

**Minutes of the meeting of the Pharmacy Practices Committee (PPC) held on  
Friday 6 September 2019 at 1200 hours in Waverley Gate, Edinburgh**

The composition of the PPC at this hearing was:

: Fiona O'Donnell

Present: Lay Members Appointed by NHS Lothian  
Jan Stirrat  
John Niven

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

Mike Embrey

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

Andrew Beattie

Secretariat: Gillian Gordon, SHSC  
Louise Hockaday

**1. APPLICATION BY RED BANK CHEMICAL COMPANY T/A LINDSAY &  
GILMOUR ("Lindsay & Gilmour")**

1.1 There was submitted an application and supporting documents from Malcolm Clubb, Lindsay & Gilmour received on 7 March 2019, for inclusion in the pharmaceutical list of a new pharmacy at Waterfront Broadway, Granton, Edinburgh EH5 1SA.

**1.2 Submission of Interested Parties**

- 1.3 The following documents were received:
- i. Letter dated 4 July 2019 from the Area Pharmaceutical Professional Committee (APPC)
  - ii. Email dated 19 June 2019 from the Lothian Local Medical Committee (LMC)
  - iii. Email dated 21 June 2019 from Well Pharmacy
  - iv. Letter dated 4 July 2019 from Lloyds Pharmacy
  - v. Email dated 19 July from Dears Pharmacy

**1.4 Correspondence from the wider consultation process undertaken jointly by NHS Lothian and Lindsay & Gilmour**

- 1.5 i) Consultation Analysis Report (CAR)

**2 Procedure**

- 2.1 At 1200 hours on 6 September 2019, the Pharmacy Practices Committee (“the Committee”) convened to hear the application by Lindsay and Gilmour ] (“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 Chair welcomed all to the meeting and introductions were made. When asked by the Chair, members confirmed that the hearing papers had been received and considered. When committee members were asked by the Chair in turn to declare any interest in the application, none were declared.
- 2.3 Members of the Committee had undertaken a joint site visit to Granton Waterfront and the surrounding area. During the visit 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 Chair advised that Mrs Gillian Gordon was independent from the Health Board and was solely responsible for taking the minute of the meeting.
- 2.5 The Chair 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 Chair confirmed that the Oral Hearing would be conducted in accordance with the guidance notes contained within the papers circulated. The Applicant and Interested Party were invited to enter the hearing.

### **The open session convened at 1215 hours**

## **3 Attendance of Parties**

- 3.1 The Chair welcomed all and introductions were made. The Applicant, Lindsay & Gilmour, represented by Mr Malcolm Clubb accompanied by Kaye Greig. From the Interested Parties eligible to attend the hearing, the following accepted the invitation: Mr Nick Johnston, representing Well Pharmacy; Mr Mahyar Nickkho-Amiry, representing Dears Pharmacy and Mr Robin Brownlie, representing Lloyds Pharmacy.
- 3.2 The Chair advised all present that the meeting was convened to determine the application submitted by Lindsay & Gilmour in respect of a proposed new pharmacy at Waterfront Broadway, Granton, Edinburgh EH5 1SA. The Chair 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 Chair 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 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.
- 3.5 The Chair asked all parties for confirmation that these procedures had been understood. Having ascertained that all parties understood the procedures the Chair confirmed that the Oral Hearing would be conducted in accordance with the Procedure at Hearings document contained within the papers circulated.
- 3.7 The Chair confirmed that members of the Committee had jointly conducted a site visit 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 Chair 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 Chair invited Mr Clubb, to speak first in support of the application.

- 4.2 Mr Club read aloud the following pre-prepared statement making alterations as necessary:

- 4.3 “On behalf of Lindsay & Gilmour Pharmacy I would like to thank the committee for the opportunity to have this hearing to consider delivering Pharmaceutical services to the population of Granton Waterfront. I would also like to thank the team at NHS Lothian for supporting our proposal to engage in a joint public consultation with the public on service need for Granton Waterfront.

- 4.4 We would like to propose the neighbourhood is as follows:

**North:** The Firth of Forth as this is a natural boundary

**East:** Lochinvar Road as beyond this road is the Firth of Forth

**South:** West Granton Road as this is a major trunk road used to egress Edinburgh and Leith. We believe the area south of this road is a substantial residential area and the area north of this road is recognised by the City of Edinburgh council as the "Granton Waterfront"

**West:** Marine Drive, as this is a main road which splits the housing areas between Muirhouse and Pilton.

- 4.5 This neighbourhood has previously been agreed in PPC hearings in 2010 and 2015. Granton Waterfront has been recognised by the City of Edinburgh council as a key pillar of delivering housing requirements for the city in its local development plan.

- 4.6 When the City of Edinburgh council local delivery plan was completed after extensive consultation in 2016 it split Granton Waterfront into four distinct zones:

- 4.7 In 2015 there were in the region of 7000 dwellings proposed, 1400 have already been built and the project is ongoing. The housing is a mixture of ownership and social housing—and recently there has been the addition of the Social Bite Village.

- 4.8 As it can be seen by visiting the neighbourhood since 2015 more of the

approved housing has been delivered and the community is growing at a significant pace. We have seen the erection of flats, houses and now even the zoning off for the building of a retirement village.

- 4.9 From the Population and Household Projections for Scottish sub-council areas (2012- 2026) prepared by the National Records for Scotland it is clear the Forth Ward is an key area of growth and will add to the City of Edinburgh's overall population. Within five years it is expected the population will increase by a further six thousand people in the locality beyond what we see today.
- 4.10 From the National Records for Scotland report comparing datazones in 2001 and 2011. The population of 24 data zones in Scotland increased by 200 per cent or more and Waterfront and Granton changed from a population of 577 to 1,784
- 4.11 Since the 2011 census substantial new dwellings have appeared and we are delighted to see the completion of the 55 degrees North flats and other units which has further increased the neighbourhood population.
- 4.12 From the Edinburgh Health and Social Care Partnership Draft Strategic Plan, North West Edinburgh has
- Largest population size in Edinburgh: 138,995
  - One-third (33.2%) of Edinburgh's child population aged 0-15
  - A third of the city's population aged 85+
  - Largest number of hospital admissions due to falls
  - Highest spend on health (directly related to the size of the area)
  - Highest number of people (36,591) with one or more health conditions
  - Highest number of individuals supported by Health and Social Care
  - Highest proportion of unpaid carers (15.5%).
- 4.13 The area contains
- a. wards with the highest (27%) and lowest (17%) percentage of households on 'low income in the city
  - b. highest and lowest employment rate
  - c. Lowest percentage of people living alone (35.7%)
  - d. Highest percentage of retired people (14.2%)
  - e. 7.7% of its datazones are in the 15% of areas with the highest levels of 'deprivation' in Scotland

- 4.14 It is clear from all of the data that this locality has its challenges and this is before increased population provision.

