



**Minutes of the meeting of the Pharmacy Practices Committee (PPC) held on
Thursday 23rd March 2023 at 0930 hrs via MS Teams**

The composition of the PPC at this hearing was:

Chair: Martin Connor

Present: **Lay Members Appointed by NHS Lothian**
Brian McGregor
Eleanor Blair
John Niven

**Pharmacist Nominated by the Area Pharmaceutical Professional
Committee** (included in Pharmaceutical List)
John Connolly

**Pharmacist Nominated by Area Pharmaceutical Professional
Committee** (not included in any Pharmaceutical List)
Hazel Gaven

Observer: Katerina Marinitsi, NHS Lothian

Secretariat: Tracy Bone, NHS National Service Scotland

1. APPLICATION BY Logan Gray Ltd

1.1 There was an application submitted and supporting documents from Logan Gray Ltd received on 28th October 2022, for inclusion in the pharmaceutical list of a new pharmacy at 203 Greenwell Wynd, Edinburgh EH17 8WQ.

1.2 Submission of Interested Parties

1.3 No documents were received from interested parties.

1.4 Correspondence from the wider consultation process undertaken

- i) Consultation Analysis Report (CAR)
- ii) Consultation Document and completed questionnaires

2 Procedure

- 2.1 At 0930 hours on 23rd March 2023, the Pharmacy Practices Committee (“the Committee”) convened to hear the application by Logan Gray Ltd (“the Applicant”). The hearing was convened under Paragraph 2 of Schedule 3 of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, as amended, (S.S.I. 2009 No.183) (“the Regulations”). In terms of paragraph 2(2) of Schedule 4 of the Regulations, the Committee, exercising the function on behalf of the Board, shall “determine any application in such manner as it thinks fit”. In terms of Regulation 5(10) of the Regulations, the question for the Committee was 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”.
- 2.2 The Chairman welcomed all to the meeting and introductions were made. When asked by the Chairman, members confirmed that the hearing papers had been received and considered. When committee members were asked by the Chairman in turn to declare any interest in the application, none were declared.
- 2.3 Members of the Committee had undertaken independent site visits to 203 Greenwell Wynd, Edinburgh EH17 8WQ and the surrounding area. During which the location of the premises, pharmacies, general medical practices and other amenities in the area such as, but not limited to schools, sports facilities, community centres, supermarkets, post office, banks and churches had been noted.
- 2.4 The Chairman advised that Tracy Bone was independent from the Health Board and was solely responsible for taking the minute of the meeting.
- 2.5 The Chairman outlined the procedure for the hearing. All Members confirmed an understanding of these procedures.
- 2.6 Having ascertained that all Members understood the procedures, that there were no conflicts of interest or questions from Committee Members the Chairman confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers circulated. The Applicant was invited to enter the hearing.

The open session convened at 0930 hrs

3 Attendance of Parties

- 3.1 The Chairman welcomed all and introductions were made. The Applicant, Logan Gray Ltd represented by Ms June Friel. From the Interested Parties eligible to attend the hearing, none accepted the invitation.
- 3.2 The Chairman advised all present that the meeting was convened to determine the application submitted by Logan Grey Ltd in respect of a

proposed new pharmacy at 203 Greenwell Wynd, Edinburgh EH17 8WQ. The Chairman confirmed to all parties present that the decision of the Committee would be based entirely on the evidence submitted in writing as part of the application and consultation process, and the verbal evidence presented at the hearing itself, and according to the statutory test as set out in Regulations 5(10) of the 2009 regulations, as amended, which the Chairman read out in part:

- 3.3 “5(10) an application shall be ... granted by the Board, ... only if it is satisfied that 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...”
- 3.4 The Chairman confirmed that notice has been given to: Lothian Area Pharmaceutical Committee; Lothian General Practitioners Sub Committee of the Area Medical Committee and Gordons Chemist. No written representations had been received before the required timescale for consideration by the Committee.
- 3.5 The three components of the statutory test were emphasised. It was explained that the Committee, in making its decision, would consider these in reverse order, i.e. determine the neighbourhood first and then decide if the existing pharmaceutical services within and into that neighbourhood were adequate. Only if the Committee decided that existing services were inadequate would the Committee go on to consider whether the services to be provided by the applicant were necessary or desirable in order to secure adequate services. That approach was accepted by all present.
- 3.6 The Chairman asked all parties for confirmation that these procedures had been understood. Having ascertained that all parties understood the procedures the Chairman confirmed that the Oral Hearing would be conducted in accordance with the Procedure at Hearings document contained within the papers circulated.
- 3.7 The Chairman confirmed that members of the Committee had independently conducted site visits in order to understand better the issues arising from this application. Assurance was given that no member of the Committee had any interest in the application.
- 3.8 The Chairman asked for confirmation that all parties fully understood the procedures to be operated during the hearing as explained, had no questions or queries about those procedures and were content to proceed. All confirmed agreement.

