not

131. Mrs O'Donnell asked it was considered by Right Medicine to purchase one of the newly built units

132. Mr Wicks stated that they were expensive with high rent. Mr Wicks added that Right Medicine was investing in property they had and that their property was nearer to GP surgery.

133. Mrs O'Donnell asked why script numbers were not aligning with population increase

134. Mr Wicks replied that this was probably due to demographic of community. Mr Wicks added that till takings were slightly up.

135. Mrs O'Donnell asked what would trigger progress with planning for additional premises

136. Mr Wicks stated that application for new pharmacy was determining how Right Medicine proceeded.

137. Mrs O'Donnell asked if additional premises could be up and running in 6 months

138. Applicant stated they could

139. Mrs O'Donnell asked Mr Wicks if current Pharmacy provided emergency contraception service

140. Mr Wicks confirmed they do

141. Mrs O'Donnell asked Mr Wicks how services like Smoking Cessation was promoted

142. Mr Wicks replied service promoted through marketing materials, poster, word of mouth

143. Mrs O'Donnell raised concerns with consultation room

144. Mr Wicks stated that there no complaints from customers on this and that recent customer survey had not highlighted any issues.

145. Mrs Tait asked Mr Wicks if he felt that GP practice could provide more services

146. Mr Wicks said that if forecast changes happen it could but that it was a fluid plan

147. Mrs Tait asked if there was a commitment from current Pharmacy to open at lunchtime

148. Mr Wicks replied that current Pharmacy would open and that it had been agreed at recent Council meeting that lunchtime opening would start.

149. Mrs Tait asked about early opening hours

150. Mr Wicks stated that Pharmacy hours would change as required

151. Mrs Tait added that the consultation room in current Pharmacy was poor and asked if there was a commitment for this to change
152. Mr Wicks confirmed that this would look at
153. Mrs Tait asked if Right Medicine was a Public Ltd company
154. Mr Wicks confirmed it was a private company
155. Mrs Tait asked if within Capital budget there was money quantified for any changes
156. Mr Wicks monies were available in budget

The Interested Parties Case – Mr Nisith Nathwani- Well Pharmacy

157. Mr Nathwani thanked the Committee for allowing him to speak
158. Mr Nathwani advised that Well Pharmacy contended application as it was neither necessary or desirable as there were already adequate Pharmaceutical services being provided by the pharmacy located within and out with the neighbourhood
159. Mr Nathwani stated that there was no disagreement with the applicants proposed neighbourhood even though most of it was currently fields. Mr Nathwani added that it was possible to walk through neighbourhood without any impediment
160. Mr Nathwani advised that the population of the proposed neighbourhood was at 2011 census was 2,541. The most recent population figures cite population of approx 3,040. Mr Nathwani added this was an average of 71 residents for the past 7 years
161. Mr Nathwani stated that 2011 census showed that there was a high car ownership and that residents were of good health. Mr said no significant numbers in over 65's or under 16's in population.
162. Mr Nathwani noted that according to proposed planned development the number of houses was due to rise by 978 but only half of these had been built.
163. Mr Nathwani went on to say that second phase of development did not have a nominated developer which suggests that further delays could happen in delivering proposed housing
164. Mr Nathwani reported that average number of population per pharmacy in NHS Lothian was 4,835 and 5,485 in West Lothian. Mr Nathwani added that with the current population and the recent rate of house building that it would be a number of years before population would reach numbers that would require additional pharmacy and that this application was premature.
165. Mr Nathwani advised that there was already a centrally located pharmacy within the neighbourhood boundary which offered full range of services situated only 250 metres from the proposed site.
166. Mr Nathwani added the pharmacy has private consultation room which was suitable to carry out all required services.
167. Mr Nathwani added that the proposed pharmacy would offer no new services to the ones currently being provided in the neighbourhood.
168. Mr Nathwani stated that Well Medicine currently provide pharmaceutical services to residents of Kirkliston and also Winchburgh. GP practices in Kirkliston and Winchburgh amalgamated into the

Almond Practice in the last 18 months and now patients can access medical services and pharmaceutical services at either site.

169. Mr Nathwani advised Well Premises were DDA compliant with a consultancy room, low waiting times and the room for expansion if required.
170. Mr Nathwani reported that demographics show Winchburgh residents have better access to medical services including pharmacy than many parts of Scotland and that social deprivation was low in the area.
171. Mr Nathwani highlighted that the CAR report had shown that there was very little public support for the application due to the very low numbers of responses to the public consultation and that from those who did respond the general opinion was that there was no need for an additional pharmacy.
172. Mr Nathwani that the committee take into account whether granting of this application would have an adverse impact on existing services.
173. Mr Nathwani summarised by saying respectfully he requested this application be refused as it was neither necessary or desirable for the neighbourhood.