### **Neighbourhood Changes**

- 4.15 Since the City of Edinburgh council local development plan was approved in 2016, the council has acquired the former gas works in Granton Waterfront which substantially increased its landholdings within this priority regeneration area. This acquisition provides an opportunity for the City of Edinburgh Council to take the lead in the regeneration of the Waterfront area.
- 4.16 The council believes this acquisition will create an inclusive and sustainable approach to development. This approach will result in accelerated delivery of new homes, school, medical centre, retail, services, creative and business space. Indeed the Gas Works is scheduled to become an art installation.
- 4.17 The City of Edinburgh Council believes this will result in an enhanced public realm to provide a vibrant, well connected new city quarter. We are even seeing indications the tram **will** visit the neighbourhood in its extended journey from the centre of Edinburgh.
- 4.18 The council believes the Waterfront has the potential to become one of the best places in Edinburgh to live, learn, work and visit
- 4.19 Following the purchase of the Gas Works, The City of Edinburgh Council has commenced its iterative consultation process on Granton Waterfront in light of it securing the extra land and the council has engaged with the local community and has completed its final stage "Granton Waterfront Regeneration, Stage 3 - Granton Should Be..." consultation where the results have recently been published.
- 4.20 Under section 07 Responsible Granton of the resultant response document the local population has identified that a "Better variety of shops including pharmacy" is required. From this point in time Edinburgh council will send a proposed development framework to the planning committee for approval as planning guidance.  
Accelerated delivery of around 4,000 low cost and affordable homes on this brownfield site is a key part of the wider regeneration of Granton Waterfront.
- 4.21 On that basis we are delighted that the four councillors from the three main political parties of the Forth ward have jointly supported our application for a pharmacy in the neighbourhood.
- 4.22 We note from a publication from the Edinburgh Health & Social Care Partnership in April 2017 that in the Population Growth and Primary Care Premises Appraisal: Edinburgh 2016 - 2026 that NHS Lothian recognise that

the growth of population is forecast as a:

- 4.23 "planned increase on the Granton Waterfront predicted to be c10,000 post 2019 is separate to the population increase in Muirhouse."  
"A new practice in development for the NWE Partnership Centre will absorb population growth associated with the redevelopment of Muirhouse/Pennywe/1 and some early development at Granton Waterfront.
- 4.24 "Substantive development at Granton Waterfront will require a further new GP practice"
- 4.25 From Housing and Land Audit Completions Programme in 2018 we see that 708 dwellings are in the process of being delivered around Pennywell Road around a third of these dwellings having already being completed during 18/19 but during your site visit today you will have seen more being commenced around the Pennywell Road area.
- 4.26 To ensure a sustainable model of Primary Care (which encompasses all healthcare services) this committee need to consider that jointly an increase access to pharmaceutical services as well as general practice is required to deliver a sustainable care in the neighbourhood.
- 4.27 Data from the Health and Care survey would indicate that there is a pressure on GP services in the local community, communicating and also getting an appointment in advance in 2017-2018 were negative at Crewe Medical (56%) and Muirhouse Medical (44%).
- 4.28 We believe increasing accessibility to pharmacy services such as Minor Ailment Service and Pharmacy First through an additional contract in the Forth ward will help support access to GP appointments. It should be noted in the CAR that 88.7% of respondents believed that a community pharmacy would complement other NHS health services such as GP practices. This is particularly relevant with the prospect of universal MAS.
- 4.29 From our pharmacy in Crewe Road we already support the local GP practice with joint working around the Minor Ailment Service and Pharmacy First. Our team visit the GP practice, to raise awareness in the waiting room of the services available from any pharmacy. We have also provided information on triage criteria for receptionists to refer patients to access Pharmacy First.
- 4.30 We hope this awareness raising on behalf of all pharmacies will help signpost patients away from the GP practice to other care locations to improve access to GP practice. We believe similar joint working from our proposed new location will help people who live, learn and work in the Granton neighbourhood access care away from General Practice.
- 4.31 The proposed pharmacy location is on the corner of Waterfront Broadway/Waterfront Park. These substantial premises are located within the Morrison's supermarket complex, which contains Edinburgh College Granton campus, which is used by 7,000 students and 200 staff, a dental

practice which has been in situ for several years and a church. Across the road from the location is also the Scottish Gas headquarters which hosts 2000 staff.

- 4.32 The premises is over two levels allowing adequate room for expansion as the community grows, the proposed shopfitting plan carried out by ROC allows us to have adequate dispensing space and provide professional services over an advice area, two consultation rooms and a treatment room. Lindsay & Gilmour believe this plan is fully compliant with the requirements of DDA and we are fortunate to also have two dedicated disabled parking spaces in front of the premises.
- 4.33 Lindsay & Gilmour believe as it stands that the current pharmaceutical services in the neighbourhood are inadequate. Our reasons for this are there are no pharmacy physically present in the proposed neighbourhood and current services are already stretched due to evidence from the consultation analysis report.
- 4.34 As it currently stands no pharmacies are within the proposed neighbourhood. It should be noted that as it stands the only healthcare services are a Dental Practice which has been open for five years. This Dental practice is busy and it shows there is an appetite to access healthcare in the neighbourhood.
- 4.35 We are also aware however that historically a pharmacy was present on West Granton Road by the "Javits" fast food restaurant. Around the year 2000, Safeway (now Morrison's) purchased this pharmacy with the intention of moving this pharmacy to its Ferry Road retail store (This is long before the presence of Morrison's in Granton Waterfront).
- 4.36 This pharmacy was run for 2 years as a satellite from the Ferry Road Safeway store where a non-contract pharmacy was opened in expectation of being able to move the contract to Ferry Road. At the time it was running this pharmacy was busy and when Safeway failed to move the contract to Ferry Road they took the decision to close this pharmacy. This pharmacy has never been replaced and when it was open it helped to meet the needs of the local population.
- 4.37 Lindsay & Gilmour's review of the City of Edinburgh Development plan identified that Granton Waterfront was a growing part of Edinburgh without pharmaceutical services.
- 4.38 On that basis we approached NHS Lothian to complete a CAR between October 2018 and December 2018. The CAR was completed by 207 individuals using the Survey Monkey Tool exclusively. NHS Lothian staff completed the analysis and agreed the final report with Lindsay & Gilmour.

4.39 **Key Findings from the CAR**

-81.5% of respondents concurred with the proposed neighbourhood



-86.6% of respondents believed the community pharmacy would benefit the neighbourhood

-84.8% were positive about the location of the proposed pharmacy

-81.4% were positive about the proposed opening hours

4.40 Referring to the current service provision

-86% of respondents felt the current pharmacies do not have the capacity to cope with the additional workload from the Granton Waterfront population increase.

-36.6% of respondents reported having to make several journeys to get a completed prescription

-1 in 2 respondents reported they didn't feel that you received your prescription in a timely manner

-73.8% of respondents felt the current private spaces in pharmacies were inadequate

4.41 Respondents in their responses talk about services:

- being busy
- struggling with current workload
- Waiting times being too long
- recognise Lloyds at Pennywell Road being full for patients due to new housing around Pennywell Road and having to deal with Muirhouse Medical Centre operating on two sites.

4.42 When asked about current services having gaps and deficiencies 53.9% respondents stated yes. In the comments box people expressed concern that:

- the nearest pharmacies would be unable to deal with the volume of people in and around the area.
- Loads of new houses coming and other pharmacies are busy already.
- Existing services are not local, require transport
- Walking time more than 20 minutes to the nearest pharmacy
- Present opening hours were insufficient
- Lloyds are "bloody useless"

4.43 It is clear from the themes in the CAR that respondents feel that the current service is already inadequate, and the respondents are clear the new housing at the Waterfront is already contributing to that inadequacy.

4.44 We requested under Freedom of Information the level of self-reported

complaints about the pharmacy services who have been asked their view on our application.

4.45

Pharmacies	2013/14	2014/15	2015/16	2015/16	2016/17
Dears	Not available	0	0	1	Not available
Lloyds	Not available	2	4	13	Not available
Well Edin	Not available	0	4	1	Not available
There are no recorded returns relating to pharmacies for 2017/18. The figures are also not available for 2013/14. AS per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise you that we do not hold					

4.46

Observationally from the data levels of complaints have increased with Lloyds in particular. We have received two reports of issues with access to common medicines which we have been requested to help Lloyds with. One report is from a practice pharmacist who identified that Lloyds were unable to access Furosemide (most commonly used loop diuretic) a second report we have is a request from Lloyds in Pennywell Road to borrow twenty boxes of Tramadol (painkiller) and 30 boxes of Lisinopril 20mg (cardiac medicines). Now, the quantities in both of these cases are well above what is the occasionally borrowed between pharmacies to help out a patient. It is also surprising these incidents have occurred given Lloyds own one of the large wholesalers of medicines in the UK.