4. Submissions

- 4.1 The Chairman invited Ms June Friel, to speak first in support of the application.
- 4.2 Ms Friel read aloud the following pre-prepared statement making alterations as necessary:

- 4.3 Good morning, and many thanks for taking the time to hear this application. My name is June Friel and I am representing Logan Gray Ltd today.
- 4.4 I must say it is an interesting experience arguing for a new application without any interested party opposing it. It's a new one for me.
- 4.5 So, without further ado, I will go through the Legal Test and provide you with the information I believe demonstrates that the granting of this application is both necessary **and** desirable, in order to secure an adequate pharmaceutical service in the neighbourhood in which the proposed premises are located.
- 4.6 Fundamentally, this application rests on a combination of two important factors:
1. the inadequacy of access to existing pharmacies and
 2. the inadequacy caused by an increasing lack of capacity at the existing pharmacies.
- 4.7 And as evidence of the above, I will rely on the results of the CAR and on other evidence.
- 4.8 The neighbourhood, which is called 'Burdiehouse', is bounded
- to the West by open fields.
 - To the South is the A720 Edinburgh Bypass.
 - To the North is the B701 (Frogston Road/Captain's Road) and
 - to the East by Lasswade Road, which divides Burdiehouse from Gilmerton.
- 4.9 This is a neighbourhood 'for all purposes. It comprises of existing homes but critically (for the purposes of this application) includes a huge number of new homes.
- 4.10 Within the Existing Services to the Neighbourhood
- 4.11 There are no pharmacies in the neighbourhood. Existing services are provided to the neighbourhood by pharmacies in adjacent neighbourhoods. The closest is Gordon's Chemist on Captain's Road. This is outside the northern boundary of the neighbourhood, and that neighbourhood is commonly known as Rosemount.
- 4.12 There is also a Lloyds pharmacy in the Sainsbury at Straiton, and also in Gilmerton.
- 4.13 Other pharmacies are available but are much further afield.
- 4.14 Are these Services Adequate?
- 4.15 This is, of course, is the crux of the Legal Test.
- 4.16 I'm going to approach this question in two ways:

- 4.17
1. The first is to consider where these pharmacies are located with respect to the residents of the neighbourhood. In other words, *'how easy is it to access these pharmacies?'*
 2. The second question is around the adequacy of the *"level of service* which these pharmacies can provide."
- 4.18 Before I do that, there are two important factors that affect how we answer these questions.
- 4.19
- The first is "what is the size of the population".
 - The second, "What are the demographics of the population".
- 4.20 The reason we need to know this is simple:
- 4.21
- The larger the population, the more people there will be that will need and require a comprehensive and accessible pharmaceutical service.
 - The more people there will be without access to a car, people with long-term chronic conditions, parents with young kids, and also people with disabilities, etc
 - And the demographics are the second thing that influences this.
 - The more deprived a population, the more there will be a need for all of the above.
- 4.22 Ultimately these are the key factors which determine 'how much does a neighbourhood need a pharmacy'. It's an interplay between the size of the population the SIMD rating of the population.
- 4.23 Here's what I **do** know. There are approximately 3,390 new homes which some recently constructed or soon to be constructed. Whatever the population of Burdiehouse was ten years ago - 2000? 3000? You can add around an extra 10,000 people to that.
- 4.24 This is an enormous number.
- 4.25 It's such a huge number that I'm not going to waste your time detailing all the numbers as they are all evidenced in the Edinburgh Council Planning.
- 4.26 What matters is the current situation plus predictable probable future developments which is the case here as the ground is already broken and building has commenced.
- 4.27 The simple fact is this: The population of this part of Edinburgh has rocketed over the past couple of years. So much so that, as I'm sure you are aware, Primary Medical Services at local surgeries are in complete crisis. And this is evidenced on the Ferniehill GP website where it clearly states and I quote:
- 4.28 "Please note that due to a considerable increase in the number of new homes in the area, our practice list has increased significantly. We have therefore been forced to take the decision to close our list for the time being, and we

are therefore not currently accepting new registrations (with the exception of immediate family members of patients).

We appreciate that this may cause you difficulty in finding a local GP.

However, it is important that we are able to care for our patients safely.”

- 4.29 Now, that takes me on to the demographics. What we're really interested in here is SIMD. Now we can't have the data for all of the new homes as it's not currently available but We can take a reasonable approach that these will mainly be 'average' people living in 'average' new homes, with 'average' needs along with the affordable housing. But there's a huge number of them, so the needs of this population is still extremely important.
- 4.30 But the older part of Burdiehouse? That's a different story. In fact, much of the original part of the neighbourhood is quite deprived. As you can see from this map that was included with my application.
- 4.31 As you can see from the map, a large part of the original neighbourhood is in the most deprived 20% of the Scottish population. So within this relatively comfortable population is a very significant cohort of very economically deprived residents.
- 4.32 So, we have a very large population in this neighbourhood and we have a pocket of deprivation. Put that together and you have a very significant population who need easy access to a comprehensive pharmaceutical service.
- 4.33 So, how do they get to a pharmacy?
- 4.34 Well, the simple answer is they either walk, or drive, or take a bus to a pharmacy outwith their own neighbourhood. The closest being the Gordon's on Captain's Road. For many of them that's going to be quite a walk - especially for all the new residents in the new-build estates.
- 4.35 Will a percentage of the population find this difficult? Yes of course!
- 4.36 Young mums with prams? Older people with limited mobility? Undoubtedly. This is a walk uphill the whole way for the vast majority of residents. My proposed premises, on the other hand, do not involve a walk uphill.
- 4.37 This is where the 'population' comes into play. For a small population this difficulty in access would probably only apply to a small number of people. Not enough to justify the granting of a new pharmacy contract.
- 4.38 But remember, we're now talking about a huge population.
- 4.39 What I'm arguing is that when the population of a neighbourhood increases so dramatically and reaches a certain size such as this neighbourhood then it is no longer reasonable to expect them to access a pharmacy out with the neighbourhood. Therefore, the access is inadequate.

