



PHARMACY PRACTICES COMMITTEE

**Meeting held on
15 May 2014 at 2.00pm in
The Committee Room, Education Centre, Borders General Hospital, Melrose, TD6 9BS**

1. Background

- 1.1 Elixir Healthcare Limited in an application dated 28th August 2012 made an application for inclusion in the Pharmaceutical List to provide pharmaceutical services from premises at 12 Marmion Road, Langlee, Galashiels.
- 1.2 The Pharmacy Practices Committee (PPC) acting under delegated powers of the Board heard evidence on the application at a meeting held on 21st August 2013. The Committee granted the application and the decision was issued to the Applicant and other Interested Parties on 6th September 2013.
- 1.3 One of the Interested Parties, Lloyds Pharmacy Limited, Sapphire Court, Walsgrave Triange, Coventry, CV2 2 TX (The Appellants) appealed the decision in a letter dated 24th September 2013.
- 1.4 The National Appeal Panel (NAP) convened and a decision was issued on the 18th December 2013 from the Interim Chairman of the National Appeal Panel.

2. Decision of the Chairman of the National Appeal Panel

- 2.1 In all the circumstances it is necessary to remit the PPC's decision back to the Board, in terms of Schedule 3 paragraph 2B(b) on the grounds that the PPC has failed to properly narrate the reasons upon which their determination of the application was based and failure by the PPC to explain the application of the provisions of the Regulations to the facts (Schedule 3, paragraph 2B(c)).
- 2.2 Further the PPC has failed to explain why they did not consider the position of the Community Council and Resident's Committee to be representative of the neighbourhood. This is a failure to properly narrate the reasons upon which the determination of the application was based (paragraph 2B(b)).
- 2.3 The PPC's failure to consider the concept of desirability is a failure to explain the application and the PPC of the provision of The Regulations (paragraph 2B(c)).
- 2.4 The PPC requires to convene to address these issues and issue an amended decision.

3. Decision

- 3.1 The Committee was required to and did take account of all relevant factors concerning the issues of neighbourhood, adequacy of existing pharmaceutical services in the neighbourhood and whether the provision of pharmaceutical services at the premises named in the application was necessary or desirable to secure adequate provision of pharmaceutical services in the neighbourhood in which the premises are located.

4. Neighbourhood

- 4.1 The Committee agreed on the definition of neighbourhood as decided at the meeting on 21 August 2013 and stated below.
- 4.2 "Having considered the evidence presented to it, the Committee's observations from the maps before it and the site visit undertaken prior to the meeting, the Committee had to decide the question of the neighbourhood in which the premises, to which the application related, were located.
- 4.3 The Committee considered the neighbourhood as put forward by the Applicant, and the Interested Parties, as well as comments received during the public consultation.
- 4.4 The Committee took into account a number of factors in defining the neighbourhood, including those who were resident there, that it had natural and man made boundaries, the presence of schools, shops and the distance which residents are required to travel to obtain pharmaceutical and other services.
- 4.5 The Committee reviewed the definitions of the neighbourhood defined in the 'Borderline Health: Annual Report of the Scottish Borders Joint Director of Public Health 2010 - 2011' and the NHS Borders Pharmaceutical Care Plan. The Committee noted that the Borders Pharmaceutical Care Plan at page 11 states "Within the Scottish Borders there are several identifiable such neighbourhoods but there are three which stand out as large enough to be considered communities in their own right, Langlee (Galashiels), Burnfoot (Hawick) and Tweedbank (Galashiels)." The Committee took into consideration that the daily needs of Langlee were being met with the presence of a community centre, church, school, retail outlets and a post office
- 4.6 The Committee therefore considered that the neighbourhood should be defined as follows:

North: Bounded by the woodland area including the grass area above Upper Langlee. This encompasses Upper Langlee, beyond which lies the woodland which is a natural boundary.

East: From the woodland grass area down to the Borders Railway. The Committee considered that the woodland area was a natural boundary and the Borders Railway is a physical boundary. The Committee did not believe that the Coopersknowe housing development beyond would be part of the neighbourhood. They considered this to be a social boundary and that the residents of the housing development would not consider themselves to be residents of Langlee.

South: Bounded on the south by the Borders Railway. The Committee considered this a physical boundary.

West: From the end of Beech Avenue following a line in a southerly direction down to the Borders Railway. The Committee considered that the dead end of the cul de sac of Beech Avenue and the Borders Railway are both physical boundaries. "

5. Decision

- 5.1 The Committee were required to address the issues outlined by the Interim Chair of the NAP and issue an amended decision.
- 5.2 The Committee agreed that there are currently no pharmaceutical services within the neighbourhood, as defined by the Committee. The Committee in determining adequacy, and taking into consideration all of the evidence, agreed that the current pharmaceutical services provided to the neighbourhood are not adequate. The Committee agreed that access is difficult as the original walkway is now closed and will not be re-opened due to the new railway which will now run where it was. The Committee noted that the Scottish Borders Council will build some bridges but this is equally difficult for mothers with multiple toddlers or the elderly and that the only other access involves a steep gradient. The Committee agreed that the area is one of low income and therefore travel costs will add to the lack of accessibility. The Committee noted it is an area of high deprivation. The Committee noted that there is low car ownership and this again adds to the lack of accessibility. The Committee took into account the 20:20 vision which states that services should be accessible and as close to the person's community as possible. The Committee agreed that it would be an excellent benefit having the Minor Ailments Service, Chronic Medication Service and other pharmaceutical services in the locality. The Committee noted that there have been significant changes in the neighbourhood since the Pharmaceutical Care Services Plan was produced in 2011 which is now being updated to reflect the changes. The Committee noted that the population is currently approximately 3000 and is growing.
- 5.3 On the matter of clarification regarding why the Committee did not consider the position of the Community Council and Resident's Committee to be representative of the neighbourhood. The Committee considered that the Community Council is a joint group for Galashiels and Langlee. The Committee agreed that there was no evidence of the number of people consulted. The Committee agreed that Waverley Tenants Association represent significant numbers in the community, they did not object, nor is there evidence they were invited to comment by the Residents Committee. The Committee considered that there were 16 individual responses received from the community and the Committee agreed that this was a significant number. The Committee noted that the local councillor who has served the area for 25 years supported the application.
- 5.4 The Committee agreed for the reasons outlined above that it was therefore desirable to grant the application to secure adequate provision of pharmaceutical services in the neighbourhood.

Signed 

Date 02.06.14

Doreen Steele, Chair
Pharmacy Practices Committee