4.47

We believe access to medicines is a key component of the service provided by a pharmacy and are active in our use of our warehouse to protect us against stock availability issues. We believe that stock availability issues may have contributed to 36.6% of people stating they had to make several journeys to get a completed prescription. We believe extra patients into the current other service providers will cause further issues with balances.

4.48

86.6% of respondents believe a pharmacy would have a positive effect on the neighbourhood.

"Pharmacy Services few and far between currently, we need more in place especially with regeneration planned in the area".

4.49

People recognise the ongoing further development in this area is creating a community, a pharmacy needs to be a key component to this.

4.50

Lindsay & Gilmour propose that this new pharmacy will have little impact on the other current providers as it likely we provide care to many of the patients in the Waterfront as it stands on current prescribing statistics

4.51

**Public Transport Connections**

Well - Granton Road - Using public transport (using LRT app) to Saltire Street would take around 18 minutes one way as it involves a walk at one end or the other to access the main strip in the proposed neighbourhood.

- 4.52 Dears Pharmacy - Using public transport (using LRT app) to Saltire Street would take around 22 minutes either way (200 Skylink) as it involves a walk at one end or the other to access the main strip in the proposed neighbourhood.
- 4.53 We don't believe that the location of Dears Pharmacy is particularly helpful to the residents of Granton Waterfront if you were employed at British Gas or attend Edinburgh College we believe that the journey time to Dears would be prohibitive in lunchtime for you to access care.
- 4.54 We spent time talking with the Students Union at the college and are keen to work with them to provide an integrated EHC and C-card service. We believe this could be the forerunner of improving student health within the college campus especially with convenient access to the pharmacy in break times. We would also be keen to offer smoking cessation services on the campus.
- 4.55 Lloyds Pharmacy - Using public transport (using LRT app) to Saltire Street would take 16 minutes (200 Skylink) either way as it involves a walk at both ends.
- 4.56 We are also aware that Mr Malone from Lloyds Pharmacy in the August 2010 hearing for Granton Waterfront stated "that in addition to physical access problems to the other pharmacies from the proposed neighbourhood in crossing the busy West Granton Road, territorial issues exist in relation to criminal activities which may result in residents being reluctant to travel into surrounding neighbourhoods to access their pharmaceutical needs." So, it is our understanding from August 2010, that Lloyds already believe there is a barrier to the neighbourhood caused by physical access and criminality.
- 4.57 Having spoken to the team today I note that Boots have started charging for delivery and we have received a requirement for 5 new delivery arrangements today.

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4.58 **Proposed Services**

We propose to offer the following NHS Pharmaceutical Services

- Services Acute and Chronic Medication Services
- Minor Ailments Service
- Public Health Services of Smoking Cessation, Emergency Hormonal contraception, Pharmacy First
- Chlamydia
- Gluten Free Service
- Unscheduled Care- urgent supply of repeat medicines and appliances
- Supervised self-administration of Methadone

- Supervised self-administration of Buprenorphine
- Supervised Administration of Disulfiram post breath testing
- Stoma Care - appliance supply for patient with a colostomy or urostomy

In fact we would offer any service that the Health Board required.

- 4.59 It should be noted from the CAR that 88.7% of people are positive about the services being provided and following completion and review of the CAR findings report Lindsay & Gilmour listened to the respondents looking for an extended hours service once a week. In our application we have proposed to open until 7pm on a Thursday but we will look to extend provision based on demand seen once open.
- 4.60 During other days of the week we propose to open from 9-6pm and 9-5.30pm on a Saturday. It should also be noted that our proposed opening times on a Saturday will make this pharmacy open later than pharmacies out with the neighbourhood.
- 4.61 To conclude Lindsay & Gilmour believe a pharmacy is a key requirement to help the ongoing rejuvenation of the Granton Waterfront neighbourhood. This view has been expressed extensively in themes throughout the CAR, it has also been identified in the Granton Waterfront - What next? Consultation and NHS Lothian Primary Care premises Modernisation document where they recognise GP services for the neighbourhood will be unsustainable in the short to medium term with the a identified need for a new practice is documented by NHS Lothian
- 4.62 Lindsay & Gilmour firmly believe that the new GP services also require new pharmaceutical services in the form of a new pharmacy contract in the Granton Waterfront to help the care of the residents and transient users of the neighbourhood.
- 4.70 This concluded the presentation from Mr Clubb

## **5. The Chair invited questions from the interested parties to Mr Clubb.**

- 5.1 Mr Johnston referred to the plan for 6680 houses and asked if there was an update on progress with the building. Mr Clubb replied that 300 units had been completed and another 250 were under construction so there were currently 1900.
- 5.2 Mr Johnston asked if this had resulted in an increase in business in Crewe Road. Mr Clubb said that it was about 10-15% and noted that the market share would be spread over the pharmacies in the areas. He confirmed that although there was no increase in market share there had been an increase in business.
- 5.3 Mr Johnston asked if he had sufficient pharmacists in the proposed premises. He said that they had 3 relief pharmacists would could do that.

Regarding how many would be in full time, he said that this was difficult to judge as it would depend on volume. At Crewe Road they and double cover for 5 days and would be happy to do that in the new premises.

- 5.4 Mr Johnston asked if he had the capacity to deal with the 5 (or more) new requests for compliance aids. Mr Clubb replied that this was not a problem as the used robotics for off site dispensing which increased capacity. They were also looking to redevelop the site to cope.
- 5.5 Mr Johnston asked about the square footage of the Crewe Road premises and the proposed premises. Mr Clubb said that Crewe Road was 1000 square feet and the new premises would be 2700 on the ground floor and another 2500 on the first floor.
- 5.6 Mr Johnston referred to shortages and asked if he knew how many lines were short in the whole market. Mr Clubb replied that it was volatile at present but did not think that there were many problems. All he could think of was HRT which was a national shortage. Mr Johnston pointed out that there were 200 lines short in the market currently. Mr Clubb said that he was not seeing evidence of this.
- 5.7 Mr Nickkho-Amiry for Dears made reference to former applications and asked why they had gone from opposing an application to making one when nothing had changed. Mr Clubb disagreed the application was based on knowledge of the local LDP in 2016 and were now taking a different view. Based on the numbers involved they believed that there needed to be extra capacity in the area to cope with the needs. There were also two college premises and Scottish Gas in the locality.
- 5.8 Mr Nickkho-Amiry asked if this was a defensive application. Mr Clubb said that it was not and that the populations were distinct. He said that Crewe Road Pharmacy would stay there and that as the population grew and changed in West Granton they would use the new premises. Lindsay & Gilmour were being proactive in taking an approach which would ensure that adequate service was ensured for the future.
- 5.9 Mr Nickkho-Amiry asked what percentage of items came from the Crewe Road North GP and was told this was 80%. Their approach had been to go to the pre-application meeting, consult and then apply.
- 5.10 Mr Nickkho-Amiry asked how many MAS patients there were and was told that there were 750 with an average of 2 items each and that the rate was fairly flat. Mr Clubb said that the rules around MAS had changed, that they used to have 1500 but the registration lapsed now after 12 months and you were not allowed to re-register someone who had lapsed. There was also constant churn as people moved around.
- 5.11 Mr Nickkho-Amiry pointed out that Well had 1700 using this service and asked if he did not think that his numbers were low. Mr Clubb replied that he did not think they were small, rather reasonable though stagnant.

