



PHARMACY PRACTICES COMMITTEE

Application by **Unicare Pharmacy Ltd** for inclusion in the pharmaceutical list in respect of the address, 49 Main Street, Cuminestown, Aberdeenshire, AB53 5YJ.

The Pharmacy Practices Committee met at 2.00pm on Wednesday 14th September 2016 in the Conference Room, Suttie Centre, Foresterhill Road, Aberdeen to consider the above application in accordance with the National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 2014.

In Attendance

Pharmacy Practices Committee

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| Prof Stephen Logan | (Acting Chair) |
| Mrs Kim Munro | (Non-contractor Pharmacist – nominated by APC) |
| Ms Susanne Duncan | (Contractor Pharmacist – nominated by APC) |
| Mr Douglas Forsyth | (Contractor Pharmacist) |
| Ms Barbara Lamb | (Lay Member) |
| Mrs Leonora Montgomery | (Lay Member) |
| Mr Miles Paterson | (Lay Member) |

Observers

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| Marian Cowie | Lay Representative (trainee) |
| Steve Graham | Lay Representative (trainee) |
| Dr Stuart Hannabuss | Lay Representative (trainee) |
| Alistair Ritchie | Lay Representative (trainee) |

In Attendance

Mrs Lesley Anderson (Clerk to the Pharmacy Practices Committee)

1. At 14:00 hrs on Wednesday 14th September 2016 the Committee convened to consider an application for inclusion in the pharmaceutical list dated 8th July 2016, by **Unicare Pharmacy Ltd** in respect of the address, 49 Main Street, Cuminestown, Aberdeenshire, AB53 5YJ. A copy of the application had been circulated in advance to the Committee and all parties attending the meeting.
2. Written representations had been received from New Deer Pharmacy, Strachan Pharmacy, New Pitsligo, Fyvie Pharmacy, the Area Pharmaceutical Committee and the GP Sub Committee. The applicant and the interested parties were entitled to comment on the representations received.

The following written representations had been received and circulated with the hearing papers to the Committee. Those identified as Interested Parties who responded during the 30 day consultation had been provided with copies of written representations and the Consultation Analysis Report (CAR):

- a) Email dated 27 July 2016 from Andrew Porter, New Deer Pharmacy, New Deer
 - b) Email dated 28 July 2016 from John Strachan, Strachan Pharmacy, Turriff
 - c) Email dated 29 July 2016 from Stephen Webster, New Pitsligo Pharmacy
 - d) Letter dated 5 August 2016 from John Ross, Fyvie Pharmacy, Fyvie
 - e) Letter dated 16 August 2016 from Dr Craig Beattie, Chair - GP Sub Committee
 - f) Letter dated 18 August 2015 from Area Pharmaceutical Committee
 - g) Consultation Analysis Report (CAR)
3. The Committee had before them maps of the area surrounding the proposed premises detailing the location of the nearest pharmacies and GP surgeries, deprivation categories and population density. They had details of the numbers of prescriptions dispensed during the months 1st December 2015 – 31st May 2016 by the pharmacies nearest to the proposed premises and the number of prescriptions they dispensed that were issued from the GP surgeries closest to the premises during the months 1st December 2015 – 31st May 2016. The Committee were also provided with “Pharmacy Profiles” of the nearest pharmacies detailing opening hours, premises facilities and services offered. The Committee also had before them bus timetables for the 253 and 258 services which link Cuminestown with Turriff and New Deer.
4. Under paragraph 5(10) of the Regulations the Committee was required to decide whether “the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located by persons whose names are included in the pharmaceutical list.”
5. It had been confirmed prior to the meeting that the members present did not have an interest to declare.
6. The Committee agreed to invite the applicant, **Unicare Pharmacy Ltd** and those who were present who had made written representations to attend before them. They were:

Applicant

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| Declined to attend | Unicare Pharmacy Ltd |
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Interested Parties

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| Mr Andrew Porter | New Deer Pharmacy |
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| Mr John Strachan | Strachan Pharmacy, Turriff |
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| Mr Steven Webster | Webster’s Pharmacy, New Pitsligo |
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The Open Session commenced at 1400hrs

The **Chair** began by welcoming everyone to the hearing and introductions were carried out. At this time the **Chair** advised all present that the meeting would be digitally recorded to ensure an accurate record of the hearing was obtained for the purposes of the minute. This digital recording would be deleted once the minute had been approved by the Board. No-one present objected to the hearing being digitally recorded.

