



Minutes of the meeting of the Pharmacy Practices Committee (PPC) held on Thursday 18th May 2023 at 0930 hrs via MS Teams

The composition of the PPC at this hearing was:

Chair: William McQueen

Present: **Lay Members Appointed by NHS Lothian**

Brian McGregor
Eleanor Blair
Mike Ash

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

Vinny Bilon

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

Judie Gajree

Observer: Dawn Owen, NHS Lothian
Shamin Akhtar, NHS Lothian
Katerina Marinitsi, NHS Lothian

Secretariat: Nicole Smith, NHS National Service Scotland

1.	APPLICATION BY Logan Gray Ltd
1.1	There was an application submitted and supporting documents from Logan Gray Ltd received on 7 th November 2022, for inclusion in the pharmaceutical list of a new pharmacy at 89 Main Street, Winchburgh, EH52 6RA.
1.2	Submission of Interested Parties
1.3	The following documents were received: i. Letter dated 14 November 2022 from Mr Mike Embrey of Right Medicine Pharmacy Ltd.

	ii. Letter dated 15 November 2022 from Mrs Joanne Watson of Boots UK Ltd.
1.4	Correspondence from the wider consultation process undertaken
	i) Consultation Analysis Report (CAR)
2	Procedure
2.1	At 0930 hours on 18 th May 2023, the Pharmacy Practices Committee (“the Committee”) convened to hear the application by Logan Gray Ltd (“the Applicant”). The hearing was convened under Paragraph 2 of Schedule 3 of The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, as amended, (S.S.I. 2009 No.183) (“the Regulations”). In terms of paragraph 2(2) of Schedule 4 of the Regulations, the Committee, exercising the function on behalf of the Board, shall “determine any application in such manner as it thinks fit”. In terms of Regulation 5(10) of the Regulations, the question for the Committee was whether “the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the Pharmaceutical List”.
2.2	The 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 independent site visits to 89 Main Street, Winchburgh, EH52 6RA 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 Chair advised that Nicole Smith 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 was invited to enter the hearing.
	The open session convened at 0930 hrs
3	Attendance of Parties
3.1	The Chair welcomed all and introductions were made. The Applicant, Logan Gray Ltd represented by Ms June Friel. From the Interested Parties eligible to attend the

	hearing, Right Medicine Pharmacy Ltd represented by Mr Noel Wicks and Mr Mike Embry.
3.2	The Chair advised all present that the meeting was convened to determine the application submitted by Logan Grey Ltd in respect of a proposed new pharmacy at 89 Main Street, Winchburgh, EH52 6RA. 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.
3.6	The Chair confirmed that members of the Committee had independently conducted site visits in order to understand better the issues arising from this application. Assurance was given that no member of the Committee had any interest in the application.
3.7	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.	Preliminaries
4.1	The Chair noted that two pieces of information were received after the deadline and circulated to Committee members. One of these was a map of the area which was supplied late by the applicant. The Chair had taken advice from a lawyer from the CLO and provided that advice to the PPC lay members. They had agreed to accept the submission of the map as it was only one page, easy to see, being in colour it offered a possibly clearer view of the area than previous documents and could be circulated with some amount of time for reasonable consideration in advance with further consideration and questioning allowed at the hearing.

4.2	The other matter related to the fact that an interested party, Mr Wicks, alerted NHS Lothian that nowhere within the materials provided was there evidence that the applicant had secured a lease for the premises from which they hope to provide pharmaceutical services. This was also raised with the CLO via the office of the Board and at 8:00 the morning of 18 th May the office received two documents from the applicant stating that the applicant has an agreement to lease the premise in the event of her application being successful. The Board had confirmed that these documents were sufficient, and consistent with its consideration of other applications across Lothian, for them to be comfortable that the applicant will have access to these premises should she be successful and that it was therefore proper to continue with the hearing on that basis.
5.	Submission
5.1	The Chair invited Ms June Friel, to speak first in support of the application.
5.2	Ms Friel read aloud the following pre-prepared statement making alterations as necessary:
5.3	Good morning, and many thanks for taking the time to hear this application. My name is June Friel and I am the MD of Logan Gray Ltd.
5.4	Now before I go through the Legal Test, I'm going to give you some background to this neighbourhood which is, to be frank, the fundamental reason why we're here today.
5.5	Winchburgh was a typical small village in West Lothian. I'm sure you've all seen what is happening. This small village is soon to be a medium sized commuter town with a population far in excess of 15,000.
5.6	<p>Allow me to quote from the developer website:</p> <p>"A £1 billion development.</p> <p>One of the UK's largest housing linked developments.</p> <p>A wide range of homebuyers, including young professionals, first-time buyers, growing families and older couples looking to downsize.</p> <p>The completed development will provide at least 3,800 new homes.</p> <p>You can stock up on everyday essentials and access key services in Winchburgh plus</p> <ul style="list-style-type: none"> • Two secondary schools • Primary School • A Nursery • Sport & Well being Hub"
5.7	This isn't just simply a new housing estate. This is a new town.

5.8	A single pharmacy - no matter how good - is an inadequate provision for a town of this size. That's it - that's the argument.
5.9	So, with this in mind let's go through the Legal Test.
5.10	I don't think there is going to be any dispute about the definition of the neighbourhood.
5.11	The neighbourhood is as described in the CAR: Heading East – M9 joining B8020 Beatlie Road then South as the crow flies to Niddry Burn and then West as the crow flies to Glendevon (Rd) and North to M9 as the crow flies The definition of neighbourhood is currently accurate. It's the town of Winchburgh.
5.12	Existing services are provided by Right Medicine Pharmacy. This is the only existing service.
5.13	It may be argued that pharmacies in adjacent neighbourhoods also provide services to this community. Whilst there will always be some crossover - some people might work in Broxburn for example, and use the pharmacies there, I do not believe that the scale of this will be sufficient to consider them as existing services for the purposes of the Legal Test, any more than, for example, a pharmacy in the centre of Edinburgh that some residents may use.
5.14	Why do I say that?
5.15	Well, this is an unusual situation. This new town is being developed with all of the services the population will need as part of their everyday lives. They have almost everything they need. Who is going to travel to Broxburn, for example, just to visit a pharmacy? It's not a serious proposition.
5.16	At this point I would draw the panel's attention to the guidance given by the Second Division in Lloyds Pharmacy Ltd v National Appeal Panel, which states that it is permissible to have regard to probable future developments.
5.17	What does this mean? Well in this case, we know the probable future developments – as they are currently happening now. You will have seen them with your own eyes. The ground has been broken.
5.18	As Lord Drummond Young said "It must accordingly reach its conclusion on the adequacy of the existing provision on the basis of what is known at the time, together with future developments that can be considered probable rather than speculative" These developments are happening now.
5.19	This entire application rests upon the 'probable' future developments and, in fact, I'd call them 'as near to definite future developments' as you're ever likely to get. This application isn't about the status quo. It's about the town as it will look in a very very short time.
5.20	This important point is reiterated in the guidance provided to the PPC:

	<p>“Need to Consider Future Changes</p> <p>7.1 You must not just consider the present. You must also consider the future and, in particular, changes which it is known, will occur in the future. New housing developments or business parks, for example, may have an effect upon existing services and may make it desirable to grant an application now even though the existing service is adequate without such a development. Of course, it may be too soon to decide, but these will be questions to be considered.”</p>
5.21	Before we get to that, let’s just look at the demographics of this population.
5.22	With regard to deprivation, health, age, car ownership, all the things that usually matter I’m going to be blunt. We don’t know.
5.23	Why is that? It’s simple - the vast majority of the population of this neighbourhood haven’t moved in yet. We don’t know who they are.
5.24	Let’s just assume they’ll be average people. Average health, a range of ages, a range of incomes and mobilities, etc.
5.25	What do we know?
5.26	Well, we know the population in 2020. (Estimate from National Records of Scotland). It was 3,840 - an increase of over 50% from the 2015 estimate which was 2,430.
5.27	To that we can add at the very least the projected population - based on a very conservative 3 persons per household - that will boost the population once the remainder of the new housing is complete.
5.28	What will that increase the population to? The estimated population will be over 15,000. This is based on a calculation of 3,800 additional homes x 3 persons plus 3,840.
5.29	When you are dealing with a population of this size, other demographic indicators don’t really matter. The fact is, that’s a vast number of people who require pharmaceutical care. Will there be a lower percentage of asthmatics than the national average? It doesn’t matter - there will still be a huge number of asthmatics. A lower percentage of people on long term medication? It doesn’t matter - there will still be a vast number of people on long term medication. You then have to consider the vast population requiring Pharmacy First, etc.
5.30	It’s not relative percentages that matter here - it’s absolute numbers. And when you start with a population of this size, you will have large numbers of people who need adequate local pharmaceutical services.
5.31	Can you think of any other town in the entire country with a population this size that is adequately served by a single pharmacy? I can’t - and I’ve looked. Remember - the average population served by a pharmacy within Lothian NHS is 1 per 4,385 persons. (Provision of Pharmaceutical Care Report 2017).

5.32	Now, I'm not here to claim that there are no outliers that serve much larger populations. Of course there are. But a population three times the average?
5.33	I would respectfully submit that this simply cannot be done.
5.34	<p>With respect to the existing service, I'm not here to criticise the quality of the service provided by Right Medicine. I am aware that they're a well-respected company, and that they have indeed improved their services in Winchburgh. But that's not the point. The simple point is this, and this is the crux of the matter:</p> <p>No single pharmacy can adequately cope with a population this size within the available premises. It cannot be done. The only solution is to allow for the opening of a second pharmacy - providing similarly high quality services - to bridge the gap and adequately serve the people of Winchburgh.</p>
5.35	I'd now like to turn to the CAR. Whilst this is not compelling evidence that services are inadequate to meet the needs of the existing population, I believe that it does provide compelling evidence that the existing pharmacy is beginning to struggle with the demands of the existing population - and this is before the population increases by a factor of 3, that's three times what it currently is.
5.36	<p>I'm only going to focus on one question in the CAR. I'm sure you will all have had time to read it in full. To be honest, I believe it's the only question that really matters with respect to The Legal Test:</p> <p>Question 2.</p>
5.37	78% of those who expressed an opinion believe there is a gap in current provision.
5.38	<p>Comments:</p> <p>"The current pharmacy is over stretched."</p> <p>"As Winchburgh grows, it is clear the current pharmacy is struggling."</p> <p>"Sometimes you have to wait days on a prescription. The present pharmacy can't cope with the amount of prescriptions it is receiving."</p>
5.39	The most common view is unsurprising. The respondents seem to accept that the rapid population increase means that their existing pharmacy will be unable to cope with demand.
5.40	I'm not going to go through all of the other complaints and gripes listed in the CAR - about stock problems, or waiting a week for a prescription, etc. As a contractor I appreciate that many of these complaints are common across the network right now and are rarely the fault of the pharmacy. I have drawn your attention to the only observation that really matters here today - the rapid population increase is overwhelming the existing pharmacy and - through no fault of their own - they cannot hope to be able to cope in the future.
5.41	I have also listed the various services I intend to offer in my application, which you will have read. Again, I see no point in detailing them since, well, it's not really the point. Suffice to say I intend to offer a high quality range of services on a par with the

	existing pharmacy, with which I would be happy to work within a synergistic way to the benefit of the population - for example by staggering lunch times or organising a rota for additional opening hours.
5.42	So, to summarise, the question the PPC must ask is straightforward: Can a single pharmacy in Winchburgh situated in their existing premises provide an adequate pharmaceutical service to a population in excess of 15,000 people?
5.43	Are the PPC satisfied by their site visit and all the other information they have to hand that this existing pharmacy will adequately cope with a population three times (3) the size of that which it currently looks after?
5.44	If the answer is 'no' then the PPC must grant this application.
5.45	This town is far too big for a single pharmacy - no matter who is operating it. I believe this application passes the Legal Test and I would ask you to grant it.
5.46	I am happy to take questions. Thank you.
5.47	This concluded the presentation from Ms Friel.
6.	The Chair invited questions from the Interested Party
6.1	Mr Noel Wicks (Right Medicine Pharmacy Ltd) to Ms June Friel
6.2	Mr Wicks enquired how Ms Friel came to the conclusion of the future population of 15,000 people. Ms Friel noted her equation of the number of new houses being built with an average household of three people added to the current population.
6.3	Mr Wicks enquired how Ms Friel came up with the figure of three people per household. Ms Friel noted that her family is in the business of property, and that the properties being built had a mix of bedrooms ranging from three to six. Mr Wicks challenged the use of this number but Ms Friel emphasised the process as being one respected by property managers and professionals.
6.4	Mr Wicks noted that according to the National Record there were 2.18 people per household in 2010 and 2.14 in 2020 existing in the city of Edinburgh. Ms Friel argued that those figures were only for existing households and did not include new developments, and in any case with houses going up there will be an influx in population.
6.5	Mr Wicks enquired how many of the new houses that were working into Ms Friel's calculations had already been built. Ms Friel confirmed that at least 600 houses had been built and that the ground has been broken on the remaining which means that building will commence as the cost has already started to be incurred.
6.6	Mr Wicks noted that construction has been happening for a substantial period of time. He noted that the road on the map provided by Ms Friel that goes through sections A, B, C and D doesn't exist and no ground has been broken on it. Ms Friel confirmed she had gotten that information from Google Maps.