- 4.40 And again, it's about numbers. Once a population reaches a certain size - as in this case over 10,000 – 12,000 people - (and the population in Burdiehouse now exceeds that of a town – such as North Berwick), then a sufficient enough percentage of that population will find access to a pharmacy out with the neighbourhood very difficult. Enough to call that access 'inadequate'.
- 4.41 I've focussed on the pharmacy at Captain's Road, but the same applies to all of the other pharmacies in adjacent neighbourhoods. The next closest – the pharmacy at Straiton is particularly difficult to walk to. And, for reasons which I will go into in a minute, this pharmacy cannot be relied on to continue to provide any service to the neighbourhood.
- 4.42 There's another very important consideration when considering access to a pharmacy. It's not just about 'how do you get to a pharmacy'. It's also about your normal daily life. People rarely go to a pharmacy in isolation - they do it whilst doing other things. The location of my proposed premises is where the shopping area is planned to serve all of the new homes. In due course this is where the food shop will be located. So access to the pharmacy will slot into 'normal daily life'. Now consider the alternative - a visit to the shop and then a separate trip up to Captain's Road to get to a pharmacy? This places an additional burden on patients. It's not 'adequate'.
- 4.43 (At this point I'd just like to check that the PPC is aware of the situation at the Lloyds pharmacy located at Sainsbury. Sainsbury have given every single Lloyds pharmacy notice to quit their premises, and we have no guarantee it will even exist in a few months. Whilst there is a possibility it will reopen somewhere else after a relocation, no-one has any idea where that might be. There are very limited options since this is a 'big box' retail park. I think we can safely assume that it will be nowhere near Sainsbury, so this will increase the pressure on existing pharmacies even more).
- 4.44 I'd now like to move on to the second major reason why I believe this application is justified and should be granted. I know you will all have read the CAR report and will have seen the huge support the public have given to this application. I want to concentrate on why the public are so keen to see this application granted. Yes, they're interested in access. But it's not the main reason. The main reason is directly related to the massive increased influx in population over the past couple of years: the existing service is inadequate.
- 4.45 Now, I don't say this to criticise my colleagues in the existing pharmacies. The simple fact is this: when house builders get planning for large developments such as here, they are under no obligation to consider the effect on Primary Medical and Pharmaceutical Services. We have seen the effect on our medical colleagues, as I described earlier. The same applies to community pharmacy. Without planning and expansion, the existing service - when suddenly faced with a massive increase in population - is unable to cope.
- 4.46 The situation is exacerbated because as medical practices become overwhelmed, more and more patients are directed to pharmacy. And here in

this area? It's going to be even worse when the pharmacy located in the Sainsbury supermarket is closed permanently.

4.47 Here are some comments in the CAR:

4.48 for which we had an overwhelming support in excess of 90 % positive.

4.49 Over 92% of the respondents considered there are gaps and deficiencies in the existing provision of pharmaceutical services in the neighbourhood.

4.50 Over 97% believed that a community pharmacy would have a positive impact

“Given the lack of pharmacies in the Burdiehouse area with all the new builds would make it a lot easier to access on foot (especially people who don't drive) and also reduce the pressures on the other GP and NHS who are currently on their knees just now”

4.51 Over 89% had to make multiple journeys to receive all of the items from each prescription from the existing pharmacies serving the neighbourhood.

- “A number of new housing developments nearby put growing pressure on existing pharmacy provisions, namely Gordon's on Captains Road – they are basically unable to cope.”
- “I live in Gracemount Road and the queues and waiting times at Gordon's at Gracemount are far too long - they are basically unable to cope.”
- “Our nearest pharmacy is either on Ferniehill Road or at Gracemount both are completely overwhelmed by the amount of people using services. Wait times are long and multiple times my repeat prescription has gone missing meaning I need to collect a new one from my GP”
- “Demand is so high that on my last visit I had to go in 4 times over 2 days.”
- “Combination of distance to go to the pharmacy as well as it being closed unexpectedly means that despite allowing around 5 days before trying to collect a prescription I can still be left without and need to try and visit again.”

4.52 I could go on and on, but we'd be here all day and I'm sure the PPC has taken the time to read the CAR. The responses in the CAR tell a story that cannot be ignored: even with Lloyds pharmacy in the Sainsbury (soon to be gone) the pharmacies currently servicing this hugely expanded population cannot cope. Services provided to the neighbourhood are clearly inadequate.

4.53 So, to summarise.

4.54 The neighbourhood is Burdiehouse as described.

4.55 Existing services are provided by pharmacies out with the neighbourhood.

4.56 The population has grown substantially in a very short period and now stands at over 10,000 and based on the new homes and this will only increase.

4.57 There is a cohort of the population which is in the 20% most deprived areas of Scotland,

- 4.58 Access to the closest pharmacy is a considerable walk for many, up a hill.
- 4.59 The increase in population, combined with a crisis in medical services and other factors, has made the existing pharmacies unable to cope as evidenced by the CAR, the statutory consultation in this legislation.
- 4.60 Granting this application is *necessary* as the core NHS services provided will address the inadequacy in the current provision.
- 4.61 But further, granting this application is *desirable* because the range of services I propose to provide will go beyond that with extra services
- We will take do MDS Blister packs/Dosette Trays
 - 24/7 prescription collection robot,
 - an independent prescriber for Pharmacy First Plus,
 - extended hours
 - along with free delivery and free collection of prescriptions
- 4.62 All of this will be of huge benefit to the local population.
- 4.63 Over 90% of the residents in the neighbourhood fully supported this application and there was not one objection opposing it.
- 4.64 Granting this application will **secure** an NHS pharmaceutical service in the neighbourhood because it is inconceivable that my proposed pharmacy will be non-viable and it is quite obvious that it will not affect the viability of any other pharmacy. After all, the nearest one, Gordon's Chemist on Captains Rd hasn't even turned up! In fact they did not make a submission to oppose this application, and nor did any other pharmacy oppose the application, which is unprecedented and I have researched this – it may be suggested that they would quite happily see some pressure taken off their existing pharmacy by granting this new contract and welcome the further support this contract would given.
- 4.65 On that basis, and for all of these reasons, I would ask you to grant this application and I am happy to take questions. Thank you.

