



**Minutes of the meeting of the Pharmacy Practices Committee (PPC) held on  
Wednesday 26 October 2022 at 0930 hrs via MS Teams**

The composition of the PPC at this hearing was:

Chair: Mr George Gordon

Present: **Lay Members Appointed by NHS Lothian**  
Mr John Niven  
Ms Eleanor Blair

**Pharmacist Nominated by the Area Pharmaceutical Professional Committee  
(included in Pharmaceutical List)**  
Mr Mike Embrey

**Pharmacist Nominated by Area Pharmaceutical Professional Committee (not  
included in any Pharmaceutical List)**  
Ms Judie Gajree

Observers: Mr Martin Connor, New PPC Chair  
Mr Mike Ash, New PPC Lay Member

Secretariat: Ms Tracy Bone, Committee Secretary, NHS National Services Scotland  
Ms Aleisha Hunter, Primary Care Contracts Manager, NHS Lothian

**1. APPLICATION BY MS JUNE FRIEL**

1.1 There was an application submitted and supporting documents from the Applicant, Ms June Friel, dated 7 July 2022, for inclusion in the pharmaceutical list of a new pharmacy at 68 West Main Street, Whitburn, EH47 0QU.

**1.2 Submission of Interested Parties**

1.3 The following documents were received:

- i. Letter dated 25 October 2022 from the Area Pharmaceutical Professional Committee (APPC)

- ii. Letter dated 12 August 2022 from Mrs Joanne Watson, NHS Contracts Manager, Boots UK Limited
- iii. Further Supporting Information
  - Pharmacy & Prescription Information
  - Maps for Whitburn Pharmacy Application
  - List of complaints received by NHS Lothian re service provided by Boots pharmacies for periods 2021/22 and 2022/23:

#### 1.4 **Correspondence from the wider consultation process undertaken**

- 1.5
  - i) Consultation Analysis Report (CAR)
  - ii) Consultation Document

## **2 Procedure**

- 2.1 At 0930 hours on Wednesday 26 October 2022, the Pharmacy Practices Committee (“the Committee”) convened to hear the application by Ms June Friel (“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 site visits to 68 West Main Street, Whitburn, EH47 0QU 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 Ms 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 and Interested Party were invited to enter the hearing.

### **The open session convened at 0946 hrs**

#### **3 Attendance of Parties**

- 3.1 The Chairman welcomed all and introductions were made. The Applicant, Logan Gray Limited represented by June Friel accompanied by John Martin. From the Interested Parties eligible to attend the hearing, the following accepted the invitation: Mr Balvinder Sagoo and Ms Elaine Lindsey both representing Boots UK Limited.
- 3.2 The Chairman advised all present that the meeting was convened to determine the application submitted by Logan Gray limited, in respect of a proposed new pharmacy at 68 West Main Street, Whitburn EH47 0QU. 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 all had received the hearing papers. It was noted that there had been written representation received from Blackburn Pharmacy but as this had been submitted out with the required timescale and had not been accepted 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. This 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 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 June Friel read aloud the following pre-prepared statement making alterations as necessary:

4.3 Before I go through the Legal Test I want to state in the bluntest terms why I am here today. In 2010 an application was made by Omnicare Ltd to open a new pharmacy in Whitburn. The reasoning behind the application was straightforward: the two unopposed Boots pharmacies in Whitburn were failing to provide an adequate pharmaceutical service to local patients.

4.4 12 years have now passed since that application was refused. Have Boots remedied the situation have now passed since that application was refused. Have Boots remedied the situation and 'sorted themselves out'? The answer, in my opinion, is a resounding NO. In fact, it is my contention that - far from improving their service - the situation is now significantly worse than it was in 2010.

4.5 Allow me to go through The Legal Test

4.6 Neighbourhood: The neighbourhood is the well-defined town of Whitburn, including East Whitburn and the Heartlands development to the west of the town, bounded by the M8 Motorway to the north and open fields to the west, east and south.

4.7 Existing Services: This is where things get interesting. In normal circumstances, you would expect the answer to the question 'who provides the existing service' to be simple: the two existing unopposed Boots pharmacies. This is a well-defined town with a population of approximately 12,000 residents but likely to increase to over 20,000 as the Heartlands development progresses.

4.8 However, the reality is different - and I believe a clear indication of the inadequacy I have previously mentioned. Here are some stats:

4.9 2019-2020: 11,636 drop in Whitburn Medical Centre scripts dispensed at Boots

2020-2021: 14,942 drop

- 4.10 If I could quote Mr John Martin, the recently retired practice manager: *“At this juncture we have pharmacies in Blackburn, Blackridge, Fauldhouse, Broxburn, Avonbridge, Larbert as well as the Boots pharmacies in Whitburn uplifting prescriptions from Whitburn Health Centre. The wide range of areas providing this service is primarily down to the fact that patients were disappointed at the service presently available in the town of Whitburn.”*
- 4.11 Some may argue that the wide range of pharmacies providing a service to people in Whitburn is a sign that the system is working well, patients have a number of options for obtaining their medicines, and services are therefore adequate. This would be a misunderstanding
- 4.12 The fact that people are relying on pharmacies as far away as Larbert is not an indication that services are adequate. It shows the opposite. If I could ask you to imagine a situation where there were no pharmacies in Whitburn then every patient would need to obtain their medicines from outlying pharmacies. They would have no choice. But I would suggest that would be an inadequate pharmaceutical service, and you would be almost certain to grant an application in Whitburn
- 4.13 The very fact that many residents are relying on an inadequate service from these outlying pharmacies is de facto evidence that the service being provided in their own town must be inadequate. Why else would so many of them avoid using it?
- 4.14 Before I discuss the adequacy of the existing service, I'd just like to say a few words about the demographics of the town.
- 4.15 This is a deprived community. The number of data zones in the most deprived 20% category rose from 4 in 2012 to 5 in 2016. (The data may differ for those living in the Heartlands development - this is data not at present available)
- 4.16 Deprivation (along with age) is one of the most obvious indicators of poor health, and correspondingly the need for good healthcare. This is clearly shown by the fact that the population of 12,000 is generating an average of 20,000 NHS prescription items per month. To put that into perspective, this works out at 1.7 prescription items per patient per month compared to a national average of 1.5 prescription items per patient per month.
- 4.17 Now I don't want the PPC to think that this application relies on any increased population as its basis, but I think it's important that we take this into account. As you will know, the Heartlands development is currently underway within the defined neighbourhood.
- Currently 749 houses occupied
  - Further 300 currently built and awaiting a completion certificate
  - Plus 600 granted planning permission and being built which equates to 1,649 homes x 2.4 residents = 3,958 residents
  - Then a further 2,000 homes once the new access road is built

- Equates to 2,000 homes x 2.4 residents = 4,800 residents
- Totals an additional 3, 649 homes with nearly 9,000 residents

Can you imagine the additional pressure this is going to place on the existing pharmacies in Whitburn? They can't even cope at the moment!