6.7	Mr Wicks enquired about the number of areas in which the ground hasn't been broken. Ms Friel argued that the Scottish National Statistics can't be applied to new developments, and noted that there were building delays due to Covid.
6.8	Mr Wicks asked how long the development is due to take. Ms Friel confirmed it was supposed to be completed in 2027 but an extension has been applied for to 2032.
6.9	Mr Wicks noted that the deadline has already been extended to five years and queried if there was a lack of applications and interest. Ms Friel explained that Winchburgh is to be the largest commuter town outside of Edinburgh in years and that Covid delays led to the extension. Ms Friel confirmed that very little building took place during Covid than was due to happen.
6.10	Mr Wicks asked Ms Friel how she thought spiralling interest rates and the increased cost of building materials would affect the building of the development. Ms Friel emphasised that Edinburgh has run out of homes and was running out of space for new construction so people are moving to the east and the west, and that the construction would definitely be going ahead.
6.11	Mr Wicks enquired if other development sites in the East and West will be competition for people wanting to move into Winchburgh. Ms Friel clarified that she couldn't comment on where people would want to live but that Winchburgh is a great place to live for commuting to Glasgow, Edinburgh and Stirling.
6.12	Mr Wicks confirmed that he has never seen Winchburgh referred to as a town, but only a commuter village. Ms Friel confirmed that once a village reaches a certain size it becomes a town and with the expected population of 15,000, it would be a town.
6.13	Mr Wicks asked Ms Friel if she had ever seen it referred to as a town. Ms Friel noted that due to the size Winchburgh is a town rather than a village and that by UK standards once a place has a population of over 10,000 it is a town rather than a village. Referring to it as a village at this point is for marketing.
6.14	Mr Wicks asked Ms Friel if she thought it was never referred to as a town because the population was never expected to reach 10,000. Ms Friel was adamant that it is a town.
6.15	Mr Wicks referred to the CAR and Question 2, which Ms Friel quoted that 75% of respondents believe there to be a gap in pharmaceutical services, but noted only 1% of the population responded and enquired whether that was considered to be a very small number. Ms Friel noted that this was an average response rate for a CAR and that the 104 people, up from 86 people last time, who responded are representative and reflective.
6.16	Mr Wicks asked Ms Friel if she thought that the additional 18 respondents makes the responses fundamentally better. Ms Friel confirmed she believes it is a reflective sample view of the residents and would say that the results are statistically significant.

6.17	Mr Wicks enquired how to know if those who responded to the CAR use the pharmacies in the village. Ms Friel noted that would be investigated by NHS Lothian who produced the CAR.
6.18	Mr Wicks asked Ms Friel to acknowledge that in the CAR quite a few people mentioned services in other locations and asked if it is then inherently unreliable to rely on that data because they are not likely to be Winchburgh residents. Ms Friel acknowledged that other pharmacies have been mentioned, but that it is again something to be taking up with NHS Lothian.
6.19	Mr Wicks noted that promotion of the CAR was not mentioned in the section of text describing methodology, but that Ms Friel did setup a website and Facebook page and paid for promotional posts to help direct individuals to fill in the CAR. He asked if Ms Friel was disappointed by the numbers given that promotional activity and Ms Friel confirmed that she was not and that she felt the numbers were reflective of residents of Winchburgh. She also confirmed there were no other promotional activities besides the website and the Facebook page.
6.20	Mr Wicks enquired whether or not Ms Friel had set up websites for other applications she had submitted recently. Ms Friel confirmed she has only had one further application in and did not feel it was relevant to the current hearing.
6.21	Mr Wicks asked Ms Friel if she was aware of the prescription volumes for Right Medicine Pharmacy in Winchburgh currently are around 7,000 and if she felt that was an excessive number. Ms Friel agreed that currently 7,000 is about the average for prescriptions.
6.22	Mr Wicks confirmed that 7,000 was an average amount of prescriptions even with all of the development going on. Ms Friel noted that development to date was minimal.
6.23	Mr Wicks enquired as to what numbers in terms of development then makes the service inadequate. Ms Friel stressed that it was not about access but capacity, and that capacity was going to increase in the future with huge numbers.
6.24	Mr Wicks asked Ms Friel if she felt there was scope for the prescription volume to double before it becomes inadequate. Ms Friel didn't wish to comment on the adequacy of the current population, noting her focus is on the future population.
6.25	Mr Wicks asked Ms Friel how she was able to adapt her pharmacy in Denny to go from 7,000 to 15,000 prescriptions a month. Ms Friel confirmed the use of more staff, robotics, collection points, delivery and overall super service. She also noted that Denny was a different town with a smaller population, and even so it had three pharmacies with a population of 8,500. Mr Wicks noted that Denny also serves surrounding areas that don't have pharmacies. Ms Friel confirmed there are surrounding areas but did not confirm they were serviced by pharmacies in Denny.
6.26	Mr Wicks asked Ms Friel if she would agree that Lloyds and Well Pharmacies have suffered the brunt of pharmacy closures. Ms Friel agreed that was correct.
6.27	Mr Wicks enquired if other pharmacies take on the workload due to pharmacies that are closed on particular days. Ms Friel noted that could be possible for urgent matters

	but noted she thought most people would probably wait until their usual pharmacy was open again.
6.28	Mr Wicks asked Ms Friel if she offered Pharmacy First+ in her pharmacies. Ms Friel confirmed that she did not offer Pharmacy First+ yet but that she has pharmacists currently in training to offer it and they should be finished and be awarded the qualification in six months.
6.29	Mr Wicks enquired if there were any complaints to NHS Lothian about pharmacy provisions in Winchburgh. Ms Friel confirmed she did not look into complaints and she didn't see the benefit in criticism and also assumed most people would complain directly to their pharmacy if something needed rectified.
6.30	Mr Wicks asked Ms Friel when her lease would start from. Ms Friel confirmed she had an agreement in place with Mr Pearson who is the proprietor of the property and that he had unfortunately been hospitalised so had not yet been able to inform the current tenant, who is his nephew. Any rights the current tenant has under his lease and advance knowledge of leaving would need to be taken up with the proprietor.
7.	The Chair invited questions from the Committee
7.1	Mr Mike Ash (Lay Member appointed by NHS Lothian) to Ms June Friel
7.2	Mr Ash enquired as to whether Ms Friel thought the premises she has in mind is adequate enough if the population of Winchburgh grows as she expects it to, as it looked to be quite small. Ms Friel confirmed she did believe it was adequate, and noted there is a flat behind the property that she could also expand through to the back owned by Mr Pearson.
7.3	Mr Ash asked Ms Friel how the premises, including the flat, compares with pharmacies in other places, including the ones she owns? Ms Friel noted that she will not be doing much retail at the location but predominantly healthcare, and would ensure it is equality act compliant.
7.4	Mr Ash noted that the existing Right Medicine Pharmacy in Winchburgh is developed and has car parking, including disabled car parking, and noted that the site proposed by Ms Friel is on the main street and enquired whether she has thought of access and parking. Ms Friel confirmed that she plans to offer free delivery, as she does at her other shops, as well as 24/7 collection. She also noted that Right Medicine had been on the main street prior to their most recent move and there were no problems.
7.5	Mr Brian McGregor (Lay Member appointed by NHS Lothian) to Ms June Friel
7.6	Mr McGregor noted that when he visited the eastern boundary of the neighbourhood as proposed by Ms Friel he noted further housing developments going on and wondered why she did not extend her boundary up to the M9. Ms Friel noted she tried to go by roads that were there or as the crow flies and it happened to cut those new developments out.