4.66 This concluded the presentation from Ms Friel

5. **The Chairman invited questions from the Committee Members**

5.1 **Mr Brian McGregor (Lay Member) to Ms June Friel**

5.2 Mr McGregor noted the boundaries of the neighbourhood but sought clarification as to why the Northern boundary of Captain's Road and Frogstone Road was identified as such. Mr Friel responded that she felt it was a natural boundary due to the busy roads and being at the top of the hill.

5.3 Mr McGregor enquired as to whether there was any new building work at the North boundary and just beyond. Ms Friel responded to confirm that there was some ongoing construction of new homes but noted a significant amount had already been completed.

- 5.4 Mr McGregor reference the population figures quoted in the Applicants presentation for the neighbourhood of being around 10,000 and asked for clarification of how this figure was reached. Ms Friel responded to state that as the 2021 Census information was not available she was unable access the most up to date figures so she referenced building statistics which was in the public domain as well as via the Council. She also reference the population of Burdiehouse 10 years prior as being 2,000-3,000 resident.
- 5.5 Mr McGregor noted there was ongoing building works within the area and queried if the Applicant has information of the timescales related to this. Ms Friel responded to confirm that there have been just over 1900 properties completed out of 3390 so far and the expected timescale for completion is by 2027, so three to four years.
- 5.6 Mr McGregor referenced from the Applicants presentation that the Liberton Medical Group had closed its list for new Patients and noted during his own site visit and speaking with the GP Manager at Gracemount Medical Practice who confirmed they too had closed registration for new patients stating that they were unable to cope with the influx.
- 5.7 Mr McGregor reference that during his site visit he noted that there are currently two empty units at the proposed premise and queried with the Applicant which of them was to be noted. Ms Friel responded to confirm that she has the one in the middle of the units but does have the option of the second one if she wants to expand and it is still available depending on the result of this hearing.
- 5.8 Mr McGregor referenced the step currently outside the proposed premise and enquired as to whether this would be made accessible for disabled clients. Mr Friel confirmed that it would be fully accessibility compliant.
- 5.9 Mr McGregor noted that the current entry door to the proposed premise opened outward. Ms Friel responded to confirm that depending on the frontage of the store if successful today, then the door would either be a sliding door or an automatic assisted one.
- 5.10 Mr McGregor noted from the Application that the planned opening of the proposed premise would be within 3 months if the application was successful and queried why such a tight timescale. Mr Friel responded to confirm that she likes to challenge herself and would prefer to get up and running right away to benefit the community but noted that if that were not possible then it would be opened within the 6 months' timeframe as required.
- 5.11 Mr McGregor enquiries as to whether there would be a long lease on the proposed premise. Ms Friel confirmed that it would be a long lease but did not respond to state how long it would be.
- 5.12 Mr McGregor queried whether currently the Applicant used multiple suppliers for medications in their premises. Ms Friel confirmed that she is part of a buying group which has access to multiple people and suppliers.

- 5.13 Mr McGregor went on to query as to whether the Applicant has seen any real shortages in recent times. Ms Friel responded by noting that yes everyone will be aware of shortages with a number of medications and why she works closely with fellow pharmacists on stock for sharing and support and being part of a buying group is good for this.
- 5.14 Mr McGregor reference the dispensing figures received for Gordon's Pharmacy as appearing to be stable at 11,000 items per month for the last 6-9 months and enquired as to why a significant increase has not been apparent with the increase of new builds in the Neighbourhood. Mr Friel responded by stating that she believes "People are walking with their feet" due to their displeasure with the service provided at Gordon's and not taking their business there. To know for certain it would require looking to the GP surgeries and to which pharmacies prescriptions are being send to for patients.
- 5.15 **Mr John Niven (Lay Member) to Ms June Friel**
- 5.16 Mr Niven referenced during his site visit that there was contractors equipment inside the proposes premise unit and enquired whether this was anything to do with Ms Friel. Ms Friel responded to state they the equipment was nothing to do with her or this application and that it was equipment being stored by the landlords contractors for work that had been completed previously.
- 5.17 Mr Niven enquired about the layout of the proposed premise if the application was successful. Ms Friel responded by noting that the premise would be geared to healthcare with 2 consultation rooms, offering Pharmacy First and Pharmacy First Plus and focused on dispensing medicine and care with very little retail space.
- 5.18 Mr Niven noted in the application form the reference of Marie Patterson as being the superintendent pharmacist and enquired whether Ms Patterson is already in the employ of the Applicant. Mr Friel confirmed that Ms Patterson has been in her employ for over 10 years
- 5.19 Mr Niven enquired how many staff and what would the make up be of the pharmacy is successful in the application. Ms Friel responded to state she would hope to have three dispensers initially and would increase if demand dictated this as well as an IP (Independent Prescriber) and APC
- 5.20 Mr Niven noted that the proposed premise was not planning to close for lunch and enquired if all aspects of the service would run during this time or would customers have to return. Ms Friel responded to confirm that she would be looking to run a shift rota with colleagues in East Lothian to provide full services. However also noted that Thursday's may have a short outage of full service during this time.
- 5.21 Mr Niven referenced that National shortage of suitable pharmacy staff and queried how the Applicant's staffing level could be met. Ms Friel responded to confirm that she has a person who keen to start due to this location.