- 4.18 In fact, even if the two existing pharmacies were operating well at present, there would be a good argument to grant a new application take account of the huge predicted increase in population
- 4.19 As a deprived area, car ownership will be low. However, I don't think this is of any relevance to this application since access is not a factor in this application. Patients have easy access to the existing pharmacies in Whitburn, regardless of car ownership.
- 4.20 Public transport is also irrelevant, unless one assumes that pharmacies out with the neighbourhood could provide an adequate service even in a hypothetical scenario where the two Boots pharmacies didn't exist.
- 4.21 I don't think anyone would seriously suggest that Whitburn does not require a community pharmacy within the town in order to have an adequate pharmaceutical service
- 4.22 Let's be honest: when we discuss adequacy we're only interested in two pharmacies: the two Boots pharmacies located in the town.
- 4.23 **Adequacy of existing service**  
This is the crux of this application. The context is the demographics - this is a large **and growing** community of approximately 12,000 residents, expected to grow to over 20,000. It is a deprived population with much higher than average pharmaceutical needs. The Health Centre generates 20,000 prescription items per month. The adjacent Heartlands Development will add significant population and significant pressure to existing services.
- 4.24 The question for the PPC is: *'Are the existing Boots pharmacies providing an adequate pharmaceutical service to the people of Whitburn?'* I believe the answer is 'no'.
- 4.25 Now, I'm not going to bore you with data about 'average patients per community pharmacy' or 'average script numbers' because it's not relevant. Just because two pharmacies are dispensing 18,000 prescription items per month does not mean they cannot provide an adequate service. In fact, there are many single pharmacies dispensing that number of prescriptions and doing so perfectly well. This isn't about 'averages'. This is very specifically about the two pharmacies in Whitburn and their long-standing inability to provide an adequate service.
- 4.26 Why are they unable? I have no idea, that would be a question for Boots. There is clearly some sort of *structural* problem which Boots have failed to remedy.

- 4.27 To support my contention I will refer to the CAR and also letters of support received from the Community Council and Practice Manager.
- 4.28 Let's look at the CAR. The first thing I'd like to point out is the scale of the response. 551 is an incredible number - much larger than usual. I'd suggest this is a measure of the strength of feeling in the local community.
- 4.29 Now let's head to Question 2. *'Do you think there are... deficiencies in the existing provision?'* A massive 94% of this who expressed an opinion - that's 498 respondents - believe that the existing provision is deficient.
- 4.30 I'm sure you will have read the responses in the CAR, so I'm just going to highlight a few to give a flavour of public feeling:
- Inadequate Provision at Present – quoted 11 comments noted in CAR
  - Lack of stock – quoted 4 comments noted in CAR
  - Concerns about lost prescriptions – quoted 3 comments noted in CAR
  - Present Opening Hours insufficient - quoted 5 comments noted in CAR
  - Criticism of current provider – quoted 5 comments noted in CAR
  - Inadequate competition – quoted 4 comments noted in CAR
  - Increasing demand expected – quoted 4 comments noted in CAR
  - Parking problems at present – quoted 2 comments noted in CAR
  - Home Delivery – quoted 3 comments noted in CAR
  - Need for improved collaboration with GP services – quoted 2 comments noted in CAR
- 4.31 What about Question 3? "Do you receive your prescription in a timely manner?" 83% do not think they do. Just think about that for a moment - 83% of respondents, that's 426 people, don't believe they are getting their medicines when they need them. Once again, you will have had the CAR but here's some of the comments: – quoted 6 comments noted in CAR
- Waiting time at the premises – quoted 5 comments noted in CAR
  - Notifications to pick up prescription – quoted 4 comments noted in CAR
  - Waiting times because of stock shortage – quoted 5 comments noted in CAR
- 4.32 This is clearly **not** an adequate pharmaceutical service. In fact, I cannot ever remember seeing a CAR which is so critical of an existing service. Boots are failing the people of Whitburn, and it is shocking to see that it is so bad that people are actually going without essential medicines
- 4.33 Question 4 is also damning: "How often would you make multiple journeys to receive all your prescription". For the benefit of the members of the PPC, I'd like to outline why this is an important question. Pharmacy has changed from the days when patients collected their prescription and then handed to a pharmacy for dispensing. Almost all scripts nowadays are sent direct from the surgery to the pharmacy in daily batches. In a well run pharmacy the process works like this:
- Collect bundle of scripts

- Process scripts and order **all** stock required to fill prescription.
- Await delivery of stock
- Assemble script and inform patient by SMS that script is ready for collection.

The turnaround time for the above is variable and depends on delivery schedules, the time it takes between a patient ordering a script and the surgery producing the signed paper, etc...

- 4.34 However in any well managed pharmacy the process ensures that patients know when their prescription is ready and they don't get the dreaded 'balance'. (It has to be said, current supply problems mean some items are unobtainable, but this is a marginal issue only affecting a few scripts - and it's the pharmacists job to suggest and source alternatives)
- 4.35 So what does the CAR tell us? Only 7% of respondents never had to make multiple journeys.
- 4.36 But worse still, over 50% of respondents said they need to make return journeys 'always or often'.
- 4.37 To be blunt, this is a clear sign of chaos. These pharmacies are not coping with their workload.
- 4.38 Let's look at some of the comments. Once again, I'm not going to go through them all or we'd be here all day. I trust the PPC have read them in advance.
- Stock issues – quoted 5 comments noted in CAR
  - Wrong Items / Incomplete order – quoted 5 comments noted in CAR
  - Order not ready on time – quoted 3 comments noted in CAR
- 4.39 Question 5 asks patients what impact they feel a new pharmacy will have in the neighbourhood. Given the responses to the other question it's hardly a surprise that over 96% of respondents feel it will have a **positive** impact.
- Local Community – quoted 4 comments noted in CAR
  - More Accessible Services – quoted 4 comments noted in CAR
  - Quicker Service Times - – quoted 4 comments noted in CAR
  - Easing Pressure on other pharmacy services – quoted 3 comments noted in CAR
  - Competition – quoted 4 comments noted in CAR
  - Other positive views – quoted 4 comments noted in CAR
- 4.40 In the subsequent questions we find countless examples of evidence that the existing service is inadequate. To quote just a few: - quoted 3 comments notes in CAR
- 4.41 The message from the CAR is loud and clear: there is overwhelming evidence that the existing service is inadequate.



- 4.42 I note that Boots *'submit that the applicant has failed to provide any evidence... that would indicate an inadequacy within the existing pharmaceutical provision'*.
- 4.43 To that I would say this. How much evidence do you need? What would be the nature of the evidence that you'd accept? A huge number of people living in the neighbourhood responded to the CAR and a vast majority are clearly dissatisfied with the current service.
- 4.44 I also note that the APC are blind to any inadequacy because the Board have received no *formal complaints*. Well I don't think that's surprising - does the APC honestly believe that a lack of *formal* complaints is evidence that everyone is happy with the service? Who amongst the ordinary members of the public would even know that the Health Board would be the place to complain to about a privately owned pharmacy?
- 4.45 In fact, if I could briefly refer to an email from the long-serving practice manager at the Health Centre he says *"the practice has received several complaints from patients regarding pharmaceutical services but these are not within our remit to answer and those complaining were advised to contact the service providers directly."*
- 4.46 So the complaints would have been going to Boots - not the Board. And I don't expect their representative is going to tell us all about them today!
- 4.47 The simple fact is this: The Health Board **asked** the public for their views about the existing service, and the CAR *is* the public's view. In black and white.
- 4.48 So, the CAR provides a huge amount of evidence that the existing service is inadequate. But there's more...
- 4.49 If I could once again refer to the email and letter from Mr Martin, who was the practice managers for 20 years until very recently. He makes it clear that the existing health services were expected to cope with the massive increase in population resulting from the Heartlands development. To quote: *"over the piece there have been further housing developments thus placing an ever increasing pressure on local services. This was a matter that the GP practice had to contend with but it became apparent that pharmacy services could not contend with these pressures. It became very apparent with increasing complaints..."*
- 4.50 Most damning of all is this:
- 4.51 *"Over recent years we experienced huge patient queues at the pharmacy often 40 plus waiting... The Boots pharmacy staff could not safely handle these pressures and there were instances of close-call mistakes... I had numerous individual complaints from patients and the Community Council representatives..."*