7.7	Mr McGregor queried the western boundary and if the one Ms Friel indicated is the existing boundary of the current housing developments. Ms Friel confirmed that it was but that there is planning for further development as well.
7.8	Mr McGregor noted Mr Ash already raised the point about the premises being on the main street with narrow walkways and enquired whether Ms Friel had looked into public transport links in that area. Ms Friel confirmed that there are many elderly individuals who live on that side of town so many spots for parking or public transportation aren't necessary as she will be offering delivery amongst other services.
7.9	Mr McGregor noted that Ms Friel's application noted she intended to open within three months or so of the application being granted and asked her if she still felt that timeline was realistic given what was going on with the lease. Ms Friel felt it was still realistic.
7.10	Ms Eleanor Blair (Lay Member appointed by NHS Lothian) to Ms June Friel
7.11	Ms Blair noted previous questions that had been asked and answered regarding the parking issues, noting also the statement that many elderly members of the population would be coming into town and reiterated that she felt the road to be a dangerous one. Ms Friel emphasised that the work of the premises would be pharmacy lead rather than retail lead, meaning people would mostly be coming into collect medications or have them delivered to their homes. The previous pharmacy was also always on a main road.
7.12	Ms Blair asked Ms Friel to confirm that she would mostly be doing deliveries from her pharmacy. Ms Friel noted that her customers are more than welcome to request deliveries and that she would be happy to do whatever the community requires.
7.13	Ms Blair enquired whether Ms Friel recognised any issue with expanding through the flat at the back of the premises and running the front of the shop as well. Ms Friel confirmed she did not see any issue with that.
7.14	Ms Blair referred to the CAR and noted that she felt the response rate was very low. She enquired as to whether the Community Council sent in any type of response. Ms Friel noted she felt that response rate was a good one in line with other areas, and that she thought the Community Council would have been considered an Interested Party and so she did not feel it appropriate to approach them.
7.15	Ms Judie Gajree (Pharmaceutical Non-Contractor Member) to Ms June Friel
7.16	Ms Gajree confirmed that all of her questions had been previously answered.
7.17	Mr Vinny Bilon (Pharmaceutical Contractor Member) to Ms June Friel
7.18	Mr Bilon asked Ms Friel when she envisaged the development and population being complete on the site. Ms Friel confirmed the vast majority would be completed in the next three years.

7.19	Mr Bilon noted the map provided by Ms Friel that he attempted to overlay with the actual neighbourhood and asked Ms Friel how many houses would be built in that area and outwith that area. Ms Friel confirmed that the map would include 3,000 houses, and 538 outwith the neighbourhood.
7.20	Mr Bilon enquired about the size of the already secured premises. Ms Friel confirmed it is approximately 700 square feet.
7.21	Mr Bilon asked Ms Friel if she has made any plans on what work she would have done to the premises. Ms Friel confirmed she did not as she did not want to be presumptuous.
7.22	Mr Bilon asked Ms Friel how many consultation rooms the pharmacy would have. Ms Friel confirmed there would be two consultation rooms. Mr Bilon then asked if having a collection point in addition to that would impinge on the room but Ms Friel noted she felt it was quite practical as she will not need a shopfront and the midpoint will work well as a collection point.
7.23	Mr Bilon asked to confirm that there is no parking outside the shop aside from deliveries. Ms Friel confirmed there are no assigned parking spaces.
7.24	Mr Bilon asked Ms Friel if there will be employed pharmacists on site and if Pharmacy First+ was a service she planned on offering. Ms Friel confirmed an employed pharmacist would be on site and that she currently has pharmacists in training to deliver Pharmacy First+.
7.25	Mr Bilon enquired as to how having another pharmacy in the town will have viability for both the new and existing pharmacy. Ms Friel noted that Right Medicine Pharmacy was viable even at half the numbers it is currently doing and doesn't see how an additional pharmacy would impact on viability.
7.26	Mr William McQueen (Chair) to Ms June Friel
7.27	Mr McQueen enquired why the map was received two days prior to the hearing. Ms Friel offered her apologies, noting she thought it had been originally sent in with the lot of papers but then realised two days ago it hadn't been.
7.28	Mr McQueen enquired why the Committee received the lease document at 8am the morning of the hearing. Ms Friel noted that Ms Marinitsi had let her know it wasn't in the papers so she agreed to get it in by this morning.
7.29	Mr McQueen noted that the documents say there is an agreement to lease the property to Ms Friel in the event that the application is approved. He enquired if the flat mentioned at the back of the property is the same or separate from the agreement. Ms Friel confirmed that it was a separate property that she hadn't thought was relevant so wasn't included in that statement.
7.30	Mr McQueen asked if the 700 square feet is for the property noted in the lease agreement or the combination of properties including the flat. Ms Friel confirmed it is

	for the shop included on the lease agreement only and that she is currently unaware of the square footage of the flat.
7.31	Mr McQueen noted Ms Friel's suggestion to have two consultation rooms referencing that, on his visit to the premises, the front door was very narrow and the premises very small. He enquired as to whether Ms Friel is ensuring the Committee that those premises could accommodate the area necessary for consultation rooms, dispensing area, robots etc. while also accommodating wheelchair users. Ms Friel confirmed that the whole front of the store will be redone and will be Equality Act compliant.
7.32	Mr McQueen referred to the map, noting shading on the top left and middle right and asked what the letters in those spaces signify. Ms Friel confirmed they are the title plan numbers for developments that are happening.
7.33	Mr McQueen asked how many homes are built in each of the shaded areas. Ms Friel noted she did not have the exact numbers at hand, but believed ground has broken on ten houses in the L zone and nothing in the others currently.
7.34	Mr McQueen enquired about the timescale of completion for each of the letter block zones. Ms Friel confirmed the town should be up in three years. Mr McQueen asked if the Local Authority was confident of that timescale and Ms Friel confirmed that they have backed the expansion as they know that they are running out of space in Edinburgh.
7.35	Mr McQueen asked if there are specified dates as to when the population will increase. Ms Friel noted that it will increase gradually and that there are already people occupying houses there. The best estimate is that it is all to be completed by 2032. There is not currently a figure for what the population will have risen to in 2025.
7.36	Mr McQueen noted that the population of Winchburgh is 3,800. He asked Ms Friel if she knew the population of Broxburn and how many pharmacies there are in Broxburn. Ms Friel expected two to three pharmacies in Broxburn, which Mr McQueen confirmed had a population of 15,000.
7.37	Mr McQueen asked Ms Friel if she had been inside the premises and inspected them. Ms Friel confirmed she had been, also noting that given her plans were to completely renovate what was currently in place the building would be a shell for her to work from.
7.38	Mr McQueen enquired about staffing, and Ms Friel confirmed she will initially have the pharmacist and two dispensers on site with the ability to increase staff as a response to the needs of the community.
7.39	Mr McQueen asked how the Out Of Hours facility will be delivered. Ms Friel noted her hopes to work synergistically with Right Medicine Pharmacy to provide Out Of Hours services.