7. The **Chair** explained the procedure that would be followed and no person present objected. At this time, the Chairman asked those present if they objected to observers being present during the open session of the meeting. Everyone present (Committee, Applicant and Interested Parties) agreed to the observers being present.
8. The procedure adopted by the Committee was that as the applicant had submitted a written submission the Chair asked the Clerk to the Committee to read this out on his behalf. As the applicant declined to attend, it was not possible for the interested parties and the Committee to ask questions. The interested parties made their individual oral representations with the remaining interested parties and the Committee then having the opportunity to ask questions. The parties were then given an opportunity to sum up.
9. At 09:30hrs on Wednesday 14th September, 2016 the Committee undertook a site visit. The Committee noted the location of the proposed premises, the pharmacies nearest to the proposed premises, the nearest GP surgeries and the neighbourhood as defined by the applicant. The Committee also took note of the limited local amenities in Cuminestown, which included a car repair Garage and small convenience store. The Social Club and Hotel in the village are up for sale and are both vacant. There is a primary school, but pre-school services are provided from other areas outwith the village of Cuminestown. There is also a church.

Neighbourhood

10. The Committee noted the applicant, **Unicare Pharmacy Ltd**, had defined the neighbourhood as Cuminestown bordered by the Burn of Monquither to the North, Thornhill Road and junction with High Street (B9170) to the South, Main Street to the East and end of Teuchar Road to the West.
11. The Committee discussed the neighbourhood as defined by the applicant and felt from their site visit and the applicant's definition, the applicant had not personally visited the village of Cuminestown in order to define the neighbourhood. The Committee concluded the neighbourhood should be classed as the village of Cuminestown, bordered to the North, South, East and West by farmland and open fields.
12. The applicant did not include details of their definition of the neighbourhood boundaries in their written submission which was read out at the hearing by the Clerk to the Committee at the request of the Chair.
13. The interested parties stated in their oral presentations their definition of the neighbourhood of Cuminestown to be the village bordered to the North, South, East and West to farmland and open fields.

Submissions

14. Unicare Pharmacy Ltd

The Committee noted that Mr Anser Iqbal of Unicare Pharmacy Ltd had advised he was unable to attend the hearing, but felt the documents submitted were sufficient information to allow the Committee make a decision to grant the application.

The Committee expressed their extreme disappointment that the applicant had not taken this vital opportunity to have their application heard. In order to ensure the application be considered fully and fairly, the Committee were of the view that the meeting should continue, as far as possible, in the normal manner.

At 1405 hours, the Clerk to the Committee was invited by the Chair to read out the written submission on behalf of the applicant as follows:

"I would like to state that there is a need for a pharmacy in Cuminestown. There is a Dr Surgery in the neighbourhood and therefore a source of prescriptions. The nearest pharmacy is over 5 miles away and is only accessible by private transport. This is difficult for the elderly and mothers.

The nearest pharmacies do provide a collection and delivery system but this is not a contractual obligation. It can be withdrawn at any time. Situations can arise when the delivery vehicle has broken down or the delivery driver is ill and deliveries are unable to take place. Some people do not prefer the delivery service. They may not be home when the delivery takes place. Also some people prefer to collect their medicines so they can ask questions about their medicines.

The viability of a pharmacy does not depend solely on the local population and local Dr Surgery. Online selling of medicines is a source of income not dependent on the local population. Other ways of generating income can be a travel clinic, providing services to nursing homes. All these things can make a pharmacy viable.

The Regulations do not specify the amount of population needed to keep a pharmacy viable. There are pharmacies in rural areas which are viable. The people of Cuminestown should not be denied access to a pharmacy which is close by."

This concluded the submission on behalf of Unicare Pharmacy Ltd.