- 4.52 *“Presently the provision... by Boots has not improved. Patients are still to this day queuing outside the Boots pharmacies and becoming more frustrated. I am also reliably informed that the waiting time to have a dosette box is over 6 weeks”*
- 4.53 If I could now turn to the Community Council. Unfortunately due to their Secretary passing away the Community Council responded too late to be an Interested Party. They have however provided me with a letter which reinforces all of the evidence provided by the CAR and the Whitburn Medical Practice. To quote the chair of the Community Council: *“mistakenly the community council did not respond to this application as we had no objections to this and were fully supportive of a need for this in our town*
- 4.54 *However I believe the current pharmacies in the town (the two Boots ) have issues with this [application], the community council is livid that they have the audacity to even consider any negativity towards this as there has been major unrest in the town with the service being supplied by Boots, continually shorting prescriptions , delays in getting prescriptions not being able to deliver, charges for delivery, the fact so many patients from the Whitburn surgery put their prescriptions through neighbouring town pharmacies must highlight the fact the current pharmacy provisions in the town are inadequate.*
- 4.55 *Once again can I apologise for not getting the response back to the board within the time allocated, however may I stress this was a complete misunderstanding on our behalf believing we would only need to reply if we had objections!*
- 4.56 ***WE FULLY SUPPORT THIS APPLICATION AND STRONGLY BELIEVE THE TOWN REQUIRES THIS SERVICE”***
- 4.57 Finally, I'd just like to say a few words about how **my** pharmacy, should it be granted, will be able to address the serious inadequacies in the existing provision of pharmaceutical services.
- 4.58 Our opening hours will more closely match the needs of the local community with later opening and also a Saturday afternoon opening if this is asked for.
- 4.59 Our innovative 24/7 prescription vending machine will provide a convenient way for patients who work during the day to obtain medicines when it suits them.
- 4.60 We will provide free delivery services, which can be essential for elderly and disabled residents. The fact that my pharmacy in Larbert is already providing this service is quite incredible.
- 4.61 We will provide the Pharmacy First Plus service, reducing pressure on the GP practice. I already have an Independent Prescriber in place to do this.

- 4.62 We will provide Monitored Dosage Trays **without** a six week wait as is currently the case. This will greatly improve the current provision and help get people out of hospital and back home.
- 4.63 We will reduce pressure on the existing pharmacies, allowing them to improve their services. I'd be happy to work collaboratively with Boots to help do this.
- 4.64 As far as '*securing an adequate pharmaceutical service*' is concerned there is absolutely no question that a third pharmacy in Whitburn would be viable, and there would certainly be no concerns about the viability of the two existing pharmacies.
- 4.65 To sum up:
- 4.66 The neighbourhood is the town of Whitburn which includes the new Heartlands development.
- 4.67 The original population of the neighbourhood is relatively deprived and numbers some 12,000.
- 4.68 The additional population of the Heartlands development will be around 10,000.
- 4.69 The total population being serviced by the existing Boots pharmacies is in excess of 20,000.
- 4.70 The existing Boots pharmacies are clearly unable to cope with the current population. The evidence from the CAR, the Medical Centre, and the Community Council tells us that services are wholly inadequate. The situation has only worsened since the previous application in 2010, and will continue to worsen as the population being served continues to increase.
- 4.71 It is perhaps unusual to grant an application within a neighbourhood that already has two pharmacies. However, it is not unheard of. In circumstances such as we have in Whitburn the only solution to the inadequacy of service being provided for by the existing pharmacies is to grant this application. I suspect the representatives from Boots will claim that measures can be taken to improve their service. Well, they have had over 10 years to do so and they have failed. That ship has sailed.
- 4.72 The regulations were not designed to protect the turnover of existing businesses. They were designed to allow new pharmacies to open where existing services are inadequate. That is clearly the case here, and despite the refusal of the previous application Boots have completely failed to improve. This clearly suggests the problems they have are not temporary, but are in fact structural and permanent.
- 4.73 For that reason, I believe it is beyond dispute that it is necessary and desirable to grant this application to secure an adequate pharmaceutical service in Whitburn and I would respectfully ask you to do so.

4.74 This concluded the presentation from Ms June Friel

**5. The Chairman invited questions from the interested party to Ms June Friel**

5.1 Mr Sagoo queried if successful, would the proposed new pharmacy provide all core services? Applicant confirmed that all core services would be provided.

5.2 Mr Sagoo queried whether Quality Improvement was a core NHS Service. Applicant didn't feel it was necessary due to it being ingrained with their existing services.

5.3 Mr Sagoo referred to the Applicants Statement in relation to providing a free delivery service and queried as to how and where this was promoted to Whitburn residents. The Applicant noted that they undertook a "leaflet drop" within the Whitburn Community as well having a signage outside Whitburn Health Centre noting Whitburn Pharmacy Service and the delivery van also states Whitburn Pharmacy Services.

5.4 Mr Sagoo enquired as to when Mr John Martin retired from Whitburn Health Centre as Practice Manager. The Applicant conferred with Mr Martin and stated November 2020.

5.5 Mr Sagoo enquired as to if all signage, cards, van, marketing materials all refer to Whitburn Pharmacy Services, including a Whitburn phone number (area code starting 01501) at which point are members of the public informed that this is infact a Larbert Pharmacy (area code starting 01324). The Applicant stated that the driver was known by all and the relevance of where a prescription was being filled was not relevant as it was similar to a Boots Hub or prescriptions being sent to other surrounding areas due to convenience for clients.

5.6 Mr Sagoo queried as to whether the Applicant was aware of local confusion around where clients' prescriptions were being sent and the resulting complains to existing providers when clients have not been made aware of which pharmacy their prescription is being dispenses via. The Applicant stated that the Practise told everyone Whitburn Pharmacy Services, unless Mr Sagoo had any evidence to the contrary.

5.7 Mr Sagoo wished to note that Blackburn Pharmacy had been refused collection of prescriptions from Whitburn Health Centre. The Applicant was unable to comment as not working with or for Blackburn Pharmacy.

5.8 Mr Sagoo noted in the Application form and Ms Friel's statement that a 24/7 vending machine facility would be in operation if successful. He queries as to where this would be housed within the premises. The Applicant apologised that a draft layout plan had not been included due to it having not been completed at the time of the hearing but stated that the vending machine

would sit at the front of the premises by one of the windows (of which there are two).

- 5.9 Mr Sagoo raised a concern as to who a member of the public would contact if they had a prescription related query for the vending machine. The Applicant noted that normal operating procedures should be followed with clients either contacting their GP or NHS24 services – just as they would if they had a query out with hours for a Boots Pharmacy.
- 5.10 Mr Sagoo enquired how many of the CAR respondents noted their responses either electronically or in hard copy. The Applicant stated that all responses were received electronically
- 5.11 Mr Sagoo queried as to whether Ms Friel had also contacted existing clients in receipt of her services to complete the CAR responses. The Applicant noted that she did not contact existing clients but did post notifications via FaceBook.
- 5.12 Mr Sagoo sought confirmation that people responding to the CAR would have serviced delivered out with the Neighbourhood. The Applicant confirmed that this was correct.
- 5.13 Mr Sagoo queried whether Ms Friel had seen a decrease in available medications in recent months and if yes, who. The Applicant confirmed that this had been noted and was due to wholesale medications as well as Brexit.
- 5.14 Mr Sagoo noted that during the Applicants Statement there was a focus around the Heartland development and enquired as to whether there were no other premises perhaps closer to the Development. The Applicant noted that there were no other possible facilities at the time of application.
- 5.15 Mr Sagoo enquired as to who had provided the Applicant with letters of Support. The Applicant stated: Community Council; Whitburn Health Centre; Mr John Martin as well as representation of GP's within the Health Centre.
- 5.16 Mr Sagoo noted that in Ms Friel's presentation she mentioned later opening and sought clarification regarding this. The Applicant responded stating the current closing would be at 1800 hrs but this could move to 1900 hrs if required by the needs of the Community.
- 5.17 Mr Sagoo referred to the mention of current waiting times for Dosette boxes and enquired as to where this misinformation came from. The Applicant confirmed that phone calls had been made to both Boots Pharmacy's in Whitburn, named staff they had spoken to and that both noted a wait of 6 weeks for this service.
- 5.18 Having established that there were no further questions from Mr Balvinder Sagoo the Chairman invited questions from the Committee members.**
- 5.19 Mr John Niven (Lay Member) to Ms June Friel**