7.40	Mr McQueen asked if services will be provided by a robot or if other services will be available. Ms Friel confirmed that the pharmacy will offer all core services as well as any further requested by NHS Lothian or the patients.
7.41	Mr McQueen referred to Question 3 of the Car: Do you consider having received your prescriptions in a timely manner, to which 44% replied yes and asked Ms Friel if she felt that was a good response for the existing pharmacy. Ms Friel noted that was a personal decision and that she did not wish to criticise as what is sufficient for one might not be sufficient for others.
7.42	The Chair had no further question for the Applicant but offered the Committee the opportunity to ask additional questions given the information provided.
8.	Interested Party
8.1	The Chair invited Mr Noel Wicks to speak.
8.2	Good morning, firstly thank you for allowing me to come and represent Right Medicine Pharmacy. I will be explaining why we believe the proposed application is neither necessary nor desirable for the neighbourhood.
8.3	Our definition of the neighbourhood is that we believe it to be the village of Winchburgh bounded by the M9 to the north and fields in all other directions. Our neighbourhood seems to roughly correspond with that of the applicants.
8.4	We don't necessarily agree in terms of the applicant's calculation of the population though. The population was 4,463 in 2021 and then in 2023 with all the significant building this number is more likely to be well above 5,000 approaching 6,000. Winchburgh will be 12,000 by 2040 and is not a very high area of deprivation.
8.5	Within the neighbourhood is already a large state of the art pharmacy providing pharmacy services to the people who live in the neighbourhood. There has already been huge investment to move to a larger premises to meet the current and future needs of the population. The people moving into the neighbourhood have higher than average health and economic profiles.
8.6	In addition to the town of Winchburgh, Right Medicine Pharmacy has also been servicing a nursing home in Broxburn and taking on the load of poorly working pharmacies in surrounding areas. Still in all of this Winchburgh was the 487 th busiest pharmacy, so not even in the top 3 rd of busiest pharmacies in Scotland.
8.7	Some of the information we have heard so far may have misled the committee to think all of the developments are to be done but there are lots of houses already there, so we are halfway to the development already being completed which has not led to vast number of increases.
8.8	We have recently hired an independent pharmacist to dispense Pharmacy First+ from our premises.

8.9	We do not believe the applicant's premises can fit all of the things she proposes. For comparison our pharmacy is around 1000 square feet.
8.10	Access and parking is already difficult for the premises around the main street. At the previous Right Medicine Pharmacy site that was located on the main street, customers were allowed to use the car park around the corner.
8.11	We also note that the applicant has not got into the issue that they would need various planning permissions to use the flat at the back of the premises, so adding that would not be done quickly.
8.12	We also offer a free delivery service and have the capacity to increase this service as the driver currently only works part time.
8.13	We are consistently listening to feedback from the Community Council. Our opening hours are from 9am to 6pm on weekdays and until 1pm on Saturdays.
8.14	There are a lot of sections of development in which the ground is yet to be broken. It would have been helpful to have the map far earlier so we could go away and mark where each development is at.
8.15	A second pharmacy in the neighbourhood is not required to secure provision of services and may not ever be. We believe this is proven by the lack of response to the CAR and those respondents who are noting pharmacies in surrounding villages. It is disappointing they have not been asked to provide representation today.
8.16	We found the marketing tactics to be very aggressive and the branding was visibly similar to the existing pharmacy and caused confusion, this is clearly showed in the comments of those responding to the survey and on the Facebook page.
8.17	There is a Medical Centre in Winchburgh that services 10,000 plus patients. How prescriptions are handled has been changed because doctors move across two practices and the GPs weren't signing off on things as fast as patients were used to. This set up has not been without its issues. Despite all of these changes to services, Covid etc. the response to the CAR is hugely underwhelming and I would argue the data in it is woefully unreliable given various other places mentioned.
9.	The Chair invited questions from the Applicant.
9.1	Ms June Friel (Applicant) to Mr Noel Wicks
9.2	Ms Friel noted that the opening hours of Right Medicine Pharmacy are from 9am to 6pm and asked Mr Wicks if he allows his pharmacists a lunch break. Mr Wicks notes that he does allow his pharmacists a lunch break as he has a legal requirement to do so.
9.3	Ms Friel asked Mr Wicks is pharmacy services were unavailable from 1:30pm to 2pm while the pharmacist was on their lunch break. Mr Wicks confirmed that that is not always the case, as there are often two pharmacists in at once and they will stagger their lunch breaks.

9.4	Ms Friel confirmed that when she spoke to the branch she was informed that pharmacists get an hour for lunch. Mr Wicks noted that when double cover isn't available, they request that patients respect the lunch privileges of the pharmacists but they are on the premises in case of an emergency.
9.5	Ms Friel noted that when she spoke to the branch she was told there was a three to four month waiting list for dosette boxes and argued they therefore shouldn't be considered part of the core services.
9.6	Ms Friel asked Mr Wicks if he would agree that the number of houses that have already been built is approximately 600. Mr Wicks disagreed, putting the number at closer to 1,000 inclusive of apartments and terraced housing.
9.7	Ms Friel noted that even if 1,000 units had been built, there are still three times as much to be built. Mr Wicks agreed that it has taken six years to build 1,000 houses and notes that the plan allows for upwards of 2,000 plus houses by the end of the decade.
10.	The Chair invited questions from the Committee
10.1	Mr Mike Ash (Lay Member appointed by NHS Lothian) to Mr Noel Wicks
10.2	Mr Ash noted that the average prescribing rate at the moment for Right Medicine Pharmacy is 7,240, and asked Mr Wicks what he would estimate a reasonable maximum would be that the pharmacy could deal with. Mr Wicks confirmed that the prescribing rate has room to double as the robot can be reconfigured to cope with more prescriptions if necessary and the pharmacy is spacious enough to allow more members of staff to work, with scope to grow the staff as needed. He noted that the pharmacy was really designed to do 15,000 to 20,000 items a month.
10.3	Mr Ash noted a possible constraint would be the amount of work space that staff requires and asked Mr Wicks if he was confident that the space available for staff serving at the counter and prescribing drugs would be adequate. Mr Wicks noted that there is an entire back area currently being used for services that can be outsourced that takes up a good sized portion of the premises, and that whole area will be liberated to provide extra workspace for staff to meet prescription needs.
10.4	Mr Ash asked Mr Wicks of his plans to introduce Pharmacy First+. Mr Wicks confirmed that a pharmacist has been recruited and will be starting shortly, just after they finish working their notice period with their current employer, and that Pharmacy First+ will be offered by an independent prescriber for a minimum of 25 hours a week.
10.5	Mr Ash asked Mr Wicks if he was confident the Pharmacy First+ service was one Right Medicine Pharmacy could offer permanently. Mr Wicks stated that he is confident, that there are actually eight independent prescribers in the Right Medicine Pharmacy group and three have signed up to the next batch of training.
10.6	Mr Brian McGregor (Lay Member appointed by NHS Lothian) to Mr Noel Wicks
10.7	Mr McGregor referred to the CAR specifically, noting that Mr Wicks took exception to Ms Friel having advertised the CAR for responses, and asked Mr Wicks if he had