Questions from the Applicant to Well Pharmacy

174. Applicant asked Mr Nathwani if changes in demographic with 3 new schools opening would have impact
175. Mr Nathwani stated he no real concerns
176. Applicant asked if every part of development would meet timescales
177. Mr Nathwani advised there would be some slippage in timescales
178. Applicant asked if current Pharmacy is DDA compliant
179. Mr Nathwani advised that latest GPCH report they had been given a status of good which was not often given.

Questions from the Right Medicine to Well Pharmacy

180. Mr Wicks if there were any caps on services provided by Well Pharmacy
181. Mr Nathwani stated there were no caps
182. Mr Wicks asked if required could changes be made to consultation room
183. Mr Nathwani said changes would be easily made

Questions from the Committee

184. Mrs Tait stated that there had been 2 neighbourhoods defined which did Mr Nathwani agree with
185. Mr Nathwani confirmed he agreed with applicants neighbourhood

The Interested Parties Case – Lloyds Pharmacy

186. Mr Arnott thanked the panel for allowing him to speak
187. Mr Arnott started his presentation by saying that the applicant's reason for making this application was due to current services being provided being inadequate due to housing development.
188. Mr Arnott reported that from information provided by the applicant it showed that from 2013-2017 978 houses have been built. Current pharmacy has no issues with providing core services.
189. Mr Arnott stated that the regulations state the committee must consider current pharmaceutical services in the neighbourhood any adjoining neighbourhood being provided.
190. Mr Arnott advised the current Winchburgh population is currently 3,040 and that there is currently a pharmacy 250 metres from the proposed site.
191. Mr Arnott reported that average number of population per pharmacy in NHS Lothian was 4,835 and 5,485 in West Lothian and that Linlithgow less than 6 miles away had 2 pharmacies
192. Mr Arnott asked that the committee take into consideration the adverse affect a second pharmacy would have on the existing pharmacy. Mr Arnott added Winchburgh could not support 2 pharmacies.
193. Mr Arnott said that the applicant provided no evidence showing the current services being provided were inadequate and that the proposed housing development would not change this.
194. Mr Arnott highlighted that the existing pharmacy had secured adjoining property that would allow for expansion if required.
195. Mr Arnott added that surveys show that residents of Winchburgh have better access to medical services including pharmacy than most parts of Scotland.
196. Mr Arnott advised that the response rate of 2.8% in the public consultation was one of the lowest he had ever seen. Mr Arnott added that only 18 responded to question asking if provision of pharmacy services were inadequate
197. Mr Arnott highlighted the following
- Q3- What impact do you think a Community Pharmacy would have on neighbourhood. Only 1.1% said it would have a positive impact
 - Q4- What are your views on the services being proposed by the applicant. Only 40% said it would have a positive impact
 - Q7- Do you believe the proposed pharmacy would have a positive or negative impact on the current NHS services. . 26 respondents said it would be positive.
 - Q8- What do you think about the location of the proposed pharmacy. 35% only said it was positive.
198. Mr Arnott highlighted that the new regulations say that the applicant must establish public support in the neighbourhood of the proposed application. Mr Arnott added that he felt this had not been gained but rather that the applicant had failed in gaining public support.
199. Mr Arnott advised that with all the applicants efforts including an advert in local newspaper only 86 responses had been received indicating that the majority did not support the application.
200. Mr Arnott summarised that the committee must take in to consideration all regulations and what impact the granting of this application would have on the existing services and that of the neighbourhood. Mr Arnott asked therefore that this application be refused.

Questions from the Applicant to Lloyds Pharmacy

201. The applicant asked Mr Arnott if he was aware of any health centre changes
202. Mr Arnott confirmed he was not aware of any changes
203. Applicant asked Mr Arnott if he thought increase in population and the forecast of population number of 7,700 in 8 years would have impact
204. Mr Arnott advised he did not think it would have negative impact.
205. Applicant questioned Mr Arnott about CAR questions that he had highlighted
206. Mr Arnott stated that a low response rate of 86 was a worrying fact for applicant