- 5.20 Mr Niven queried in the application form under item 4b(iii) for Neighbourhood and the definition – you mentioned a green highlighted line however no such map / highlight has been submitted. Just seeking clarification due to concern of definition of accuracy. The Applicant stated that the relevant map was attached to the application. The Chair queried this directly with the secretariat support who confirmed that no map was included with the application.
- 5.21 Mr Niven queried that if the application was successful what staffing in the Premise would be. The Applicant noted there would be 1 pharmacist; 4/5 dispensers as well a counter staff with full resources including the 24/7 robot / vending machine as well as an Independent Prescriber would make up the staffing resource.
- 5.22 Mr Niven queried how Pharmacists' lunch periods would be covered. The Applicant noted that the Independent Prescriber would be working part-time and would cover pharmacists lunch breaks.
- 5.23 Mr Niven noted current signage on gable end of proposed premises referring to contacting the GP Surgery but also references a phone number with a Whitburn code. Queried as to where this phone number rang out to. The Applicant confirmed that it rang to Larbert Pharmacy
- 5.24 Mr Niven referred to the extent of the level and number of complaints noted in the CAR for existing services and queried with the Applicant if she would agree that generally dissatisfied service users would be more forthcoming in noting displeasure than those who are satisfied. The Applicant agreed with this fact
- 5.25 Mr Niven noted having spoken to existing Pharmacists at existing Pharmacy's regarding Dossett boxes and queried with the applicant how many of these would be expected to be prepared each month. The Applicant noted it is currently an unknown quantity at this time until confirmation of the application
- 5.26 Mr Niven then queried as to whether the requirement of perhaps 500 Dossett boxes (currently in the system via NHS Lothian) would be a reasonable service for Whitburn combined. The Applicant states that this would be quite a low number
- 5.27 Mr Niven sought understanding as to why there would be a noted delay of 6 weeks for Dossett services. The Applicant noted it was due to inadequacies due to inefficiencies.
- 5.28 Chair sought clarification on the number of Dosette boxes currently being administered by The Applicant within the Whitburn Area. The Applicant noted currently 45 Dosette services for Whitburn.
- 5.29 Ms Eleanor Blair (Lay Member) to Ms June Friel**
- 5.30 Ms Blair noted that CAR responses were solely electronic and via social media. Enquired as to how older generations were engaged with the process.

The Applicant noted an online Group called the Silver Surfers were engaged but due to lack of email addresses was not able to engage more and it was not possible for any Community Council engagement at the time.

5.31 Ms Blair enquired what Community engagement / awareness meetings had been planned in relation to the Application. The Applicant noted planned attendance at Group Activities (Sewing Bee Group and Mother & Baby Group) were planned but due to Covid had to be cancelled.

5.32 Ms Blair queried as to whether there were any plans for older generation engagement in the future. The Applicant noted if application was successful then more engagement would be possible.

5.33 Ms Blair enquired as to whether there were any photographs or floor plans and disabled access of the interior, due to the premises windows being shuttered at the time of site visits, as well as any access for parking. The Applicant noted that the proposed premise was a square box and is currently negotiating with landowner for disabled parking.

5.34 Ms Blair sought confirmation of the type of status of the proposed premises. The Applicant confirmed the building was leased, initially for 5 years but can be extended if application was successful, which is in writing.

**5.35 Ms Judie Gajree (Non-Contractor Pharmacist) to Ms June Friel**

5.36 Ms Gajree referenced the Applicant's presentation and the Heartlands development being a large growing population. Clarification was sought as to when the Heartlands development was initiated. The Applicant confirmed construction started in 2018 / 2019 and was currently a mix of completed and inhabited abodes, as well as those still under construction.

5.37 Ms Gajree noted that Whitburn Practice List size has not grown dramatically over the past 3 years. The Applicant noted a population increase of 1362 in the previous 3 years within the Practice List size and noted this information was captured via ISD Scotland

**5.38 Mr Mike Embry (Contractor Pharmacist) to Ms June Friel**

5.39 Mr Embry noted that the increase in population due to Heartlands was envisaged to be 21000 and queried as to when this was envisioned. The Applicant noted of the initial plans 1649 homes were planned – 749 completed: 600 awaiting completion certificates and 300 under construction and awaiting residents. A new access road is planned and noted to bring a further 2000 homes into the development.

5.40 Mr Embry queried as to whether all residents of the Heartlands development will become patients of the existing Whitburn Health Centre. The Applicant confirmed that Whitburn Medical Centre is still open to new patients and the Heartlands development is within the Medical Centre's catchment area.

5.41 Mr Embry noted plans of 2 pharmacists working within the same pharmacy and enquired as to whether Ms Friel was not encountering shortages as the rest of the country. The Applicant confirmed that this practise is currently implemented in her existing premise and is possible due to having regular workers available now.

**5.42 Mr George Gordon (Chair) to Ms June Friel**

5.43 The Chair enquired whether the proposed premise would be fully DDA compliant. The Applicant confirmed that this would be the case including, as standard, automatic doors.

5.44 The Chair enquired as to whether there was any knowledge as to when the new access road into the Neighbourhood would be constructed and opened. The Applicant noted that the West Lothian Land Housing Audit 2021 report references this access road but has no further information.

5.45 The Chair noted from speaking to residents and professionals that the proposed premises had previously been a public house which had then been split into two units. Due to being unable to gain access / sight of the interior during site visit, queries were as raised if this was still the case as during the visit could only see 1 entrance / exit. The Applicant confirmed that there are 2 entrances / exits and 2 large windows. The interior was previously split by the landlord prior to the uptake of the existing lease and can easily be broken away into 1 large space which includes a yard to the rear.

**Comfort break was called at 1055 for 10 minutes following completion of questions to Applicant**

**6. Having ascertained there were no further questions to the Applicant, the Chair invited the Interested Party to make their presentations**

**6.1 Interested Parties' Submissions**

6.2 Mr Balvinder Sagoo talked to his submitted presentation highlighting the following:

**6.3 Neighborhood:**

The applicant has defined the neighborhood as all of Whitburn and East Whitburn up to the M8 motorway to the north and open land to the south.

6.4 We do not have any significant issue with this definition

6.5 The Neighbourhood includes a mix of housing types, and as the Scottish Index of Multiple Deprivation shows, a mix in the level of deprivation/affluence amongst residents, with the more affluent areas being toward the west in the newer housing, and in East Whitburn.

**6.6 Housing developments**



We are aware of the new housing developments at Heartlands.

6.7 These developments have been promoted as having local shops and amenities

6.8 **The proposed premises**

The proposed premises are the former Clachan Bar, which has been redeveloped, we believe into three separate units.

6.9 Planning suggests the other two units are for use for a food and drink outlet and for a hot food takeaway.

6.10 The proposed premises have a double yellow line to the front and side. On road parking in the side road is for parking of police vehicles. As far as we are aware, there is no designated parking available to the proposed unit.