- 5.11 Mr Nickkho-Amiry asked what the list size was currently at Crewe Road North. Mr Clubb said that he did not know. Mr Nickkho-Amiry said that it was 9428.
- 5.12 Mr Nickkho-Amiry asked Mr Clubb to describe his relationship with the GP surgery. Mr Clubb said that it was very positive and they did work with them and spoke to people in the waiting room about services and were in constant dialogue with the surgery.
- 5.13 Mr Brownlie from Lloyds referred to the data provided and noted that this suggested that there was inadequacy in the current pharmacy with 75% saying there was not enough service or consultations and also that they were unhappy with the current access and asked why they had not addressed this rather than make a new application. Mr Clubb replied that they kept the premises in Crewe Road under constant review. There used to be a Post Office within the premises but this was no longer the case and the area would be refitted with new consultation rooms. He acknowledged that more needed to be done there but it would not impact of the new premises and there was enough work for both.
- 5.14 Mr Brownlie said that it was curious that as the new premises were very close to the current and asked why they were not addressing the issues with the current premises, where there were clear shortcomings. Mr Clubb said that, looking at the CAR, it was not just Lindsay and Gilmour but all the pharmacies. He said that until the Post Office moved it had been difficult to do other than minor modifications to the Crewe Road premises but would now be progressing with the refit.
- 5.15 Mr Brownlie noted that it appeared that patients from the GP where most of his business came were not happy with access despite Mr Clubb saying that he promoted the service with them. Mr Clubb said that the patients were saying that it was the GP practice they were unhappy with. Mr Brownlie agreed to disagree.
- 5.16 Mr Brownlie referred to a previous application in the area and also the fact that Morrison's did not move their contract to the new store and asked if this was because they thought it was not viable. Mr Clubb replied that Morrison's were intending to move the pharmacy to Ferry Road near Dears rather than the Waterfront.
- 5.17 Mr Brownlie referred to the comment that "Lloyds were bloody useless" and assured that they did all they could to have all medicines available unless there were common shortages. This was noted.
- 5.18 Mr Brownlie noted that the proposed premises were very large and asked if they were proposing to use the whole unit. Mr Clubb said it gave flexibility to expand but initially they would use the ground floor. It could be that they expanded upstairs or used the space for robotics.
- 5.19 Mr Brownlie asked why they had not requested relocation rather than new

premises, which were only 0.3 miles away. Mr Clubb said that they were close but this was a completely new neighbourhood.

- 5.20 Mr Brownlie said that as they had the ability to do off-site dispensing capacity was not an issue for the Crewe Road site and asked how much off site dispensing was done. Mr Clubb said that they had 180 compliance starting and did about 10-15 trays off site. He noted that Lloyds did not have capacity to take on more according to the CAR. Mr Brownlie assured him that this was not the case and that they had just relocated so perhaps the comments in the CAR related to the old premises.
- 5.21 **Having established that there were no further questions from the Interested Parties the Chair invited questions from the Committee members.**
- 5.22 Mr Niven asked about parking at the new premises noting that there were two disabled spaces but also lots of double yellow lines. Mr Clubb said that as the unit was part of the Morrison's site, patients could park there and there was also a small car park to the side.
- 5.23 Mr Niven asked for a reaction to the response rate of 207 for the CAR and how much weight should be put on this. Mr Clubb said that the responses were only electronic and to put one in writing, a written request had to be made. He felt that this was quite a good response and he was delighted and surprised by the depth of feeling with the neighbourhood.
- 5.24 Ms Stirrat asked how many consulting rooms would be available at Crewe Road once the Post Office was gone. Mr Clubb said that they envisaged a substantial refit would include a larger area for dispensing and two consulting rooms. He confirmed that the Post Officer were due to move out in two weeks.
- 5.25 Ms Stirrat asked when the refit would take place. Mr Clubb said that they were currently refitting two other premises and that Crewe Road would likely be the next. It would probably be this year but depended on shop fitter availability.
- 5.26 The Chair said that she was aware of the new model for care of older people and asked if there were any housing specifically for them in the neighbourhood. Mr Clubb said that a retirement village would be a substantial part of the new development and that social housing would also have some older people.
- 5.27 The Chair referred to Mr Brownlie's questions about relocation and asked him to confirm why the new application rather than relocation. Mr Clubb said that there were no plans to close the existing premises and this was an application for new premises in addition.
- 5.28 The Chair asked if they had considered community use for the space upstairs. Mr Clubb said that it was something which other Lindsay &

Gilmour premises did and had Women's Aid and other organisations using their space. He had mentioned to NHS Lothian that they were not averse to doing this in the new premises.

- 5.29 The Chair asked about toilet provision and Mr Clubb said that the intention would be to change the initial fitting plan to have a staff toilet upstairs and another downstairs for patient use.
- 5.30 The Chair said that in all the pharmacies they visited it was clear where people were receiving supervised methadone and asked why the new pharmacy had taken the decision not to make this clear. Mr Clubb said that he recognised there was a stigma associated with taking methadone and wanted the privacy of a private room if there was the space for this.
- 5.31 The Chair asked if he thought saloon style doors were appropriate. Mr Clubb said that he tried to avoid their use where possible and always aimed for privacy.
- 5.32 Mr Embrey asked if there was an active community council in the area. Mr Clubb said he had attended both Granton and West Granton/West Pilton. In the latter they were speaking about the police report and it was clear that they did not feel that Granton Waterfront was their area. They were much more focused on areas closest to them. Granton Community Council had been very vocal about what they wanted to see in the area.
- 5.33 Mr Embrey asked if he had approached any Community Council for support. Mr Clubb said that he had asked them to help circulate information about the consultation but had not specifically sought their support. They had the Forth constituency councillors on the City of Edinburgh Council.
- 5.34 Mr Beattie asked where the housing was to be situated in the neighbourhood and if it was all going in the area towards the waterfront. Mr Clubb referred to the LDP with the various areas zones for housing. He said that they spoke about Morrison's as being the centre with the station building the transport hub.
- 5.35 Mr Beattie asked how long it would take to travel from Saltire Street to Crewe Road premises and was told that it would be about 8 minutes. From the new premises the time would be 2 minutes on the bus and less than 8 on foot

## **6. Interested Parties' Submissions**

- 6.1 Mr Johnston from Well Pharmacy read out the following prepared statement:
- 6.2 We believe that this application fails to satisfy the regulations as it is neither necessary nor desirable to secure adequate pharmaceutical services in the neighbourhood. The key term in this regulatory test is adequacy. Whilst all contractors strive for excellence, the test is adequacy.



### 6.3 Neighbourhood

We define the neighbourhood as being the same as the Applicant's which is as follows:

North -Firth of Forth

East - Lochinvar Drive

South - West Granton Road

West- Marine Drive

6.4 The neighbourhood has a portion of recently constructed houses which are to the south of West Granton Road but beyond this the housing stock changes to more established housing stock. The neighbourhood is not fully developed. In the CAR people also referred to West Granton and West Pilton.

6.5 The demographic profile of this neighbourhood is one of a working and transient population. The population has better health and are younger according to the 2011 census than Scotland as whole. The index of Multiple Deprivation across the neighbourhood does not illustrate any significant deprivation in the neighbourhood. None of the areas are in the lowest in Scotland. The neighbourhood does not have a full range of services and amenities at present. With the increased housing development, these services will be available in the future. The housing is relatively new throughout the neighbourhood. This is due to the gradual redevelopment of the area and it's within commuting distance of Edinburgh city centre.

6.6 This neighbourhood is adequately being served by three community pharmacies and there are two located close to existing medical centres and one in a community setting. These pharmacies are located to other services and amenities necessary for the course of daily living. There are no physical or geographical barriers between the proposed site and the existing pharmacy locations. An additional pharmacy located so close to the existing pharmacies does not improve access to pharmaceutical provision in the whole neighbourhood which is under consideration today. A distance of 0.3 miles or 0.8 miles between the proposed site and the existing pharmacies is not significant.