- 5.22 Mr Niven noted during recent site visit to Gordon's Pharmacy that they had brought someone in from out with the Lothians to aid staffing due to shortage and queried if this was indicative of the issues the industry is generally facing. Ms Friel responded to note that in her experience, the issue is the recruitment of pharmacists and not dispensing staff / colleagues
- 5.23 **Ms Hazel Garven (Non-Pharmaceutical Contractor Member) to Ms June Friel**
- 5.24 Ms Garven references earlier points on the pharmacists and queried whether they were already an IP given Pharmacy First Plus being noted in the list of pharmacy services to be provided. Ms Friel confirmed that they are already an IP.
- 5.25 Ms Garven noted the applicants point of utilising staff from other stores to avoid lunchtime closures and enquired whether they were all IP's. Ms Friel responded by noting that they were not all independent prescribers.
- 5.26 Ms Garven referenced the 24/7 robot access and the benefits regarding this but queried whether this would hamper pharmacist / patient contact. Ms Friel responded by stating that generally those who use this service use it for repeat medications or on the day antibiotics after the patient has had a phone consultation with their GP to aid access. She went on to note that when there is a requirement to speak with a patient, they would call in via the access to their details on the system and if this was not noted on the system then a note would be placed in the bag which would be in the robot asking them to contact the pharmacy. Ms Friel noted that this system had freed up the pharmacists' time to enable more and longer interaction with patients as required.
- 5.27 Ms Garven referenced the list of services being provided included blood pressure and glucose monitoring as well as cholesterol testing and enquired whether these would be chargeable services. Ms Friel responded to say that as a Community Pharmacy there to aid the community, blood pressure monitoring should be automatic and not a chargeable service due to it being a legitimate concern for the patient / customer and shows goodwill. Due to costs associated with Cholesterol and glucose there would be a charge for this service to cover costs incurred.
- 5.28 **Ms Eleanor Blair (Lay Member) to Ms June Friel**
- 5.29 Ms Blair noted during her site visit the difficulty in access to parking and enquired whether parking to the rear of the proposed premises was for access or local housing. Ms Friel confirmed that parking was for both the retail units and local residents / houses.
- 5.30 Ms Blair enquired whether the Applicant had any knowledge of what would be filling the other available units. Ms Friel noted that from her knowledge the units would house: travel; Fire & Security; dance companies as well as a convenience retail store.

- 5.31 Ms Blair went on to enquire if the Applicant knew when the other units would be open. Ms Friel responded that to the best of her knowledge they were in talks and ready to lease but not informed of likely openings.
- 5.32 **Mr John Connolly (Pharmaceutical Contractor Member) to Ms June Friel**
- 5.33 Mr Connolly referenced the boundaries and noted some are logical in terms of City Bypass but sought clarity of these for patient access to services. Ms Friel responded noting she used natural boundaries ie natural neighbourhoods, as well as catchment areas. So focused on Roads, rivers and the Bypass.
- 5.34 Mr Connolly queried from the Applicant how they came to the Northern Boundary in their Presentation. Ms Friel responded that there is no road from Frogston Road to the City Bypass so she took it from Frogston Brae directly south through the farmland to the Bypass and on the Eastern side of the Northern Boundary on Captain's Road at Lasswade Road
- 5.35 Mr Connolly asked for clarification as to why the Northern boundary would be a barrier to patients. Ms Friel responded to say that it was within a catchment area and also being at the top of a hill made it feel like a natural boundary line.
- 5.36 Mr Connolly enquires as to whether the B701 Captain's Road was a difficult road to cross. Ms Friel noted that it was a very, very busy road and even with traffic light-controlled crossing points it remains difficult to cross.
- 5.37 Mr Connolly noted the Applicants population statistics from ten years ago but enquired where the new figures were obtained from. Ms Friel responded to say that she compiled data from the Councils, ISD Scotland, GP practice list sizes as well as Edinburgh City Council and the development plan from 2016 and then the planning permission. She went on to note that although so has not detailed all of these she could reference the house builders of the homes (David Wilson of Heritage; Grange; Barrett Heritage; Barrett Homes; Line Grove; Persimmons)
- 5.38 Mr Connolly continues to query what the current population is within the proposed Neighbourhood to enable the Committee to have confidence in these figures due to nothing have been presented for scrutiny. Ms Friel responded that the census figures were not available to show full and final figures. However noted the 2010 figure of 2783 and then 1923 properties having been constructed with an average of 3.2 residents per property. GP practice lists increased from 5 years ago (2018) to 18,182 and 16,173. With both Gracemount Medical, Liberton Medical and Ferniehill having closed their lists meaning there is going to be a crisis in access to services with 1427 properties still to be built in the coming years .
- 5.39 Mr Connolly referenced the demographics he observed during his site visit and the prices of homes being for sale being in the range of £500,000 and queried with the Applicant is she would agree that residents' making up the new housing would be quite affluent and professional people who are mobile and likely multiple car owners. Ms Friel agreed that this would be the case

and noted that Edinburgh as a City can not build anymore, they have to go out with. However, old Burdiehouse has to be taken into consideration.