6.11 There is no parking shown on the approved plans for the redevelopment into the units.

6.12 The applicant has proposed in their application that they 'intend' to offer a 24/7 vending machine, and although not an NHS service, respondents were made aware of this when completing the survey. A collection locker/vending machine facility is not an NHS service requirement and there is no obligation on the applicant to provide such should the application be approved.

6.13 **Existing pharmaceutical provision in the area**

As the Committee will be aware, there are two pharmacies currently within the neighbourhood defined by the applicant, Boots at Whitburn Health Centre (Store 5726) and Boots at 12 West Main Street (Store 5725).

6.14 Both of these pharmacies are located within a short distance (200 metres – 2 minutes' walk) of the proposed pharmacy

6.15 The pharmacies are centrally located in the neighbourhood, however residents that live to the west and east of the neighbourhood may find the pharmacies in Harthill and Blackburn accessible

6.16 In addition to the pharmaceutical service provision in the neighbourhood, there are also a number of pharmacies within the wider area, and that are within a reasonable travelling time for people wishing to use them, perhaps on their way to and from work, or when shopping.

6.17 The Committee will be aware of services provided to the neighborhood from pharmacies out with the area, and that these should also be taken into consideration when assessing the adequacy of the existing services provided to the neighborhood. For example:

- The relatively new pharmacy in Blackburn which provides services throughout the area, including delivery services.
- The pharmacy in Larbert that provides delivery services.

6.18 The data relating to the Whitburn surgery also shows that patients registered with the surgery have their prescriptions dispensed throughout pharmacies in the wider area, including, Blackburn, Larbert, Bathgate and Uphall.

6.19 Boots at Weaver's Lane is the largest dispenser of items written by prescribers at the Whitburn Health Centre, with Boots Main Street the next largest.

6.20 The next two pharmacies in order of number of Whitburn Health Centre dispensed are AD Healthcare in Larbert and CD Chem in Blackburn.

#### 6.21 **Existing pharmacies in the neighbourhood.**

##### 6.22 Boots, West Main Street

- The store on the Main Street is a spacious, double fronted pharmacy, with a wide, step free entrance and assisted entry.
- The pharmacy has a consultation room and supervision space.
- The pharmacy is open from 9am – 5.30pm Monday to Friday and from 9am – 5pm on Saturday.
- The pharmacy is also the hub for the dispensing of compliance aids for the area.
- The pharmacy dispenses prescriptions from surgeries across a wide area – (see map in presentation). This demonstrates how the population access services from a wide geography.

##### 6.23 Boots, Whitburn Health Centre

- This is the pharmacy closest to the proposed pharmacy (approx. 100 metres). It is located on Weavers Lane, which is the side road next to the former public house.
- The pharmacy is co-located with the Health Centre and shares facilities, such as the car park.
- The pharmacy has a consultation room.
- Understandably 98% of the items dispensed by the pharmacy are written by prescribers at the Health centre.
- The pharmacy is open 8.30am – 6pm Monday to Friday.

#### 6.24 **Services**

Both existing pharmacies provide core, national and locally negotiated services.

#### 6.25 **Pharmacy First/Pharmacy First Plus**

Both pharmacies provide Pharmacy First. Elaine Lindsay has just submitted IP and is awaiting results with a view to setting up the Pharmacy First Plus service in the very near future.

#### 6.26 **MCR Service**

We are participating in the service and have spoken to the practice about the service.

Elaine Lindsay has attended practice meetings and has provided information to the surgery on services and has met with surgery to talk about pharmacy first). The pharmacy team will continue to attend meetings with the surgery to highlight the services we can provide and address any issues that may have arisen.

**6.27 Public Health services**

These include emergency hormonal contraception, bridging contraception and smoking cessation.

**6.28 National services**

Including Gluten Free, Ostomy and Unscheduled Care

**6.29 Locally negotiated services**

Including substance use services and chlamydia treatment.

Substance use services – both pharmacies offer the service but most patients access the service from the Main Street pharmacy. We have capacity to take on more supervised patients across the locality.

**6.30 Other Services**

Delivery services - We offer delivery from both locations and deliveries are available 6 days a week. Offered free to all patients and neither pharmacy has implemented any charges.

Medisure – domiciliary compliance aid.

As mentioned, we have a dispensing hub in our Main Street premises for patients requiring medication and compliance aids

**6.31** We have capacity to take on more patients.

New patients are assessed using the medicine support tool – however, the majority of referrals are from hospital discharges.

**6.32 Staffing**

- Both pharmacies have permanent pharmacists in position
- Both also have regular Boots cover for days off and holidays – we do not over rely on locums in these pharmacies
- Both pharmacies kept services up and running during the pandemic.

**6.33 Viability**

- The Committee will be aware of the need to ‘secure’ the adequacy of services in the area, which includes considering the effect granting the application would have on the stability and sustainability of local NHS Pharmaceutical Services. That is the existing services available to patients as well as the long-term viability and security of the new pharmacy, should the application be granted.

- The items dispensed by our pharmacies in Whitburn are down 4% compared to 3 years ago (pre-Covid). This indicates there is no significant increase in demand. It also shows the potential impact Blackburn Pharmacy, Whitburn Pharmacy services and the delivery activity of other pharmacies in the area have had on the items dispensed in by the pharmacies in Whitburn.
- The Committee will also be aware of the application that was granted in Blackburn. Since the pharmacy opened, the items dispensed by the Boots pharmacy in Blackburn has decreased by nearly 50% in three years, and subsequently we have had to reduce our staffing levels.
- We submit that should the application be approved, and the proposed pharmacy go on to open, it will at the very least destabilise the provision of NHS Pharmaceutical services in this area.

#### 6.34 **Access**

- At only 100 metres away from an existing pharmacy, and less than 200 metres from the other, we believe it cannot be said that the pharmacy will improve access for patients by location.
- Furthermore, the proposed pharmacy does not offer better access to parking facilities. Free parking is available at the Health Centre for patient's using the health centre, and on street parking is available outside of the Boots Pharmacy on West Main Street. No such on-street parking is available on West Main Street in the immediate vicinity of the proposed premises.
- As discussed previously, information on where prescriptions are dispensed tells us patients are choosing to access services across a wider geography.
- The existing pharmacies are DDA compliant.
- Should patients wish to access pharmacies outside the area, perhaps as part of a shopping trip, they will find the Whitburn area is served by frequent bus services that run through the wider area on to the larger towns and cities such as Livingston and Edinburgh.
- Free deliveries services are available, both from the existing pharmacies in Whitburn and pharmacies situated in the wider area.

6.35 The CAR report, customer feedback and comments made by interested parties.

6.36 We believe we have addressed most of the points raised in the CAR.

- We have not seen any evidence of support from the Community Council, Local councillors, MSPs, surgeries etc.
- The APC do not support the application as per their submitted letter to the Board
- There are also positive comments in the CAR in relation to the existing service and 4 examples of these were noted from the CAR

#### 6.37 **The Legal Test**

The test which the PPC is 'required to' apply by paragraph 5(10) of the regulations is whether it is necessary or desirable to grant the application in order to secure the adequate provision of services to the neighbourhood.