6.7 The NHS Lothian Pharmaceutical Care Plan states that the majority of the Edinburgh population has access to a pharmacy in 20 minutes of walking. This is no different in this neighbourhood even though pharmaceutical services are provided from out with the defined neighbourhood. 20 minutes walking time from all of the existing pharmacies in this area of Edinburgh covers approximately all of the neighbourhood under consideration, with the exception of the furthest north East and north West corners of the neighbourhood where there are limited housing available currently.

6.8 There is also a comprehensive bus service available throughout Edinburgh, connecting the residential area to Edinburgh Centre and to the surrounding

area. The bus service operates every 5-10 minutes throughout the week. (Bus Routes 8,14,16,24,38 and 200). These routes run along West Granton Road passing by numerous pharmacies.

**6.9 Adequacy of Services.**

Both pharmacies serving the neighbourhood are offering all of the services that are needed for the area. Our branch is DDA compliant with level access and an automatic door. We have made significant investment in the branch since we acquired it in 2008. The investment has not just been limited to the property but also to increase the staffing levels.

6.10 We have a full complement of fully trained staff including 2 Dispensing technicians NVQ 3 and 3 dispensing assistants NVQ2 colleagues and a permanent pharmacist branch manager. Apart from the branch manager, the team in branch have been stable for the last two years, but we have taken on additional colleagues.

6.11 The services that we offer are smoking cessation, EHC, supervision of methadone and antipse, dosette boxes, eMAS, CMS, collection and delivery services, Chlamydia voucher scheme, continence care, gluten free, Hep C supervised consumption, methadone supervised consumption, palliative care, paracetamol following immunisation, pharmacy first, smoking cessation, unscheduled care and urgent supply. The report published by NHS Lothian on the provision of pharmaceutical care services delivered by community pharmacy has demonstrated that the health inequalities within each of the council areas has improved since 2010 in all areas.

6.12 The collection and delivery service is offered as a daily service with a relief driver available so service is continuous. There are 110 deliveries a week, including into this neighbourhood.

6.13 Our branch has a gross sales area of 74 sq metres. We have sufficient scope within the existing branch to meet the needs of the increasing population.

6.14 Our opening hours are currently 9.00 am to 5.30 pm, Monday to Friday and 9.30am to 12.30pm. We do not close for lunch. Furthermore, the Applicant's opening hours are not significantly in excess of the hours already provided by the current pharmacies. Furthermore, with the demographic profile of the neighbourhood being residents working in the Edinburgh City Centre and commuting to work the proposed opening hours will not improve access to pharmaceutical services. The CAR report supports this claim as comments included residents accessing pharmaceutical services on their way to and from work. This new application will not change this situation.

6.15 The waiting times at the branch are approximately 7-10 minutes at the last review undertaken. I am not aware of any complaints to the Health Board with regard to our pharmacy in Granton.

6.16 At our last GPHC inspection, we received a satisfactory rating under the new

measure this would be a standards met.

- 6.17 There has been issue raised on owings and stock availability. Over the last 18 months there have been a significant number of products which are on short supply due to manufacturing issues. As of last week, there are still circa 200 lines which are in short supply in the whole market. At its peak there was close to 1000 lines on short supply 2017/18. This is mitigated somewhat due to Well having our own supply network. As of last week there is a very small number of owings produced, most of which are on the short supply list. The comments in the CAR report suggest that patients are having to make multiple journeys to access pharmaceutical services for medicine collection. As there is no specific detail contained within the CAR report on individual circumstances, some of the supply issues raised could be because of industry short supply which would not be removed by opening another pharmacy in the same ownership as an existing pharmacy as the same supply routes, accounts etc would be in place.
- 6.18 We contend that all services are provided within the neighbourhood and we fail to see where the gap is in services for this application to satisfy the regulatory test to make this application at least desirable.
- 6.19 The applicant has not provided any evidence of any inadequacies in the pharmaceutical service provision within the neighbourhood under consideration. The CAR report, whilst it is always good to get the views/opinions of the public, does not provide any context to the comments regarding waiting times, or owings.
- 6.20 There was an application refused for this neighbourhood a few years ago and the situation is still the same in terms of access. There has been no significant change.
- 6.21 The neighbourhood redevelopment area has been in planning stages for some years, initially granted in 2002 and housing growth has been slow since this time. In the next 10-15 years there will be delivered a significant amount of new housing and associated population growth but at this time the existing services are meeting the needs of the neighbourhood and will do into the medium term. At best this application is premature.
- 6.22 In summary, there has been no evidence of inadequacy of pharmaceutical services provision in this neighbourhood as it stands today.
- 6.23 We contend that this application is neither necessary nor is it desirable as adequacy of pharmaceutical service provision is already provided in the neighbourhood and respectfully request that it be refused. Thank you.”
- 6.24 **The Chair invited questions from the Applicant to Mr Johnston**
- 6.25 The Applicant asked if Well charged for deliveries and was told that they did not.

- 6.26 The Applicant asked how someone at Edinburgh College would get to his premises at lunchtime to access emergency contraception. Mr Johnston said that this would take no longer than 5 minutes as was currently the case with the Applicant's Crewe Road premises. The Applicant said this was not the student view.
- 6.27 **Having established that there were no further questions from the Applicant, the Chair invited questions from the Interested Parties.**
- 6.28 Mr Nickkho-Amiry asked for confirmation of the off site dispensing by Well. Mr Johnston confirmed that they had started on their present site about three weeks ago and had the capacity to do much more.
- 6.29 **Having established that there were no further questions from the Interested Parties the Chair invited questions from the Committee.**
- 6.30 The Chair asked for Mr Johnston's view of the neighbourhood. He replied that once all the houses were built, it could become a neighbourhood on its own. At the moment it was not. Muirhouse and Granton were neighbourhoods and the Waterfront was developing but this could change in the future.
- 6.31 The Chair asked if they were experiencing an increase in prescriptions. Mr Johnston replied there was a small but not significant increase.
- 6.32 The Chair asked where people went to fulfil their prescriptions. He replied that they probably did this in the centre of Edinburgh where they would work.
- 6.33 The Chair asked why the dispensing figures were so low in Well. Mr Johnston said that this was because they were in the middle of a housing scheme with Granton on one side and Goldenacre on the other. The pharmacy had grown, but not substantially in the last 5 years.
- 6.34 The Chair asked if people coming back from work could access the pharmacy. Mr Johnston confirmed that they could and there had been no requests to extend those.
- 6.35 Mr Beattie asked if there were more than one pharmacist in Granton, Mr Johnston replied that there was not but if the need arose they could call in more.
- 6.36 **Having established that there were no further questions for Mr Johnston, the Chair invited the next interested, Mr Nickkho-Amiry to make his submission.**
- 6.37 Mr Nickkho-Amiry from Dears Pharmacy read out the following prepared statement:
- 6.38 "Firstly I would like to thank the Committee for inviting me to the hearing to give an oral presentation on behalf of the Dears Pharmacy. In our opinion we feel that the application fails to satisfy the regulatory test as it

- is neither necessary nor desirable as the neighbourhood is adequately served by the existing pharmacy network.
- 6.39 We would like to make note of the very low response rate for the consultation.
- 6.40 We define the neighbourhood the same as the applicant. We would state that the neighbourhood is comprised mainly of parkland, a golf course and residential housing, a supermarket and Telford College.
- 6.41 We estimate that approximately 20-25% of the neighbourhood is populated and that the housing is of a mixed variety and a mixed demographic.
- 6.42 We are interested to understand that how the applicant has gone from raising an objection within the same neighbourhood in 2014 at Saltire St however now as they are applying for a new contract that this is now necessary and desirable in their opinion.
- 6.43 The applicant currently provides a pharmaceutical service 0.3 miles from the proposed location. We would like to think this is perhaps a more defensive contract application than an actual application.
- 6.44 We would state that the proposed site could be considered the hub of a community, however the residents in this neighbourhood can leave their immediate neighbourhood in the course of normal living to go to work and when they leave their neighbourhood it is possible to access pharmaceutical services at the same time.
- 6.45 It is possible to state that although the proposed site would be more convenient for some of the neighbourhood, many would find it easier to access the already available services.
- 6.46 There is no GP practice situated in the proposed neighbourhood so most people going for acute prescriptions would more than likely visit one of the current pharmacies which are situated nearer existing GP practices of which the closest is next to the Applicant's existing location at Crewe Rd North.
- 6.47 As far as we are aware the Health Board has not received any significant complaints of service levels and he believed that this would suggest that the current provision is adequate.
- 6.48 We would state that the neighbourhood is currently being served by Lindsay & Gilmour Pharmacy at Crewe Road North, Lloyds Pharmacy at Pennywell Road and Well Pharmacy at Granton Road and on the outskirts by our pharmacy at Ferry Rd.
- 6.49 The journey from the proposed location to the closest existing pharmacy is safe as there are level pavements which are adequately illuminated, with drop curbs and traffic lights and pedestrian crossings to ensure safe passage. There are numerous buses which pass by the proposed location on route to all the existing pharmacies. There is also on road

parking at the nearby pharmacies.