- 5.40 Mr Connolly noted the Applicants reference to the new housing developments and facilities and enquired where people currently go to get food, etc as during his site visit it appears that people are very mobile due to the lack of convenience stores or supermarkets in the Neighbourhood. Ms Friel agreed that residents are mobile as they do not have an option. Would they choose local and not convenience which is off up Captain's Road or via vehicle to the Sainsburys.
- 5.41 Mr Connolly enquired how long the units by the proposes premise have been there. Ms Friel was unsure of the exact number of years but noted she has been in talks with them from 2018 so prior to then.
- 5.42 Mr Connolly queried if the Applicant thought it was unusual that a food retailer has not occupied one of the available units. Ms Friel responded that she did not find it unusual as since Covid had hit and everything stopped during this time (time of Covid) of exceptional circumstance.
- 5.43 Mr Connolly noted the Applicant's reference to the lack of responses in the CAR and enquired whether there was any engagement with the Community Council. Ms Friel confirmed that she had contacted the Community Council but as it was during Covid with no in person meetings, they would email members the information of the consultation analysis report for their views and comments to be logged directly. Normally she would attend Community Council meetings in person to speak with members directly and address any concerns but this was not possible due to Covid.
- 5.44 Mr Connolly enquired what was the Community Council for Burdiehouse. Ms Friel noted that the name was the Community Valley Park Community Centre for Burdiehouse and South House.
- 5.45 Mr Connolly noted that the Community Council did not make a representation in support of the Application. Ms Friel responded that it was not imperative as the Consultation Analysis Report (CAR) is a statutory legislative document.
- 5.46 Mr Connolly referenced the Applicants comments around viability and queried if she knew how many item the Lloyds at Ferniehill Road dispensed. The responded that she did not have access to that information.
- 5.47 Mr Connolly noted from his personal records that Lloyds at Ferniehill Road dispense 2800 items and queried if the Applicant thought it was viable. Ms Friel responded to that that this may be why Lloyds are selling off their pharmacy's and be competed by 31 July 2023.
- 5.48 Mr Connolly enquired if the Applicant felt that this would change the viability of services in the Neighbourhood. Ms Friel responded to say that it would enable better service all round and if another contractor is there to alleviate the pressure.

- 5.49 Mr Connolly references the situation with the Lloyds at Sainsbury's and that it could be sold and relocated. Ms Friel confirmed that it had already been sold and relocation would depend on a granting of a relocation application.
- 5.50 Mr Connolly enquired whether the Applicant had knowledge of who had sold the Lloyds site at Sainsbury's. Ms Friel responded that it was commercially sensitive information and not in the public domain at the time of this meeting but she was not aware of a relocation request at this time.
- 5.51 **Mr Martin Connor (Chair) to Ms June Friel**
- 5.52 Mr Connor referenced earlier discussions around the Boundary of the West being off Frogmore Lane where the housing stops, and farmland starts but sought clarification on the Eastern side as a different barrier was noted in the presentation by the Applicant today. Ms Friel responded to say that she was torn as could go up Lasswade Road as in the Application it was farmland.
- 5.53 Mr Connor noted that the Application is different and takes in the new housing at Captain's Road and not go over Gilmerton Station Road as this cuts through a neighbourhood. Lasswade was not noted in the application and suggested that legal advice may be sought for this. Ms Friel noted that she would be happy to revert to Gracemount Road barrier.
- 5.54 Mr Connor noted that the CAR was based on original specifications of the neighbourhood (**North:** B701; **East:** Gilmerton Station Road; **South:** City Bypass; **West:** as the crow flies to B701) and some people were in the original neighbourhood then the legal test may be affected. The east side is larger and would encroach into Gordon's neighbourhood and would raise the viability into question regarding Gordon's Pharmacy.
- 5.55 Mr Connolly interjected that it is for the PPC to agree on the Neighbourhood and come to a consensus and is not relevant to the Legal test.
- 5.56 Mr Connor wished to clarify that Gordon's hadn't objected initially but subsequently have saying that they were not notified of the application by the Board of which the Board has proof that the information was received by Gordon's
- 5.57 Mr Connor noted objections in the CAR around parking and even one response saying that if the application was to be successful they would sell their flat. Mr Connor enquired whether the Applicant had any way to ensure residents that parking would not be obstructed given the double yellow lines at the Front. Ms Friel responded to say that she would look to work with the residents and not against them.
- 5.58 Mr Connor enquired about public services. Ms Friel notes that the proposed premise was in a good bus area and would not be an issue.
- 5.59 Mr Connor noted that during his site visit the two GP practices have closed their lists but patients have to pass Gordon's Pharmacy to get to either GP practice and enquired whether this would pose a problem that practices would

share directly with Gordon's. Ms Friel responded to say that it is up to the patients where the prescriptions' are sent for filling.

5.60 The Chair had no further question for the Applicant but offered the Committee the opportunity to ask additional questions given the information provided

5.61 Mr Niven noted the address during the site visits as being 203 Greenwell Wynd but noticed that address to the housing apartments is in a different street altogether. significantly. Ms Friel responded to confirm that on the lease it states 203 and the travel company are located at 205. The entrance to the housing which is in the middle states 232 but a different name and she has no control or input regarding this.

5.62 Mr McGregor enquired whether a closing date was know for the Lloyds at Straiton. Ms Friel confirmed it is by the 31st July 2023.

5.63 Mr McGregor enquired that what the size of the unit for the proposed premise is. Ms Friel confirmed is it 1,300 square feet.

5.64 Mr Connolly noted the number of positive responses to CAR but enquired if the Applicant was surprised by the percentage of response rate being so low. Ms Friel responded to say that she was unaware of what the average CAR response was.

6. The Chair asked for the Applicant Ms June Friel for Logan Gray Ltd to sum up

6.1 Summing Up

6.2 To summarize, so thank you for your time is the neighbourhood is Burdiehouse.

6.3 There are no pharmacies within the defined area.

6.4 Access to the nearest pharmacies are out with the defined neighbourhood and it's not easy. It's uphill with some distance for many, many residents.