Questions

Due to the applicant not being in attendance, the Chair confirmed there were no questions to the Applicant from the interested parties present or the Committee.

The Chair then invited the Interested Parties to make their representations.

Interested Party Submissions

The Chair invited Mr Andrew Porter to make the representation on behalf of New Deer Pharmacy.

15. New Deer Pharmacy

Mr Porter commenced his oral presentation at 1410 hours.

Mr Porter commenced by stating there are actually six pharmacies within a six mile radius of Cuminestown, namely:

Your Local Boots Pharmacy, Turriff
Strachan Pharmacy, Turriff
New Deer Pharmacy, New Deer
Fyvie Pharmacy, Fyvie
Webster's Pharmacy, New Pitsligo
Webster's Pharmacy, Strichen

so to say there is not adequate pharmacy services would be completely wrong, because having six pharmacies within a six mile radius is more than adequate and a lot more than many other areas. Therefore, per head of population there is plenty pharmaceutical cover. The population of Cuminestown is just over 400 people which Mr Porter advised he had checked on the most up-to-date online census. Ideally, if you did ask most people they would obviously like a pharmacy close by and would love to have a pharmacy next door to them. But, six pharmacies serving a population of just over 400 people are more than adequate. The applicant also said it might not be viable because there are only 400 people, but he could provide an online or internet pharmacy. These services have nothing to do with the application. Because if that were the case, people could just open a pharmacy anywhere they wanted and say I'll trade online. So the application has to be restricted to just that population and in that case the pharmacy definitely wouldn't be viable because there's absolutely no way there would be enough prescriptions from a population of around 400 to make the pharmacy sustainable. Mr Iqbal also said there is a GP surgery in Cuminestown and therefore they needed a pharmacy.

However, Mr Strachan will touch on this as well, as it's not actually a fully functioning doctor's surgery, just a satellite consultation service provided by the GP in Turriff and all the prescriptions are actually printed off in Turriff. Of the six pharmacies, four of these deliver prescriptions to Cuminestown, the main two being Strachan Pharmacy and Your Local Boots Pharmacy both based in Turriff and the other two being Fyvie Pharmacy and New Deer Pharmacy. There is a service operated by both Strachan and Boots pharmacies where members of their staff attend the satellite surgery in Cuminestown on specified days each week to hand out prescriptions to patients or deliver to a patient's home if the patient is unable to attend the satellite surgery to collect their prescription. Both Fyvie and New Deer pharmacy offer a full time delivery service to Cuminestown. So the applicant's argument that the delivery driver could be ill and this is not a contractual service that has to continue is unsubstantiated. At least one of the above four pharmacies would still manage to deliver prescriptions to patients living in Cuminestown.

Mr Porter concluded his oral submission by saying "the only other thing I would like to add is the fact the applicant hasn't even bothered to turn up today. This sums up his application."

This concluded the presentation from Mr Porter.

16. Questions

The Chair invited questions to Mr Porter from the other interested parties. Mr Strachan of Strachan Pharmacy was invited to question Mr Strachan.

17. In answer to Questions from Mr Strachan, Strachan Pharmacy

Mr Strachan confirmed he had no questions for Mr Porter.

Having ascertained that Mr Strachan had no further questions, the Chair then invited questions from Mr Webster.

18. In Answer to Questions from Mr Webster, Webster's Pharmacy

Mr Webster confirmed he had no questions for Mr Porter.

Having ascertained that Mr Webster had no further questions, the Chair invited questions from the Committee.

19. In Answer to Questions From the Committee

Mr Porter was asked about the turn-around time for delivery of a prescription? Mr Porter replied by stating it normally takes two working days for the surgery to process a repeat prescription and therefore New Deer pharmacy would have a prescription out for delivery within 3-4 hours of receipt. So if a prescription was received from a surgery in the morning, it would be delivered to the patient the same afternoon.

Having ascertained the Committee had no questions, the Chair invited Mr Strachan to make his representation on behalf of Strachan Pharmacy.