Questions from Right Medicine to Lloyds Pharmacy

207. Mr Wicks asked if there any caps on services
208. Mr Arnott advised there were no caps

Questions from the Committee to Lloyds Pharmacy

209. Mrs Tait asked Mr Arnott if he agreed with proposed neighbourhood
210. Mr Arnott confirmed he agreed with applicant's neighbourhood
211. Mrs O'Donnell asked Mr Arnott if he was aware of why Winchburgh population was growing there was a dip in Lloyds Broxburn levels
212. Mr Arnott advised that this could be due to competitors van deliveries reaching Broxburn and other areas

The Interested Parties Case – Winchburgh Community Council

213. Mr MacInnes thanked the committee and again apologised for not being aware that regulations noted only one person could speak to committee.
214. Mr MacInnes informed the committee that the proposed earliest end date for Winchburgh development was 2033
215. Mr MacInnes added that electricity supply was due 2019, primary schools due 2021 and secondary schools due 2022
216. Mr MacInnes highlighted that phase 2 of development was due to start 2019 and that phase 3 would come after but only if main part infrastructure were in place.
217. Mr MacInnes stated that his main concern was the timescales for the future.

Questions from Applicant to Community Council

218. Applicant asked if Mr MacInnes was aware that population when development complete could be over 10, 000 which would be larger than Linlithgow

219. Mr MacInnes acknowledged that this could be possible
220. Applicant asked Mr MacInnes about Community Council and NHS plans to develop partnership centre
221. Mr MacInnes advised applicant that any such development would be dependent on NHS funding.
222. Applicant asked Mr MacInnes if Right Medicine having proposed expansion stopped would impact on Winchburgh pharmacy services.
223. Mr MacInnes stated that what Winchburgh needs is most important to Community Council
224. Applicant asked if proposed new supermarket would impact social traffic
225. Mr MacInnes said he thought it would have impact.
226. Applicant asked Mr MacInnes if schools would have impact on the local community
227. Mr MacInnes said he hoped that it would bring more families to the village.
228. Applicant also asked if this would call on more health services being required
229. Mr MacInnes stated that it would as these are services people look for

Questions from Right Medicine to Community Council

230. Mr Wicks asked if Community Council were aware of Health Promotion Services
231. Mr MacInnes confirmed CC were aware of these
232. Mr Wicks asked CC if 2 Pharmacies would be viable and if there were inadequacies in current services provided
233. Mr MacInnes stated only question was around lunchtime opening and this has now been rectified.
234. Mr Wicks asked if there had been any complaints about current pharmacy services
235. Mr MacInnes advised there had not been any complaints received
236. Mr Wicks asked if there were any update on new health centre
237. Mr MacInnes advised that this was being dealt with by NHS Lothian and West Lothian council.

Questions from Well Pharmacy to Community Council

238. Mr Nathwani asked Mr MacInnes if community happy with services being provided by Right Medicine
239. Mr MacInnes confirmed that this was the case

Questions from Lloyds Pharmacy to Community Council

240. Mr Arnott asked if he felt that more affluent people were moving into the area

241. Mr MacInnes answered that he felt there was a mixture of people moving into the community.

Summing Up

The Applicant and the Interested Parties were given the opportunity to sum up:

242. The Applicant summed up by making the following points:

- Winchburgh village is the biggest urban development programme in Scotland. The building of the 3700 homes and associated infrastructure to support the population is delivering a transformational change of the neighbourhood.
- The new town centre retail units will provide amenities that did not previously exist and negate the requirement for residents to leave the neighbourhood.
- The current pharmacy premises are inadequate to meet the needs of the population now and as the development progresses.
- Current pharmacy owners have purchased the residential unit adjacent to their pharmacy and are on record as stating they intend to extend into this. This clearly indicates that the current premises are inadequate for the growing population.
- The owners of the current pharmacy have not applied for change of use/ planning permission to change residential to commercial and we contend they will face significant challenges in obtaining such (DDA compliance, loss of an affordable home, neighbourhood objections?)
- The last application for change of use from residential to commercial on Main Street Winchburgh was rejected.
- The FOI response from NHS Lothian clearly states that the population increases in Winchburgh are necessitating additional primary care services.
- Viability has been discussed; we do not accept that Right Medicine will close if this contract is granted given that Winchburgh is subject to the biggest urban development in Scotland.
- The PPC will be aware that interested parties have a commercial interest in this application not being granted.
- As applicants we are not dismissing the views expressed in the CAR but are reminding the PPC that small response rate means that the results are not statistically significant and cannot be taken to be representative of the neighbourhood.
- We believe we have provided significant evidence that the pharmaceutical services within the neighbourhood and into the neighbourhood are inadequate for the expanding population. It is our position that it is both necessary and desirable to grant this contract to secure adequate provision now and for the future.