6.5 Given population size and all the points discussed in my presentation, should be discussed and considered as inadequate. Further and I suggest even more importantly, the services provided by pharmacies and adjacent neighbourhoods are inadequate and account for the recent substantial increase of the population and evidenced in the car.

6.6 This application passes the legal test on both aforementioned grounds and should be granted.

6.7 Thank you for your time.

7. Retiral of Parties

- 7.1 The Chairman invited the parties present that had participated in the hearing to individually and separately confirm that a fair hearing had been received and that there was nothing further to be added. Having been advised that all parties were satisfied, the Chairman advised that the Committee would consider the application and representations prior to making a determination, and that a written decision with reasons would be prepared, and a copy issued to all parties as soon as possible. The letter would also contain details of how to make an appeal against the Committee's decision and the time limits involved.
- 7.2 The Chairman advised the Applicant that it was in their interest to remain available until the Committee had completed its private deliberations. This was in case the open session was reconvened should the Committee require further factual or legal advice in which case, the hearing would be reconvened and the parties would be invited to come back to hear the advice and to question and comment on that advice. All parties present acknowledged an understanding of that possible situation.
- 7.3 The hearing adjourned at **1044** hours to allow the Committee to deliberate on the written and verbal submissions.
- 7.4 The Open Session of the Hearing was reconvened at 1130 with the Applicant and Mr Stephen Waclawski of the Central Legal Office to enable CLO advice regarding the applicant's definition of the neighbourhood" which Mr Waclawski noted, as there were no interested parties involved, was up to the PPC to decide.
- 7.5 The open session adjourned at 1143 hrs to enable the Committee to deliberate on the submission.

8. Supplementary Information

Following consideration of the oral evidence, the Committee noted:

- i. That they had independently / jointly undertaken a site visit of Burdiehouse and the surrounding area noting the location of the proposed premises, the pharmacies, general medical practices and the facilities and amenities within.
- ii. A map showing the location of the proposed Pharmacy in relation to existing Pharmacies and GP surgeries within Burdiehouse and the surrounding area.
- iii. Area Profile report for Data Zone
- iv. Dispensing statistics of the Community Pharmacies in Burdiehouse
- v. Further information including details about the existing Provision of Pharmaceutical and Medical Services in/to Burdiehouse and population figures for Burdiehouse as indicated by Scottish Neighbourhood Statistics and General Register Office Statistics.
- vi. Report on Pharmaceutical Services provided by existing pharmaceutical contractors to the neighbourhood
- vii. NHS Lothian's Pharmaceutical Care Services Plan

viii. The application and supporting documentation including the Consultation Analysis Report provided by the Applicant.

9. Summary of Consultation Analysis Report (CAR)

9.1 Introduction

9.2 NHS Lothian undertook a joint consultation exercise with Logan Gray Ltd regarding the application for a new pharmacy within 203 Greenwell Wynd, Edinburgh EH17 8WQ.

9.3 The purpose of the consultation was to seek views of local people who may be affected by this or use the pharmacy at its proposed new location. The consultation also aimed to gauge local opinion on whether people felt access to pharmacy services in the area was adequate.

9.4 Method of Engagement to Undertake Consultation

9.5 The consultation was conducted by placing an advertisement in the Edinburgh Evening News; a link to the consultation document on NHS Lothian's website ([Pharmacies – NHS Lothian | Our Services](#)); hard copies of the questionnaire were available and could be requested by telephone. Respondents could reply electronically via Jisc Questionnaire or by returning the hardcopy questionnaire.

9.6 The Consultation Period lasted for 90 working days and ran from 18th March 2022 until 29th July 2022.

9.7 Summary of Questions and Analysis of Responses

9.8 Questions covered: the neighbourhood; location of the proposed pharmacy; opening times; services to be provided; perceived gaps/deficiencies in existing services; wider impact; impact on other NHS services and optional questions on respondents' addresses and circumstances

Question	Response Percent %			Response Count		
	Yes	No	Don't know	Yes	No	Don't know
1. Do you think the neighbourhood described is accurate	94.2	1.2	4.7	243	3	12
2. Do you think there are gaps/deficiencies in the existing provision of pharmaceutical services to the neighbourhood	92.3	2.7	5.0	239	7	13
3. Would you consider that you receive your prescriptions in a timely manner using the existing pharmacy services provided to the neighbourhood	16.9	73.7	9.4	43	188	24

Question	Response Percent (%)					Response Count				
	Never	Sometimes	Often	Always	Don't know	Never	Sometimes	Often	Always	Don't know
4. How often, if at all, would you have to make multiple	5.9	40.6	34.4	13.7	5.5	15	104	88	35	14

journeys to receive all of the items from each prescription from the existing pharmacies servicing the neighbourhood										
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Question	Response Percent %			Response Count		
	Positive	Negative	Don't know	Positive	Negative	Don't know
5. What impact do you think a community pharmacy would have in the neighborhood	97.7	1.2	1.2	253	3	3
6. What are your views on the pharmaceutical services being proposed by the applicant?	96.9	1.2	1.9	251	3	5
7. Do you think there is anything missing from the list of services to be provided?	8.6	72	19.5	22	185	50
8. Do you think a community pharmacy in the neighborhood will work with other NHS health services such as GP practices?	1	0.4	4.7	245	1	12
9. Do you believe the proposed pharmacy would have a positive or negative impact on existing NHS services?	96.5	0.4	3.1	249	1	8
10. What do you think of the location of the proposed community pharmacy?	95.0	1.5	3.5	246	4	9
11. What do you think about the proposed opening hours?	95.0	3.9	1.2	245	10	3

9.9 In total 259 responses were received. All submissions were made and received within the required timescale, thus all were included in the Consultation Analysis Report.