- 6.38 This test must be applied in two discrete stages:  
A. First, the PPC must consider whether the present services are inadequate.  
B. Second, if the PPC concludes that the existing services are inadequate the PPC must consider whether the application is necessary or desirable in order to secure the adequate provision of services in the neighbourhood.
- 6.39 Firstly when considering adequacy, we urge the panel to limit their consideration to the provision of NHS services as required by the regulations.
- 6.40 With regards to A The existing pharmacies:
  - provide core, national and locally negotiated services.
  - have been proactive in talking to local surgeries about services that could help their patients, as well as undertaking to provide more services as they become available i.e. Pharmacy First Plus, bridging contraception.
  - offer opening hours six days a week, more than proposed by the applicant.
  - offer free delivery services to all patients.
  - provide compliance aids and have the capacity to provide more if required
  - provide substance use services and have the capacity to provide more
- 6.41 We submit the existing pharmaceutical service provision in the neighbourhood is adequate and we can see no evidence in an inadequacy in the existing service that the proposed pharmacy would remedy.
- 6.42 We therefore respectfully urge the PPC to refuse this application.
- 6.43 This concluded the representation from Mr Balvinder Sagoo**
- 6.44 The Chair invited Ms June Friel to question Mr Balvinder Sagoo**
- 6.45 Ms Friel noted in her presentation that the current services are inadequate, but that Mr Sagoo has focused his presentation on service providers in other towns and they queried as to whether this was confirmation of the inadequacies. Mr Sagoo responded to the comment that he was noting that other service providers service the Neighbourhood.
- 6.46 Ms Friel noted that the Pharmacy in Whitburn is a hub for much wider conurbation and enquired as whether this was why things were so chaotic – due to providing prescriptions for a much wider area. Mr Sagoo responded that services were not chaotic and confirmed that they did assemble compliance aids for towns out with Whitburn
- 6.47 Ms Friel enquired as to whether Methadone and daily user patients could access services from both existing pharmacies. Mr Sagoo confirmed that

access can be at both, however most prefer to access via the Main Street Pharmacy

- 6.48 Ms Friel queried as to whether these daily patients (methadone, etc) came via Whitburn Medical Centre. Mr Sagoo responded that he believed that these patients did come from the Whitburn Medical Centre to which point Ms Friel responded to say that Whitburn GP's do not prescribe for methadone and these must be coming out with the Neighbourhood.
- 6.49 Ms Friel highlighted that no apologies have been made regarding issues highlighted in the CAR and whether the PPC would take from this that Boots would make no attempt to fix any of the problems to date. Mr Sagoo responded with this is not the case and the Pharmacy Manager within the Health Centre is in regular (daily) contact and meetings to resolve any issues. Any complaint is taken seriously and addressed at the point of identification.
- 6.50 Ms Friel queried as to whether it was agreed that viability is about closing Pharmacy Services and not adjusting current services in response to demand. Mr Sagoo, responded that it could be addressed both for new and existing contractors where prescription business could be lost.
- 6.51 Ms Friel enquired as to whether Mr Sagoo and Boots felt that the 100's of complaints noted in the CAR (one of the largest responses to date) were fictitious. Mr Sagoo noted that these were comments, not complaints.
- 6.52 The Chair then invited questions from the Committee to Mr Balvinder Sagoo**
- 6.53 Mr John Niven (Lay Member) to Mr Balvinder Sagoo**
- 6.54 Mr Niven noted that the Applicant has alluded to several levels of complaint both in terms of the CAR and via correspondence from the Practice. He enquired as to whether Mr Sagoo had awareness of any of these correspondents relating to complaints and if yes, how have they been actioned. Mr Sagoo responded to confirm that he was not aware of any recent complaints from the Practice and noted that both existing pharmacy's have good communication with the Practice. Also noted that no formal complaints have been received.
- 6.55 Mr Niven queried whether there was any awareness of formal complaints having been made against either or both existing pharmacies with NHS Lothian. Mr Sagoo responded saying "No".
- 6.56 Mr Niven noted that the Applicant mentioned in 2020/2021 a drop of approx. 26000 prescriptions' over a 2 year period and asked for comment / advice as to why. Mr Sagoo noted that period was during Covid and patients would access Health Centres only for acute prescriptions also noting that Health Centres everywhere had very limited access. Also noted that due to lockdown being in place for Covid, patients would have their prescriptions sent to their local pharmacy (close to home) to limit travel and social interaction and not for collection in Whitburn where they perhaps work(ed).

6.57 Mr Niven queried as to whether the 4% drop in Mr Sagoo's presentation was in addition to the drop noted earlier? Mr Sagoo clarified that the 4% drop was noted in numbers before Covid Restrictions were in place in comparison to now.

6.58 Mr Niven referred to the hospitality of staff at the Health Centre Pharmacy during the site visit and a conversation with a patient who was waiting for their prescription. The patient was concerned that the pharmacy lunch closure coincided with visiting clients lunch breaks and the only time available to collect prescriptions but also noted that the patient was happy otherwise with the service provided. Mr Niven asked for comment regarding this query. Mr Sagoo responded that feedback was always valued and welcomed and noted that no complaints had been received regarding the provision of the pharmacists break and would endeavour to address this going forward.

**6.59 Ms Eleanor Blair (Lay Member) to Mr Balvinder Sagoo**

6.60 Ms Blair enquired whether it was possible to consider opening both "shops" over lunchtime. Mr Sagoo noted the legal obligation to provide the pharmacist with a satisfactory break

6.61 Ms Blair enquired whether it could be possible to swap the closing times of the Pharmacy's to enable one to remain open during lunchtime to provide cover. Mr Sagoo noted that it would still potentially be the same situation with one having to be closed when a client is seeking the service.

6.62 Ms Blair enquired, in relation to drop in prescriptions, as to whether there was an age breakdown for this. Mr Sagoo confirmed that unfortunately there are no statistics regarding this.

**6.63 Additional query by Mr John Niven (Lay Member) to Mr Balvinder Sagoo**

6.66 Mr Niven noted that an independent prescriber was now in the Health Centre Pharmacy and enquired as to whether this may potentially change the outlook on closure over the lunch period. Mr Sagoo noted it was potential but a prescription pad from the Health Board would still have to be received which could take up to a couple of months and have discussions with the Health Centre and its GP's for the scope available with the IP's level of competency and triage systems. This could potentially enable a second pharmacist in the Health Centre covering possible breaks and would be looked towards in the next 3-6 months.

**6.67 Mr George Gordon (Chair) to Mr Balvinder Sagoo**

6.68 Chair enquired whether Boots closed the entire pharmaceutical section during lunch. Mr Sagoo confirmed this was the case due to legal requirements within the Health Centre given it is all enclosed. It was also noted that in the Main Street Pharmacy this was also closed but retail counters remained open.

6.69 The Chair referenced the number of comments in the CAR regarding no facility for late opening - 5pm closure of premises and enquired as to whether Boots are considerate of extending opening times to address these. Mr Sagoo noted the Pharmacy in the Health centre is open later but could consider later opening for the Main Street branch to accommodate requirements.

**6.70 Ms Judie Gajree (Non-Contractor Pharmacist) to Mr Balvinder Sagoo**

6.71 Ms Gajree sought clarification of the opening times of Boots on the Main Street. Mr Sagoo confirmed that Main Street branch was open Monday – Friday 9-5.30pm and 9-5pm on Saturdays.

6.72 Ms Gajree notes the CAR references the availability of medicines and enquired if a medicine was out of stock whether Boots have access to additional wholesalers to address. Mr Sagoo confirmed branches have access to a number of wholesalers and if access to stock is still not possible then Boots have a dedicated Pharmacy supply phonenumber that feeds into Boots Head office who then would address potential other suppliers for medication. Mr Sagoo also noted clients are kept informed of what is being done to provide any missing items including contacting other Service providers in and around Whitburn who may have stock availability.

**6.73 Mr Mike Embry (Contractor Pharmacist) to Mr Balvinder Sagoo**

6.74 Mr Embry wished to clarify for Lay Members whether it was Pharmacy Regulations or Boots Policy to close during lunch. Mr Sagoo confirmed it was not Boots policy but deemed by law not to hand in or out prescriptions when pharmacist is not signed in.