	made any effort to make the public aware of the CAR as well? Mr Wicks confirmed that Right Medicine Pharmacy didn't put anything specific up in the pharmacy or pay for promotions, noting that it is normally the burden of the applicant to get responses to the CAR and that the points he made previously were more about the fact that the paid promotions the applicant utilised were not mentioned in the CAR as part of the methodology. Mr Wicks also noted that staff members were verbally letting patients know they could make their views known about the pharmacy in Winchburgh.
10.8	Mr McGregor noted that some of the responses in the CAR were not specifically about the Right Medicine Pharmacy in Winchburgh, but also that there were some fairly negative comments about the pharmacy and it being overstretched, struggling regularly with no stock, etc. He asked Mr Wicks if he was surprised by those comments. Mr Wick noted that he was not surprised. The way the CAR phrases questions seems to lead people to express more negative comments. Supply shortages and stock demands had gone up during Covid; the Pharmacy is reliant on the medical centre and during the period of change to the two practice model is where the CAR consultation fell chronologically, with prescriptions sometimes being left in the wrong surgery. There have also been a huge number of stock shortages, but people aren't aware of wholesales being without the full complement of staff and failing on deliveries. Pharmacies are just at the end of the chain of issues.
10.9	Ms Eleanor Blair (Lay Member appointed by NHS Lothian) to Mr Noel Wicks
10.10	Ms Blair confirmed that all of her questions had been answered, noting that when she called into the Right Medicine Pharmacy there did not seem to be a large que waiting for prescriptions.
10.11	Ms Judie Gajree (Pharmaceutical Non-Contractor Member) to Mr Noel Wicks
10.12	Ms Gajree confirmed that all of her questions have been previously answered.
10.13	Mr Vinny Bilon (Pharmaceutical Contractor Member) to Mr Noel Wicks
10.14	Mr Bilon asked Mr Wicks when Right Medicine Pharmacy moved to its new premises and why. Mr Wicks confirmed the move took place in mid-2019 because an application in 2017 had made good points about the fact that the premises at the time might not be adequate for future use. After that application failed, Right Medicine Pharmacy was approached by the landlord to move premises and, knowing that future applications would come in and listening to the advice of the Community Council, it was decided to make sure the pharmacy was future proofed for the village when it is at its fullest extent.
10.15	Mr Bilon enquired about the number of parking spaces available for Right Medicine Pharmacy customers. Mr Wicks confirmed there are nine spaces on each side of the parking lot immediately in front of the premises and then around the corner there are 15 along one side and 13 on the other, so around 40 spaces total.
10.16	Mr Bilon noted that while he was there visiting he saw a sign indicating a dentist going in next door and wondered if that has been confirmed and, if so, when it would

	happen? Mr Wicks confirmed that the dentist is going in but did not have an exact date as to when.
10.17	Mr Bilon asked Mr Wicks if he had any concern about adapting to getting busier given the investment made with the new unit. Mr Wicks confirmed that he didn't see any problem in being able to adapt to getting busier, noting the pharmacy could do more as it is currently set up and could adjust for increases as necessary.
10.18	Mr Bilon referred to Lloyd's pharmacies, noting that a couple of his pharmacies have been affected by them, and asked for confirmation that whenever Lloyd's change over in the neighbourhoods around Winchburgh that this will create requirement for short term capacity increase at Right Medicine Pharmacy. Mr Wicks confirmed that to be the case, noting that many patients come from Linlithgow or South Queensferry, and that he envisaged service levels only going up will mean less of the unanticipated demand on Right Medicine Pharmacy services allowing for the focus to be on the population of Winchburgh.
10.19	Mr Bilon asked for clarification that the current delivery service is part time. Mr Wicks confirmed that is correct and noted that the service could deliver more if the need arose. The deliveries are without restrictions.
10.20	Mr Bilon asked if Right Medicine Pharmacy had stable staffing, particularly of pharmacists, in the shop. Mr Wicks noted that the current pharmacist is soon going off on maternity leave, but that there is stable staff who work there regularly and that Pharmacy First+ staff is coming in soon as well.
10.21	Mr Bilon asked Mr Wicks if there were any limits to additional services that could be provided. Mr Wicks confirmed that there are no limits on any of the core NHS services at the moment and that moves are being made to ensure the right capacity is in place for the future as well.
10.22	Mr William McQueen (Chair) to Mr Noel Wicks
10.23	Mr McQueen asked Mr Wicks about his role in the business, how many pharmacies he operates and how often he is at the site in Winchburgh. Mr Wicks replied that the company operates 35 pharmacies and that he often works in those located in Forth Valley. He works at the one in Winchburgh usually once a month or every couple of months.
10.24	Mr McQueen asked about the current staffing and if they are qualified to assist and dispense, and what the staffing will be with the upcoming change in personnel. Mr Wicks noted that he employs a delivery driver, three dispensers, and will have a technician soon joining the team. There is also the Manager who is an independent prescriber pharmacist and a second pharmacist will be starting for a number of days during the week.
10.25	Mr McQueen asked Mr Wicks if there will be days of the week when a pharmacist is not on duty or in the shop while on their lunch break. Mr Wicks confirmed that on the days during which there is no double coverage, there will be a thirty minute period when the pharmacist is still on the premises and available to help with emergencies