- 6.50 We are not aware of any contractor being at capacity to provide more services. Dears Pharmacy are able to meet the needs of the neighbourhood as they develop, are not at capacity and engage with all aspects of the National Pharmacy Contract. Our pharmacy trades from a large set of premises. We also have a dedicated entrance to assist in managing methadone patients and cope with workload and also have two private and confidential consultation rooms. We have low levels of owing items to patients is below 1% and have over 1700 patients registered for EMAS. CMS is almost at maximum level, their waiting times are 5 minutes.
- 6.51 Our pharmacy also provides a wide range of private services including travel clinics. We also have robotic technology in the preparation of blister patients.
- 6.52 Our pharmacy has a pharmacist manager and has three days a week double cover. There are two full time counter assistants. There are 6 full time dispensers and 2 full time accuracy checkers.
- 6.53 Dears Pharmacy currently collects from 12 GP surgeries and we offer a free delivery service including to the neighbourhood indicated. The branch also has a full time delivery driver.
- 6.54 The applicant is not proposing to provide any services which are not already available at the existing pharmacies.
- 6.55 We contend that the application is based on convenience rather than meeting any unmet need that is within the neighbourhood as all services are being offered, and all residents of the neighbourhood have adequate access to pharmaceutical services.
- 6.56 The application can also be considered as a more defensive application to protect their existing pharmacy at Crewe Rd North.
- 6.57 We would note that a contract application was refused at a site 0.5 miles away from the proposed site by the another Applicant and this decision involves many of the same pharmacies and as such a precedent has already been set where adequacy was proved. This included objections by the current applicant and their closest pharmacy at Crewe Rd North.
- 6.58 We would like to state in summary the regulatory test is based on the adequacy of pharmaceutical services and that the neighbourhood in question has more than adequate access to pharmaceutical services. In our opinion we believe that the Applicant has not provided any evidence of any unmet need within the neighbourhood and requested that the Panel refuse the application.”
- 6.59 This concluded the submission from Dears Pharmacy.
- 6.60 **The Chair invited questions from the Applicant to Mr Nickkho-Amiry**

- 6.61 The Applicant asked if there had been an increase in dispensing when the pharmacy next to Javits closed and was told that this had been modest but their figures were increasing year on year.
- 6.62 The Applicant asked how much methadone and burprenorphine was administered and was told 200 a day for each.
- 6.63 The Applicant asked how students at Telford College would access the pharmacy and was told that they would either get a bus or drive. The walk was probably too long. However if a patient really wanted a pharmacist they would go to the closest which was the Applicant's premises in Crewe Road
- 6.64 Mr Johnston asked how many deliveries were done from that site and Mr said that there were 250 a week.
- 6.65 **Having established that the Interested Parties had no further questions, the Chair invited the other Committee to put their questions.**
- 6.66 Mr Niven noted that he had said that the response rate was low and asked for the evidence for that. Mr Nickkho-Amiry said this was based on the population in the neighbourhood previous consultations they had carried out. If people felt that a service was inadequate they would take the opportunity to respond and make their feelings known.
- 6.67 Mr Niven asked how many electronic responses he had for his last consultation. Mr Nickkho-Amiry said that they had one ongoing in another Health Board and out of over 200 responses, only 40 were electronic. They had sought to have paper copies issued. He was aware that Lothian did not make paper copies available without a specific request, so it was not comparing like with like.
- 6.68 The Applicant pointed out that he did ask if paper copies could be available and was told that they could not and he did not have an issue with that as these were NHS Lothian's rules.
- 6.69 **Having established that there were no further questions for Mr Nickkho-Amiry Johnston, the Chair invited the next interested, to make his submission.**
- 6.70 Mr Brownlie from Lloyds Pharmacy read out the following prepared statement:
- 6.71 "I would like to thank the Panel for allowing me to speak today
- 6.72 The Applicant's reason for making this application seems to be that the Pharmaceutical Services provided by current Contractors is inadequate, surprisingly if this was the case then the Applicant must be stating that the service provided by their Pharmacy at 228 - 230 Crewe Rd North is responsible for this inadequacy as this Pharmacy is only 0.3 miles from the Applicant's proposed Pharmacy

- 6.73 There are, as the Panel is aware numerous examples from Pharmacy Practice Committee Hearings and numerous National Appeal Panel Hearings that adequate Pharmaceutical Services can be provided to a neighbourhood from Pharmacies situated out with that neighbourhood and this is the case with this application
- 6.74 Indeed the Panel will see from the advice and guidance for those attending the Pharmacy Practices Committee they must consider what are the existing pharmaceutical services in the neighbourhood or in any adjoining neighbourhood.
- 6.75 Fortunately, there are many pharmacies near or in the Applicant's definition of the neighbourhood all of whom offer an adequate service to the residents.
- 6.76 It is interesting to note that the Applicant proposes to open for less hours than the existing Lindsay and Gilmour Pharmacy situated 0.3 miles from the Applicant's proposed site which is a retail park site
- 6.77 As regards the Applicant's definition of neighbourhood I would be very surprised if a resident Colonsay Close considered themselves a neighbour of someone living in North Breakwater Road and indeed someone living in North Breakwater Road is at least a mile away from the Applicant's proposed site.
- 6.78 The applicant has designed his neighbourhood simply to allow the residents living to the North and East of West Harbour Road to be included in their definition of a neighbourhood, it is obvious that these residents form a completely separate neighbourhood.
- 6.79 In my opinion the Boundaries should be:  
Northern - West Shore Road running on to West Harbour Rd (north of West Shore Road there is only Recreational Grounds and Industrial Units). the Flats to the North and East of West Harbour Rd seem to form their own natural neighbourhood  
Eastern - West Harbour Road where it meets West Granton Road  
South - West Granton Road  
West - Marine Drive where it meets West Granton Rd
- 6.80 Basically, the Applicant is proposing to locate his Pharmacy next to a supermarket and directly to the East there is only a Museum Collection Centre and large retail units. On visiting the site, until I came across the flats that have been completed near the site of a previous application at Saltire Street, I was beginning to wonder if there was any residential accommodation near the Applicant's proposed pharmacy.
- 6.81 Also, on speaking to the owner of Gym at the Morrisons site, he stated that perhaps the Gym had been built too early as there was still a lack of development nearby. I can only agree it is obvious it could be many years



before the proposed residential developments are completed.