20. Strachan Pharmacy

Mr Strachan commenced his oral submission at 1415 saying that Mr Porter had provided a lot of details regarding the Cuminestown application. Mr Strachan also stated there is a population of just over 400 people living in the village. Mr Strachan said that if a pharmacy could be provided for every 400 people in the land, there would be quite a lot of pharmacies. Mr Strachan said this application probably originated due to news getting out that the surgery was closing in Cuminestown. The surgery hasn't entirely closed in Cuminestown, as Turriff Health Centre still provide consultation services to the village three half days a week, but they don't produce prescriptions there. All prescriptions are produced from the main surgery in Turriff and therefore patients have to travel to Turriff to collect their prescriptions. There are two pharmacies in Turriff, namely Boots and Strachan's. Mr Strachan stated that when the changeover took place from being a full-time surgery to a part-time consultation surgery in Cuminestown, there was initial uproar as the patients felt the service was being taken away completely rather than being reduced to a part-time service. But when it commenced, the vast

majority of patients who used to receive a delivery service, opted to collect their prescriptions from Strachan or Boots in Turriff as they have to visit Turriff on a regular basis due to the lack of facilities in Cuminestown. Therefore they had to travel into Turriff for everyday items such as shopping, petrol or to use other facilities. So patients living in Cuminestown found it easier to change from receiving a delivery service to collecting their prescriptions from the two Turriff pharmacies, as they were going into Turriff anyway. We were pleasantly surprised because when people come into the pharmacy, it means they can be provided with wide-ranging pharmacy services such as eMAS. There is also the ability to build relationships with patients as they are receiving a face-to-face service, which is always a good thing.

There is a need for a very small proportion of patients living in Cuminestown who are housebound to receive a delivery service and this has always been provided to these patients by Strachan Pharmacy. There's a small care home in Cumrye and Strachan Pharmacy prepare weekly medication dosette boxes for them and have done so for a long time, which has built up a very good working relationship with the Care Home. Also, the residents know us on a first name basis. As a result, Mr Strachan couldn't see this changing if there was a local pharmacy in Cuminestown. Strachan Pharmacy delivers to Cumrye on a regular basis and Mr Strachan re-confirmed they provide door-to-door deliveries to the patients of Cuminestown who are housebound. Up until now there have been no problems with the service and naturally the initial fears patients had when the full-time doctor service reduced to part-time have been dispelled.

Mr Strachan said when he first saw the application, he noticed several factual errors. Mr Strachan stated that Mr Iqbal had obviously not fully researched the area and had not even bothered to turn up to the hearing today and had opted to remain in England.

Mr Strachan pointed out factual errors in Mr Iqbal's written submission where he states there's a doctor surgery in Cuminestown providing a source of prescriptions. This is incorrect as the prescriptions are produced in Turriff.

Mr Strachan also mentioned Mr Iqbal's statement in his submission regarding the situation if a delivery vehicle breaks down. Mr Strachan stated that his pharmacy would still ensure patients living in Cuminestown would receive their prescriptions, even if he had to deliver them himself or send them via taxi. Under no circumstances would a patient be left without their medicine and Mr Iqbal's statement is poorly prepared.

Mr Strachan went on to discuss Mr Iqbal's "viability" statement. Mr Strachan said that if Mr Iqbal's proposed pharmacy in Cuminestown were to receive every prescription for the population of the village, which he wouldn't as the majority are handled by Strachan Pharmacy. Mr Strachan also stated it would not be possible to afford to pay a full-time pharmacist for the opening hours proposed in the application. So where would the money come from to pay a full-time pharmacist's salary? With no money coming in, what source of income would be available to make the pharmacy viable? Mr Iqbal says he could provide a travel clinic, but the money generated from this would possibly only be enough to pay a pharmacist for 2½ days out of a whole year. Providing services to nursing homes was also mentioned. There are no nursing homes in Cuminestown, the two that were in Turriff have closed down and the only other nursing home in Banff receives their pharmacy services from Strachan Pharmacy. There are no other nursing homes in the area, so where would Mr Iqbal go to provide a service to nursing homes? Mr Iqbal also says in his written statement "all these things can make a pharmacy

viable". All what things? There's nothing in Mr Iqbal's statement to support this as there is no detail of what he means by "all these things."