6.75 Mr Embry referenced the CAR points referencing multiple visits to pharmacy for prescription items and queried whether this was solely a Boots issue or a National one. Mr Sagoo noted it was a host of reasons including National Out of Stock affecting everyone. The CAR referenced multiple journeys and the prescription not being ready on time. A Community pharmacy is often the last point in the chain (ordering, release and dispensing of prescriptions) as Patients in Whitburn would order via Surgery website or via the post box in the Health Centre - turnaround time on this is usually 4 days before the pharmacy is in receipt of the prescription and then endeavour to turn this around within 24 hours. The patients is then texted and over 1000 texts are sent from both pharmacies each day.

6.76 Mr Embry reiterated his earlier question as where people cannot get their items on prescription is it Boots or National. Mr Sagoo confirmed National issue due to active ingredient issues due to Covid; Brexit; Community Pharmacy Scotland which all contractors are a part of and manufacturers.

6.77 Mr Embry requested confirmation if existing double cover is provided within pharmacies in Whitburn. Mr Sagoo noted 20 hours double cover a week in Whitburn Health Centre - largely made up of 2 x ½ days cover and is the same



in the Main Street branch. Mr Sagoo also noted that both Boots pharmacies have Accuracy Checking Technicians, and another has been recruited for the Main Street branch.

6.78 Mr Embry noted in Mr Sagoo's questions to the Applicant, that there had been confusion amongst patients as to where prescriptions were coming from due to it coming from Whitburn Pharmacy and asked what numbers were associated with this. Mr Sagoo noted that when the service launched a number of patients came in due to misunderstandings of who was providing the service – Health Centre, Boot Pharmacy due to all marketing stating Whitburn. It was between 30-50 patients.

**6.79 Chair requested whether any PPC Panel had any additional questions for the Applicant of Interested Party.**

**6.80 Ms Judie Gujree (Non-Contracted Pharmacist) to Ms June Friel**

6.81 Ms Gujree sought clarification of the location of the premise. The Application states 68 West Main Street but it is two units so queried if it was 68-70. Ms Friel noted that on her lease of the premises it is down as 68 Main Street only.

**6.82 Mr George Gordon (Chair) to Mr Balvinder Sagoo**

6.83 Chair queried what other services, other than Core Services, are Boots providing within the Neighbourhood. Mr Sagoo noted current provision of flu vaccine in both pharmacies. Within remit of independent prescribers, can prescribe for common clinical conditions (i.e. sore throats, skin infections, antibiotics). This enables capacity for GPs and reduces costs to the NHS. Also provide support to care homes but this is done via premises in the Gyle.

**7 The Chair therefore asked all parties to sum up in reverse order starting with Mr Balvinder Sagoo for Boots UK Limited**

7.1 Mr Sagoo wished to clarify a point raised by the Applicant in the questioning regarding making up of prescriptions offsite (in neither of our Whitburn pharmacies) and the suggestion that patients were unaware this was the case. To confirm from 12 weeks before engage with dispensing offsite, every patient is informed that their prescription will be made up off site.

**7.2 Summing Up**

**7.3 Interested party**

7.4 There are two pharmacies in the neighbourhood – health centre and high street location.

7.5 Pharmacies in the wider area also provide services to the neighbourhood.

7.6 The opening hours of the existing pharmacies are longer than those of the proposed pharmacy

- 7.7 Both existing pharmacies provide core, national and locally negotiated services.
- 7.8 Additionally, although not NHS services, we offer compliance aids and free delivery service to those in need.
- 7.9 The provision of a vending machine is a non-NHS service and as such the Board cannot insist that such services are provided. It cannot be made a condition of granting the application.
- 7.10 The residents of the new housing are more likely to be mobile, working and accessing amenities in the wider local area. Therefore, having a pharmacy in centre of Whitburn with poor parking will not give an advantage to the local population.
- 7.11 We submit the existing services are adequate and urge the Committee to refuse this application.
- 7.12 The Chair asked Ms June Friel for Logan Gray Ltd to sum up**
- Applicant**
- 7.13 First of all, I would like to say we have the full support for this application from residents, Community Council, along with the GP practice but I would have thought that today the representative from Boots could have turned up and laid out to the PPC what steps they are going to take to address the serious issues raised in the CAR. Instead, they have simply rehashed a standard statement about how fantastic services are from Boots Pharmacies.
- 7.14 The evidence is overwhelming and to the contrary and can only assume if this application is refused that Boots would have absolutely no intention of taking the necessary steps to fix this situation. This would be consistent with the inability to sort things out since 2010. There is no possibility Boots will make their service adequate.
- 7.15 The Gentleman spoke of the drop in prescriptions during Covid, it is quite the contrary and if you look at the ISD Scotland information, there was more than a 9% increase and the average year on year increase is 4% and drove up to 9%, so I would disagree that.
- 7.16 Also the GP practice currently has a nurse prescriber and an IP in the practice.
- 7.17 If Boots have double cover, I have to ask a question: Why do they close for lunch?
- 7.18 The Health Centre Practice Pharmacy, the opening hours are restricted by the pharmacy hours. I would also like to address the out of stock. That is the pharmacist's situation to source an alternative or speak to the GP to resolve that, so the patient does not go without.

- 7.19 However, there is a clear demonstration of desirability from the community and evidence of inadequacy. This has all been corroborated by the CAR. The evidence from the CAR is irrefutable both in terms of responses and the percentages exhibited in favour of the new pharmacy.
- 7.20 It is extremely clear that services from the two Boots is completely inadequate, and we would be able to address these serious inadequacies in the existing provision of pharmaceutical services by opening hours more closely matching the needs of the local community with later opening hours and also a Saturday afternoon if needs be.
- 7.21 Our innovating 24/7 prescription collection robot will provide a convenient way for patients who work during the day or shift work to obtain medicines when it suits them 24 hours a day, 7 days a week, 365 days a year.
- 7.22 We will continue to provide free delivery service 6 days a week to all residents, which can be essential as I said earlier for elderly and disabled, the fact that my pharmacy in Larbert is already doing this.
- 7.23 We will also provide:
- Additional private consultation rooms
  - We will provide the Pharmacy First Plus service – reducing pressure on the GPs
  - I already have the independent prescriber
  - We will also provide the monitored dosage trays and we will reduce pressure on the existing pharmacy's allowing them to improve their service.
- 7.24 As far as securing an adequate pharmaceutical service is concerned, there is absolutely no question that a third pharmacy in Whitburn is necessary and very desirable, especially given the evidence in the CAR.
- 7.25 The Neighbourhood of the town, their original population then the additional population, so the population will increase. The existing Boots Pharmacy's are clearly unable to cope with the current population.
- 7.26 The evidence from the CAR, the Medical Centre Practice Manager and the Community Council tells us that services are wholly inadequate.
- 7.27 The situation has only got worse since 2010 and will continue to deteriorate as the population continues to increase. The only solution to the inadequacy of service being provided for by the existing pharmacies is to grant this application.
- 7.28 Boots have honestly had over 12 years to rectify these inadequacies and they have failed as the problems are permanent. That ship has truly sailed.
- 7.29 The Regulations are very clear: are the existing services adequate and clearly from the overwhelming evidence given today they are inadequate. For that reason, I believe that it is beyond dispute that it is both necessary and desirable to grant this application in order to secure an adequate

pharmaceutical service in the Whitburn neighbourhood and respectfully ask you to do so.

7.30 Thank you for your time

7.31 Thank you

## **8 Retiral of Parties**

8.1 The Chairman 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 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.