	etc., which are a rare occurrence. When there is double coverage, the pharmacists overlap lunchbreaks.
10.26	Mr McQueen enquired about the neighbourhood, noting Mr Wicks' definition that Winchburgh is self-contained and surrounded by fields. He asked if there was anything else Mr Wicks could give as to the layout of the neighbourhood, which the Committee will have to define as part of the proceedings. Mr Wicks noted that, as it stands at the moment, they consider the places where houses turn to fields to create the boundary Winchburgh is within.
10.27	Mr McQueen referred back to the figures Mr Wicks provided regarding population, specifically the 2021 census data for zones 3, 4 and 5 which appear to have a population bigger than what Ms Friel provided at 4,000 in 2021. Mr McQueen asked Mr Wicks if he is referring to an area that is bigger than what he defines as the neighbourhood. Mr Wicks confirmed that he did not believe it was bigger, noting the website includes a massive area but much of it contains fields. The data zones are broken down well to fit in the neighbourhood at 3, 4, 5 and 6. Zones 1 and 2 extend further afield. Using this, the calculated neighbourhood population was 4,463 in 2021.
10.28	Mr McQueen asked Mr Wicks if he had any data from the Local Authority that confirms how many houses have already been put on the site/are occupied and how many houses will be put in the neighbourhood and be occupied in the next three years. Mr Wick confirmed he did not. He noted portions of the map have already been completed, and that there is no figure on how many will be done in the next three years. What is currently built is six years' worth of work.
10.29	Mr McQueen enquired about the demand for dosette boxes and that Mr Wicks indicated they could be done at another site if necessary, Mr McQueen asked where else it could be done to not diminish the turnaround times. Mr Wicks confirmed that one of the other Right Medicine Pharmacies produces dosette boxes via a robot to improve efficiency and accuracy and that they are in the process of putting a dispensing robot with the capacity to do thousands of boxes for patients offsite. Dosette trays are planned well in advance, the patients will get the same service from the local pharmacy and the box will just be produced offsite.
10.30	Mr McQueen asked if he correctly noted that Mr Wicks does not believe that Ms Friel's premises has a floor area is 700 square feet. Mr Wicks confirmed that is correct, that in his experience it did not seem to be as large as 700 square feet.
10.31	Mr McQueen referred to the previous question about independent prescribers, of which Mr Wicks said he had eight qualified, two in the current training cohort and three who have applied for the next training. He asked Mr Wicks if he thought this was a big or small proportion. Mr Wicks confirmed it is about 20%, and that limits exist due to University spaces and funding from the Department of Health.
10.32	Mr McQueen enquired about the situation with Lloyd's, asking Mr Wicks for his take on whether it was reasonable to expect things to return to a more existing level of demand for the number of prescriptions following the initial boost in demand. Mr Wicks noted there are two types of demand placed on the pharmacies, one from when patients don't get consistently good service from local contractors and then

	use other locations on an ongoing basis, and then the unplanned demand where other pharmacies don't have a pharmacist available at a specific day or time so patients go elsewhere as a one off. Going forward with fewer closures should mean less unexpected demand.
10.33	Mr McQueen asked if the previous answer did not support the argument of Ms Friel that there is more demand in the short term that she could help cope with, and that there is plenty of business available. Mr Wicks felt the opposite, noting that Right Medicine Pharmacy is in the right position to increase distribution and that their plans to expand capacity are pre-emptive.
11.	The Chair asked for the Interested Party Mr Noel Wicks for Right Medicine Pharmacy Ltd to sum up.
11.1	In summary then, Mr Wicks said he broadly agreed with the neighbourhood as defined by the applicant and his submission, that it will house 5,000 to 6,000 residents and that the new population is above average in terms of health and economic status.
11.2	The local health practice is spread across two GPs and pharmacies and whilst things have improved since the time of the CAR, all pharmacies continue to be plagued by stock issues etc.
11.3	The pharmacy currently dispenses 7,000 items a month, 1,000 of which is for nursing homes and Linlithgow patients and will move to other pharmacies to restructure the Winchburgh pharmacy workload.
11.4	Right Medicine were well aware of the development plans and potential population growth when they moved to the new pharmacy location and fitted the pharmacy accordingly.
11.5	He did not believe that the applicant's proposal is fit for purpose.
11.6	Right Medicine regularly do training, review our pharmacy's opening hours, etc. to continue to provide services for Winchburgh residents and there is nothing in the certain, foreseeable future that makes us feel we are incapable of dealing with whatever residents need.
11.7	He could easily cope with double the number of prescriptions his Pharmacy are currently doing.
11.8	He believed there had been no meaningful evidence of inadequacy presented and therefore the application failed the required legal tests and he therefore suggested it should not be granted.
12.	The Chair asked for the Applicant Ms June Friel for Logan Gray Ltd to sum up.
12.1	I agree the PPC would be correct to define the neighbourhood to encompass the whole development: the neighbourhood I defined initially is now out of date.

12.2	In regards to the timescale, there will be a rapid increase in the next two to three years with completion by the end of the decade.
12.3	The question for the PPC is what is important in the neighbourhood and what matters.
12.4	The population is exploding and this is about capacity, not access.
12.5	The ground is broken and construction is happening now.
12.6	Can a single pharmacy in Winchburgh provide a service to 15,000 people? Are the PPC satisfied by their site visit etc. that the pharmacy will adequately cope with a population three times the current size?
12.7	If the answer is no, then the PPC must grant this application.
12.8	The town is far too big for a single pharmacy no matter who is operating it.
12.9	I believe this application passes the legal test and should be granted.
12.10	You could kick the can down the road and wait for this to come back, but ultimately there is only one outcome, a town of this size will not be serviced by a single pharmacy.
13.	Retiral of Parties
13.1	The Chair invited the parties present that had participated in the hearing to individually and separately confirm that a fair hearing had been received and that there was nothing further to be added. Having been advised that all parties were satisfied, the Chairman advised that the Committee would consider the application and representations prior to making a determination, and that a written decision with reasons would be prepared, and a copy issued to all parties as soon as possible. The letter would also contain details of how to make an appeal against the Committee's decision and the time limits involved.
13.2	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 had to be reconvened should the Committee require further factual or legal advice, in which case, 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.
13.3	The hearing adjourned at 1245 hours to allow the Committee to deliberate on the written and verbal submissions.
14.	Summary of Consultation Analysis Report (CAR)
14.1	Introduction
14.2	NHS Lothian undertook a joint consultation exercise with Logan Gray Ltd regarding the application for a new pharmacy within 89 Main Street, Winchburgh, EH52 6RA.

14.3	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.
14.4	Method of Engagement to Undertake Consultation
14.5	The consultation was conducted by placing an advertisement in the West Lothian Courier as well as being posted on NHS Lothian's website. Respondents could respond electronically or request a hard copy.
14.6	The Consultation Period lasted for 90 working days until 9 th August 2022.
14.7	Summary of Questions and Analysis of Responses
14.8	Questions covered: the neighbourhood; location of the proposed pharmacy; opening times; services to be provided; perceived gaps/deficiencies in existing services; wider impact; impact on other NHS services and optional questions on respondents' addresses and circumstances.