Mr Strachan then went on to say that if this was Dragon's Den and if Mr Iqbal came in, he would be thrown out as no-one would support him because his application is not viable and there is no supporting facts or figures to back up his application.

The Chair stated at this point that Mr Iqbal had been provided with the opportunity to attend the hearing, to which he'd declined.

Mr Strachan said he would have loved to have been given the opportunity to ask Mr Iqbal all these questions if he had attended the hearing.

Mr Strachan also mentioned Mr Iqbal's statement that "people of Cuminestown should not be denied access to a pharmacy which is close by." Patients are not denied access to pharmacy services. Over the past thirteen years in Turriff, Strachan Pharmacy has built up a very good relationship with the patients living in Cuminestown, as have the pharmacies in Fyvie, New Deer and New Pitsligo. So they are not denied access to a pharmacy. A lot of very good working relationships have been built up over the years, especially with the doctor's who were based in Cuminestown prior to the doctor surgery becoming a part-time service. These relationships won't change overnight if a new pharmacy opens in Cuminestown. These have been built up over a number of years and will continue to go on for a long time to come and that's for sure.

Mr Strachan said there's a lot more he could say, but he just wanted to cover the source of prescriptions and viability as the information provided by Mr Iqbal is completely inaccurate. Mr Strachan said the collection and delivery service currently works very well and this will continue for a long time to come. To have six pharmacies nearby in adjoining neighbourhoods is more than enough to cater for a population of just over 400 people.

This concluded the presentation from Mr Strachan.

Questions

The Chair invited questions to Mr Strachan from the other interested party. Mr Porter of New Deer Pharmacy was invited to question Mr Strachan.

21. In Answer to Questions from Mr Porter, New Deer Pharmacy

Mr Porter confirmed he had no questions for Mr Strachan.

Having ascertained that Mr Porter had no questions, the Chair invited questions from the Mr Webster.

22. In Answer to Questions from Mr Webster, Webster's Pharmacy

Mr Webster confirmed he had no questions for Mr Strachan.

Having ascertained that Mr Webster had no questions, the Chair invited questions from the Committee.

23. In Answer to Questions from the Committee

There were no questions from the Committee.

Having ascertained the Committee had no questions, the Chair invited Mr S Webster to make his representation on behalf of Webster's Pharmacy.

24. Mr Webster, Webster's Pharmacy

Mr Webster commenced his presentation at 1424 by saying he's mindful of people's time including the Committee and other interested parties who attended, unlike Mr Iqbal who had not given up any of his time as he had declined to attend. Mr Webster also said he wouldn't go over everything again that Mr Porter and Mr Strachan had detailed in their oral submissions. Mr Webster continued by saying that as Cuminestown has a population of just over 400 people, it cannot sustain a pharmacy. Mr Webster said from experience, the maths don't add up as he has two part-time pharmacies in villages which are both twice the size of Cuminestown and they don't generate enough business to operate as full-time pharmacies. The people of Cuminestown choose to live there and they are fully aware that for the size of the village there's no butcher or baker and the post office closed due to not being viable. So a pharmacy is just the same. Worst case scenario would be the uncertainty of opening a pharmacy with the prospect that at some point down the line, perhaps when the owner wished to retire and sell the business, there wouldn't be enough profit to pay wages and also pay back a loan on the business. At the moment systems are in place providing more than adequate services. What would be worse is opening a pharmacy in Cuminestown and perhaps after a period of say five years, it may be the case the business is not making any money and ends up closing down and this is even worse than never having the service there before.

The other services Mr Iqbal mentions such as a Travel Clinic or Nursing Homes are merely pie in the sky ideas and simply don't exist. Maybe Mr Iqbal is looking from Rochdale and thinking there will be a Nursing Home there to provide income for the pharmacy. Cuminestown is very different from the population levels Mr Iqbal is used to in England. Mr Webster concluded his oral submission by saying "in the long and the short of it, the population in Cuminestown of just over 400 does not justify a pharmacy."

This concluded the presentation from Mr Webster.