243. Mr Wicks of Right Medicine Ltd summed up by making the following points:

- Adequacy is quite low bar and it's been shown that through patient questionnaires we are not just adequate at what we do but that we are good at what we do.
- Patient feedback consistently scores pharmacy well with minimal waiting times and no limits on any services and also offer delivery service if required.

- Will not be able to continue investing in business if another contract is granted
- Existing population is below average served by pharmacies in Lothian.

244. Mr Nathwani of Well Pharmacy summed up by making the following points:

- No evidence of inadequacies in current services. Service offers all elements of the Scottish and local NHS contracts.
- No additional services being offered by new proposed pharmacy
- The granting of a second pharmacy would cause problems for current pharmacy and could cause losses for both businesses
- There is no public appetite for another pharmacy
- Current pharmacy is currently well under average in terms of prescriptions and also per head of population served

245. Mr Arnott of Lloyds Pharmacy summed up by making the following points:

- Existing services only 250 meters from proposed premises
- Local community can't support 2 pharmacies
- 2033 is a long reaching end date
- CAR does not support it

246. Mr MacInnes of Winchburgh Community Council summed up by making the following points:

- Not required at the moment but will need to be looked at in the future

247. At the conclusion of the summing up, the Chair asked the Applicant and the Interested Parties if they considered that they had had a fair and full hearing. Both the Applicant and the Interested Parties agreed that they had had a fair and full hearing and there was nothing further that they wished to add.

248. The Chair advised that the Committee would now consider the application and representation and make a determination. A written decision would be prepared and a copy sent to them as soon as possible. A letter would be included with the decision advising of the appeal process. The Chair then thanked the parties for attending

The Applicant Mr Tom Byrne, Interested Parties and Board Administrator (Ms Emma Smith) then left the meeting.

Decision

249. 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.

250. 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:

- i. Email from Dr Peter Shishodia of the Lothian General Practitioners Sub-Committee of the Area Medical Committee
- ii. Letter from Mathew Cox of Lloyds Pharmacy
- iii. Letter from Joanne Watson of Boots UK Ltd
- iv. Letter from Emma Griffiths-Mbarek of Well Pharmacy
- v. Letter from Noel Wicks of Right Medicine

251. The Committee also considered:

- vi. The Consultation Analysis Report (CAR)
- vii. The location of the nearest existing pharmaceutical services
- viii. The maps of the area surrounding the proposed premises detailing the location of the nearest pharmacies and GP surgeries, deprivation categories and population density
- ix. Information regarding the number of prescriptions dispensed by the pharmacies nearest to the proposed premises
- x. Information regarding the number of prescriptions dispensed that were issued from the GP surgeries closest to the premises
- xi. Pharmacy profiles of the nearest pharmacies detailing opening hours, premises facilities and services offered

Neighbourhood

252. 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, and the Committee had to decide the question of neighbourhood in which the premises, to which the application related, were located.

The Committee accepted the neighbourhood proposed by the applicant.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

253. 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 the neighbourhood

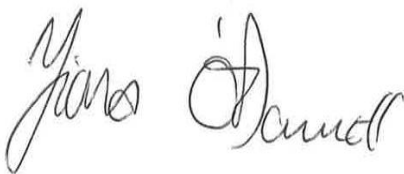
254. The Committee felt that there were no gaps in the existing provision of services within the neighbourhood as the other pharmacies in the area could provide the full range of pharmaceutical services. The Committee also noted that there was no evidence provided of concern being raised about the adequacy of current pharmaceutical services.

255. The CAR report was considered by the committee also and while response rate was low there was a strong feeling from the majority the services already provided were adequate.
256. The committee considered the 3 pharmacies in the surrounding communities and the fact that they were all accessible to the Winchburgh community
257. The committee noted that there had also been no complaints to NHS Lothian about existing services.
258. The committee also took into consideration the community council view that the current services were adequate and also responsive to any required changes.
259. The committee considered the increase in population in the coming years and the proposed 3450 new homes in the next 5, 10 years time and felt that services would remain to be adequate

In accordance with the statutory procedure the Pharmacist members of the Committee (Mr John Connolly and Ms Julie Blyth) left the meeting and were excluded from the voting process.

260. The Committee agreed unanimously from the information made available that the existing pharmaceutical services in the neighbourhood were adequate.
261. 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.....
Fiona O'Donnell, Chair
Pharmacy Practices Committee

2.7.18
Date