Question	Response Percent %			Response Count		
	Yes	No	Don't know	Yes	No	Don't know
1. Do you think the neighbourhood described is accurate	85.6	7.7	6.7	89	8	7
2. Do you think there are gaps/deficiencies in the existing provision of pharmaceutical services to the neighbourhood	72.8	20.4	6.8	75	21	7
3. Would you consider that you receive your prescriptions in a timely manner using the existing pharmacy services provided to the neighbourhood	42.3	50	7.7	44	52	8

Question	Response Percent (%)					Response Count				
	Never	Sometimes	Often	Always	Don't know	Never	Sometimes	Often	Always	Don't know
4. How often, if at all, would you have to make multiple journeys to receive all of the items from each prescription from the existing pharmacies servicing the neighbourhood	28.8	40.4	21.2	7.7	1.9	30	42	22	8	2

Question	Response Percent %			Response Count		
	Positive	Negative	Don't know	Positive	Negative	Don't know

5. What impact do you think a community pharmacy would have in the neighborhood	85.3	4.9	9.8	87	5	10
6. What are your views on the pharmaceutical services being proposed by the applicant?	81.7	7.7	10.6	85	8	11
7. Do you think there is anything missing from the list of services to be provided?	8.7	66.3	25	9	69	26
8. Do you think a community pharmacy in the neighborhood will work with other NHS health services such as GP practices?	88.5	4.8	6.7	92	5	7
9. Do you believe the proposed pharmacy would have a positive or negative impact on existing NHS services?	84.6	8.7	6.7	88	9	7
10. What do you think of the location of the proposed community pharmacy?	80.6	12.6	6.8	83	13	7
11. What do you think about the proposed opening hours?	89.4	3.8	6.7	93	4	7

14.9 In total 104 responses were received. All submissions were made and received within the required timescale, thus all were included in the Consultation Analysis Report.

14.10 All 104 responses were identified as individual responses. No responses received were on behalf of an organisation.

14.11 **Consultation Outcome and Conclusion**

14.12 The use of Jisc, a website that hosts online surveys, allowed views to be recorded and displayed within the full Consultation Analysis Report in a clear and logical manner for interpretation.

15. **Decision**

15.1 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.

15.2 **Neighbourhood**

15.3 The Committee considered carefully the definition of Winchburgh neighbourhood proposed by the applicant and the observations from the interested party. They also took into account their observations from site visits by lay members to the area during which they noted that the current built up area of the village of Winchburgh was clearly distinct from neighbouring towns and villages such as Broxburn and Kirkliston, not least because geographical features – open fields, coal shale bings, water courses, a railway line and a motorway – created natural or man-made barriers between Winchburgh and surrounding communities. They accepted that there were several parcels of open land, designated as under construction or under contract on the detailed Winchburgh Developments

Ltd June 2022 Masterplan submitted by the applicant, which were contiguous with the existing built up area of Winchburgh, and which logically should be considered as part of the Winchburgh neighbourhood, but which were not within the definition proposed by the applicant. In discussion, the applicant accepted the sense of including these within the Committee's definition. The Committee accordingly, determined that the neighbourhood of Winchburgh should be defined as falling within the following boundaries:

15.4 North: The M9 motorway from the western edge of Craighton Quarry, to its intersection with the western edge of Ross's Plantation in the east;

South: As the crow flies from the South West corner of Niddry Castle Golf Club to Old Glendevon Farm Cottages;

East: As the crow flies from the western edge of Ross's Plantation to the South West corner of Niddry Castle Gold Course where it intersects with the public footpath (heading West) to the Union Canal towpath;

West: As the crow flies from Old Glendevon Farm Cottages to the intersection of the western edge of Craighton Quarry and the M9 motorway.

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

15.6 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.

15.7 In undertaking its consideration of adequacy of existing provision the Committee considered the responses to the questions in the Consultation Analysis Review (the CAR) and evaluated those responses alongside evidence heard at the hearing, experience gleaned from site visits by Committee members and their knowledge of general issues concerning community pharmacy provision in Lothian, including NHSL's Pharmaceutical Care Services Plan.

In respect of question 2 the Committee considered that the total number of respondents to the survey – from a population on various estimates of between 3800 and 5500 – to be not significantly higher than the previous consultation carried out some years earlier given the increase in population since then, and the proportion of respondents who thought there were gaps in existing provision, not to be especially high. They noted that amongst the written comments were critics of services in South Queensferry and Kirkliston, so it was possible that some respondents were not focused on services into the Winchburgh neighbourhood.

In respect of questions 3 and 4 the Committee considered the proportion of respondents stating that they received prescriptions in a timely manner and having to make multiple journeys to receive all items did not suggest

inadequate current service: it was to be expected that some CAR respondents would be inspired to respond by occasional experience of prescriptions not being ready when expected, but against the backdrop of what would be typical across community pharmacy provision in Lothian, and with shortages of medicines becoming more commonplace in the post-Covid period, the Committee concluded that the CAR gave no convincing evidence that quality of existing provision was deficient. The Committee acknowledged that pressure on speedy turnaround or delivery of prescriptions from GPs may have diminished satisfaction levels.

In respect of questions 5, 6, 7, 8 and 11 the Committee concluded these were typical of responses to these questions in CAR exercises – respondents would find an additional pharmacy convenient, were typically happy with the range of services proposed, opening hours (similar to those of the existing pharmacy) and that its links with other NHS facilities would be positive.

In respect of question 10, 80 percent of respondents were positive. The Committee noted that the proposed location and the existing pharmacy were approximately equidistant from the Winchburgh GP surgery. The existing surgery was more central to existing retail facilities in Winchburgh.

15.8 **Population and Housing:**

- The Committee considered the data relating to the current population and expected growth due to the ongoing developments. The applicant had noted that this was the key argument for granting her application. The Committee noted that there was a major expansion of population underway in the neighbourhood, but there was conflicting evidence put before it in respect of the volume of new houses already completed and occupied; and conflicting opinions as to the date by which the remaining development sites would be built and occupied, and on the average number of persons in the new households and therefore the likely population of the neighbourhood in the next three, five and 10 years. It was noted that in a commuter town not all of those new members of the population would be seeking pharmaceutical services from within the neighbourhood, and by comparison to Broxburn's 15000 population served by 2 pharmacies the Committee concluded that demand from within Winchburgh neighbourhood would be capable of being met within the available capacity expansion of the existing pharmacy for the medium term of 2-3 years.

Accessibility:

- The Committee noted that the current pharmacy offers parking and has alternative nearby parking areas that customers can use if necessary.
- The proposed premises does not have any guaranteed parking for customers and the Committee had doubts about whether it would be large enough to allow for 2 consultation rooms, storage and

dispensing facilities and to allow wheelchair and buggy users to move around easily.

Current Pharmaceutical Services:

- The Committee concluded that current pharmacy was coping decently well with the size of the neighbourhood and noted that it had the capability to be flexible if needed, by re-configuring layout, by employing more staff and by putting some of its dispensing activity to other sites, to increase capacity substantially should the demand arise.

15.9 Following the withdrawal of Mr Bilon and Ms Gajrie 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, decided that the provision of pharmaceutical services in and to the Neighbourhood was adequate.

15.10 The Committee considered whether granting this Application was necessary to secure adequate provision of pharmaceutical services in and to the Neighbourhood. The Committee agreed, unanimously, that it was not necessary nor desirable to grant the Application in order to secure adequate provision of pharmaceutical services within the neighbourhood in which the premises were located by persons whose names were included in the pharmaceutical list, and accordingly the Application was denied. This decision was made subject to the right of appeal as specified in Paragraph 4.1, Regulations 2009, as amended.

15.11 The Hearing closed at 13:02 hrs

Signed by
William McQueen, Chair – Pharmacy Practices Committee

Date
31/05/2023