Questions

The Chair invited questions to Mr Webster from the other interested parties. Mr Porter of New Deer Pharmacy was invited to question

25. In Answer to Questions from Mr Porter of New Deer Pharmacy

Mr Porter confirmed he had no questions for Mr Webster.

Having ascertained that Mr Porter had no questions, the Chair invited questions from the Committee.

26. In Answer to Questions from Mr Strachan, Strachan Pharmacy

Mr Strachan confirmed he had no questions for Mr Webster.

Having ascertained that Mr Strachan had no questions, the Chair invited questions from the Committee.

27. In answer to questions from the Committee

There were no questions from the Committee.

Having ascertained the Committee had no further questions, the Chair invited the Clerk to read out the written submission on behalf of Mr John Ross, Fyvie Pharmacy.

28. Fyvie Pharmacy Submission

At 1430 hours the Clerk to the Committee commenced reading the written submission received from Mr John Ross of Fyvie Pharmacy.

“Unfortunately, due to other commitments, I am unable to attend the Pharmacy Practices Committee hearing on 14th September 2016. I wish for my right to have representation still to be heard and so wish for this letter to be read out to all present - as it would have been should I have been there - and to be taken into consideration in the summing up by the panel.

NHS funding in order to be sustainable and profitable, pharmacies require to have the infrastructure to support it which comes at a huge cost to any business.

Patients in Cuminestown are supported and catered for with service provision by the existing pharmacies in the local area. It must be questioned how a potential new contractor with a population of c.460 could make the business a viable proposition when it would just serve to duplicate services already being provided for by other contractors. The panel would have to show without any question that the other pharmacy providers do not already fulfil services to the population of Cuminestown and the surrounding area.

We offer, as do the vast quantity of other providers, a delivery service to the community. It must be stressed that this service is not just a drop-off service, but actually collects prescriptions from Doctors' surgeries throughout the surrounding areas and take them back to the shop to be dispensed and then delivered to patients' doors.

This is not an NHS funded service, but a service provided by the pharmacy at our own cost so that all members of the public have access to pharmacy provision regardless where they live or where their Doctor's surgery is in relation to them. Pharmacies do not receive any funding or financial incentive to provide this service and do so as a professional ancillary service so patients are not restricted or penalised in any way should they not have a pharmacy right on their doorstep.

At all times during opening hours there is a pharmacist in the shop which can, if required, be used for telephone consultations should a patient have concerns around their medication or any other issues they may need support or advice with.

The area already has adequate pharmacy provision by surrounding contractors and there is no necessity to have another. If other pharmacies struggle to maintain service with financial constraints then why would it be deemed viable for another one to serve a population of c.460.

The public consultation was an interesting read in that there were only a total of three respondents – one of whom was a Councillor. Of the 10 questions asked 8 were not answered and the other 2 were not answered by all respondents. Therefore, from the limited amount of responses (out of a population of about c.460) then I would suggest that this shows a severe lack of enthusiasm or desire from the community to have a pharmacy at all.

A new pharmacy contract in Cuminestown would not be in the interests of NHS Grampian and at best would be convenient to a small population all of whom already have easy access to a large number of pharmacies. This would just be a case of overlapping services in all directions from their current location. At worst it would be a drain on NHS resources which as everyone is aware are already stretched very thin as it is.

I see no reason that could be validated to have this pharmacy contract granted. It is certainly not desirable nor necessary taking into account adequate facilities already on offer in the surrounding area and the panel should reject this application accordingly.”

Due to Mr Ross not being in attendance, the Chair confirmed there were no questions from the interested parties or the Committee.

This concluded the presentations at 1435 hours.

Summing Up

After the Chairman had confirmed that there were no further questions or comments from those present and participating in the hearing, the various parties were asked to sum up their arguments.

The Chair invited Mr Webster to sum up on behalf of Webster’s Pharmacy.

29. Mr Webster summed up by making the following points:

Mr Webster confirmed he had nothing further to add.

The Chair then invited summing up from Mr Strachan of Strachan Pharmacy.

30. Mr Strachan representing summed up by making the following points:

Mr Strachan confirmed he had nothing further to add.