9.10 From the responses 253 were identified as individual responses. 6 respondents did not provide an indication as to whether the response was individual or on behalf of an organisation.

9.11 Consultation Outcome and Conclusion

9.12 The use of Jisc questionnaire allowed views to be recorded and displayed within the full Consultation Analysis Report in a clear and logical manner for interpretation.

10. Decision

10.1 The Committee in considering the evidence submitted during the period of consultation, presented during the hearing and recalling observations from site visits, first had to decide the question of the neighbourhood in which the premises, to which the application related, were located.

10.2 **Neighbourhood**

10.3 The Committee noted the neighbourhood as defined by the Applicant and the view of the Interested Party and that it should be a neighbourhood for all purposes. A number of factors were taken into account when defining the neighbourhood, including those resident in it, natural and physical boundaries, general amenities such as schools/shopping areas, the mixture of public and private housing, the provision of parks and other recreational facilities, the distances residents had to travel to obtain pharmaceutical and other services and also the availability of public transport.

10.4 The Committee agreed that the neighbourhood should be defined as follows:

North: B701 (Frogston Road/Captain's Road)

South: A720 Edinburgh Bypass.

East: Lasswade Road, which divides Burdiehouse from Gilmerton.

West: Woodland to the west of housing development (Frogston East Road) following the pylon line down to the A720 City Bypass, NOTE: end of woodland has a Children's nursery boundary by the open fields (Bright Horizons Morton Mains Early Learning & Childcare).

10.5 Having taken CLO advice regarding amendment of the Neighbourhood, in this case the Panel did not agree with the original boundary as per the Application form but in general agree with the presented boundary from this hearing.

10.6 **Adequacy of existing provision of pharmaceutical services and necessity or desirability**

10.7 Having reached a conclusion as to neighbourhood, the Committee was then required to consider the adequacy of pharmaceutical services to that neighbourhood and, if the committee deemed them inadequate, whether the granting of the application was necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood.

10.8 The committee noted there was no pharmacy within the neighbourhood and the location of the one existing pharmacy on the border of Burdiehouse.

10.9 The committee noted that the responses from the CAR were overwhelmingly positive to the application.

10.10 The committee also noted the negative comments in the CAR around waiting times and queueing for prescriptions.

10.11 There were concerns also within the CAR about difficulty accessing pharmacies outside the proposed neighbourhood.

10.12 The committee also noted that there had been no complaints against Gordon's pharmacy but that it had closed for a few days over the preceding two years.

10.13 **Population and Housing:**

- The Committee had noted the number of developments in the area on their site visits, with an increasing population.
- The Committee considered the data relating to the population which was inconsistent and found it challenging to define the population for Burdiehouse. From the applicant's information provided, the population in 2013 was 2873 it was noted that the Applicant did not provide specific breakdowns for the population of Burdiehouse to date.
- The Committee noted the Applicant's asserted population for the neighbourhood for Burdiehouse was circa 10,000.
- The Committee looked at the patient list size of the 2 GP Practices which were within 1 mile (Gracemount Medical Practice and Liberton Medical Group) of the proposed premises and the fact that both had already closed their Lists to new Patients one opening noting on their website "Please note that due to a considerable increase in the number of new homes in the area, our practice list has increased significantly. We have therefore been forced to take the decision to close our list and we are not currently accepting new registrations (with the exceptions of immediate family members of patients)" (Liberton Medical Group)

Accessibility:

- For parents with young children, prams and buggies, or for patients who were infirm who needed assistance to get around, access route between the proposed premises and Captain's Road was challenging due to being uphill and difficult to navigate due to very busy nature of the road and limited crossing points.
- The Committee noted that Captain's Road was very busy and difficult to cross as there were only a couple of crossing points and lack of pavements due to dual carriage way nature of the road.
- The Committee noted that Burdiehouse Road was also a busy road but did have crossing points and was well served by local buses.

Current Pharmaceutical Services:

- Current pharmacy was noted to not be present for this hearing but the Panel noted that the number of items dispensed appeared to be stable at around 11,000 items per month and raised the point of where the local population went to fill their prescription requirements.

- During site visits of Panel there was no note of existing Pharmacy being under pressure in any way and there were no queues.
 - The panel noted that the pharmacy in Straiton would close within the next few months.
- 10.14 The Committee noted the population expansion in the area following the ongoing housing developments, so a new pharmacy would alleviate the pressure, and also mean residents did not need to leave the Neighbourhood to access pharmaceutical services.
- 10.15 Following the withdrawal of Mr Connolly and Ms Garven in accordance with the procedure on applications contained within Paragraph 6, Schedule 4 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, as amended, the Committee, for the reasons set out above that the provision of pharmaceutical services in and to the Neighbourhood were inadequate.
- 10.16 The Committee considered whether granting this Application was necessary to secure adequate provision of pharmaceutical services in and to the Neighbourhood. The Committee agreed that it was necessary and desirable to grant the Application in order to secure adequate provision of pharmaceutical services within the neighbourhood in which the premises were located by persons whose names were included in the pharmaceutical list, and accordingly the Application was granted. This decision was made subject to the right of appeal as specified in Paragraph 4.1, Regulations 2009, as amended.
- 10.17 The Hearing closed at 13:02 hrs

Signed by the Chair
On 31 March 2023