- 6.82 On the subject of neighbourhood, it is interesting to note that at a Pharmacy Practices Committee Meeting in 2014 Lindsay and Gilmour's representative Yvonne Williams stated the neighbourhood to be North - the Firth of Forth; East - Lochinvar Drive Marine Drive; and South Boswall Parkway.
- 6.83 It is interesting to note that anyone living in Lochinvar Drive is actually closer to the existing Well Pharmacy than the Applicant's proposed premises.
- 6.84 Yvonne Williams also stated, and I quote  
"That given the proximity of the proposed premises to Lindsay and Gilmour on Crewe Road North (0.7 miles both on foot and by car) (The Panel are aware that this application is trying to site a Pharmacy only 0.3 miles from the Lindsay and Gilmour Pharmacy on Crewe Road North) and the fact that there are another 3 Pharmacies within a mile and a half, that the services provided to the neighbourhood are MORE than adequate."
- 6.85 Ms Williams also stated that these pharmacies are accessible to patients from the Applicant's neighbourhood by car or one of the 8 frequent bus routes in and around Granton. Given in particular the spread of Lloyds Pharmacy in Muirhouse, Lindsay and Gilmour Pharmacy on Crewe Road North and the Co Operative Pharmacy on Granton Road, at least one or more of these Pharmacies are EASILY accessible by foot never mind by car or Public Transport to all residents of Granton, no matter where they live.
- 6.86 Ms Williams also stated, and I quote that "even at that the furthest points within the Applicant's neighbourhood, no one has to travel further than 1.2 miles to access a pharmacy. At an average walking pace of 4 miles per hour this is a 15 Minute walk." The proposed pharmacy is ONLY 0.3 miles from the existing Lindsay and Gilmour Pharmacy.
- 6.87 Ms Williams also stated, and I quote  
"It does not automatically follow that the existing pharmacy network will not be able to cope with any change in population."
- 6.88 I totally agree the current Pharmacies are still providing an adequate pharmaceutical service to all residents
- 6.89 Indeed, our Lloyds Pharmacy has temporarily relocated and on completion of the regeneration works will move to permanent premises designed to allow us to cope with any increase in patient numbers which is being experienced at the moment.
- 6.90 Interestingly at the same PPC the Committee noted there were no pharmacies within the neighbourhood, but nearby services were easily accessible by foot, car, or bus. This is still the case.

- 6.91 Even if the Panel were to accept the Applicant's definition of neighbourhood it is obvious, the residents of the Applicant's proposed neighbourhood are generally young mobile and affluent and on a regular basis travel out with their neighbourhood to access services I would also point out that the use of a pharmacy is not normally a daily or weekly occurrence
- 6.92 The Panel must take account as to whether the granting of an application would adversely impact on the security and sustainable provision of existing NHS primary medical and pharmaceutical services in the area concerned.
- 6.93 The Applicant in support of his application has carried out a Consultation Exercise. From the CAR it is impossible to ascertain how many people had access to the survey. However, as the Applicant placed an advert in the Edinburgh Evening News, communicated with the Community Council , contacted Local Councillors and MSPs and it was also posted on the NHS Lothian Website, I feel that the response number of 207 is extremely low. Indeed of the 207 responses only 116 in response to Question 7 – "Do you think there are any gaps or deficiencies in the existing provision of pharmaceutical services to the neighbourhood?" only 116 respondents said yes.
- 6.94 It is also not clear from the majority of responses to some of the questions which pharmacies the responses relate to. It could be that the majority of negative responses are directed at the existing Lindsay and Gilmour pharmacy and that perhaps the Applicant needs to improve the service levels at their Crewe Road North Pharmacy rather than applying for a new contract.
- 6.94 If it is part of the new Regulations, that the Applicant "must establish the level of public support of the residents in the neighbourhood to which the application relates" then it cannot be said the Applicant has not tried to gain Public Support. He has however failed to gain the support of the residents simply because there is little public support for the application. This is because existing contractors already provide an adequate pharmaceutical care service to the Applicant's proposed neighbourhood.
- 6.95 Despite all the Applicant's efforts, he has received only 207 Responses from the residents of his proposed neighbourhood and not all of that support the application, although many mention convenience.
- 6.96 Indeed, in his letter of support from the local Councillors their comment and I quote "We write this letter in full support of your proposals and believe your local business will be a great addition to our part of the city." I am sure that the Councillors would support any new business moving into the area. However, a great addition does not mean that current services are inadequate or that there is a need for a pharmacy.
- 6.97 The Applicant has proved no inadequacies in current pharmaceutical

provision and there is little public support for this application as the residents have no difficulties in accessing pharmaceutical services and indeed on a regular basis travel out with the neighbourhood to meet their daily needs.

- 6.98 This application is all about convenience, not adequacy or need, and convenience is not a reason for granting a pharmacy application.
- 6.99 The Panel must consider what the existing pharmaceutical services in the neighbourhood or in any adjoining neighbourhood are. There are currently four pharmacies who are all meeting the pharmaceutical needs of the residents of the Applicant's proposed neighbourhood and this includes the Applicant's own pharmacy.
- 6.100 Having examined NHS Lothian's Pharmaceutical Care Services Plan, I can see no reference to there being a need for a pharmacy in the Applicant's proposed neighbourhood and indeed there have been no complaints to the Health Board regarding existing service provision and accessibility.
- 6.101 I would therefore ask the Panel to refuse this application as it is neither necessary nor desirable in order to secure the adequate provision of pharmaceutical services in the neighbourhood in which the premises are located.
- 6.101 This concluded the representation from Lloyds Pharmacy
- 6.102 **The Chair invited questions from the Applicant to Mr Brownlie**
- 6.103 Mr Clubb asked if he thought that a pharmacy here was not viable and Mr Brownlie replied that he found it surprising giving the size and flexibility of the new premises that an application for relocation had not been made instead.
- 6.104 The Applicant asked why Lloyds had changed their view of the neighbourhood. Mr Brownlie replied that that was some time ago and from driving round the neighbourhood, little building has taken place so the application was speculative to try to get a new contract before the housing was there.
- 6.105 The applicant pointed out that the community was growing and developing and there would be a retail park and as all retail parks had pharmacies so there should be one there. Mr Brownlie replied that the Applicant should then match his hours to those of the retail park.
- 6.106 The Applicant asked how many days did Lloyds offer double cover. Mr Brownlie said this was not normally required as there was a Checking Technician available. Since they had moved premises this Technician could do this when they were busy.
- 6.107 **Having established that there the Applicant had no further questions, the Chair invited the Interested Parties to put their questions.**

- 6.108 Mr Johnston referred to the comment that Lloyds were glad that their last application had not been approved and asked if this was because it would not have been viable. Mr Brownlie said it was difficult to determine as they were offering extended hours which would require an additional pharmacist which would probably not be viable at the current time.
- 6.109 **Having established that the Interested Parties had no further questions, the Chair invited the Committee to put their questions.**
- 6.110 Mr Niven understood that Lloyds were developing new premises and had decanted for a period of time before going back to the original and asked about the effect of that. Mr Brownlie said that the new pharmacy would be very modern with a special area for supervision and a new consulting room. He said that the move was for two years until the old unit was redeveloped
- 6.111 The Chair said she had spoken to the staff and they were not positive about the current working environment and struggled for space. Mr Brownlie said that he was surprised at this. They had relocated in May and had off site dispensing and there was a plan to sent CBS off site. They were also getting more requests since Boots had started charging for delivery.
- 6.112 Mr Beattie asked if Lloyds charged for delivery and was told that they did not.
- 6.113 **Having determined that there were no further questions, the Chair adjourned for a 5 minute comfort break.**
- 6.120 **On resumption, the Chair all parties to sum up in reverse order starting with Lloyds.**

## **7 Summing Up**

- 7.1 Mr Brownlie, Lloyds, said that it was surprising that this application had been made, given its proximity to the Crewe Road premises. The new pharmacy offered nothing extra. The existing pharmacies offered and good service and it was neither necessary nor desirable to grant the application. Mr Nickkho-Amiry from Dears said that he had little to add as he had said all in his submission. It was neither necessary nor desirable to have a new pharmacy. He believed that it was speculative and should be refused. Mr Johnston from Well said that the application failed to satisfy the Regulations and should be refused as there was already adequate pharmaceutical service provision in the area with the existing pharmacies having sufficient capacity to meet future needs.
- 7.2 Mr Clubb said that this application was sensible for the future and he was surprised that no-one had applied previously. Lindsay and Gilmour were willing to make an impact in the area. No one had said that an additional pharmacy would impact on viability of others. This application was especially important following the closure of the pharmacy next to Javits, which had made all the pharmacies busier. They were prepared to invest in

the Granton Waterfront to ensure an adequate service into the future.