8.2 The Chairman advised the Applicant and Interested Party 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.

8.3 The hearing adjourned at 1158 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 undertaken site visits of 68 West Main Street, Whitburn EH47 0QU 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 Whitburn and the surrounding area.
- iii. NHS Lothian Pharmaceutical Care Services Plan 2020
- iv. Dispensing statistics of the Community Pharmacies in Whitburn
- v. Further information including details about the existing Provision of Pharmaceutical and Medical Services in/to Whitburn and population figures for Whitburn 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 application and supporting documentation including the Consultation Analysis Report provided by the Board

## 10 Summary of Consultation Analysis Report (CAR)

### 10.1 Introduction

10.2 NHS Lothian undertook a joint consultation exercise with Logan Gray Ltd regarding the application for a new pharmacy within 68 West Main Street, Whitburn EH47 0QU.

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 West Lothian Courier;; a link to the consultation document on NHS Lothian website ([www.nhslothian.scot](http://www.nhslothian.scot)); 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.

10.6 The Consultation Period lasted for 90 working days and ran from 2 December 2021 until 11 April 2022.

### 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' response as individuals or from organisations.

Question	Response Percent			Response Count		
	Yes / Positive	No / Negative	Don't know	Yes / Positive	No / Negative	Don't know
1. Do you think the neighbourhood described is accurate	94.3	1.5	4.2	516	8	23
2. Do you think there are gaps / deficiencies in the existing provision of pharmaceutical services to the neighbourhood?	91	31	18	498	31	18
3. Would you consider that you receive your prescription in a timely manner using existing pharmacy services provided to the neighbourhood?	15.9	77.7	6.4	87	426	35

	Response Percent					Response Count				
	Never	Someti mes	Often	Always	Don't know	Never	Someti mes	Often	Always	Don't know
4. How often, if at all, would you have to make multiple journeys to	7.5%	38.7%	36.4%	13.1%	4.4%	41	213	200	72	24

receive all of the items from each prescription from the existing pharmacies servicing the neighbourhood?										
---	--	--	--	--	--	--	--	--	--	--

5. What impact do you think a new community pharmacy would have in the neighbourhood	96.4%	1.8%	1.8%	529	10	10
6. What are your views on the pharmaceutical services being proposed by the applicant?	93.8%	3.1%	3.1%	516	17	17
7. Do you think there is anything missing from the list of services to be provided?	3.3%	72.8%	23.9%	18	398	131
8. Do you think a community pharmacy in the neighbourhood will work with other NHS health services such as GP practices?	91.8%	2.7%	5.4%	506	15	30
9. Do you believe the proposed pharmacy would have a positive or negative impact on existing NHS Services	93.6%	2.9%	3.5%	515	16	19
10. What do you think of the location of the proposed community pharmacy?	88.7%	5.3%	6%	485	29	33
11. What do you think about the proposed opening hours?	94.4%	2.9%	2.7%	519	16	15

10.9 In total 552 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 551 were identified as individual responses and 1 responded on behalf of a group/organisation.

### 10.11 Consultation Outcome and Conclusion

10.12 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.

## 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.

The Committee noted and took cognisance of the NHS Lothian Plan for Pharmaceutical Care Services Delivered by Community Pharmacy 2021

### 11.2 Neighbourhood

11.3 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 residents 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 and parking.

- 11.4 The Committee agreed that the neighbourhood as defined by the Applicant accurately reflects the area and is noted as follows:

North: B7066, joining M8 Junction 4A to Junction 4 then on to A801.

East: A801 to A705, joining B792 to junction for School Road.

South: School Road to Longridge, then as crow flies to Culting Burn.

West: Culting Burn as crow flies to junction at Greenrigg Road, then join B7066.

- 11.5 No contention of the definition of neighbourhood was noted and Committee noted and agreed that the Boundary is that of Whitburn and East Whitburn (inc development of Heartlands).

**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 two pharmacies within the neighbourhood and the location of the existing pharmacies are within Whitburn.

- 11.9 Existing pharmacies serving the proposed neighbourhood provide all core services. It was noted during the representations by Boots that they offer a free delivery service. Patients could have a private consultation with a pharmacist. The Committee discussed the responses contained in CAR Questions 3 and 4 around medication being out of stock, waiting times for prescription collection. The Committee were advised by the Contracted Pharmacist representative that stock availability was a general issue among pharmacies due to various difficulties presently affecting supply from wholesalers. It was also noted that the delays in prescriptions being available at the Pharmacy were due on occasion to a 4-5 day timescale in these reaching the designated Pharmacy from the Health Centre.

- 11.10 The Committee noted Main Street as being a busy road with very limited on street parking within immediate proximity of the Applicants proposed premise. The Committee noted that 88.7% of the CAR respondents to Question 10 noted the proposed premise as being in a good location. On site visits by the Committee members it was noted that the premise was on a corner with no parking outside the front of the premise and is further limited due to Emergency Vehicle access requirements from the neighbouring Police Station.

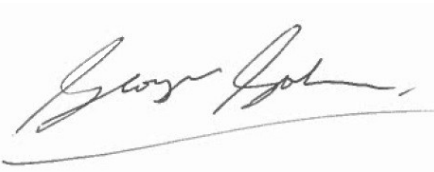
- 11.11 The Committee discussed and noted the very close proximity of the applicants proposed premises to existing service providers. Less than 100 metres to the pharmacy within Whitburn Health Centre and approx. 200 metres West of the pharmacy on Main Street. The Committee also noted during site visits that although both existing providers seemed busy, neither were overwhelmed and people were witnessed to be coming and going with no significant queues
- 11.12 The Committee noted that responses to the CAR were 100% online and no Community meetings had been undertaken given the consultation period having been outwith Covid restrictions on meetings. The Contracted Pharmacist informed the Committee that Social Media marketing can be done to target audiences i.e. Whitburn postcodes and also overall of the 12000 residents of the defined neighbourhood, The responses represented approx. 4.5% of the population.
- 11.13 The Committee noted that the increase in population due to the Heartlands Development did not significantly impact the current provision of pharmaceutical services nor that of the Health Centre lists.
- 11.14 It was noted by the Committee that existing service providers offered longer opening times than those noted by the Applicant in their application. It was in addition noted that the Applicant intends to install an automatic dispensing facility to provide an externally accessible service for prescriptions during period when the proposed pharmacy was closed.
- 11.15 The Committee wishes to highlight that the CAR included misrepresentation in Question 2 relating to a noted delivery fee being charged by existing providers. This was addressed in the open session and confirmed to not be the case and delivery was free to all.
- 11.16 The Committee noted that the Applicant had placed great weight on the CAR and its responses and comments for granting the application based solely on negative comments concerning existing service provision. The Committee also noted that the Applicant anecdotally referred to correspondence that she had received directly from the Community Council, Whitburn Health Centre, Mr John Martin and representation of GP's within the Health Centre.
- 11.17 It was noted by the Committee that NHS Lothian's Hours of Service Scheme permits a Pharmacy to close at lunchtime between 1300-1400 hrs.
- 11.18 **Mr Mike Embry and Ms Judie Gajree were then invited by the Chair to withdraw from the meeting.**
- 11.19 Following the withdrawal of Mr Mike Embry and Ms Judie Gajree, 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 reasons set



out above, considered that the pharmaceutical service into the neighbourhood to be adequate.

- 11.20 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.

**The meeting closed at 1338 hrs**

A handwritten signature in black ink, appearing to read 'George Gordon', is written over a light blue horizontal line.

**Signed:**

**[George Gordon]  
Chair – Pharmacy Practices Committee**

**Date: 07/11/2022**