The Chair then invited summing up from Mr Porter of New Deer Pharmacy.

31. Mr Porter, New Deer Pharmacy

Mr Porter confirmed he had nothing further to add.

32. The Chair asked the interested parties present if they felt they had received a fair and full hearing. Mr Porter, Mr Strachan and Mr Webster confirmed verbally they had received a full and fair hearing.

At 1438 hours the interested parties, Clerk to the PPC and observers left the proceedings.

At 1440 hours Committee deliberations on the Application, the presentations and all supporting documentation commenced

33. The Committee undertook a full and wide ranging discussion regarding the Application, taking account of the presentations the interested parties who attended and the written submissions received from the Applicant and Mr Ross of Fyvie Pharmacy, all of the supporting documentation available to it and relevant to the Application, which included: Application Form and supporting documentation provided by the Applicant and the Consultation Analysis Report.

In addition, the following information was considered: general information in relation to the Application, details of individuals invited to comment and representations received, responses in relation to the public consultation by the Health Board and a guide map of the area showing the premises, local pharmacies and GP Practices.

34. The Committee also took into consideration its obligations in terms of the Equality Act 2010, including the requirement to eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the said Act, as well as to advance equality of opportunity between people who share protected characteristics and those who do not and to foster good relations between people who share protected characteristics and those who do not.

35. 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 first discussed the neighbourhood.

36. The Committee agreed that the neighbourhood be that as the village of Cuminestown bordered to the North, South, East and West by open fields and farmland and not as defined by the applicant, namely only the village centre of Cuminestown. This is due to Cuminestown being a very small village with no specifically defined neighbourhood boundaries.

Adequacy of Existing Provision of Pharmaceutical Services and Necessity or Desirability

37. Having reached a conclusion as to neighbourhood, the Committee was then required to consider the adequacy of pharmaceutical services in 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.
38. The Committee agreed there was no pharmaceutical provision within the neighbourhood of Cuminestown. However, there was adequate provision of pharmaceutical services from the pharmacies located in the neighbourhoods of Fyvie, New Deer, New Pitsligo and Turriff provided by the five existing pharmacies, namely Fyvie Pharmacy, New Deer Pharmacy, New Pitsligo Pharmacy, Strachan Pharmacy, Turriff and Your Local Boots Pharmacy, Turriff. All of the existing pharmacies provide a full range of pharmaceutical services as required in the pharmacy contract.
39. The Committee considered whether these services were readily accessible and adequate outwith the neighbourhood. They considered that these were adequate as the existing pharmacies in Fyvie, New Deer, New Pitsligo and Turriff were easily accessible by car or public transport. The existing pharmacies also offer a full range of services as required in the pharmacy contract.

At 1445 hours, in accordance with the statutory procedures, the Chair asked the non-voting members to leave the meeting to allow voting to take place.

Decision

40. For the reasons set out above, the Committee considered that the provision of pharmaceutical services for the neighbourhood was **adequate** and that following from this, the granting of the application was **neither necessary nor desirable** in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the proposed premises were located.

At 1450 hours the Chair invited the non-voting Committee members to rejoin the meeting

41. The Chair confirmed that a decision had been reached to **decline** the Application. The reason for the decision was:
- The Committee was satisfied that no evidence had been presented by the Applicant or had been made available via any other source, which demonstrated that existing services currently provided to the neighbourhood were in any way inadequate.
 - The pharmacies outwith the neighbourhood of Cuminestown were easily accessible by car and public transport within a short travel time. Therefore pharmaceutical services to the neighbourhood of Cuminestown were **adequate**.
42. Having decided that current provision for the population of Cuminestown was adequate, the Committee agreed that the provision of pharmaceutical services at the premises **was neither necessary nor desirable** in order to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises were located by persons whose names are included in the pharmaceutical list.
43. In these circumstances, it was the Committee's unanimous decision that the application **should not be** granted in order to maintain adequate pharmaceutical services in the neighbourhood.

The meeting closed at 1455 hours.

Signed: 

Date: 22/09/2016

Professor Stephen Logan
Chair
Pharmacy Practices Committee