## **8 Retiral of Parties**

- 8.1 The Chair then invited each of 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 Chair 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.
- 8.2 The Chair advised the Applicant and Interested Parties that it was in their interest to remain in the building 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.
- 8.3 The hearing adjourned at 14:25 hours to allow the Committee to deliberate on the written and verbal submissions.

## **9. Supplementary Information**

Following consideration of the oral evidence, the Committee noted:

- i. That they had jointly undertaken a site visit of Granton Waterfront 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 Granton Waterfront and the surrounding area;
- iii. Area Profile report for Data Zone;
- iv. Dispensing statistics of the Community Pharmacies in the area;
- v. Further information including details about the existing Provision of Pharmaceutical and Medical Services in/to the proposed neighbourhood and population figures] 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. The current NHS Lothian Pharmaceutical Care Services Plan;
- viii. The application and supporting documentation including the Consultation Analysis Report provided by the Applicant;
- ix. Property heads of terms;
- x. Pharmacy layout;
- xi. Communication from City of Edinburgh Council.

## **10 Summary of Consultation Analysis Report (CAR)**

### **10.1 Introduction**

10.2 NHS Lothian undertook a joint consultation exercise with Lindsay & Gilmour regarding the application for a new pharmacy within Waterfront Broadway, West Granton Road, Edinburgh.

10.3 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.

### **10.4 Method of Engagement to Undertake Consultation**

10.5 The consultation was conducted by placing an advertisement in the Edinburgh Evening News; notifications being placed on the Health Board Twitter and Facebook pages; a link to the consultation document on NHS Lothian website. Respondents were asked to reply electronically via SurveyMonkey and paper copies could be requested in writing from NHS Lothian. In the event no paper copies were requested.

10.6 The Consultation Period lasted for 90 working days and ran from 27 August 2018 until 27 December 2018.

### **10.7 Summary of Questions and Analysis of Responses**

10.8 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. Three additional questions were included in the electronic version but this had no impact on the results as no paper copies were amended.

10.9 In total 207 responses were received. All submissions were made and received within the required timescale, thus all were included in the Consultation Analysis Report.

10.10 From the responses 176 were identified as individual responses and 8 responded on behalf of a group/organisation. 23 respondents did not provide an indication as to whether the response was individual or on behalf of an organisation.

### **10.11 Consultation Outcome and Conclusion**

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

10.13 The Committee noted that the response rate was one of the lowest that they had seen but that this may have been due to it being electronic.

Overall there was nothing overwhelming in support or against the application.

- 10.14 It was noted that there was no community support which was telling although the applicant had submitted a letter to him signed by the local councillors.
- 10.15 Question 1 indicated that about 60% had to make more than one journey to fulfil their prescriptions but there could be a number of reasons for this such as a national shortage or staggered prescribing. The pattern seemed to be that they were living there and working elsewhere.
- 10.15 Question 2 did not indicate that there were long waiting times. Also, from the visit, customers appeared to be collecting their items and leaving at a reasonable speed.
- 10.16 From question 3, there was strong feeling that privacy and confidentiality was not adequate. From their observations, all the pharmacies visited had private rooms and it was up to the pharmacist to offer customers the use of these rather than talk over the counter.
- 10.17 Question 4 responses seemed to indicate that people believed there was not enough capacity. The comments related to convenience rather than adequacy. Many people in the proposed neighbourhood were closer to the existing pharmacies.
- 10.18 Regarding additional services in Question 5, the pharmacies in the area provided most of these with the possible exception of family planning and minor injuries which no community pharmacy offered. From the presentations, none of the pharmacies appeared to be struggling to provide any of the services mentioned.
- 10.19 It was noted that there was significant support for the definition of the neighbourhood in Question 6.
- 10.20 There were a lot of comments in Question 7 about the gaps/deficiencies in the service. Many were about convenience and also mentioned the future expansion of the area.
- 10.21 Responses to Question 8, about the impact on the area, were positive but again related to convenience and general benefit. Some mentioned easing pressure but the current pharmacies were addressing this by using off site dispensing and modernising premises. There were a few negative comments based mainly based around addiction treatments; the other pharmacies appeared to manage this well.
- 10.22 In Question 9, 88% were in favour of the proposed services with again comments about addiction services not being desired.
- 10.23 The responses to Question 10 were mainly “no” and “don’t know” when asked about what services were missing from the list which indicated that

there were few concerns and all NHS contracted services were provided.

- 10.24 Question 11 and 12 answers indicated that a new pharmacy would complement existing services and have a positive impact. The comments recognised the pressure on GPs and how pharmacies could support this.
- 10.25 There was a very positive response to the location in Question 13 with the proximity to a supermarket being convenient.
- 10.25 In Question 14, the opening hours were deemed to be acceptable with some comments about extensions to opening hours. The Committee felt that the applicant in his existing location could extend the hours if there was a requirement. It was noted that there was later opening in both Ocean Terminal and Craighleith Centres

## **11 Decision**

- 11.1 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.

### **11.2 Neighbourhood**

- 11.3 The Committee noted the neighbourhood as defined by the Applicant and the view of the Interested Parties 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.

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

North – The Firth of Forth

East – Lochinvar Drive

South – West Granton Road

West – Marine Drive

- 11.5 The Committee agreed that this was a clearly defined neighbourhood with clear geographical and physical boundaries. The LDP had defined it as a neighbourhood and given it a name. Granton Waterfront had been established by the LDP as a neighbourhood and was an emerging area but not fully developed. There was also ready access from the east and west to access the proposed premises.

- 11.6 **Adequacy of existing provision of pharmaceutical services and necessity or desirability**



- 11.7 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.
- 11.8 The committee noted there were 3 pharmacies within the one mile all of which provided all contracted and many not contracted pharmaceutical services to the neighbourhood. All of these pharmacies said that they were not at capacity and could deal with an expanding population. Lloyds were refurbishing their premises and expanding areas. Two of the pharmacies were moving into robotics and off site prescribing to enable them to cope with demand.
- 11.9 The current population was not one which put a huge demand on pharmacy services and generally would access these near where they worked. The average number of patients per pharmacy was below the average for Edinburgh. All pharmacies were accessible within 20 minutes walk or cycle and within 5 - 8 minutes by public transport or car.
- There was still a large part of the proposed development to be completed and there were no definite dates for either starting or completing many of the developments. This therefore made it difficult to see what the pattern of pharmacy use would be.
- 11.10 **The Committee concluded that there was no evidence provided to demonstrate any inadequacy of the existing pharmaceutical services to the defined neighbourhood.**
- 11.11 Following the withdrawal of A Beattie and M Embrey 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, considered that the pharmaceutical service into the neighbourhood to be adequate.
- 11.12 Accordingly, the decision of the Committee was unanimous that the provision of pharmaceutical services at the premises was neither necessary nor desirable 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 rejected. This decision was made subject to the right of appeal as specified in Paragraph 4.1, Regulations 2009, as amended.
- 11.13 A Beattie and M Embrey returned to the meeting, and were advised of the decision of the Committee.

**The meeting closed at 15:15 hours.**

*Fiona O'Donnell*

**Signed:** .....  
**Fiona O'Donnell, Chair, Pharmacy Practices Committee**

**Date:** **29 September 2019**  
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